

Decision 10-09-034 September 23, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Healdsburg to convert a private at grade road crossing at the tracks of the North Coast Railroad Authority to a public crossing in the County of Sonoma, State of California.

Application 10-03-023
(Filed March 10, 2010)

DECISION GRANTING AUTHORIZATION TO THE CITY OF HEALDSBURG TO CONVERT AN EXISTING PRIVATE AT-GRADE HIGHWAY-RAIL CROSSING TO A PUBLIC CROSSING OVER THE TRACKS OF THE NORTH COAST RAILROAD AUTHORITY IN THE CITY OF HEALDSBURG, SONOMA COUNTY

Summary

This decision grants the City of Healdsburg authorization to convert an existing at-grade highway-rail crossing over the tracks of North Coast Railroad Authority from private to public. The crossing is located in the City of Healdsburg, in Sonoma County. The crossing will be identified as CPUC Crossing No. 005-70.85.

Discussion

The proposed project ("project") includes constructing various improvements within the existing private crossing at milepost 70.85, and converting it from private to public. The crossing is the only access to property owned by Quaker Hill Project Associates ("QHPA"). The QHPA property ("property") is bounded between Highway 101 on the west and the North Coast Railroad Authority ("NCRA") tracks on the east. In its 2009 General Plan, the

City of Healdsburg (“City”) designated the property as General Industrial/Mixed use. The property is currently not occupied and QHPA plans to develop it at a later date. As part of the project, the City will also eliminate a nearby private at-grade pedestrian crossing located at milepost 70.89.

The construction improvements within the existing crossing include several things. First, the existing single track, 20-foot wide, two-lane crossing will be re-constructed as single track, 70-foot wide, three-lane crossing. Second, the crossing will have a single 20-foot wide inbound (westbound) lane with 14-foot wide (dedicated right turn) and 12-foot wide (dedicated left turn) outbound (eastbound) lanes. Third, ten-foot wide, 60-foot long raised and landscaped medians will be constructed on both sides of the crossing. Fourth, five-foot wide sidewalks will be built through the crossing on both sides of the road with American Disabilities Act-compliant tactile strips on all approaches. Fifth, warning devices for the westbound lane will consist of a curb-mounted Commission Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm). Sixth, warning devices for the two eastbound lanes will consist of a curb-mounted Commission Standard 9-A and a median-mounted Commission Standard 9 (flashing light signal assembly with automatic gate). Finally, the crossing surface will be concrete panels.

The crossing is approximately 100 feet west of Healdsburg Avenue, which runs parallel to the NCRA tracks at this location. The intersection of Healdsburg Avenue and the crossing road is currently stop sign-controlled on the approach to Healdsburg Avenue. A traffic study commissioned by QHPA, using a worst-case land development scenario, concluded that the proposed three-lane stop sign-controlled roadway configuration would adequately accommodate the

estimated vehicle queue lengths. However, the study recommends signaling the Healdsburg Avenue intersection, and providing pre-emption to address the safety concern associated with cars at the new signal potentially backing up onto the nearby railroad crossing. As a condition of approval for this crossing, at the time that the property is developed, the City will signalize the intersection of the crossing road and Healdsburg Avenue. At that time, based on the proposed development and rail activity, the City will work with NCRA and Sonoma Marin Area Rail Transit (SMART) to determine the type and amount of pre-emption that will be necessary.

This NCRA track is currently out of service, but is expected to receive freight trains within 2 years and SMART passenger trains in late 2014. Freight service is expected to be 2 round trips per day, 6 days a week at a maximum speed of 40 mph. SMART service is expected to be 14 round trips per day at a maximum speed of 79 mph.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for this project because the project is within their jurisdiction and subject to their review and approval, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³

On November 26, 2007, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared and adopted for the project. The IS/MND identified mitigation measures to reduce several impacts to less than significant levels. However, the IS/MND did not identify any impacts to safety, transportation, or noise that required mitigation.

On January 11, 2008 the City filed a Notice of Determination (NOD) with the State Office of Planning and Research and the Sonoma County Clerk. The NOD states that the project would not have a significant impact on the environment and that mitigation measures were made a condition of the approval of the project.

Safety, transportation and noise impacts are within the scope of the Commission's permitting process. The Commission reviewed and considered

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

the City's NOD and IS/MND as they relate to the at-grade crossing and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing, has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossing be granted for a period of two years.

Categorization and Need for Hearings

In Resolution ALJ 176-3251, dated April 8, 2010, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 1, 2010. There are no unresolved matters or protests. A public hearing is not necessary.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to convert an existing at-grade highway-rail crossing over the tracks of the NCRA from private to public. The crossing will be identified as CPUC Crossing No. 005-70.85.

3. The City will eliminate a private at-grade pedestrian crossing located at milepost 70.89.

4. The City is the lead agency for this project under CEQA.

5. The City prepared an IS/MND for this project on November 26, 2007, and issued an NOD on January 11, 2008 that stated the project would not have a significant impact on the environment and that mitigation measures were made a condition of the approval of the project.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's NOD and IS/MND.

7. No significant environmental impacts with regard to safety, transportation and noise were identified.

Conclusions of Law

1. The NOD and IS/MND prepared by the City as the documentation required by CEQA for the project are adequate for our decision-making purposes.

2. The application is uncontested and a public hearing is not necessary.
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Healdsburg is authorized to convert an existing at-grade highway-rail crossing over the tracks of North Coast Railroad Authority from private to public. The crossing, located in the City of Healdsburg, in Sonoma County, shall be identified as CPUC Crossing No. 005-70.85.

2. The City of Healdsburg shall eliminate a private at-grade pedestrian crossing located at milepost 70.89.

3. The existing single track, 20-foot wide, two-lane crossing shall be reconstructed as single track, 70-foot wide, three-lane crossing. The crossing shall have a single 20-foot wide inbound (westbound) lane with 14-foot wide (dedicated right turn) and 12-foot wide (dedicated left turn) outbound (eastbound) lanes. Ten-foot wide, 60-foot long raised and landscaped medians shall be constructed on both sides of the crossing. Five-foot wide sidewalks shall be built through the crossing on both sides of the road with American Disabilities Act- compliant tactile strips on all approaches. Warning devices shall consist of a curb-mounted Commission Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) for the westbound lane. Warning devices for the two eastbound lanes shall consist of a curb-mounted Commission Standard 9-A and a median-mounted Commission Standard 9 (flashing light signal assembly with automatic gate). The crossing surface shall be concrete panels.

4. When the property is developed, the City of Healdsburg shall signalize, with pre-emption, the intersection of the crossing road and Healdsburg Avenue.

5. The City of Healdsburg shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

6. Within 30 days after completion of the work under this order, the North Coast Railroad Authority shall notify the Rail Crossings Engineering Section in writing, by submitting a completed Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

7. The City of Healdsburg shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

8. This authorization shall expire if not exercised within two years, unless time is extended or if the above conditions are not satisfied. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

9. A request for extension of the two-year authorization period must be submitted to the Rail Crossings Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

10. The application is granted as set forth above.

11. Application 10-03-023 is closed.

This order becomes effective 30 days from today.

Dated September 23, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

Commissioner John A. Bohn, being
necessarily absent, did not participate.