

Decision 11-05-014 May 5, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Alameda Corridor - East Construction Authority for an order authorizing construction of a project to eliminate the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard grade crossings of Union Pacific Railroad Company's Alhambra subdivision main line, by lowering the railroad operating right-of-way to pass underneath the four roadways; which project is called the San Gabriel Trench; located principally within the City of San Gabriel, County of Los Angeles, State of California

Application 10-08-021
 (Filed August 27, 2010)

DECISION GRANTING AUTHORIZATION TO THE ALAMEDA CORRIDOR – EAST CONSTRUCTION AUTHORITY TO GRADE SEPARATE THE RAMONA STREET, MISSION ROAD, DEL MAR AVENUE AND SAN GABRIEL BOULEVARD GRADE CROSSINGS OF UNION PACIFIC RAILROAD COMPANY’S ALHAMBRA SUBDIVISION MAIN LINE TRACKS IN THE CITY OF SAN GABRIEL, COUNTY OF LOS ANGELES.

Summary

This decision grants the Alameda Corridor - East Construction Authority authorization to construct its San Gabriel Trench Project which will grade separate the existing Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard at-grade crossings of the Union Pacific Railroad Company's Alhambra Subdivision main line tracks in the City of San Gabriel, County of Los Angeles. The new grade-separated crossings are to be identified as follows: Ramona Street, CPUC Crossing No. 001B-490.20-A and DOT No. 440655D; Mission Road, CPUC Crossing No. 001B-490.30-A and DOT No. 440656K; Del

Mar Avenue, CPUC Crossing No. 001B-490.70-A and DOT No. 440657S; and San Gabriel Boulevard, CPUC No. 001B-491.20-A and DOT No. 440658Y.

Discussion

San Gabriel Trench Project

The Alameda Corridor - East Construction Authority (ACE) proposes to construct its 2.35 mile San Gabriel Trench Project (Project) from the San Pascal Wash bridge in City of Alhambra, east through City of San Gabriel, to Walnut Grove Avenue in City of Rosemead, County of Los Angeles. The Project will grade-separate the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard grade crossings of Union Pacific Railroad Company's (UPRR) Alhambra subdivision main line tracks in the City of San Gabriel. ACE also proposes to substantially modify the Walnut Grove Avenue at-grade crossing located in City of Rosemead, to provide the railroad track profile required for the eastern approach into the trench. Table 1 below lists the at-grade crossings within the Project area and proposed modifications for each.

TABLE 1: Existing Crossing Information

Existing Crossing	CPUC Crossing Number	Federal DOT Crossing Number	Proposed Modification
Ramona Street	001B-490.20	746879A	Grade Separate
Mission Road	001B-490.30	746880U	Grade Separate
Del Mar Avenue	001B-490.70	746882H	Grade Separate
San Gabriel Boulevard	001B-491.20	746883P	Grade Separate
Walnut Grove Avenue	001B-491.60	746884W	Modify track alignment

The four grade separations will be accomplished by lowering the existing railroad track within UPRR's right-of-way into a trench to pass underneath the four roadways, and constructing bridge structures above the tracks at each location. Upon completion, new Federal DOT Crossing Numbers will be assigned to the grade-separated crossings.

ACE proposes to construct the Project in a manner that will cause minimal impact to both railroad activity and surface vehicular traffic. ACE will construct a "shoo-fly" (temporary bypass track) north of the existing tracks, to divert trains away from the construction zone, but will place them within the existing railroad right-of-way. This will allow for existing track removal as well as trench excavation and shoring, while maintaining railroad operations. Once the trench and all of the street bridges are constructed, railroad operations will shift back to the new track in the trench and the shoo-fly track and temporary crossings will be removed.

Temporary Crossings

ACE proposes to construct four temporary at-grade crossings across the shoo-fly track, along the existing roadway alignment, in order to maintain vehicular access to the surrounding community and minimize vehicular delays during construction of the Project.

During actual construction of three of the four bridge structures (Ramona Street, Mission Road and Del Mar Avenue), it will be necessary to close each roadway at the railroad right-of-way. Due to local access needs, no two adjacent roadways/crossings will be closed/constructed concurrently thereby minimizing impacts to local traffic circulation. In addition, ACE will also construct temporary pedestrian-only at-grade crossings across the shoo-fly track at these three locations to provide needed pedestrian access during construction

activities. The pedestrian pathway and crossings will remain open during construction of the bridge structures.

The San Gabriel Boulevard crossing will be uniquely constructed in stages to maintain one vehicular lane of travel open in each direction at all times. No separate pedestrian-only crossing will be needed at this location.

It will also be necessary to extend the shoo-fly track past the Walnut Grove Avenue at-grade crossing. Ace will construct a temporary shoo-fly crossing at this location.

The proposed warning devices for the temporary vehicular and pedestrian at-grade crossings consist of Commission Standard 9 warning devices (flashing light signal assembly with automatic gate arm) and Commission Standard 8 warning devices (flashing light signal assembly) as described below in Table 2. Additional crossing features include advance warning signage, railroad crossing pavement markings and raised median islands on the approaches.

Table 2: Temporary Crossing Information

Temporary Crossing	CPUC Crossing Number	Commission Standard Warning Devices
Ramona Street	B-490.20	3 - Standard 9 devices
Ramon Street Pedestrian-only	B-490.21	2 - Standard 8 devices
Mission Road	B-490.30	4 - Standard 9 devices
Mission Road Pedestrian-only	B-490.31	2 - Standard 8 devices
Del Mar Avenue	B-490.70	2 - Standard 9 devices
Del Mar Avenue Pedestrian-only	B-490.69	2 - Standard 8 devices
San Gabriel Boulevard	B-491.20	2 - Standard 9 devices (during bridge construction) 4 - Standard 9 devices (once bridge completed)
Walnut Grove Avenue	B-491.60	3 - Standard 9 devices

Additionally, ACE has requested a four year authorization period due to the extensive nature and complexity of the Project and its construction staging.

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, ACE is the lead agency for this project. 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

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.

Pursuant to CEQA and the National Environmental Policy Act (NEPA),⁴ ACE and the California Department of Transportation (Caltrans) jointly prepared an environmental document titled *Construction of the San Gabriel Trench Grade Separation Project, Final Environmental Impact Report (FEIR)/Finding of No Significant Impact (FONSI)*, which identifies environmental impacts and associated mitigation measures related to the San Gabriel Trench Project. Caltrans approved the joint CEQA and NEPA document on November 4, 2010.

To satisfy NEPA requirements, Caltrans and ACE determined in the FEIR/FONSI, that the proposed project would have no significantly adverse effect on the environment because the identified mitigation measures would reduce the potential effects to less-than-significant levels.

Under CEQA, on April 27, 2010, ACE adopted a Notice of Determination (NOD) indicating that the project will have a significant effect on the environment, mitigations were a part of the approval, and because there were several impacts that could not be fully mitigated, a Statement of Overriding Considerations (SOC) was adopted in approving the project.

The significant impacts identified under CEQA, relating to the safety, traffic/transportation, and noise areas under the Commission's jurisdiction pertain to construction related noise and traffic within the area. For noise, mitigation measures consist of utilizing temporary noise barriers such as solid walls or sound attenuating blankets. Additionally, hauling truck activity will be limited to between 7:00 am and 7:00 pm. For traffic, mitigation measures consist of preparing a detailed detour and haul route plan. ACE will also ensure that no

⁴ 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

two adjacent roadways/crossings are closed and constructed concurrently. With the use of these mitigations, the potential effects would be reduced to less-than-significant levels, except for haul truck activity during construction, which results in significant and unavoidable impacts in both the traffic and noise areas, during the construction period.

The Commission reviewed and considered the FEIR/FONSI, NOD and SOC adopted by ACE, and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application and subsequent amendment are in compliance with the Commission's filing requirements, including Rule 3.9 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a public road.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has reviewed and analyzed the application, and recommends that the requested authority to construct the subject crossings be granted for a period of four years.

Categorization and Need for Hearings

In Resolution ALJ 176-3260 dated September 3, 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 August 30, 2010. There are no unresolved matters or protests. A public hearing is not necessary.

2. The Alameda Corridor - East Construction Authority (ACE) requests authority to construct its San Gabriel Trench Project (Project) that will grade-separate the existing Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard at-grade crossings, identified as CPUC Crossing No. 001B-490.20 and DOT No. 746879A; CPUC Crossing No. 001B-490.30 and DOT No. 746880U; CPUC Crossing No. 001B-490.70 and DOT No. 746882H; and CPUC No. 001B-491.20 and DOT No. 746883P, respectively of the Union Pacific Railroad Company's (UPRR) Alhambra Subdivision main line track in the City of San Gabriel, County of Los Angeles.

3. ACE also requests authority to modify the existing Walnut Grove Avenue at-grade crossing, CPUC Crossing No. 001B-491.60 and DOT No. 746884W located in City of Rosemead, County of Los Angeles.

4. ACE is the lead agency for this project under CEQA and NEPA, as amended.

5. ACE and Caltrans prepared, pursuant to CEQA and NEPA, a joint Final Environmental Report/Findings of No Significant Impact [FEIR/FONSI] for the San Gabriel Trench Grade Separation Project approved on November 4, 2010.

6. In the FEIR/FONSI, it was determined that the proposed project would have no significantly adverse effect on the environment because identified mitigation measures would reduce the potential effects to less-than-significant levels.

7. ACE also performed a CEQA analysis as part of the FEIR/FONSI, which identified several environmental impacts.

8. Under CEQA, ACE adopted a Notice of Determination (NOD) indicating that the project will have a significant effect on the environment, mitigations were made a part of the approval, and ACE was adopting a Statement of Overriding Considerations (SOC) for several impacts that could not be fully mitigated.

9. The significant impacts identified under CEQA, relating to areas under the Commission's jurisdiction pertain to construction related noise and traffic. ACE adopted reasonable and feasible mitigations to reduce noise and traffic impacts to insignificant levels, except for haul truck activity, which results in temporary significant and unavoidable impacts.

10. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's FEIR/FONSI, NOD and SOC.

Conclusions of Law

1. The FEIR/FONSI, NOD and SOC 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.

ORDER

IT IS ORDERED that:

1. The Alameda Corridor - East Construction Authority (ACE) is authorized to construct its 2.35 mile San Gabriel Trench Project (Project) from the City of Alhambra, east through City of San Gabriel, to City of Rosemead, County of Los Angeles. The Project will grade-separate the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard at-grade crossings of the Union Pacific Railroad Company's (UPRR) Alhambra subdivision main line track in the City of San Gabriel, in County of Los Angeles, at the locations and substantially as described in its application.
2. The four new grade-separated crossings shall be identified as follows: CPUC/US DOT Crossing Numbers 001B-490.20-A/440655D, 001B-490.30-A/440656K, 001B-490.70-A/440657S, and 001B-491.20-A/440658Y, respectively.
3. The ACE is also authorized to modify the existing Walnut Grove Avenue at-grade crossing located in City of Rosemead, County of Los Angeles, identified as CPUC Crossing No. 001B-491.60 and DOT No. 746884W.
4. Once the trench is constructed, railroad operations shifted to the new track in the trench, then the shoo-fly track and temporary crossings with warning devices shall be removed.
5. The ACE shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.
6. The ACE 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.
7. Within 30 days after completion of the work under this order, the ACE shall notify the Commission's Consumer Protection and Safety Division - 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 CPUC 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.

8. Within 30 days after completion of the work under this order, the Union Pacific Railroad Company shall notify the Federal Railroad Administration of the closure of the at-grade crossings and existence of the grade separation crossing structures by submitting a revised U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71, for the closures, and a new U.S.DOT CROSSING INVENTORY FORM for each new grade-separation structure. A copy of these submittals is to be provided concurrently to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. Those copies of the form may be submitted electronically to rces@cpuc.ca.gov .

9. This authorization shall expire if not exercised within four years unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. A request for extension of the four-year authorization must be submitted to the Commission's Consumer Protection and Safety Division – 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.

11. This application is granted as set forth above.

12. Application 10-08-021 is closed.

This order becomes effective 30 days from today.

Date May 5, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK FERRON

Commissioners