

Decision 11-07-007 July 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Paula to construct a new pedestrian bike path across a track spur of the Ventura County Transportation Commission (VCTC) - Santa Paula Branch Line in the City of Santa Paula, County of Ventura.

Application A.11-02-006
(Filed February 7, 2011)

DECISION GRANTING AUTHORIZATION TO THE CITY OF SANTA PAULA TO CONSTRUCT A NEW AT-GRADE PEDESTRIAN-RAIL CROSSING ACROSS THE INTERNATIONAL PAPER RAIL TRACK SPUR OF THE VENTURA COUNTY TRANSPORTATION COMMISSION IN THE CITY OF SANTA PAULA, COUNTY OF VENTURA

Summary

This decision grants the City of Santa Paula authorization to construct a new at-grade pedestrian-rail crossing across the International Paper rail track spur of the Ventura County Transportation Commission’s Santa Paula Branch Line in the City of Santa Paula, County of Ventura. The new crossing is to be identified by CPUC Crossing No. 001BE-413.85-CD and DOT No. 745717U.

Discussion

The City of Santa Paula (City) proposes to construct a new at-grade pedestrian-rail crossing across the International Paper spur track of the Ventura County Transportation Commission’s (VCTC) Santa Paula Branch Line, as part of the Santa Paula Branch Line Recreational Trail Project (also referred to in the application as Santa Paula Branch Bike Trail Project.)

The Santa Paula Branch Line Trail is proposed to run a total of 32 miles, from Rancho Camulos on the east near the Los Angeles County line, to the Montalvo community near San Buenaventura, on the west. The trail would largely follow the VCTC Santa Paula Branch Line, however the trail would deviate from the rail right-of-way at various locations, where the trail will follow existing roadways before rejoining the rail right-of-way. The trail was contemplated to be constructed under several options, including one large project implemented by VCTC or a number of smaller projects undertaken by the local jurisdictions through which the proposed trail passes.

The goals of the project are to provide a new east-west pedestrian/bike trail to provide recreational and commuter opportunities, as well as improve safety along VCTC's tracks. The dedicated, separate pedestrian/bike path along VCTC's Santa Paula Branch Line right-of-way is designed with fencing to channel the pedestrians and bike riders to at-grade pedestrian-rail crossings, where there will be appropriate railroad warning devices, signage, striping and other trail facilities.

The City of Santa Paula has acquired some funding and chooses to undertake a portion of the project within its jurisdiction at this time. The City seeks the new pedestrian-rail crossing and associated fencing to increase railroad safety in the vicinity of the Glen City School and to address a serious trespassing problem with children walking or biking to school, following the existing railroad right-of-way along Main Street and crossing the VCTC tracks haphazardly.

The proposed trail through Santa Paula primarily runs parallel to the VCTC Santa Paula Branch Line. The International Paper spur track crosses the trail where the spur track cuts off the mainline leading to the customer property. The proposed railroad crossing would serve as a single, controlled access across

the spur tracks for pedestrians and bike riders. Bike riders and pedestrians would travel on an eight foot wide paved pathway over the single set of railroad tracks at this location. The crossing approaches would be Americans with Disabilities Act (ADA) compliant. The crossing would be known as the International Paper Pedestrian crossing.

In addition to Fillmore and Western Railway (FWRY) passenger excursion trains, the Union Pacific Railroad (UPRR) operates freight trains, over the VCTC line. Approximately one (1) passenger train per month at a maximum speed of 15 MPH and up to three (3) freight trains per week at a maximum speed of at 10 MPH operate over this portion of the Santa Paula Branch Line, with only UPRR operating on the international Paper spur track. All trains operate during daylight hours.

The crossing is located on the north side of Main Street, between Dean Drive and Palm Avenue at mile post 413.85 of VCTC's Santa Paula Branch Line International Paper spur track. The proposed new CPUC Crossing Number would be 001BE-413.85-CD. The nearest crossing to the west is the highway-rail crossing of Dean Drive (CPUC Crossing No 001BE-412.60) and the nearest crossing to the east is the crossing of Palm Avenue (CPUC Crossing No 001BE-413.90).

Proposed treatments for the at-grade crossing include manual lockout gates that will block access to the trail and crossing during train movements. The manual lockout gates will be set and monitored at all times during railroad movements on the spur track by an on-the-ground railroad employee. Notification signs posted on the gates that read "Expect Short Delay While Gate Is Across Trail" would be displayed to any trail users blocked by the gates. Maintenance of the manual lockout gates will be the responsibility of the City.

The procedure to move rail cars into and out of the International Paper track spur is expected to take ten minutes. The railroad operators will conduct the following procedures during the utilization of the manual lockout gates to ensure clearance of pathway users:

1. Train approaches the International Paper spur and the conductor/brakeman drops off and unlocks the plant gate that blocks the spur track into paper plant;
2. Conductor/brakeman observes that bike trail is clear of pedestrian traffic;
3. When clear, the conductor/brakeman opens the south gate panel 180° to the south and latches it to the fence post closing the pedestrian/bike trail on the west end;
4. Conductor/brakeman proceeds to the switch stand and confirms that pedestrian/bike trail is still clear of pedestrian traffic;
5. Conductor/brakeman closes and latches dedicated gate to fence post closing bike trail on the east end;
6. Train crew changes out railcars on the spur and train returns to main track;
7. Once the International Paper track spur is clear of the train, the conductor/brakeman opens the dedicated gate on the east end of bike trail;
8. Conductor/brakeman closes south gate panel back 180° to the north, unblocking the trail on the west end, and locks the plant spur track gate;
9. Train departs on mainline track.

The proposed at-grade crossing would cross one set of tracks and will be constructed with the following features:

- CPUC Commission Standard 1-D sign, “PEDESTRIAN/BICYCLE ONLY” at each approach to the crossing;
- California Manual on Uniform Traffic Control Devices (CA MUTCD) R15-8 (“LOOK”) sign at each approach to the crossing;
- CA MUTCD R1-1 “STOP” sign on both west and east gate facing each approach to the crossing, when closed for train movements;
- CA MUTCD W10-12 (Skewed Railroad Crossing) sign at each approach to the crossing;
- Cast-in-place concrete panel crossing surface;
- Right-of-way fencing on either side of the tracks to preclude pedestrian circumvention of warning devices on both approaches to crossing; and
- Install ADA compliant standard detectable warning consisting of yellow tactile strips on both approaches to the crossing.
- Install lighting on both approaches to the crossing, including an additional light adjacent to the manual lockout gates, to improve visibility and safety.

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 lead agency for this project is the VCTC. The VCTC developed and approved a programmatic environmental impact report for the project, whose various segments will be developed by the local jurisdictions through which the trail will pass. The local jurisdictions are the City of Santa Paula, City of Ventura, City of Fillmore, and Ventura County, who are considered responsible agencies under CEQA. The Commission is also 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

Pursuant to CEQA, the VCTC prepared an environmental document titled *Santa Paula Branch Line Recreational Trail Master Plan, Final Environmental Impact Report (FEIR)*, which identifies environmental impacts and associated mitigation measures related to the project. The VCTC filed a Notice of Determination (NOD) on March 3, 2000 indicating the project will have a significant effect on

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 environment. As a condition of approval, mitigation measures were adopted and a Mitigation Monitoring and Reporting Program (MMRP) was prepared. Because there was one impact that could not be fully mitigated, a Statement of Overriding Considerations (SOC) was adopted in approving the project.

There were four potentially significant impacts identified under CEQA, relating to the safety, traffic/transportation, and noise areas under the Commission's jurisdiction. They pertain to:

- Impact T-1, conflicts between trail users and motor vehicle traffic at crossings.
- Impact T-2, conflicts between the rail line operations and the trail users within the area.
- Impact T-3, trail use increasing roadway traffic on weekends, holidays and summer months, as well as a decrease in roadway traffic due to commuters making some use of the trail.
- Impact T-4, increased parking demand at trail heads and staging areas.

Mitigation measures include installation of automated crossing arms where the trail crosses the rail line, or in the case of the International Paper Pedestrian track spur crossing-a locked gate whenever the track is occupied. Additionally, separation of trail users and the active rail line is achieved by construction of fencing at least four feet in height to channelize trail users and provide safety between the active rail line and the proposed trail. Additionally, the VCTC is required to work with each jurisdiction to develop a Trail User Regulations and Guidelines which include the following information: trail user safety; location of connecting trails and designated on-street bike routes, location of parking, location of amenities, and trail etiquette. Rail information kiosks shall

be placed along the trail corridor at appropriate and regular intervals and at trail access points. Recommended trail standard widths for user groups consisting of non-motorized users except equestrians are 12 feet in urban areas, 10 feet in suburban areas and 8 feet in rural areas. Trail crossings shall provide adequate stopping sight distance, 150 feet for bicyclist, in accordance with Caltrans' requirements. Signs shall be posted along the trail indicating that bicyclist shall yield the right-of-way to pedestrians. Signs shall also be posted which encourage bicyclist to give a clear warning before passing and to reduce or dismount when entering tunnels and culverts. Parking is to be provided at trail heads and staging areas, and the local jurisdictions are to monitor parking capacity and modify future lots accordingly, including potentially sharing parking resources through shared use agreements. Additionally, bicycle facilities (racks) are to be included in parking areas and at key points along the trail. With the implementation of these mitigation measures, the potential effects would be reduced to less-than-significant levels.

Potentially significant impacts relating to agricultural resources which could not be mitigated were identified. This includes the loss of prime and statewide significant agricultural lands, which was found to be an unavoidable adverse impact. A SOC was prepared and adopted by the VCTC. All other effects were found to be either less than significant, significant that can be mitigated to less-than-significant levels, or beneficial.

Additionally, since the project contemplated use of Federal funding sources in part, VCTC worked with the California Department of Transportation (Caltrans), the designated local agency of the Federal Highway Administration, to determine the appropriate level of review under the National Environmental

Policy Act (NEPA)⁴ On August 3, 2009, the Ventura County Transportation Commission determined the project is categorically exempt from NEPA review, and a Programmatic Categorical Exclusion Determination Form was filed.

Caltrans approved the NEPA document on November 19, 1999.

Finally, in order to utilize funds made available by Caltrans, the City was required to affirm that the original FEIR was still valid and applicable to the project. The City of Santa Paula on May 25, 2010 voted to approve a Notice of Consistency with the FEIR for the Santa Paula Branch Line Recreational Trail Plan prepared by VCTC, affirming the original FEIR.

The Commission reviewed and considered the FEIR, NOD, SOC and the NEPA Categorical Exclusion adopted by VCTC and the Notice of Consistency adopted by the City and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of Rules of Practice and Procedure, which relates to the construction of a public highway 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 three years.

Categorization and Need for Hearings

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.

In Resolution ALJ 176-3269 dated February 24, 2011, and published in the Commission Daily Calendar on February 9, 2011, 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, 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 February 9, 2011. There are no unresolved matters or protests. A public hearing is not necessary.
2. The City Santa Paula (City) requests authority, under Public Utilities Code Sections 1201-1205, to construct an at-grade pedestrian-rail crossing, to be identified as CPUC Crossing No. 001BE-413.85-CD and Federal Department of Transportation No. 745717U, across a single VCTC spur track.
3. RCES participated in a diagnostic review meeting for the proposed at-grade highway-rail crossing and concurred with the design and proposed warning devices.
4. Caltrans is the lead agency for this project under NEPA, as amended, and agreed with the City that the project was categorically excluded from NEPA

review. Caltrans approved the categorical exclusion document on November 19, 1999.

5. The Ventura County Transportation Commission (VCTC) is the lead agency for this project under CEQA, as amended.

6. The Final Environmental Impact Report (FEIR), determined that potentially significant impacts could result from the proposed project, but all but one identified impact would be reduced to less-than-significant levels with implemented mitigation measures.

7. Under CEQA, VCTC adopted a Notice of Determination (NOD) indicating that the project will have a significant effect on the environment, and adopted a Statement of Overriding Considerations (SOC) for the lone impact that could not be fully mitigated.

8. As a condition of approval, mitigation measures were adopted and a Mitigation Monitoring and Reporting Program (MMRP) was prepared.

9. The significant impacts identified under CEQA, relating to areas under the Commission's jurisdiction pertain to traffic/transportation. VCTC adopted reasonable and feasible mitigations to reduce impacts to less-than-significant levels.

10. On May 25, 2010, the City voted to approve a Notice of Consistency with the original FEIR for the Santa Paula Branch Line Recreational Trail Plan prepared by VCTC.

11. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIR, NOD and SOC as well as the Notice of Consistency adopted by the City.

Conclusions of Law

1. The FEIR, NOD, SOC and Notice of Consistency 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 Santa Paula is authorized to construct an at-grade pedestrian-rail crossing to be identified by CPUC Crossing No. 001BE-413.85-CD and Federal Department of Transportation No 745717U, in the City of Santa Paula, County of Ventura.
2. The crossing shall be equipped with two Commission Standard 1-D (Pedestrian/Bicyclist Warning Sign) warning devices in combination with manual lockout gates at both trail approaches to the crossing. In addition, the crossing will include installation of concrete panel crossing surface as well as Americans with Disabilities Act compliant detectable warning tactile strips on both approaches to the crossing. Fencing along the railroad right of way shall be constructed per plan. California Manual on Uniform Traffic Control Devices R15-8 ("LOOK") signs, R1-1 "STOP" signs, and W10-12 (Skewed Railroad Crossing) signs will be added to the approaches or fencing , as outlined above.
3. City shall notify the Ventura County Transportation Commission and the Los Angeles office of Commission's Consumer Protection and Safety Division – Rail Crossing Engineering Section at least five (5) business days prior to opening of the crossing. Notification should be made to rces@cpuc.ca.gov .
4. Within 30 days after completion of the work under this order, City shall notify the Commission's Consumer Protection and Safety Division – Rail

Crossing 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.

5. Within 30 days after completion of the work under this order, the Ventura County Transportation Commission shall notify the Federal Railroad Administration of the existence of the new at-grade crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy of that submittal is to be provided concurrently to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. The copy of the form may be submitted electronically to rces@cpuc.ca.gov .

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

This authorization shall expire if not exercised within three 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. A request for extension of the three year authorization period must be submitted to 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.

7. The application is granted as set forth above.
8. Application A.11-02-006 is closed.

This order becomes effective 30 days from today.

Date July 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK FERRON
Commissioners