

Decision 11-07-006 July 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Paula to construct improvements to an existing non permitted pedestrian crossing across a track of the Ventura County Transportation Commission (VCTC) -Santa Paula Branch Line in the City of Santa Paula, County of Ventura.

Application A.11-02-005
(Filed February 7, 2011)

DECISION GRANTING AUTHORIZATION TO THE CITY OF SANTA PAULA TO CONSTRUCT IMPROVEMENTS TO AN EXISTING NON PERMITTED AT-GRADE PEDESTRIAN-RAIL CROSSING ACROSS A TRACK 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 improvements to an existing non permitted at-grade pedestrian-rail crossing across the tracks of the Ventura County Transportation Commission in the City of Santa Paula, County of Ventura. The new authorized crossing is to be identified by CPUC Crossing No. 001BE-413.04-D and DOT No. 745711D.

Discussion

The City of Santa Paula (City) proposes to construct improvements to an existing non permitted at-grade pedestrian-rail crossing across a track of the Ventura County Transportation Commission (VCTC) as part of the Santa Paula Branch Line Recreational Trail Project (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 crossing now to address a serious trespassing problem with children walking or biking to school following the existing railroad tracks in the area and crossing the railroad tracks haphazardly at/near the existing school pathway to the Blanchard School.

The proposed trail through Santa Paula primarily runs parallel to the VCTC Santa Paula Branch Line. The crossing is over a short pathway from the main Santa Paula Branch Line Trail to the Blanchard School property. The proposed crossing treatments will channelize pedestrians to the proper crossing location and would serve as a single, controlled access across the VCTC 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 will be known as the Blanchard School Pedestrian Path.

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

The crossing is located on the west side of Main Street, between Lucada Street and Elm Street at mile post 413.04 of VCTC's track. The proposed new CPUC Crossing Number will be 001BE-413.04-D. The crossing will allow access between the eastern side of the VCTC track and the west side of the track providing a legitimate pedestrian route at this location within the City to the Blanchard School. Currently pedestrians walking or biking to school follow the existing railroad track along Main Street and frequently trespass across the railroad tracks at the existing pathway to get to the Blanchard School, crossing the tracks illegally at-grade. The construction of the pedestrian crossing and fencing improvements will limit the existing trespassing hazard and provide for safe pedestrian movements across the tracks in the area. The nearest crossing to the south is the highway-rail crossing of Peck Road (CPUC Crossing No 001BE-412.80) and the nearest crossing to the north is the crossing of Cameron Street (CPUC Crossing No 001BE-413.20).

Americans with Disabilities Act (ADA) compliant walkways will be installed on both approaches. West of the crossing, the walkway will lead up to the Calavo Growers parking lot, where the back of the Blanchard School is accessible. East of the crossing the walkway will fork into two paths. One

direction of the Santa Paula Branch Line Recreational Trail curves north from the fork parallel to Main Street that will take pedestrians into town and eventually connect with another trail that leads into the City of Fillmore. The other direction of the Santa Paula Branch Line Recreational Trail extends to the south for approximately 1,000 feet where the trail ends just east of Peck Road.

The Blanchard School pedestrian path section of the future Santa Paula Branch Line Bike Trail will be constructed as part of this project, and will allow for continuous ADA compliant pathway from the proposed railroad at-grade crossing to the main pathway off of Main Street.

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

- Cast-in-place concrete panel crossing surface;
- Cast-in-place concrete pedestrian pathway connecting the crossing panels to the pathways;
- Commission Standard 9 pedestrian warning device (flashing light signal assembly with automatic gate arm) at each approach to the crossing;
- One push-to-open swing gate adjoining the location of each Commission Standard 9 gate arm to create a point of emergency egress when the gates are in the down position;
- Wood hand rails along pedestrian pathway approaches to the crossing to direct and channelize pedestrians;
- Wood fencing on either side of the crossing to preclude pedestrian circumvention of warning devices;
- Detectable warning consisting of yellow tactile strips on either side of each track;

- Twelve -inch white edge lines to channelize pedestrians across the tracks; and
- Lighting will be provided on the south side of the trail at the crossing intersection, to improve visibility and safety.

In addition to the above safety features, standard signage would be provided either affixed to fencing or post-mounted. As proposed in the application, signage would indicate by verbiage or picture the following messages: “Warning, Watch for Trains, Trains Approach from Both Directions”, “Skewed” and other standard signage.

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

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).

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 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 (4) 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.

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

- 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 that 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

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.

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

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 of 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-413.04-D and Federal Department of Transportation No. 745711D across VCTC's single 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. 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 improvements to an existing non permitted at-grade pedestrian-rail crossing to be identified by CPUC Crossing No. 001BE-413.04-D and Federal Department of Transportation No. 745711D, in the City of Santa Paula, County of Ventura.
2. The crossing shall be equipped with two Commission Standard 9 pedestrian warning devices in combination with swing gates at both sidewalk approaches to the crossing. In addition, the crossing will include installation of

Americans with Disabilities Act compliant detectable warning tactile strips on all sidewalk approaches to the crossing, white edge lines delineating the crossing, and concrete panel crossing surface. Wood railings and fencing on either side of the crossing shall also be constructed to preclude pedestrian circumvention of warning devices.

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 at-grade crossing existence by submitting an original or revised U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71 the crossing. A copy of this submittal 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.

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.

7. 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.

8. The application is granted as set forth above.

9. Application A.11-02-005 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