

Decision 12-01-013 January 12, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District and County of Sacramento for an order authorizing District and County to construct, modify and maintain the Watt/Manlove Station Driveway across the Placerville Branch track at the Watt/Manlove Station in the County of Sacramento, State of California.

Application 11-07-013
(Filed July 11, 2011;
Amendment filed
August 9, 2011)

DECISION GRANTING AUTHORIZATION TO THE SACRAMENTO REGIONAL TRANSIT DISTRICT AND COUNTY OF SACRAMENTO TO CONSTRUCT A DRIVEWAY ACROSS THE UNION PACIFIC RAILROAD PLACERVILLE BRANCH TRACK AND THE SACRAMENTO REGIONAL TRANSIT DISTRICT TRACKS IN THE COUNTY OF SACRAMENTO

Summary

This decision grants the Sacramento Regional Transit District and County of Sacramento authorization to construct a new at-grade highway-rail crossing across the Union Pacific Railroad Placerville Branch track and a new grade-separated crossing under the Sacramento Regional Transit District tracks in Sacramento County. The new at-grade highway-rail crossing will be identified as CPUC Crossing No. 001AH-97.39 and the new grade-separated crossing will be identified as CPUC Crossing No. 083E-7.61-B.

Discussion

The Sacramento Regional Transit District (SRTD) requests authority for it and the County of Sacramento (County) to construct a new at-grade highway-rail crossing of the Union Pacific Railroad (UPRR) Placerville Branch track and a new

grade-separated crossing under the SRTD light rail tracks at the Watt/Manlove light rail transit station in Sacramento County. SRTD states that the new crossings are necessary to connect the Bus Rapid Transit (BRT) lane from Watt Avenue into the Watt/Manlove Station, to complete the final phase of the County's 2002 South Watt Area Transportation Study (SWATS) project. The SWATS project also included the already completed project of grade-separating the SRTD light rail tracks at this location to increase crossing safety at the adjacent Watt Avenue grade crossing. The BRT lane on Watt Avenue is part of the SWATS Master Plan to reduce single occupancy vehicle usage and, in turn, reduce congestion and help improve regional air quality.

The proposed one-way driveway access and crossing are exclusively for the use of buses entering the Watt/Manlove Station and will not be used as an exit. UPRR runs approximately four trains per week at 10 miles per hour (mph) over the Placerville Branch tracks. The SRTD tracks pass above the proposed driveway.

The BRT driveway will be a 24-foot wide, one-lane, one-way road. The speed limit will be 10 mph. While the approach to the crossing is at 90 degrees from the track, the driveway curves to the west just beyond the crossing Stop bar and the road will cross the track at an approximate 45-degree skew angle. The bottom of the SRTD overhead structure will be 12 feet above the driveway. Warning devices shall consist of single curb-mounted Commission Standard 9 warning device (flashing light signal assembly with automatic gate arm). The crossing surface will be concrete panels. A California Manual on Uniform Traffic Control Devices (CAMUTCD) R8-10 "STOP Here When Flashing" sign shall be placed adjacent to the crossing stop bar. The pavement markings shall consist of a stop bar, railroad crossing advanced warning, as well as the words "BUSES

ONLY” painted on the approach to the crossing. Two SRTD Standard “BUSES ONLY” signs shall be placed at the entrance to the driveway and two CAMUTCD R5-1 “DO NOT ENTER” signs shall be placed facing outward at the exit of the driveway.

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 County is the lead agency for this project because the project is being funded (through various federal, state and local funding sources) and constructed by it, and is subject to its review and approval. 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

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).

the lead agency's environmental documents and findings before acting on or approving this project.³

The Draft Environmental Impact Report (DEIR) for the Watt Avenue/US 50 Interchange Project, of which SWATS is a part, was prepared and circulated from March 10, 2009 to May 11, 2009. The Final Environmental Impact Report (FEIR) was issued in September 11, 2009 and certified by the County Board of Supervisors on September 22, 2009. A Notice of Determination (NOD) was filed with the Sacramento County Clerk on October 22, 2009. A Supplement to the FEIR (SFEIR) was developed and circulated on October 26, 2010, to evaluate noise impacts relating to roadway modifications and construction, as well as other minor modifications to the original proposed project. The SFEIR was certified by the County on August 9, 2011. A final NOD was filed with the Sacramento County Clerk on August 10, 2011.

The overall project was determined to have a significant effect on the environment and mitigation measures were made a condition of approval for the project. A mitigation monitoring and reporting program was adopted for the project. A Statement of Overriding Considerations (SOC) was adopted for the project by the County Board of Supervisors on September 8, 2011. The lone potentially significant and adverse impact which could not be mitigated to less-than-significant levels relates to unavoidable cumulative climate change impacts linked to the nearby interchange of Watt Avenue and US Highway 50 ramps, which although part of the overall SWATS project, is not specifically linked to

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

the BRT driveway crossing. No unmitigable environmental impacts were identified as they relate the BRT driveway portion of the overall SWATS project.

On December 14, 2009, the California Department of Transportation (Caltrans) filed a Finding of No Significant Impact (FONSI) with the Sacramento County Clerk's Office. The FONSI states that the SWATS project "was evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required."

The Commission reviewed and considered the County's DEIR, FEIR, SFEIR, NODs, SOC and Caltrans' FONSI as they relate to these at-grade and grade-separated crossings 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 crossings, has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossings be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3278, dated July 28, 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

Michelle Cooke is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 26, 2011. On August 9, 2011, the SRTD filed an amendment to the application. The purpose of this amendment is to change the technical information within the application and on Exhibits A, B and C. The amendment was published in the Commission's Daily Calendar on August 12, 2011. There are no unresolved matters or protests. A public hearing is not necessary.

2. The County and SRTD request authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade highway-rail across the UPRR Placerville Branch track and a new grade-separated crossing under the SRTD tracks in Sacramento County.

3. The County is the lead agency for this project under CEQA.

4. The County circulated the DEIR for the Watt Avenue/US 50 Interchange Project from March 10, 2009 to May 11, 2009. The FEIR was issued on September 11, 2009 and certified by the County Board of Supervisors on September 22, 2009. A NOD was filed with the Sacramento County Clerk on October 22, 2009.

5. A SFEIR was developed and circulated on October 26, 2010, to evaluate noise impacts relating to roadway modifications and construction, as well as other minor modifications to the original proposed project. The SFEIR was certified by the County on August 9, 2011. A final NOD was filed with the Sacramento County Clerk on August 10, 2011.

6. The project was determined to have a potentially significant effect on the environment and mitigation measures were made a condition of approval for the project. A mitigation monitoring and reporting program was adopted for the project. A SOC was adopted for the project by the County Board of Supervisors on September 8, 2011.

7. On December 14, 2009, Caltrans filed a FONSI with the Sacramento County Clerk's Office. The FONSI states that the SWATS project "was evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required."

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

Conclusions of Law

1. The DEIR, FEIR, SFEIR, NODs, and SOC prepared by the County and Caltrans' FONSI, as the documentation required by CEQA for the project, is adequate for our decision-making purposes. The SWATS Project will result in potentially significant environmental impacts. Mitigation measures were made a condition of approval for the project.
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 Sacramento Regional Transit District and County of Sacramento are authorized to construct the new at-grade highway-rail crossing across the Union Pacific Railroad Placerville Branch track and a new grade-separated crossing under the Sacramento Regional Transit District tracks at the Watt/Manlove Station in Sacramento County. The new at-grade highway-rail crossing will be identified as CPUC Crossing No. 001AH-97.39 and the new grade-separated crossing will be identified as CPUC Crossing No. 083E-7.61-B.
2. The driveway for the exclusive use of buses, as part of the Bus Rapid Transit system, shall be one-way inbound to the Watt/Manlove station.
3. Warning devices shall consist of one curb-mounted Commission Standard 9 warning device (flashing light signal assembly with automatic gate arm).
4. The crossing surface shall be concrete panels.
5. A California Manual on Uniform Traffic Control Devices R8-10 "STOP Here When Flashing" sign shall be placed adjacent to the crossing stop bar.

6. The pavement markings shall consist of stop bar, railroad crossing advanced warning markings, as well as the words "BUSES ONLY" painted on the approach to the crossing.

7. Two Sacramento Regional Transit District Standard "BUSES ONLY" signs shall be placed at the entrance to the driveway and two California Manual on Uniform Traffic Control Devices R5-1 "DO NOT ENTER" signs shall be placed facing outward at the exit of the driveway into the station parking lot.

8. The Sacramento Regional Transit District 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 .

9. Within 30 days after completion of the work under this order, the Sacramento Regional Transit District 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 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.

10. Within 30 days after completion of the work under this order, Sacramento Regional Transit District shall notify the Federal Railroad Administration of the existence of the crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy is to be provided concurrently to the Union Pacific Railroad Company and to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov .

11. The Sacramento Regional Transit District and County of Sacramento shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

12. 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.

13. A request for extension of the three-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.

14. The application is granted as set forth above.

15. Application 11-07-013 is closed.

This order becomes effective 30 days from today.

Dated January 12, 2012, at San Francisco, California.

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