

Decision 02-09-039 September 19, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Regional Rail Authority (SCRRA) to construct a permanent pedestrian underpass and application of City of Montclair to construct a temporary at-grade pedestrian crossing at the Montclair Transcenter located on San Gabriel Subdivision railroad Milepost 34.33 and 34.31 in the City of Montclair, San Bernardino County.

Application 01-12-025  
(Filed December 20, 2001)

**O P I N I O N**

**Summary**

Southern California Regional Rail Authority (SCRRA) requests authority to construct a permanent pedestrian underpass at separated grades and City of Montclair (City) requests authority to construct a temporary at-grade pedestrian crossing at the Montclair Transcenter located on SCRRA's San Gabriel Subdivision in Montclair, San Bernardino County.

**Discussion**

SCRRA proposes to construct a permanent pedestrian underpass at separated grades and City proposes to construct a temporary at-grade pedestrian crossing at the Montclair Transcenter as part of the construction of the new south-side station platform and extension to the north-side station platform. The proposed pedestrian crossings are to be located within the San Bernardino Associated Governments (SANBAG) rights-of-way.

SCRRA is the five-county joint powers authority created under Public Utilities Code Section 130255 pursuant to Government Code Section 6501 et al., to build and operate the “Metrolink” commuter rail system. In this matter, SCRRA is also acting on behalf of the railroad property owner SANBAG. SANBAG is a member agency of the SCRRA joint powers authority.

Metrolink commuter trains operate from Union Station in downtown Los Angeles to Oxnard (Ventura County), Lancaster (north Los Angeles County), Oceanside (San Diego County) via Orange County, City of San Bernardino (San Bernardino County), and City of Riverside (Riverside County). Metrolink provides an alternative for motorists dependent upon Southern California’s freeways. Improved home-to-work travel times, reduced traffic, and reduced automobile air pollution are benefits. Metrolink is the regional rail program created in accordance with Senate Bill 1402 of 1990, Public Utilities Code Sections 130450 - 130455. The National Railroad Passenger Corporation (Amtrak) operates Metrolink for SCRRA.

Construction of permanent grade-separated pedestrian underpass, the temporary at-grade pedestrian crossing, and new south-side station platform and an extension to the north-side station platform at the Montclair Transcenter is necessary to improve Los Angeles – San Bernardino Metrolink service. Metrolink trains operate between Los Angeles and San Bernardino Counties on the San Gabriel Subdivision. The new platforms will provide improved passenger services and Metrolink bi-directional train operations. The extended platform will afford Metrolink operations of longer trains. Canopies at the new south-side platform will provide shelter for Metrolink passengers from rain and sun. The facility will provide other new amenities and landscaping as well as additional disabled person parking at the east side of the existing parking lot.

Bus, taxi, and paratransit services are available to Metrolink passengers. Amtrak intercity train service is envisioned in the future. The new south-side platform and north-side platform extension will make the Montclair Transcenter more attractive, useful and convenient for residents and visitors to Montclair, San Bernardino County, and Southern California's "Inland Empire."

SCRRA will design and construct a permanent pedestrian underpass at the Montclair Transcenter when the necessary funding of approximately \$1.8 million is made available to SCRRA by SANBAG. City will construct a temporary at-grade pedestrian crossing. The proposed temporary at-grade pedestrian crossing will remain in use until SCRRA constructs the pedestrian underpass or upon the expiration date of our authorization as stated in our order, whichever occurs first. SANBAG anticipates identifying within a one-year period the funding source to construct the proposed pedestrian underpass. Upon the available funding being in place, SCRRA expects approximately two years time period for the design and construction of the pedestrian underpass. The at-grade pedestrian crossing will be demolished when the grade-separated pedestrian underpass is placed in service.

According to SCRRA operating rules, a second train will not enter the station until authorized by the crew member of the train in the station. Authorization will be given when the passengers in the train in the station have been discharged completely and the train compartment doors are closed. The practice will enhance the safety of passengers crossing at the temporary at-grade crossing. By timetable addition to Rule 5.8.1 of the *General Code of Operating Rules*, SCRRA requires ringing of the locomotive or cab car bell while passing through passenger stations when persons are seen on or near station platforms. At an on-site diagnostic team review held on October 5, 2001, representatives of

SCRRA, SANBAG, City, and the Commission's Rail Safety and Carrier's Division analyzed the operations of trains in the station and the proposed crossings. For the temporary at-grade pedestrian crossing, the diagnostic team agreed on installing two Standard No. 1-D Pedestrian And Bicycle Railroad Grade Crossing Signs, as specified in General Order (GO) 75-C.

SCRRA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended in 1982, as stated in Public Resources Code Section 21000 et seq. The activities at issue in this decision are part of the Southern California Regional Rail project involving the Counties of Los Angeles, Ventura, San Bernardino, Riverside, Orange, and San Diego (Metrolink). SCRRA has determined that the Metrolink projects, which institute or increase passenger or commuter services on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities, are statutorily exempt from the reporting requirements of CEQA under Public Resources Code Section 21080(b)(11) and CEQA Guideline Section 15275(a). SCRRA filed a Notice of Exemption for construction and operation of a commuter rail system on September 18, 1991. A copy of this Notice of Exemption is included in Appendix A attached to the order.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination. The sites of the proposed permanent grade-separated pedestrian underpass and the proposed temporary at-grade pedestrian crossing have been inspected by the Commission's Rail Safety and Carriers Division – Rail Crossings Engineering Section staff. After reviewing the need for and the safety of the proposed permanent pedestrian underpass at separated grades and the proposed

temporary at-grade pedestrian crossing, staff recommends that SCRRA's request be granted.

We believe the SCRRA reasonably concluded that the proposed permanent grade-separated pedestrian underpass and the proposed temporary at-grade crossing projects qualify for CEQA exemption under Public Resources Code Section 21080(b)(11) and CEQA Guideline Section 15275(a). Accordingly, we adopt the Finding of Exemption for purposes of our project approval.

The Application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations under a railroad. A site map and detailed drawings of the proposed Montclair Station temporary at-grade pedestrian crossing and permanent pedestrian underpass are shown in Appendix B attached to the order.

In Resolution ALJ 176-3079, dated January 9, 2002 and published on the Commission Daily Calendar on January 10, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on December 24, 2001. There are no unresolved matters or protests; a public hearing is not necessary.

2. SCRRA requests authority, under Public Utilities Code Sections 1201-1205, to construct a permanent pedestrian underpass at separated grades and City requests authority to construct a temporary at-grade pedestrian crossing at the Montclair Transcenter located on SCRRA's San Gabriel Subdivision in Montclair, San Bernardino County.

3. The construction of permanent grade-separated pedestrian underpass, the temporary at-grade pedestrian crossing, and new south-side station platform and an extension to the north-side station platform at the Montclair Transcenter is necessary to improve Los Angeles – San Bernardino Metrolink service.

4. Public convenience, necessity and safety require construction of the proposed permanent pedestrian underpass at separated grades. Public convenience and necessity require construction of the proposed temporary at-grade pedestrian crossing.

5. Upon completion of the permanent pedestrian underpass at separated grades and its opening to pedestrians, or upon the expiration date of our authorization as stated in our order, whichever occurs first, the proposed temporary at-grade pedestrian crossing will be closed.

6. Public safety requires that protection at the temporary at-grade pedestrian crossing be two Standard No. 1-D Pedestrian And Bicycle Railroad Grade Crossing Signs, as specified in GO 75-C.

7. City is the lead agency for this project under CEQA, as amended.

8. SCRRA filed on September 18, 1991, a Notice of Exemption exempting the construction and operation of a commuter rail system from CEQA review as a Statutory Exemption under Public Resources Code Section 21080(b)(11) and CEQA Guideline Section 15275(a).

9. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Statutory Exemption determination.

### **Conclusions of Law**

1. We believe SCRRA reasonably concluded that Public Resources Code Section 21080(b)(11) and CEQA Guideline Section 15275(a) exempt this project from CEQA, and we adopt SCRRA's determination of exemption for purposes of our approval.

2. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. Southern California Regional Rail Authority (SCRRA) is authorized to construct a permanent pedestrian underpass at separated grades and City of Montclair (City) is authorized to construct a temporary at-grade pedestrian crossing at the Montclair Transcenter located on SCRRA's San Gabriel Subdivision in Montclair, San Bernardino County, at the locations and substantially as shown by plans attached to the Application and Appendix B of this order, identified as Crossings 101SG-34.33 and 101SG-34.31, respectively.

2. Upon completion of the permanent pedestrian underpass at separated grades and its opening to pedestrians, or upon the expiration date of this authorization, whichever occurs first, the proposed temporary at-grade pedestrian crossing shall be closed and physically removed.

3. Protection at the proposed temporary at-grade pedestrian crossing shall be two Standard No. 1-D Pedestrian And Bicycle Railroad Grade Crossing Signs, as specified in General Order (GO) 75-C.

4. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans approved by SCRRA, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, SCRRA and City shall notify the Commission in writing that the authorized work has been completed.

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

8. The application is granted as set forth above.

9. Application 01-12-025 is closed.

This order becomes effective 30 days from today.

Dated September 19, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
CARL W. WOOD

GEOFFREY F. BROWN  
MICHAEL R. PEEVEY  
Commissioners

**APPENDIX A**  
**NOTICE OF EXEMPTION**

**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY**

NOTICE OF EXEMPTION

ORIGINAL REC'D

SEP 18 1991

To: County Clerk  
County of Los Angeles  
111 North Hill Street  
Los Angeles, CA 90012

COUNTY CLERK  
BY D. C. [Signature] DEPUTY

Subject: Filing of Notice of Exemption for Southern California  
Regional Rail Authority Commuter Rail (SCRRA) System

Contact Person: Richard Stanger

Project Location: Counties of Los Angeles/San Bernardino/  
Orange/Ventura/Riverside/San Diego

Attached is an action of the Southern California Regional Rail  
Authority adopted on September 13, 1991 approving the Project and  
authorizing this Notice of Exemption.

**CERTIFICATION**

The undersigned, duly qualified Executive Director of the SCRRA  
certifies that the attached memo to the SCRRA dated September 13,  
1991 and this Notice of Exemption are true and correct copies of  
the action adopted at a legally convened meeting of the SCRRA  
Commission held on September 13, 1991.

APPROVED:

[Signature]  
RICHARD STANGER  
Executive Director

9/17/91  
Date

ATTEST:

[Signature]  
LORRAINE HOST  
Secretary

9/17/91  
Date

APPROVED AS TO FORM:

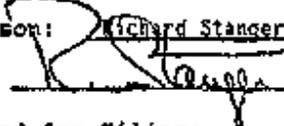
DE WITT W. CLINTON  
County Counsel

[Signature]  
NINA W. PHILLIPS  
Senior Deputy County Counsel



Reasons why the project is exempt: The proposed commuter rail project would institute commuter rail service on existing rail rights-of-way currently in use. According to Sections 21080 (b)(1) and 15275 (a) of CEQA, the institution of commuter services on rail rights-of-way already in use are exempt from the regulations of CEQA.

Contact Person: Richard Stanger Telephone No.: (213) 261-8803

Signature:  Title: Executive Director, SCRA

Date Received for Filing: \_\_\_\_\_

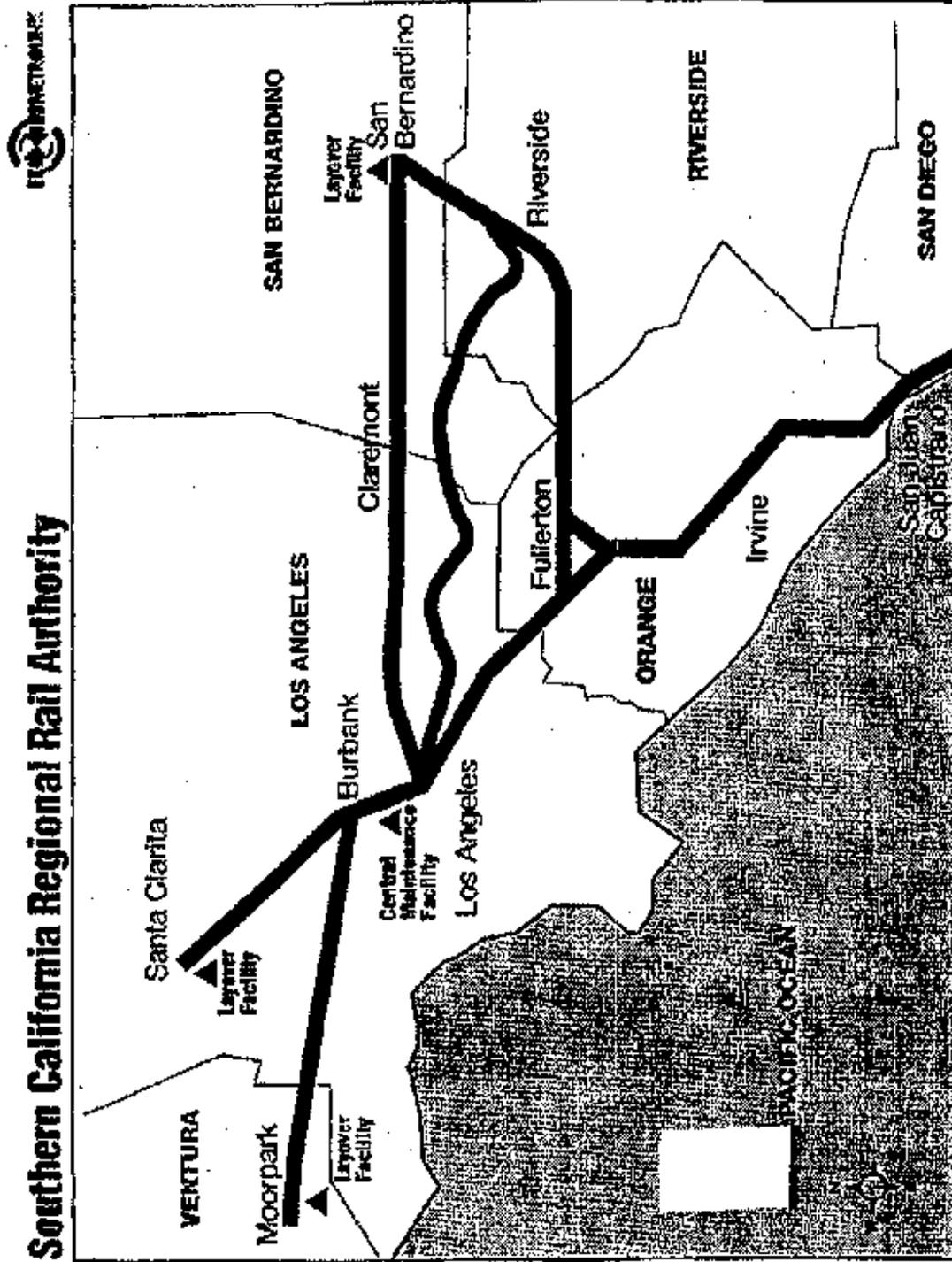
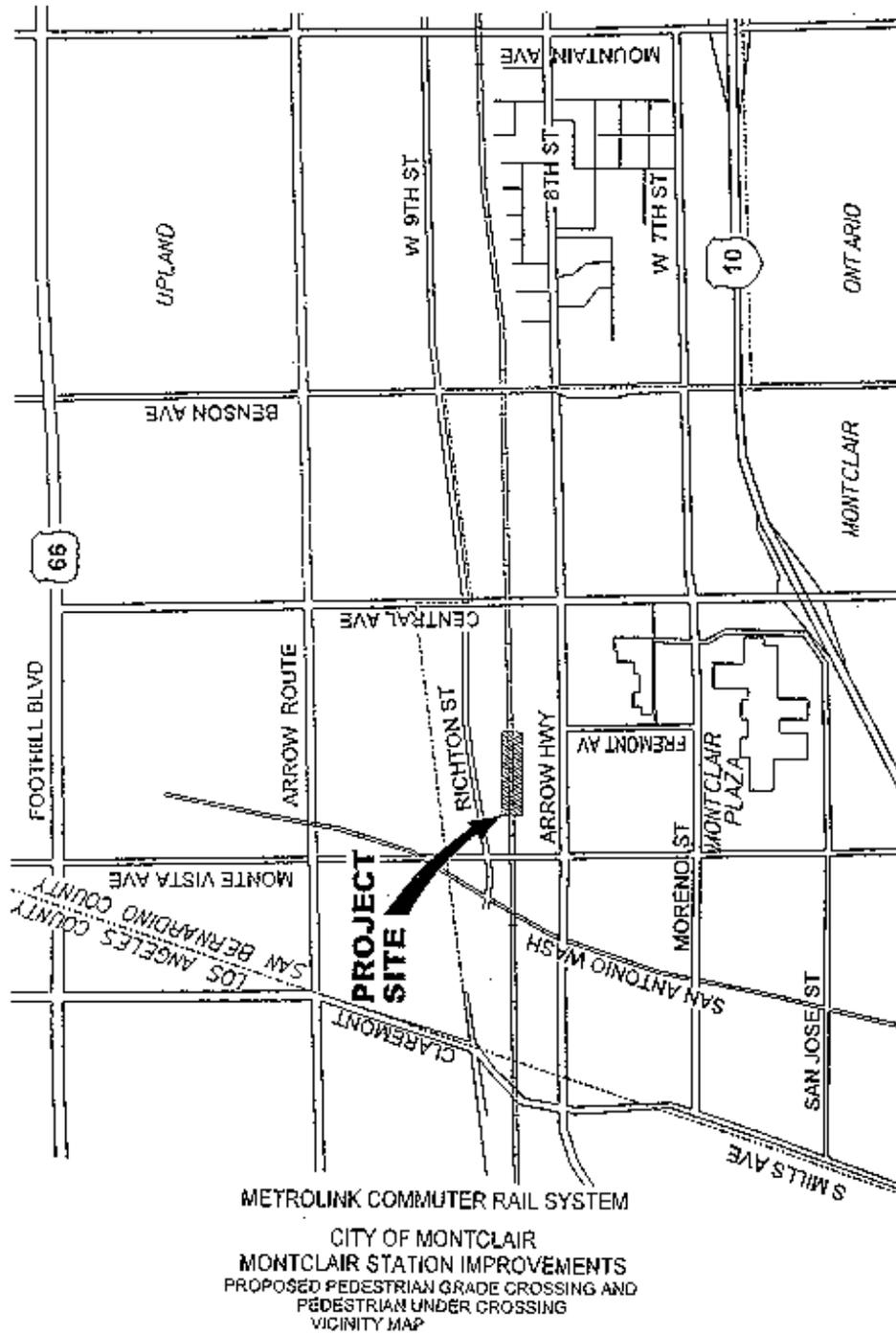
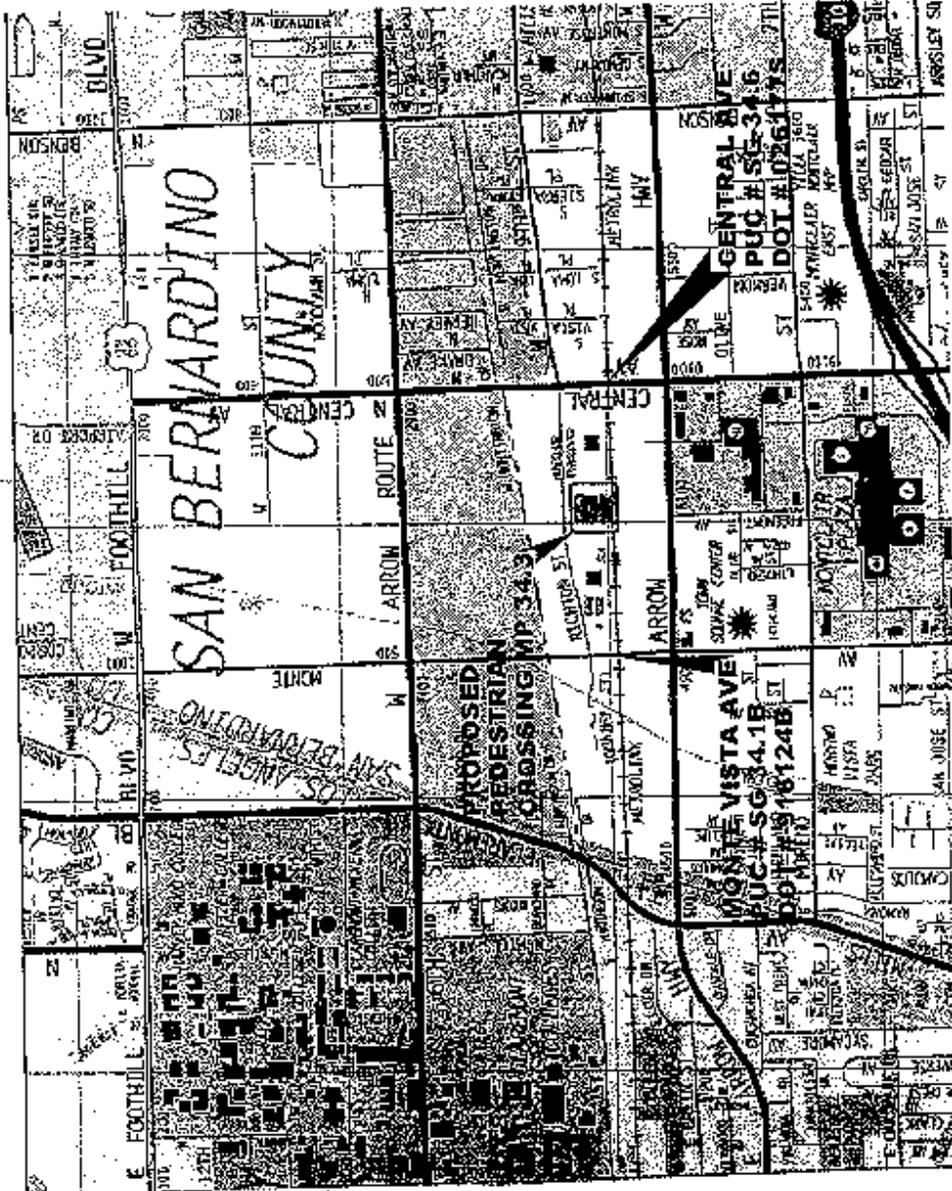


FIGURE 1

### APPENDIX B PLANS





**KEY PLAN**

METROLINK COMMUTER RAIL SYSTEM

CITY OF MONTCLAIR

MONTCLAIR STATION IMPROVEMENTS

PROPOSED PEDESTRIAN GRADE CROSSING AND  
PEDESTRIAN UNDER CROSSING

