

Decision 02-10-014 October 3, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Sacramento Regional Transit District for an order authorizing it to construct, maintain and operate a light rail passenger system on a structure over Sunrise Boulevard in the County of Sacramento, State of California.

Application 02-03-043
(Filed March 26, 2002)

O P I N I O N

Summary

The Sacramento Regional Transit District (District) requests authority to construct, maintain, and operate a light rail passenger system on a structure over Sunrise Boulevard in Sacramento, Sacramento County. The proposed overpass will be referred to as the Sunrise Boulevard Grade Separation (Overpass), Public Utilities Commission (PUC) No. 083E-14.35-B.

Discussion

The proposed project will add a two light rail track grade separated structure over Sunrise Boulevard. The Overpass will span the existing ten-lane boulevard, and will be a total of approximately 424 feet long. This project is part of the Downtown Sacramento to Folsom Corridor Project. A sketch of the project area is set forth in Appendix A of this decision. Appendix B of this decision details the grade separation plans.

Due to the high average daily traffic of Sunrise Boulevard, and the speed and frequency of the expected light rail operations, the proposed crossing will be grade-separated. A single freight track exists at-grade and will remain so, albeit

shifted from its present location to accommodate the grade-separated structure. The at-grade crossing is addressed in Commission Decision 02-06-006.

The project will be financed by State and Federal funds. The project is scheduled for completion in 2003.

During construction vehicular traffic will continue on Sunrise Boulevard. All falsework clearances, both horizontal and vertical, will meet the Commission's requirements. The vertical clearance during construction will not be less than 15 feet. Upon completion of the project, all falsework will be removed and the permanent Overpass structure will have clearances in accordance with General Order 26-D.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this project stating that the project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the District's environmental documentation. The environmental documentation consists of a Final

Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), and the NOD. Analysis of potential environmental impacts included: air quality, noise and vibration, visual changes, safety and security, cultural resources, neighborhoods/businesses, geology and soils, hazardous wastes/materials, water resources/quality, utilities, job creation, vegetation and wildlife, land use, seismicity, and transportation and traffic. We find that the environmental documents prepared for the project are adequate for the Commission's decision-making purposes.

Safety and security, transportation and noise are within the scope of the Commission's permitting process.

Safety and security impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities, where safety and security will be required. The adopted mitigation measures include the District extending contract security services to include coverage of park-and-ride lots, stations, and maintenance facilities, and an increase to the existing District law enforcement staff. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt other cross-street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of wheels and other measures.

Transportation and traffic impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bikepath in the City of Folsom, and reduced

level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and use of near-side grade crossing indicators where at-grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the roadway. For all but one of the intersections affected, it was determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

The Commission's Consumer Protection and Safety Division (CPSD), Rail Crossings Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority sought by the District be granted for a period of two years.

With respect to the potentially significant safety and security, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Application 02-03-043 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad across a public highway.

In Resolution ALJ 176-3085 dated April 4, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's CPSD 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 176-3085.

The District filed an amendment to their application on May 20, 2002, which was published on the Commission's Daily Calendar on June 6, 2002. The amendment added the legal description and corrected the proposed PUC number.

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 (CDC) on April 3, 2002. No protests have been filed.
2. The District requests authority to construct, maintain, and operate a light rail passenger system on a structure over Sunrise Boulevard, in the County of Sacramento, to be identified as PUC No. 083E-14.35-B.
3. The District filed an amendment to their application on May 20, 2002, which was published on the CDC on June 6, 2002. The amendment added the legal description and corrected the proposed PUC number.
4. Public convenience, safety, and necessity require the construction of the Sunrise Boulevard Overpass.
5. The District is the lead agency for this project under the CEQA, as amended.
6. The Commission is a responsible agency for this project, and has reviewed and considered the District's environmental documentation upon which the District relied in adopting mitigation measures for the project.

7. On March 15, 2000, the District filed its NOD approving the project and found that the Downtown Sacramento - Folsom Corridor Project would have a significant effect on the environment.

8. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

9. The Commission finds that for each potentially significant impact related to safety and security, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. 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 (District) is authorized to construct, maintain, and operate a light rail passenger system on a structure over Sunrise Boulevard, to be identified as Public Utilities Commission Crossing No. 083E-14.35-B, as amended.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by the District with Consumer Protection and Safety

Division (CPSD) prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Prior to construction, the District shall file with the Rail Crossings Engineering Section of the CPSD final construction plans.

6. The District shall inform the Rail Crossings Engineering Section of CPSD in writing within 30 days of the date of completion of this project.

7. This authorization shall expire if not exercised within two 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. This application is granted as set forth above.

9. Application 02-03-043 is closed.

This order is effective today.

Dated October 3, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL. W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX B GRADE SEPARATION PLAN



