

Decision 04-03-015 March 16, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the PENINSULA CORRIDOR JOINT POWERS BOARD for authority to construct a new pedestrian overpass to replace an existing pedestrian crossings at grade, construct two private service crossings and to construct a new crossing at grade over a Union Pacific Railroad spur track at the Bayshore Station, City of Brisbane, County of San Mateo.

Application 03-07-039
(Filed July 24, 2003)

OPINION GRANTING APPLICATION

Summary

This decision grants the application of the Peninsula Corridor Joint Powers Board (Caltrain) to replace three existing at-grade pedestrian-rail crossings with one grade-separated pedestrian-rail crossing overpass and to construct two at-grade private service crossings over Caltrain's main line tracks, and to relocate an at-grade pedestrian crossing over a Union Pacific Railroad (UPRR) spur track at the new Caltrain Bayshore Station in Brisbane, County of San Mateo (the Project). This proceeding is closed.

Discussion

Caltrain filed its application July 24, 2003; notice was published in the Daily Calendar on July 29, 2003. UPRR filed a timely protest on August 27, 2003, asserting that the proposed at-grade pedestrian crossing of its spur track would not be safe and would interfere with the operation of UPRR trains. UPRR did not protest any other aspect of the application. Caltrain filed a Supplement to

the Application on October 7, 2003. UPRR withdrew its protest on January 15, 2004. This application is therefore uncontested.

The proposed Project is part of Caltrain's North CTX project, which is itself part of the "Baby Bullet" train project to provide express rail passenger service between San Francisco and San Jose in less than one hour. In order to meet this goal, Caltrain is increasing from two to four tracks at several locations, including Bayshore Station. The entire station location is being moved several hundred feet to the south in order to accommodate the new four-track layout. Daily rail traffic at this location currently consists of 76 Caltrain commuter trains and 5 UPRR freight trains, with the commuter trains running at 50 miles per hour (mph) and the freight trains at 40 mph. A map showing the Project location is included as Appendix A.

The new grade-separated pedestrian rail-crossing (PUC Crossing No. 105E-5.20-AD) will accommodate the four tracks. It will have both stairs and an elevator and is intended to comply with the access requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* A plan for the grade-separated pedestrian-rail crossing is included as Appendix B. After reviewing the need for and safety of the grade-separated pedestrian-rail crossing, the Rail Crossings Engineering Section (RCES) staff of the Consumer Protection and Safety Division recommends that the application be granted.

Caltrain also desires to build two private service crossings, one each at the far north and south ends of the platform. The two service crossings would be for the sole use of Caltrain personnel, and would be closed off by locked gates when not in use. RCES staff carefully reviewed the plan for the gates, since it is possible that persons might try to climb over the gates in order to avoid having to use the grade-separated pedestrian-rail crossing. Staff is now satisfied that the

height and structural design of the proposed gates make it very unlikely that anyone would climb over them.

The UPRR spur track serves Sierra Lumber in Brisbane. Caltrain proposes to close an existing at-grade crossing and build a new at-grade crossing for pedestrian use on the east side of the station, because patrons coming from the parking lot must cross the spur track.¹ The new at-grade crossing presents minimal risk to pedestrian users. The spur track has only two train movements a week, with a maximum speed of 10 MPH. All freight and work trains utilizing the spur are required by Caltrain operating procedures to stop short of passengers crossing the track. (National Railroad Passenger Corporation, Caltrain, Track Bulletin Form C, number 305 (July 6, 2003).) Caltrain will install concrete-surfacing panels for maximum crossing surface quality. Caltrain will also install two Standard No. 1-Cs (Private Crossing Sign), as described in GO 75-C.

CEQA Review

Caltrain is the lead agency for this project under the California Environmental Quality Act (CEQA) Pub. Res. Code § 21000 *et seq.* On May 3, 2001, Caltrain filed in San Mateo County a Notice of Exemption (NOE) for work at a variety of locations, including this Project, pursuant to § 15275 of the CEQA Guidelines, which describes the statutory exemption from CEQA for “the institution or increase of passenger or commuter service on rail lines . . . already in use, including the modernization of existing stations and parking facilities.”

¹ In order to facilitate construction of the two additional tracks and new passenger platforms, on June 18, 2003, a temporary crossing over the spur track was authorized by Commission staff under General Order (GO) 88-A.

The Commission is a CEQA responsible agency, as defined in Pub. Res. Code § 21069, for the Project. 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 Guidelines, §§ 15050, 15096.)

In this case, Caltrain, the lead agency, determined that the Project was exempt from CEQA. We are aware of no reason why Caltrain's determination of exemption for the project is not warranted. We find the NOE prepared by Caltrain adequate for our decision-making purposes. Accordingly we also find the Project exempt from CEQA.

Categorization

This proceeding was preliminarily categorized as ratesetting on August 21, 2003 by Resolution ALJ 176-3117. We also preliminarily determined that hearings were not necessary. The only protest filed has been withdrawn. Staff recommends that this application be granted. The preliminary determinations are confirmed.

Comments on Draft Decision

This is now an uncontested matter in which the decision grants the relief requested. Pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment could be waived. Caltrain has, however, requested that the comment period instead be reduced to 10 days. Any comments on this draft decision must therefore be filed and served no more than 10 days from the mail date of this draft decision. No comments were received.

Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Anne E. Simon is the Assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on July 29, 2003.
2. UPRR filed a timely protest to the application on August 27, 2003.
3. UPRR withdrew its protest on January 15, 2004.
4. This application is uncontested.
5. The proposed new grade-separated pedestrian-rail crossing overpass over Caltrain's main line tracks at the Bayshore Station in Brisbane, San Mateo County is identified as PUC Crossing No. 105E-5.20-AD.
6. The two new at-grade private service crossings at the Bayshore station are identified as PUC Crossings No. 105E-5.16-X and 105E-5.30-X.
7. The proposed relocated at-grade highway-rail crossing over an existing UPRR spur line is identified as PUC Crossing 001E-5.15-CDX.
8. Public convenience, safety, and necessity require the construction of the grade-separated pedestrian-rail crossing, the two service crossings, and the relocated at-grade pedestrian crossing over the UPRR spur line.
9. Caltrain is the CEQA lead agency for the Project.
10. The Commission is a responsible agency for the Project under CEQA.
11. The Commission reviewed and considered Caltrain's environmental documentation.
12. On May 3, 2001, Caltrain filed a NOE pursuant to CEQA Guidelines § 15275, finding that work proposed at a variety of locations, including the work proposed for the Project, is exempt from CEQA.
13. Caltrain's environmental documentation is adequate for our decision-making purposes.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. Public convenience, safety, and necessity require the construction of a new grade-separated pedestrian-rail crossing and two service crossings of the Caltrain main tracks, and the relocation of an at-grade pedestrian crossing over the UPRR spur line at Caltrain's new Bayshore Station.
3. The NOE filed by Caltrain as the documentation required by the California Environmental Quality Act (CEQA) for the project proposed in this application is adequate for our decision-making purposes.
4. We adopt Caltrain's NOE finding the proposed project exempt from CEQA.
5. The application should be granted as set forth in the following order.
6. In order to allow construction to proceed expeditiously, this order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The Peninsula Corridor Joint Powers Board (Caltrain) is authorized to replace three existing at-grade pedestrian-rail crossings with a new grade-separated pedestrian rail-crossing, identified as PUC Crossing No. 105E-5.2-AD, over its main line tracks in Brisbane, San Mateo County at the new Bayshore Station.
2. Caltrain is authorized to construct two at-grade private service-crossings, identified as PUC Crossing No. 105E-5.16-X and 105E-5.30-X, over its main line tracks in Brisbane, San Mateo County at the new Bayshore Station.
3. Caltrain is authorized to build a new at-grade pedestrian crossing, identified as PUC Crossing No. 001E-5.15-CD, over the tracks of the Union

Pacific Railroad's Sierra Lumber spur track in Brisbane, San Mateo County at the new Bayshore Station.

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

5. 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.

6. Prior to construction, Caltrain shall file with Consumer Protection and Safety Division's Rail Crossings Engineering Section (RCES) final construction plans, approved by the City of Brisbane.

7. Within 30 days after completion of the work under this order, Caltrain shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

8. This authorization shall expire if not exercised within two years unless the time is extended.

9. This authorization shall expire if the above conditions are not complied with.

10. This authorization may be revoked or modified if public convenience, necessity, or safety so require.

11. This application is granted as set forth above.

12. Application 03-07-039 is closed.

This order is effective today.

Dated March 16, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners