

Decision \_\_\_\_\_

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

Application of the City of Mountain House for an Order Authorizing a Public Railroad Crossing of the Union Pacific Railroad Tracy Subdivision Track with Mountain House Parkway (milepost 75.54) within the City of Mountain House, County of San Joaquin, State of California.

Application 25-05-003

**DECISION AUTHORIZING THE CITY OF MOUNTAIN HOUSE  
TO CONSTRUCT A PUBLIC AT-GRADE RAIL CROSSING  
AT MOUNTAIN HOUSE PARKWAY AND  
TO REMOVE THE EXISTING AT-GRADE PUBLIC RAIL CROSSINGS  
AT HENDERSON ROAD AND WICKLUND ROAD**

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AT HENDERSON ROAD AND WICKLUND ROAD**

**Summary**

This decision grants the City of Mountain House authority to construct an at-grade rail crossing at milepost 75.54, extending Mountain House Parkway over the Union Pacific Railroad Tracy Subdivision tracks in the City of Mountain House, County of San Joaquin. This decision also authorizes the City of Mountain House to remove the public at-grade rail crossing at Henderson Road, milepost 75.60, and the public at-grade rail crossing at Wicklund Road, milepost 76.40.

This proceeding is closed.

**1. Background**

**1.1. Factual Background**

The City of Mountain House (City, Mountain House, or Applicant) is a planned community in California's Central Valley neighboring the City of Tracy, California. The Mountain House Master Plan envisions up to 16,000 homes, with over 11,000 of these homes on the south side of the Union Pacific Railroad Tracy Subdivision tracks (UP Tracks), and roughly 4,500 homes north of the UP Tracks.

In Decision 06-06-052, the California Public Utilities Commission (Commission) approved a grade-separation at Central Parkway over the UP Tracks, which was identified as CPUC Crossing No. 001B-74.80-A. In 2008, when the Central Parkway grade-separation was constructed, there were five at-grade crossings in Mountain House over the UP Tracks—three public crossings at

Kelso Road (CPUC Crossing No. 001B-74.20, DOT #751855W), at Henderson Road (CPUC Crossing No. 001B-75.60, DOT #751858S), and at Wicklund Road (CPUC Crossing No. 001B-76.40, DOT #751859Y), and two private crossings.

In 2008,<sup>1</sup> in response to Union Pacific Railroad Company's (UPRR) concern about the number of at-grade crossings over the UP Tracks, Mountain House and UPRR reached a compromise wherein Mountain House agreed to limit the number of at-grade crossings to Mountain House Parkway and Great Valley Parkway.<sup>2</sup> The existing at-grade crossings at Kelso Road, Wicklund Road and Henderson Road, as well as the two private crossings would be removed. UPRR's concurrence with this approach is evidenced in its January 14, 2008 letter agreement<sup>3</sup> and UPRR's letter of April 13, 2025.<sup>4</sup> The two private crossings have been abandoned and removed. The three public crossings remain.

In May 2025, the City submitted two applications to the Commission. The project in this Application extends Mountain House Parkway north over the UP Tracks and connects the new housing to existing shopping and housing south of the UP Tracks. It also proposes to remove two existing public crossings at Henderson Road and Wicklund Road.

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<sup>1</sup> In 2008, the Mountain House Community Services District was the governing body for what is now the City of Mountain House. All references to the City or Mountain House related to events that occurred prior to 2024, the date that Mountain House incorporated, are meant to refer to the Mountain House Community Services District.

<sup>2</sup> The Great Valley Parkway crossing and the removal of the crossing at Kelso Road are the subject of Application (A.)25-05-002.

<sup>3</sup> Exhibit MH-05.

<sup>4</sup> Exhibit MH-06.

The second application is A.25-05-002, which proposes to extend Great Valley Parkway north of the UP Tracks into the new housing subdivision. That application includes the proposed removal of the existing at-grade crossing at Kelso Road. That application will be addressed in a separate decision.

## **1.2. Procedural Background**

On May 8, 2025, the City of Mountain House filed an application to construct a new at-grade crossing, the extension of Mountain House Parkway, across and over the UP Tracks, at milepost (MP) 75.54 (DOT # 971 765 E) in the City of Mountain House, County of San Joaquin, State of California, and to remove the existing at-grade rail crossings at MP 75.60, Henderson Road and at MP 76.40, Wicklund Road (Application).

The Commission's Rail Safety Division (RSD) filed a response on July 7, 2025. There were no protests to the Application.

The assigned Administrative Law Judge (ALJ) held a prehearing conference on August 7, 2025.

On August 22, 2025, Mountain House Developers, LLC filed a motion for party status under Rule 1.4 of the Commission's Rules of Practice and Procedure<sup>5</sup> (Rules), which was granted on September 4, 2025.

On September 2, 2025, Commissioner Douglas issued a Scoping Memo and Ruling (Scoping Memo) that set forth the issues to be addressed in this proceeding and established a schedule for the proceeding.

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<sup>5</sup> All references to Rule or Rules in this decision refer to the Commission's Rules of Practice and Procedure, unless otherwise stated, at California Code of Regulations (CCR), Title 20, Division 1, Chapter 1.

On September 15, 2025, the assigned ALJ and the assigned Assistant Chief ALJ conducted a site visit to the locations of the proposed rail crossing at Mountain House Parkway and the proposed rail crossing removals at Henderson Road and Wicklund Road.

On September 19, 2025, Applicant filed a Request for Judicial Notice of the Mountain House Specific Plan II Initial Study prepared by the San Joaquin County Community Development Department in December 2004 and the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005.

On November 7, 2025, Applicant filed a response to a request for information made by the assigned ALJ in a September 23, 2025 ruling.

On November 10, 2025, the assigned ALJ held a status conference to discuss public notice and the design of the physical barriers blocking access to the existing rail crossings at Henderson Road and Wicklund Road following their closure.

On December 12, 2025, the assigned ALJ issued a ruling amending the proceeding schedule to remove the briefing schedule and to request additional information.

On December 19, 2025, Applicant filed and served answers to the questions posed by the assigned ALJ in the December 12, 2025 ruling.

On December 30, 2025, Applicant served updated drawings showing additional design details for the closure of the Henderson Road and Wicklund Road crossings.

On January 9, 2026, RSD reviewed the design details and filed a Response to Amended Drawings stating that it has no objection to the amended drawings.

On January 9, 2026, Applicant filed a motion to admit evidence into the evidentiary record.

**2. Receiving Application and Exhibits into the Evidentiary Record, Taking Judicial Notice of California Environmental Quality Act Documents, and Closing the Proceeding Record**

**2.1. Receiving and Admitting Evidence into the Evidentiary Record**

On January 9, 2026, Applicant filed a motion to admit evidence into the evidentiary record. Along with its Application, the City provided a number of exhibits, Closure and Demolition Plans, a memorandum from Mountain House Developers regarding public outreach, and the Mountain House City Council November 12, 2025 hearing materials including agenda, staff report, minutes and correspondence. All exhibits are marked as follows and admitted into the evidentiary record:

<b>Exhibit Number</b>	<b>Party or Witness</b>	<b>Exhibit Name and Description</b>
<b>MH-01</b>	Mountain House	Project vicinity maps, Exhibit A to the Application
<b>MH-02</b>	Mountain House	Crossing plan and railroad profile, Exhibit B to the Application
<b>MH-03</b>	Mountain House	Mountain House Parkway roadway plans and removal plans for the Henderson Road and Wicklund Road crossings, Exhibit C to the Application
<b>MH-04</b>	Mountain House	Mountain House Parkway legal description, Exhibit D to the Application

<b>MH-05</b>	Mountain House	Agreement with UPRR dated January 14, 2008, Exhibit E to the Application
<b>MH-06</b>	Mountain House	Letter from UPRR dated April 13, 2025, second letter in Exhibit E to the Application
<b>MH-07</b>	Mountain House	Preemption calculations and traffic signal plans, Exhibit F to the Application
<b>MH-08</b>	Mountain House	Henderson Road Closure Distances, Attachment 1 to Response to Request for Information filed by Applicant on 11/7/25
<b>MH-09</b>	Mountain House	Wicklund Road Closure Distances, Attachment 2 to Response to Request for Information filed by Applicant on 11/7/25
<b>MH-10</b>	Mountain House	November 12, 2025 Mountain House City Council staff report, agenda, minutes and correspondence
<b>Mh-11</b>	Mountain House	Mountain House Developers, LLC memorandum regarding communications with property owners affected by railroad crossing removals
<b>MH-12</b>	Mountain House	Plans and drawing titled Demolition and Closure Plans, dated 12/15/25

## **2.2. Judicial Notice of California Environmental Quality Act Documents**

Rule 13.10 allows the Commission to take official notice “of such matters as may be judicially noticed by the courts . . . pursuant to Evidence Code section 450 *et seq.*” The Evidence Code permits taking judicial notice of regulations and

legislative enactments issued by or under the authority of any public entity.<sup>6</sup> The City asked the Commission to take judicial notice of the following California Environmental Quality Act (CEQA) documents:<sup>7</sup> 1) The Final Environmental Impact Report for the Mountain House Master Plan and Specific Plan, Volumes 1 and 2, dated September 1994 (1994 EIR), 2) the Mountain House Specific Plan II Initial Study and related entitlements dated December 2004, including Exhibits A and B thereto, and 3) the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005. All of these documents were prepared by San Joaquin County, which was the governing agency for Mountain House at the time the documents were prepared and adopted.

We find that taking judicial notice of the 1994 EIR and the Mountain House Specific Plan II initial study with exhibits A and B and the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005, is appropriate because the documents are relevant to this proceeding<sup>8</sup> and within the scope of the documents that the Commission may take official notice of under the Rules and the Evidence Code.

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<sup>6</sup> Evidence Code section 452.

<sup>7</sup> See Request for Judicial Notice of the City of Mountain House, filed September 19, 2025.

<sup>8</sup> Relevance is a precondition for the taking of judicial notice. (People ex rel. Lockyer v. Shamrock Foods Company (2000) 24 Cal.4th 415, 422 fn. 2; Aquila, Inc. v. Superior Court (2007) 148 Cal. App. 4th 556, 575 [the appropriateness of a judicial notice request depends on a showing of substantive relevance, as well as procedural admissibility].) Moreover, Evidence Code section 350 states “No evidence is admissible except relevant evidence.”

**3. Submission Date**

This matter was submitted on January 9, 2026, upon RSD's response to the updated design drawings.

**4. Jurisdiction**

The Commission has jurisdiction over railroad crossings under Public Utilities (Pub. Util.) Code sections 1201 and 1202. The applicable safety and regulatory requirements are found in Pub. Util. Code sections 1201-1205. Rules 3.7 - 3.11 also govern applications to construct crossings involving railroads and public roads.

**5. Issues Before the Commission**

The issues to be determined or otherwise considered are:

1. Should the Commission approve the Application for construction of an at-grade railroad crossing on Mountain House Parkway, under Pub. Utilities Code sections 1201-1205, and Rules 3.7 and 3.8?
2. Should the Commission approve removing the existing at-grade crossing at MP 76.40 at Wicklund Road (CPUC Crossing No. 001B-76.40, DOT #751859Y)?
3. Should the Commission approve removing the existing at-grade crossing at MP 75.60 at Henderson Road (CPUC Crossing No. 001B-75.60, DOT #751858S)?
4. Has the Applicant complied with CEQA?
5. Should the Commission grant the Applicant a period of 36-months, or three years, from the date the Application is approved to complete the proposed project?
6. Does the Application align with or impact the achievement of any of the nine goals of the Commission's Environmental and Social Justice (ESJ) Action Plan?

## **6. Public Utilities Code sections 1201-1205 and Rules 3.7 and 3.8**

### **6.1. Public Utilities Code sections 1201**

Under Pub. Util. Code section 1202, the Commission has the authority to approve rail crossings and rail crossing closures. Mountain House complied with Pub. Util. Code section 1201 by submitting A.25-02-003 to the Commission to construct an at-grade crossing at Mountain House Parkway and to remove the at-grade rail crossings at Henderson Road and Wicklund Road.

### **6.2. Rule 3.7**

Rule 3.7 is the applicable Rule for applications to construct a roadway over existing railroad tracks, as in the case of Mountain House Parkway's extension over the UP Tracks. Rule 3.7 is satisfied as follows:

Rule 3.7(a): The crossing name is Mountain House Parkway, located at MP 75.54, with a latitude and longitude coordinates as follows: latitude 37.782573 and longitude 121.530421.

Rule 3.7 (b): The crossing identification number of the nearest existing public crossing located to the proposed crossings are:

- To the north, Central Parkway (CPUC Crossing No. 001B-74.80-A, US DOT # 924331R).
- To the south, Henderson Road (CPUC Crossing No. 001B-75.60, US DOT # 751858S).

Rule 3.7 (c)(1): A statement showing the public need to be served by the proposed crossing is included on pages 3 and 4 of the Application wherein the City asserts that the new Mountain House Parkway at-grade crossing, the removal of two private crossings and the removal of the crossings at Henderson

Road, Wicklund Road, and Kelso Road coupled with the crossing in Application 25-05-002 at Great Vally Parkway, will provide the City with two at-grade crossings. Limiting the number of at-grade crossings satisfies UPRR's concerns about the number of at-grade crossings over a relatively short distance.

Additionally, the new Mountain House Parkway crossing will be one of three crossings connecting the planned communities on both sides of the UP Tracks.

Rule 3.7 (c)(2): A statement showing why a grade-separation is not practicable is included on page 4 of the Application. Applicant contends that a grade-separated crossing is not economically or physically feasible at the proposed at-grade crossing because the at-grade crossing has been evaluated and planned over the past 30 years, including approval through two CEQA processes. Applicant specifically explains that:

Today the land is zoned and improved with roads and public utility infrastructure. Converting the proposed Mountain House Parkway at-grade crossing into a grade-separated crossing would have a severe economic impact, resulting in the loss of developable acreage. In addition to the cost of an additional 300-foot-long grade-separated crossing, a controlled access interchange would be required to connect the residences of Mountain House to Byron Road. A controlled access interchange would require rezoning of land uses and condemnation of private property. Furthermore, there is already significant public utility infrastructure now in the ground that would have to be relocated for a grade-separated crossing.<sup>9</sup>

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<sup>9</sup> Mountain House Application at 4.

Rule 3.7 (c)(3): A drawing showing the signs, signals, or other crossing warning devices is included in Exhibit B to the Application.<sup>10</sup>

Rule 3.7 (d): Drawings in compliance with Rule 3.7(d) are included in Exhibit B to the Application.<sup>11</sup>

Rule 3.7 (e): A map in compliance with Rule 3.7(e) is included in Exhibit A to the Application.<sup>12</sup>

Rule 3.7 (f): Drawings (profile) in compliance with Rule 3.7(f) are included in Exhibit C to the Application<sup>13</sup> and in Exhibit MH-12.

Applicant has provided sufficient evidence to satisfy Rule 3.7.

### **6.3. Rule 3.8**

Rule 3.8 requires that an application to alter or relocate an existing railroad crossing comply with Rule 3.7, except that it must state the crossing identification number of the affected crossing instead of the nearest crossing, and must state whether the affected crossing will remain within the existing right of way.

Because the Application requests a new at-grade rail crossing and removal of two existing at-grade rail crossings, and not a modification or relocation of a rail crossing, Rule 3.8 does not apply.

### **6.4. The Commission's General Orders**

The Commission has three General Orders that apply to rail crossings, two of which specifically apply to at-grade crossings. General Order (GO) 26-D

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<sup>10</sup> Exhibit MH-02.

<sup>11</sup> *Ibid.*

<sup>12</sup> Exhibit MH-01.

<sup>13</sup> Exhibit MH-03.

governs clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings. GO 72-B governs construction and maintenance-standard types of pavement construction at-grade railroad crossings. GO 75-D governs warning devices for at-grade railroad crossings.

The Mountain House Application complied with all three GOs. Specifically, the at-grade crossing surfaces comply with GO 72-B, Sections III, IV, and X;<sup>14</sup> the at-grade crossing satisfies GO 75-D because the crossing has the appropriate warning devices on each approach to the crossing;<sup>15</sup> and the crossing meets the requirements of GO 26-D, sections 2 and 3.<sup>16</sup>

Applicant provided sufficient evidence to satisfy GO 26-D, GO 72-B and GO 75-D.

**7. Removal of the Existing At-Grade Rail Crossings at MP 75.60, Henderson Road (DOT #751858S) and at MP 76.40, Wicklund Road (DOT #751859Y).**

The City intends to open the new rail crossing at Mountain House Parkway and simultaneously close the existing at-grade rail crossings at Henderson Road and Wicklund Road.<sup>17</sup> The City will install barricades outside of the railroad right of way prohibiting vehicles, pedestrians and bicyclists from crossing the UP Tracks at Henderson Road and Wicklund Road.<sup>18</sup> The railroad

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<sup>14</sup> Response of the Rail Safety Division to the Application of City of Mountain House to Construct One At-Grade Highway-Rail Crossing in the City of Mountain House, filed July 7, 2025, Appendix A, at A-2 and A-3.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Exhibit MH-12.

<sup>18</sup> *Ibid.*

crossing infrastructure at those locations, such as the crossing gates and lights, will also be removed.

Vehicles that would normally utilize the Henderson Road railroad crossing will be rerouted to the new crossing at Mountain House Parkway by way of a .76 mile detour that will direct traffic north onto Henderson Road, west onto B Street and south onto Todormal Parkway.<sup>19</sup>

Vehicles that would normally cross the railroad UP Tracks at Wicklund Road will be redirected to Mountain House Parkway by way of a 1.6 mile detour that will direct traffic north on Wicklund Road, west on Bethany Road, north on Henderson Road, west on B Street and South on Todormal Parkway.<sup>20</sup>

The new crossing at Mountain House Parkway will be an improved crossing consisting of four lanes in the westbound direction including one left-turn lane, one right-turn lane, and two through lanes. The eastbound direction will have two through lanes. A 10-foot, non-mountable concrete median will separate the two traffic lanes. An American with Disabilities Act compliant sidewalk on the west side of Mountain House Parkway will provide pedestrian access.<sup>21</sup> Given the proximity of the Henderson Road crossing to the new Mountain House crossing, and the fact that the Henderson Road crossing does not include pedestrian access, we find that it is reasonable to close the Henderson

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<sup>19</sup> Exhibit MH-08

<sup>20</sup> Exhibit MH-09.

<sup>21</sup> See Application, at 4 and 5.

Road crossing and divert the existing traffic to the new Mountain House Parkway crossing.

As noted at the September 15, 2025 site visit, the crossing at Wicklund Road is very steep. Vehicles that turn onto Wicklund Road from Byron Highway must ascend a steep embankment to cross the UP Tracks, after which they descend on an equally steep slope on the other side of the UP Tracks. The embankment obstructs the sight line to vehicles coming from the opposite direction. The Wicklund Road crossing likewise does not have a dedicated pedestrian crossing. Although the diversion to the Mountain House Parkway crossing requires vehicles to travel over 1.5 miles, we find that for safety reasons it is in the public interest to close the Wicklund Road rail crossing.

#### **8. California Environmental Quality Act Compliance**

CEQA<sup>22</sup> requires governmental agencies to evaluate environmental impacts from proposed projects, and to mitigate any identified environmental impacts to the extent possible. The proposed at-grade crossing at Mountain House Parkway and the removal of the Henderson Road and the Wicklund Road at-grade crossings are considered “projects” under CEQA. As such, CEQA requires analysis and possible exemption or mitigation of adverse or significant environmental impacts.

The CEQA “lead agency” is the public agency with the principal responsibility for approving or carrying out the project. The lead agency maintains the responsibility for deciding whether an Environmental Impact

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<sup>22</sup> Public Resources Code sections 21000 *et seq.*

Report (EIR) or a negative declaration will be required and has the obligation to prepare the appropriate document,<sup>23</sup> or to determine whether the project is statutorily or categorically exempt from CEQA. A CEQA “responsible agency” is a public agency that will make a discretionary decision about the project for which a lead agency is preparing or has prepared an EIR or negative declaration.<sup>24</sup>

Here, the City is the lead agency and the Commission is a responsible agency under CEQA. As a responsible agency under CEQA, the Commission must consider the lead agency’s environmental document and findings before acting on or approving the project.<sup>25</sup>

The Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project that it decides to carry out, finance, or approve.<sup>26</sup> In this case, the Commission only needs to consider the direct or indirect environmental effects of the proposed crossing and the proposed crossing removals.

### **8.1. Environmental Review**

The City proffered the following CEQA Documents: The 1994 EIR, the Mountain House Specific Plan II Initial Study, dated December 2004 and the

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<sup>23</sup> 14 CCR section 15367.

<sup>24</sup> 14 CCR section 15381. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that have discretionary approval power over the project.

<sup>25</sup> 14 CCR, sections 15050(b) and 15096.

<sup>26</sup> 14 CCR section 15096(g).

Notice of Determination for the Mountain House Specific Plan Initial Study, dated February 8, 2005. The 1994 EIR described the proposed project (developing the town of Mountain House), identified potential environmental impacts, identified mitigation measures, and discussed alternatives and potential cumulative impacts. The Mountain House Specific Plan II initial study concluded that the changes made in Specific Plan II (along with a Master Plan amendment, changes to the Development Agreement and General Plan Amendment PA-0400738) were projects within the scope of the 1994 EIR. Because the City of Mountain House was not yet incorporated, San Joaquin County served as the lead agency on both the 1994 EIR and the Specific Plan II Initial Study.<sup>27</sup>

The proposed extension of Mountain House Parkway and the addition of an at-grade rail crossing at Mountain House Parkway were considered in the Specific Plan II and evaluated in the Specific Plan II Initial Study.<sup>28</sup> The removal of the Wicklund Road crossing was part of the 1994 Master Plan and was evaluated in the 1994 EIR.<sup>29</sup> Although the 1994 EIR contemplated improving the rail crossing at Henderson Road,<sup>30</sup> the Specific Plan II Initial Study evaluated

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<sup>27</sup> The City of Mountain House incorporated in July 2024.

<sup>28</sup> Specific Plan II, Initial Study, Part I, at 3-40, Part 2, at 5-123 and 5-178, Mitigation Measure 4-12-9, and Part 3 at sections 9.9.3 and D-19.

<sup>29</sup> 1994 EIR at 4.12-10.

<sup>30</sup> 1994 EIR at 4.12-50, Appendix C at C-61 and Appendix D at D-18.

amendments to the 1994 Master plan proposing to close the existing crossing at Henderson Road.<sup>31</sup>

The 1994 EIR identified that the build-out of the 1994 Master Plan would increase the number of vehicles crossing the railroad UP Tracks.<sup>32</sup> Measures were adopted to mitigate those impacts. Mitigation Measure M4-12-8 states that the Master Plan was amended to address safe rail crossings for vehicles, pedestrians, and bicyclists. M4-12-9 explains that the Master Plan shows closing the rail crossing at Wicklund Road<sup>33</sup> and Specific Plan II calls for closing the rail crossings at Henderson Road<sup>34</sup> and adding a rail crossing at Mountain House Parkway to eliminate the current limited weaving and merging on Byron Road to cross the rail UP Tracks.<sup>35</sup>

The Initial Study for Specific Plan II also evaluated the impact on endangered or threatened species and found a pair of nesting Swainson's hawks west of Mountain House Parkway in the central portion of the proposed town center. The town center is located to the south of the rail crossing across Byron Road.<sup>36</sup> This is several hundred feet away from the proposed rail crossing.

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<sup>31</sup> Specific Plan II, Initial Study, Part 1, at 3-40, Part 2, at 5-123 and 5-178, Mitigation Measure 4-12-9, and Part 3 at sections 9.9.3 and D-19.

<sup>32</sup> Specific Plan II, Initial Study, Part 2, at 5-175.

<sup>33</sup> Specific Plan II, Initial Study, Part 2, at 5-176.

<sup>34</sup> Specific Plan II, Initial Study, Part 2, at 5-123.

<sup>35</sup> Specific Plan II, Initial Study, Part 2, at 5-123 and 5-176.

<sup>36</sup> Specific Plan II, Initial Study, Part 1, at 5-34.

## 8.2. Determination

After reviewing the 1994 EIR and the Specific Plan II Initial Study, we find that the project to install an at-grade rail crossing at Mountain House Parkway, and to remove the existing at-grade rail crossings at Henderson Road and Wicklund Road, as well as installation of barriers and landscaping to deter pedestrians and vehicles from utilizing the closed rail crossings, has been sufficiently reviewed under CEQA and that the CEQA documents contain sufficient and appropriate mitigation to less than significant levels of any environmental impacts associated with the rail crossings discussed in this decision. Following issuance of this decision and in compliance with CCR, Title 14, section 15096(h) through (i), the Commission's Energy Division shall file a Notice of Determination with the CEQA Clearinghouse certifying that the Commission considered the environmental documents related to the proposed crossing and proposed crossing removals prior to issuing this decision.

## 9. Timing for Construction of the Rail Crossing at Mountain House Parkway and Removal of the Henderson Road Crossing and the Wicklund Road Crossing

The Application did not specify a certain construction period. RSD, however, recommended an authorization period of 36 months.<sup>37</sup> We find RSD's recommendation to be reasonable. Accordingly, the authorization in this decision is granted for a period of 36 months during which time the City must complete

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<sup>37</sup> Response of the Rail Safety Division, filed June 11, 2025, at 3.

construction of the at-grade rail crossing at Mountain House Parkway and remove the at-grade rail crossings at Wicklund Road and Henderson Road.

#### **10. Compliance with the Commission's Environmental and Social Justice Action Plan**

The Commission promulgated its ESJ Action Plan 2.0 (Action Plan) to provide an operating framework for incorporating ESJ considerations into all Commission proceedings. The Action Plan requires the Commission to consider equity, diversity, inclusion, access, and burdens on low-income populations, populations of color, and Native American Tribes. The Action Plan contains nine goals, and the operational framework established four steps in achieving those goals, namely 1) determine if the proceeding has an ESJ impact; 2) establish an outreach plan for potentially impacted communities; 3) determine the specific ESJ impact in the proceeding; and 4) incorporate ESJ impacts into the proceeding and record.<sup>38</sup>

The first step is determining whether the proposed rail crossing and the rail crossing removals have a social and environmental impact. According to the most recent United State Census information, Mountain House's population is roughly 56% Asian, 26% White, and 18% Black, Latino, and Native American.<sup>39</sup> Under CalEnviroScreen, Mountain House is in Census Tract 6077005206 with a CalEnviroScreen score of 58. The Action Plan classifies communities as disadvantaged if they have a census tract score in the top 25%.<sup>40</sup> Mountain

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<sup>38</sup> CPUC Environmental and Social Justice Action Plan 2.0, at 15.

<sup>39</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>

<sup>40</sup> CPUC Environmental and Social Justice Action Plan 2.0, at 2.

House's median household income in 2023 was \$171,675.<sup>41</sup> Accordingly, Mountain House is not classified as a disadvantaged community.

Additional considerations in rail crossing cases, and particularly when a rail crossing will be removed, are the racial and economic composition of the communities on both sides of the UP Tracks. The Commission considers whether the construction or removal of rail crossings will create physical, racial, or economic boundaries, and whether the new rail crossings provide easy and safe access to community amenities for all residents.

There are few houses and businesses north of the UP Tracks. Mountain House is a planned community and the housing north of the UP Tracks is currently in the construction and sales phase. The housing stock north of the UP Tracks will be consistent with the existing housing stock in the City, namely single-family homes. In 2023, 73.1% of the housing in Mountain House was owner-occupied, and the median home value was \$859,700.<sup>42</sup> The proposed rail crossing at Mountain House Parkway will connect the new development to the north of the UP Tracks with the existing housing and community amenities.

Removing the rail crossings at Wicklund Road and Henderson Road will impact existing residents. At the site visit on September 15, 2025, the assigned ALJ asked about communication with the existing residents that rely on the existing rail crossings. On November 7, 2025, Applicant filed its Response to Requests for Information in which the City identified two properties that would

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<sup>41</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>

<sup>42</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>

be impacted by the closure of the Henderson Road crossing and three properties that would be impacted by the closure of the Wicklund Road crossing.<sup>43</sup> The City reported that it provided written notice to each of the impacted properties of a public hearing scheduled for November 12, 2025. Additionally, Mountain House Developers, LLC, on behalf of the City, contacted each resident/business owner individually.<sup>44</sup> The City further committed to providing quarterly updates to those affected.<sup>45</sup>

In response to the assigned ALJ's ruling dated December 12, 2025, requesting that the City report back on the November 12, 2025 public hearing, the City provided a detailed memorandum prepared by Mountain House Developers, LLC on its efforts to communicate with residents and property owners. One property owner raised concerns about the interim traffic routes along Henderson Road.<sup>46</sup> The City also reported that at the public hearing, another property owner spoke in opposition to the closure of Henderson Road. This property owner was concerned about cutting off access to his property and the legality of closing the Henderson Road crossing.<sup>47</sup>

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<sup>43</sup> Response to Request for Information, filed on 10/7/25, at 2-3.

<sup>44</sup> *Id.* at 3.

<sup>45</sup> *Id.* at 3.

<sup>46</sup> Mountain House Response to Request for Information, filed December 19, 2025, Attachment 2.

<sup>47</sup> Mountain House Response to Request for Information, filed December 19, 2025, Attachment 1.

The Commission finds that the City has and will continue to engage the community about its plans to close the two existing rail crossings. The Commission further finds that the Application aligns with the EJS Action Plan.

#### **11. Summary of Public Comment**

Rule 1.18 allows any member of the public to submit written comments in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comments submitted in a proceeding be summarized in the final decision issued in that proceeding.

There are no comments on the Docket Card for this proceeding.

#### **12. Conclusion**

As discussed in the preceding sections, the proposed at-grade rail crossing at Mountain House Parkway and the proposed closures of the at-grade rail crossings at Henderson Road and Wicklund Road, as described in the Application, and the updated plans and drawings dated December 15, 2025, comply with the requirements set forth in Rule 3.7 as well as the relevant sections of GO 72-B, GO 75-D, and GO 26-D. The proposed rail crossing and proposed rail crossing removals have been sufficiently reviewed under CEQA and do not raise any ESJ issues adverse to the Commission’s Action Plan.

We therefore conclude that the Application should be granted. The City should be granted a period of 36 months from the date of this decision within which to complete construction of the proposed crossing at Mountain House Parkway and to close the existing at-grade crossings at Henderson Road and Wicklund Road.

Finally, we also find it reasonable to adopt RSD's recommended language, in part, for the Ordering Paragraphs in this decision.

### **13. Procedural Matters**

This decision affirms all rulings made by the assigned ALJ and the assigned Commissioner in this proceeding. This decision grants the City's motion for judicial notice of the Mountain House Specific Plan II Initial Study prepared by the San Joaquin County Community Development Department in December 2004 and the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005. This decision also grants part of Applicant's motion to admit evidence into the evidentiary record. All other motions not ruled on are deemed denied.

### **14. Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, as provided in Rule 14.6(c)(2), the otherwise applicable 30-day public review and comment period for this decision is waived.

### **15. Assignment of Proceeding**

Karen Douglas is the assigned Commissioner and Leah Goldberg is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The City of Mountain House submitted A.25-05-003 to construct an at-grade rail crossing over the UP Tracks at Mountain House Parkway and to remove at-grade rail crossings at Henderson Road and Wicklund Road.
2. The proposed extension of Mountain House Parkway and the closure of the rail crossings at Henderson Road and Wicklund Road are part of the

Mountain House Master Plan as amended by the Specific Plan II, to construct a community in west San Joaquin County.

3. The City of Mountain House is a planned community that anticipates 11,000 homes on the south side of the UP Tracks and 4,500 homes on the north side of the UP Tracks.

4. Mountain House Parkway will connect newly constructed homes in the northern part of the City with existing homes to the south of the UP Tracks.

5. The homes on the north side of the UP Tracks are currently in the construction and sales phase, although they will consist of roughly the same housing stock as the existing homes on the south side of the UP Tracks.

6. RSD found no safety issues and concluded that the Application complies with the applicable Rules and safety requirements.

7. Applicant and UPRR entered into an agreement for replacing five existing at-grade rail crossings—two private crossings and three public crossings-- with one grade-separated rail crossing and two upgraded at-grade rail crossings to be located at Mountain House Parkway and Great Valley Parkway.

8. The 1994 EIR, and the Initial Study to the Specific Plan II, identify measures to mitigate the environmental impacts of the increase in the number of vehicles crossing the UP Tracks upon build-out of the Master Plan.

9. Mitigation Measure M4-12-8 specifies that the Master Plan was amended to address safe rail crossings for vehicles, pedestrians, and bicyclists.

10. Mitigation Measure M4-12-9 specifies that the Master Plan shows closing the rail crossing at Wicklund Road and Specific Plan II calls for closing the rail crossings at Henerson Road and adding a rail crossing at Mountain House

Parkway to eliminate the current limited weaving and merging on Byron Road to cross the rail UP Tracks.

11. The City of Mountain House is not classified as a disadvantaged community due to its CalEnviroScreen score of 58.

12. Applicant, through Mountain House Developers, LLC, contacted all residents and businesses that will be affected by the rail crossing closures at Henderson Road and Wicklund Road to inform them of the closures and solicit any concerns.

13. The City has and will continue to engage the Mountain House community about its plans to close the rail crossings at Henderson Road and Wicklund Road.

### **Conclusions of Law**

1. Taking judicial notice of the 1994 EIR and the Mountain House Specific Plan II initial study with exhibits A and B, dated December 2004, and the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005 is appropriate because the documents are relevant to this proceeding and within the scope of the documents that the Commission may take official notice of under the Rules and the Evidence Code.

2. Applicant provided sufficient evidence to satisfy Rule 3.7.

3. Rule 3.8. does not apply to the Application because the Application did not request modification or relocation of an existing rail crossing.

4. Applicant provided sufficient evidence to satisfy GO 26-D, GO 72-B and GO 75-D.

5. It is reasonable and in the public interest to close the Henderson Road at-grade crossing and divert the existing traffic to the new Mountain House Parkway crossing.

6. It is reasonable and in the public interest to close the Wicklund Road at-grade crossing and divert the existing traffic to the new Mountain House Parkway crossing.

7. The project to install an at-grade rail crossing at Mountain House Parkway, and to remove the existing at-grade rail crossings at Henderson Road and Wicklund Road, as well as installation of barriers and landscaping to deter pedestrians and vehicles from utilizing the removed rail crossings, has been sufficiently reviewed under CEQA, and any adverse environmental impacts will be appropriately mitigated to less than significant levels.

8. Community concerns raised about the proposed rail crossing closures at Henderson Road and Wicklund Road were not based on ESJ issues.

9. The proposed crossing in this Application, as well as the closure of the rail crossings at Henderson Road and Wicklund Road, and the requested authorization to construct should be granted.

10. The authorization to construct should be granted for a period of 36 months to complete the at-grade rail crossing at Mountain House Parkway and the removal of the at-grade rail crossings at Henderson Road and Wicklund Road.

11. Applicant's motion to take judicial notice should be granted.

12. Any motions not ruled on should be deemed denied.

13. The Application should be approved.

14. This proceeding should be closed.

**O R D E R****IT IS ORDERED** that:

1. The following exhibits are received into the evidentiary record: MH-01, MH-02, MH-03, MH-04, MH-05, MH-06, MH-07, MH-08, MH-09, MH-10, MH-11, and MH-12.
2. The City of Mountain House's Motion for Judicial Notice of: 1) The Final Environmental Impact Report for the Mountain House Master Plan and Specific Plan, Volumes 1 and 2, dated September 1994; 2) the Mountain House Specific Plan II Initial Study and related entitlements dated December 2004, including Exhibits A and B thereto; and 3) the Notice of Determination Regarding Specific Plan II and related entitlements, dated February 8, 2005, is granted.
3. The City of Mountain House is authorized to construct one new public at-grade rail crossing over the Union Pacific Railroad tracks in the City of Mountain House at Mountain House Parkway.
4. The at-grade highway-rail crossing shall be identified as California Public Utilities Commission Crossing Number CPUC No. 001B-75.54 and DOT # 971765E.
5. The at-grade rail crossing shall have the configurations specified in Application 25-05-003 and its attachments and the modified plans and drawings dated December 15, 2025.
6. The City of Mountain House is authorized to remove the existing at-grade rail crossing at Henderson Road (CPUC Crossing No. 001B-75.60, DOT #751858S) in accordance with the configurations specified in Application 25-05-003 and its attachments and the modified plans and drawings dated December 15, 2025.

7. The City of Mountain House is authorized to remove the existing at-grade rail crossing at Wicklund Road (CPUC Crossing No. 001B-76.40, DOT #751859Y) in accordance with the configurations specified in Application 25-05-003 and its attachments and the modified plans and drawings dated December 15, 2025.

8. The City of Mountain House shall comply with all applicable Commission rules, including California Public Utilities Commission General Orders and the California Manual on Uniform Traffic Control Devices.

9. The City of Mountain House shall notify the California Public Utilities Commission's Rail Crossing and Engineering Branch of the Rail Safety Division at least 30 days prior to the opening of the at-grade highway-rail crossing. Notification shall be made by email to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov).

10. Within 30 days after completion of the work authorized by this Decision, the City of Mountain House shall notify the California Public Utilities Commission's Rail Crossing and Engineering Branch of the Rail Safety Division that the authorized work is complete by submitting a California Public Utilities Commission Standard Form G, Report of Completed Changes at Rail Crossing. Form G requirements and forms can be obtained from the California Public Utilities Commission website at <https://www.cpuc.ca.gov/crossings>. The Form G report must be submitted via email to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov).

11. Upon issuance of this decision and in compliance with California Code of Regulations, Title 14, sections 15096(h) and(i), the Commission's Energy Division shall file a Notice of Determination with the California Environmental Quality Act clearinghouse certifying that the Commission considered the environmental

documents related to the proposed crossing at Mountain House Parkway and the crossing removals at Henderson Road and Wicklund Road.

12. This authorization shall expire if not exercised within 36 months of the issuance of this decision unless time is extended or if the above conditions are not satisfied. This authorization may be revoked or modified if public convenience, necessity, or safety so requires.

13. A request for extension of the 36-month authorization time period must be submitted to the California Public Utilities Commission's Rail Crossing and Engineering Branch of the Rail Safety Division at least 30 days before the expiration of that period.

14. Any motions not previously ruled on are denied.

15. Application 25-05-003 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California