

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 Great Valley Parkway (milepost 74.10) within the City of Mountain House, County of San Joaquin, State of California.

Application 25-05-002

**DECISION AUTHORIZING THE CITY OF MOUNTAIN HOUSE TO CONSTRUCT A PUBLIC AT-GRADE RAIL CROSSING AT GREAT VALLEY PARKWAY AND TO REMOVE THE EXISTING AT-GRADE PUBLIC RAIL CROSSING AT KELSO ROAD**

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**DECISION AUTHORIZING THE CITY OF MOUNTAIN HOUSE  
TO CONSTRUCT A PUBLIC AT-GRADE RAIL CROSSING AT  
GREAT VALLEY PARKWAY AND TO REMOVE THE EXISTING  
AT-GRADE PUBLIC RAIL CROSSING AT KELSO ROAD**

**Summary**

This decision grants the City of Mountain House authority to construct an at-grade rail crossing at milepost 74.10, extending Great Valley 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 Kelso Road, milepost 74.20.

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<sup>2</sup> and Great Valley Parkway. 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 Great Valley Parkway over the UP Tracks and connects the new housing to existing shopping and housing south of the UP Tracks. It also proposes to remove the existing public crossing at Kelso Road. The location of the existing rail crossing at Kelso Road is within a few hundred feet of the proposed crossing at Great Valley Parkway.

The second application is A.25-05-003, which proposes to extend Mountain House Parkway north of the UP Tracks into the new housing subdivision. That

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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 Mountain House Parkway crossing and the removal of the crossings at Henderson Road and Wicklund Road are the subject of Application (A.) 25-05-003.

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

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

application includes the proposed removal of the existing at-grade crossings at Henderson Road and Wicklund 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 Great Valley Parkway, across and over the UP Tracks, at milepost (MP) 74.10 (DOT #971764X) in the City of Mountain House, County of San Joaquin, State of California (Application). This Application also seeks approval to remove the existing at-grade crossing at Kelso Road, milepost 74.20.

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 August 29, 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 proposed rail crossing and to the proposed rail crossing removal at Kelso 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, timing, and design of the barriers blocking access to the existing rail crossing at Kelso Road following its 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 Kelso Road closing.

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	Great Valley Parkway roadway plans and removal plans for the Kelso Road crossings, Exhibit C to the Application
<b>MH-04</b>	Mountain House	Great Valley 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>Exhibit Number</b>	<b>Party or Witness</b>	<b>Exhibit Name and Description</b>
<b>MH-07</b>	Mountain House	Preemption calculations and traffic signal plans, Exhibit F to the Application
<b>MH-08</b>	Mountain House	November 12, 2025 Mountain House City Council staff report, agenda, minutes and correspondence
<b>Mh-09</b>	Mountain House	Mountain House Developers, LLC memorandum regarding communications with property owners affected by railroad crossing removals
<b>MH-10</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 1-2, 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

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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.

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.

### **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 1201-1202. The applicable safety and regulatory requirements are found in Pub. Util. Code sections 1201-1205. Rule 3.7-3.10 also govern applications to construct crossings involving railroads and public roads.

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<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."

## **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 Great Valley Parkway under Pub. Util. Code sections 1201-1205 and Rules 3.7 and 3.8?
2. Should the Commission approve removing the existing at-grade crossing at MP 74.20 at Kelso Road (CPUC Crossing No. 001B-74.20, DOT #751855W)?
3. Has the Applicant complied with CEQA?
4. 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?
5. 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 Section 1201**

Under Pub. Util. Code section 1202, the Commission has the authority to approve rail crossings and rail crossing closures. Applicant complied with Pub. Util. Code Section 1201 by submitting A.25-02-002 to the Commission to construct an at-grade crossing at Great Valley Parkway and to remove the at-grade rail crossing at Kelso 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 Great Valley Parkway's extension over the UP Tracks. Rule 3.7 is satisfied as follows:

Rule 3.7(a): The crossing name is Great Valley Parkway, located at MP 74.10, with latitude and longitude coordinates as follows: latitude 37.795380 and longitude 121.550991.

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

- To the south, Central Parkway  
(CPUC Crossing No. 001B-74.80-A, DOT #924331R)
- To the north, Lindemann Road  
(CPUC Crossing No. 001B-73.50, DOT #751854P)

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 Great Valley Parkway at-grade crossing, the removal of two private crossings and the removal of the crossings at Kelso Road, Henderson Road and Wicklund Road, coupled with the crossing in A.25-05-003 for an at-grade public crossing at Mountain House 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 Great Valley 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 separation of grades 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 Great Valley 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>

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-10.

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

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

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

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

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

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 an existing at-grade rail crossing, 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 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 for 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 Section X;<sup>14</sup> the at-grade crossing satisfies GO 75-D because the crossing will

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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.

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

**7. Removal of the Existing At-Grade Crossing at MP 74.20, Kelso Road (CPUC Crossing No. 001B-74.20, DOT #751855W)**

The City intends to open the new crossing at Great Valley Parkway and simultaneously close the existing crossing at Kelso 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 Kelso Road. Existing pavement markers and the curb ramp will be removed as well as the railroad crossing signal devices.<sup>18</sup> Given the proximity of the existing crossing at Kelso Road and the new crossing at Great Valley Parkway, the Commission agrees that for safety reasons, it is in the public interest to remove the crossing at Kelso Road. Vehicles that currently cross the UP Tracks at Kelso road are unlikely to be inconvenienced because the new crossing at Great Valley Parkway is only a few hundred feet away.

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

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

<sup>17</sup> Exhibit MH-10.

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

## 8. California Environmental Quality Act Compliance

CEQA<sup>19</sup> requires governmental agencies to determine if there are any environmental impacts from proposed projects, and to mitigate any identified environmental impacts to the extent possible. Both the proposed at-grade crossing at Great Valley Parkway and the removal of the Kelso Road at-grade crossing 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 Report (EIR) or a negative declaration will be required and has the obligation to prepare the appropriate document,<sup>20</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>21</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

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<sup>19</sup> Public Resources Code sections 21000 *et seq.*

<sup>20</sup> 14 CCR section 15367.

<sup>21</sup> 14 CCR section 15381. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that will make a discretionary decision about the project.

must consider the lead agency's environmental document and findings before acting on or approving the project.<sup>22</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>23</sup> In this case, the Commission only needs to consider the direct or indirect environmental effects of the proposed crossing and the proposed crossing removal.

### **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 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>24</sup>

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<sup>22</sup> 14 CCR section 15050(b) and section 15096.

<sup>23</sup> 14 CCR section 15096(g).

<sup>24</sup> The City of Mountain House incorporated in July 2024.

The proposed at-grade crossing at Great Valley Parkway was reviewed in the 1994 EIR and the Specific Plan II Initial Study.<sup>25</sup> In 1994, what is now Great Valley Parkway was referred to as Marina Boulevard. In the 2004 Initial Study, the name of the road had been changed to Great Valley Parkway. The 2004 Initial Study likewise contemplates a railroad crossing at Great Valley Parkway.<sup>26</sup>

Neither the 1994 EIR nor the 2004 Specific Plan II Initial Study discuss in detail removing the crossing at Kelso Road, but the figures in these documents showing the railroad crossing at Great Valley Parkway do not show the Kelso Road crossing, which supports a reasonable inference that San Joaquin County contemplated reconfiguration of this crossing since 1994. Given the close proximity of the new at-grade crossing at Great Valley Parkway and the existing crossing at Kelso Road, an independent CEQA evaluation of the Kelso Road crossing closure was not warranted.

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>27</sup> Measures were adopted to mitigate those impacts. Mitigation Measure M4-12-8 notes that the Master Plan was amended to address safe rail crossings for vehicles, pedestrians, and bicyclists.

## **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 Great Valley Parkway, and

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<sup>25</sup> See 1994 EIR, Figure 3.8 at 3-23, Figure 4-12.6 at 4.12-11, and Figure 4.12-9 at 4.12-46.

<sup>26</sup> See Specific Plan II Initial Study Figure 3-18 and Figure 3-21.

<sup>27</sup> Specific Plan II, Initial Study, Part 2, at 5-175.

to remove the existing at-grade rail crossing at Kelso 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 removal prior to issuing this decision.

**9. Timing for Construction of the Rail Crossing at Great Valley Parkway and Removal of the Kelso Road Crossing**

The Application did not specify a certain construction period. RSD, however, recommended an authorization period of 36 months.<sup>28</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 construction of the at-grade rail crossing at Great Valley Parkway and remove the at-grade rail crossing at Kelso 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

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<sup>28</sup> Response of the Rail Safety Division, filed June 11, 2025, at 3.

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>29</sup>

The first step is determining whether the proposed rail crossing and the rail crossing removal will 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>30</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>31</sup> Mountain House's median household income in 2023 was \$171,675.<sup>32</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

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<sup>29</sup> Action Plan at 15.

<sup>30</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>.

<sup>31</sup> Action Plan at 2.

<sup>32</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>.

the construction or removal of rails 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>33</sup> The proposed rail crossing at Great Valley Parkway will connect the new development to the north of the UP Tracks with the existing housing and community amenities.

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

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<sup>33</sup> <https://www.census.gov/quickfacts/fact/table/mountainhousecdpcalifornia/PST045224>.

## **12. Conclusion**

As discussed in the preceding sections, the proposed at-grade rail crossing at Great Valley Parkway and the proposed closure of the at-grade rail crossing at Kelso 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 removal 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 Great Valley Parkway and to close the existing at-grade crossing at Kelso 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 Applicant'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.25-05-002 to construct an at-grade rail crossing over the UP Tracks at Great Valley Parkway and to remove an at-grade rail crossing at Kelso Road.

2. The proposed extension of Great Valley Parkway and the closure of the rail crossing at Kelso 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. Great Valley 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. The City of Mountain House is not classified as a disadvantaged community due to its CalEnviroScreen score of 58.

11. The City has and will continue to engage the Mountain House community about its plans to close the rail crossings at Kelso Road, 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 Kelso Road at-grade crossing and divert the existing traffic to the new Great Valley Parkway crossing.

6. The project to install an at-grade rail crossing at Great Valley Parkway, and to remove the existing at-grade rail crossing at Kelso 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.

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

8. The authorization to construct should be granted for a period of 36 months to complete the at-grade rail crossing at Great Valley Parkway and the removal of the at-grade rail crossing at Kelso Road.

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

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

11. The Application should be approved.

12. 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, and MH-10.

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 highway-rail crossing over the Union Pacific Railroad tracks in the City of Mountain House at Great Valley Parkway.

4. The at-grade highway-rail crossing shall be identified as California Public Utilities Commission Crossing Number 001B-74.10 and DOT #971764X.

5. The at-grade highway-rail crossing shall have the configurations specified in Application 25-05-002 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 Kelso Road (CPUC Crossing No. 001B-74.20, DOT #751855W) in accordance with the configurations specified in Application 25-05-002 and its attachments and the modified plans and drawings dated December 15, 2025.

7. 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.

8. 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).

9. 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).

10. Upon issuance of this decision and in compliance with 14 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 Great Valley Parkway and the crossing removal at Kelso Road.

11. 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.

12. 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.

13. Any motions not previously ruled on are denied.
14. Application 25-05-002 is closed.

This order is effective today.

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