

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of County of Orange to Construct One (1) Grade-Separated Bikeway Crossing in the City of La Mirada within the County of Los Angeles (CPUC No. 001BK-502.912-AD, DOT No. 450397D) and Two (2) Grade Separated Bikeway Crossings in the City of Buena Park within the County of Orange (CPUC #002-160.370-BCD, DOT No. 982878R) (CPUC No. 002-160.330-AD, DOT No. 982877J).

Application 25-07-011

DECISION AUTHORIZING THE COUNTY OF ORANGE TO CONSTRUCT ONE GRADE SEPERATED BIKEWAY RAIL CROSSING IN THE CITY OF LA MIRADA, COUNTY OF LOS ANGELES AND TWO GRADE SEPERATED BIKEWAY RAIL CROSSINGS IN THE CITY OF BUENA PARK AND COUNTY OF ORANGE, CALIFORNIA

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PROPOSED DECISION

[Date] Internal Review Draft; Subject to ALJ Division Review

CONFIDENTIAL; Deliberative Process Privilege

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DECISION AUTHORIZING THE COUNTY OF ORANGE TO CONSTRUCT ONE GRADE SEPERATED BIKEWAY RAIL CROSSING IN THE CITY OF LA MIRADA, COUNTY OF LOS ANGELES AND TWO GRADE SEPERATED BIKEWAY RAIL CROSSINGS IN THE CITY OF BUENA PARK AND COUNTY OF ORANGE, CALIFORNIA

Summary

This decision grants County of Orange, California authority to construct three grade-separated Coyote Creek bikeway-rail crossings: 1) one overpass in the City of La Mirada, County of Los Angeles over the Union Pacific Railroad Santa Ana Industrial Lead Track; 2) one underpass in the City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision; and 3) one overpass in City of Buena Park, County of Orange across the Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision in the State of California.

The proceeding is closed.

1. Background

1.1. Procedural Background

On July 22, 2025, the County of Orange, California (Orange Co.) filed Application (A.) 25-07-011 with its supporting Exhibits A through G,¹ seeking authority to construct three (3) grade separated Coyote Creek bikeway-rail crossings more fully described as:

- a. Coyote Creek Trail 1: One (1) overpass in the City of La Mirada, County of Los Angeles, over the Union Pacific Railroad Santa Ana Industrial Lead Track;

¹ See Application at Exhibits A1-A3 (*Crossing Legal Description(s)*), Exhibits B1-B4 (*Project Drawings*), Exhibits C1-C5 (*CEQA/NEPA Documentation*), Exhibit D (*Environmental Social Justice Memo*), Exhibit E (*Scoping Memo*), Exhibit F (*Certificate of Service*), and Exhibit G (*Verification*).

- b. Coyote Creek Trail 2: One (1) underpass in the City of Buena Park, County of Orange, crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision; and
- c. Coyote Creek Trail 3: One (1) overpass in City of Buena Park, County of Orange, over the Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision.²

The Proposed Crossings are part of Applicant Orange Co.'s larger *OC Loop Segments O, P, Q Coyote Creek Bikeway Project* which proposes to construct a new 2.7-mile bikeway to connect existing bikeways in the OC Loop 66-mile regional bike corridor³ to increase the use of active transportation travel modes, enhance safety and mobility for non-motorized users, advance efforts to achieve greenhouse gas reduction goals, improve access and maintenance to flood control channels, and enhance public health (the OC Loop Coyote Creek Project).⁴

² Application at 2-5, Exhibit A1 (*Coyote Creek Bikeway Trail over UPRR Santa Ana Industrial Lead Track*), Exhibit A2 (*Coyote Creek Bikeway Trail under BNSF Lead Track 7600-6670 San Bernardino Subdivision*), and Exhibit A3 (*Coyote Creek Bikeway Trail over BNSF Line Segment 7600 San Bernardino Subdivision*).

³ The OC Loop is a partially completed 66-mile biking and walking off-street path which traverses multiple cities in Orange County and Los Angeles County, California and is intended to be closed to vehicular traffic and connect the Coastal Trail, Santa Ana River Trail, El Cajon Trail, Union Pacific Row Trail, Coyote Creek Trail/San Gabriel River Trail without gaps. See also Application at 2, Exhibit C2 (*Recirculated IS/MND*), Section 3.1 (*Project Description*) at 3-1 to 3-3.

⁴Application at 2, Exhibit C2, Section 3.2 (*Project Objectives*) at 3-1, and Exhibit C3 (Caltrans CEQA Exemption/NEQA Categorical Exclusion Determination Form) at 3.

Commissioner John Reynolds and Administrative Law Judge Andrea D. McGary (assigned ALJ) were assigned to this A.25-07-011 proceeding on August 15, 2025.

The Commission's Rail Safety Division (RSD) filed a Response to the Application on August 22, 2025.⁵ No other response or protest to A.25-07-011 was filed.

On September 10, 2025, *Administrative Law Judge's Ruling Setting Remote Prehearing Conference & Prehearing Conference Statement Deadline* was issued, setting a prehearing conference (PHC) for September 29, 2025 and a joint PHC Statement deadline of September 22, 2025. A PHC was held on September 29, 2025 to discuss the issues of law and fact, the need for hearing, and schedule for resolving this proceeding. During the PHC, the assigned ALJ ordered Applicant Orange Co. to supplement the proceeding record regarding:

1. The period of time needed to complete the construction of the proposed crossings; and
2. Exhibits, properly marked for identification, that Applicant would like the Commission to review and consider in issuing a decision granting or denying the requested construction authority.⁶

⁵ See *Response of The Rail Safety Division To The Application Of County of Orange To Construct Three Grade-Separated Bikeway-Rail Crossing* (August 22, 2025) (RSD Response).

⁶ See *Reporter's Transcript of September 29, 2025 Prehearing Conference Virtual Proceeding* (file endorsed November 25, 2025) (RT-PHC) at 9:6 to 11:2.

Applicant Orange Co. provided the requested supplemental information on October 28, 2025.⁷ *Assigned Commissioner's Scoping Memo and Ruling* was issued on November 12, 2025 (Scoping Memo) by then assigned Commissioner John Reynolds.

On March 19, 2026, the A.25-07-011 proceeding was reassigned from the then current Commissioner, Commission President John Reynolds, to Commissioner Christine Harada. On April 2, 2026, the assigned ALJ issued a ruling requiring Orange Co. to supplement the evidentiary record regarding Applicant's Exhibit C2 supporting documents on or before April 17, 2026.⁸ Orange Co. timely supplemented the record on April 11, 2026.⁹

1.2. Submission Date

This matter was submitted on April 13, 2026, following Applicant Orange Co.'s supplemental environmental review information filings regarding California Environmental Quality Act (CEQA) Mitigated Negative Declaration for its OC Loop Segments O, P, Q Coyote Creek Bikeway Project.¹⁰

⁷ *Response To Administrative Law Judge Inquiry and Amended Exhibit C4 (NEPA Categorical Exclusion) and Amended Exhibit C5 (NEPA Re-Validation No.1) (October 28, 2025) (October 2025 Supplement).*

⁸ *Administrative Law Judge's Ruling Ordering Applicant County Of Orange To Supplement The Record Regarding Environmental Review Information (April 2, 2026)*

⁹ *See Exhibit C2 (Recirculated Initial Study and Mitigated Negative Declaration (IS/MND) for the OC Loop Segments O, P, and Q Coyote Creek Bikeway Project (August 2021)) (April 11, 2026 Exhibit C2 Support Documents).*

¹⁰ *Id.*

2. Jurisdiction

The Commission has jurisdiction over railroad crossings per Public Utilities (Pub. Util.) Code Sections 1201 and 1202. The applicable safety and regulatory requirements are found in Pub. Util. Code Sections 1201-1205 and Section 99152. Rules 3.7 to 3.11 of the Commission's Rules of Practice and Procedure (Rules)¹¹ also govern applications to construct crossings involving railroads and public roads.

3. Issues Before the Commission

The issues to be determined or otherwise considered are:

1. Does the Application meet all of the Commission's requirements, including Rule 3.7, to grant the County of Orange authority to construct three (3) grade-separated Coyote Creek bikeway-rail crossings at:
 - a. Coyote Creek Trail 1: One (1) overpass in the City of La Mirada, County of Los Angeles over the Union Pacific Railroad Santa Ana Industrial Lead Track;
 - b. Coyote Creek Trail 2: One (1) underpass in the City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision; and
 - c. Coyote Creek Trail 3: One (1) overpass in City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision.?
2. Has the Applicant complied with the California Environmental Quality Act (CEQA)?

¹¹ 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.

3. Should the Commission grant the authority requested in A.25-07-011?
4. Should the Commission grant the Applicant a period of five (5) years from the Application approval date to complete the proposed project?
5. Does the Application align with or promote the achievement of the nine goals of the Commission's Environmental and Social Justice Action Plan?

4. Discussion

4.1. Filing Safety and Engineering Requirements

In A.25-07-011, Orange Co. requests authority from the Commission to construct three (3) grade-separated Coyote Creek bikeway-rail crossings in Los Angeles County and Orange County, California, as identified below:

Crossing Name	City	County	Milepost	Grade	Proposed CPUC Nos.	U.S. DOT ¹² Nos.
Coyote Creek Trail 1	La Mirada, California	Los Angeles	0502.912 Union Pacific Railroad Santa Ana Industrial Lead Track	Grade Separated Pedestrian Crossing (Overpass)	001BK-502.912-AD	450397D
Coyote Creek Trail 2	Buena Park, California	Orange	0160.370 Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision	Grade Separated Pedestrian Crossing (Underpass)	002-160.370-BCD	982878R
Coyote Creek Trail 3	Buena Park, California	Orange	0160.330	Grade Separated	002-160.330-AD	982877J

¹² United States Department of Transportation (US DOT).

Crossing Name	City	County	Milepost	Grade	Proposed CPUC Nos.	U.S. DOT ¹² Nos.
			Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision	Pedestrian Crossing (Overpass)		

As discussed, *supra*, the Proposed Crossings are part of Applicant’s larger OC Loop Coyote Creek Project. Commission Rule 3.7 applies to construction of a public road, highway, or street across a railroad and is applicable here.¹³

Orange Co.’s Application information included the following showing in support of its prove-up of Rule 3.7 compliance:

<u>Rule</u>	<u>Description</u>
3.7(a)	<p>The milepost and legal description of the location for each of the Proposed Crossings, in compliance with Rule 3.7(a) are in the Application at pages 2-4 and its Exhibit A (<i>Crossing Legal Description(s)</i>):</p> <p>Crossing Name:Coyote Creek Trail 1 Proposed CPUC Crossing No.: 001BK-502.912-AD</p> <p>Crossing Name:Coyote Creek Trail 2 Proposed CPUC Crossing No.: 002-160.370-BCD</p> <p>Crossing Name:Coyote Creek Trail 3 Proposed CPUC Crossing No.: 002-160.330-AD</p>

¹³ Rule 3.7 *Public Road Across Railroad*.

<u>Rule</u>	<u>Description</u>
3.7(b)	<p>Crossing identification Numbers of the Nearest Existing Public Crossings in the County of Los Angeles and the County of Orange, California:</p> <p>Crossing Name: Coyote Creek Trail 1 (La Mirada, Los Angeles County) Proposed CPUC Crossing No.: 001BK-502.912-AD</p> <p>-Nearest Crossing (North: Valley View Avenue/Union Pacific Railroad (UPRR) Santa Ana Industry Lead): CPUC Number 001BK-502.30-A, US DOT No. 441020D)</p> <p>-Nearest Crossing (South: Artesia Boulevard/UPRR Santa Ana Industry Lead): CPUC Number 001BK-503.50, US DOT No. 748135A¹⁴</p> <p>Crossing Name: Coyote Creek Trail 2 (Buena Park, Orange County) Proposed CPUC Crossing No.: 002-160.370-BCD</p> <p>-Nearest Crossing (North: Knott Avenue/BNSF Lead Track 7600-6670 San Bernadino Subdivision): CPUC Number 002-160.95-C, US DOT No. 027859E</p> <p>-Nearest Crossing (South: Cate Drive/BNSF Lead Track 7600-6670 San Bernadino Subdivision): CPUC Number 002-160.26-C, US DOT No. 027873A¹⁵</p> <p>Crossing Name: Coyote Creek Trail 3 (Buena Park, Orange County) Proposed CPUC Crossing No.: 002-160.330-AD</p> <p>-Nearest Crossing (North: Alondra Boulevard/BNSF Line Segment San Bernadino Subdivision): CPUC Number 002-159.60-A, US DOT No. 027658N)</p> <p>-Nearest Crossing (South: Beach Boulevard/BNSF Line Segment San Bernadino Subdivision): CPUC Number 002-160.60-B, US DOT No. 027659V¹⁶</p>

¹⁴ Application at 4 and Exhibit B1 (*Vicinity Maps*).

¹⁵ *Ibid.*

¹⁶ *Ibid.*

<u>Rule</u>	<u>Description</u>
3.7(c)	Rule 3.7(c) is only applicable to at-grade crossings. The A.25-07-011 Proposed Crossings involve construction of three grade separated bikeway crossings of the Coyote Creek Bikeway over UPRR Santa Ana Industrial Lead Track the Coyote Creek Bikeway under BNSF Lead Track 7600-6670 San Bernardino Subdivision, and the Coyote Creek Bikeway over BNSF Line Segment 7600 San Bernardino Subdivision in Los Angeles County and Orange County, respectively. Applicant contends that the “grade separations will allow for safe and simultaneous movement of bicyclist and rail modes of travel.” ¹⁷
3.7 (d)	Maps and Drawings in compliance with Rule 3.7 (d), are included as Exhibit B to the Application. ¹⁸
3.7 (e)	Maps in compliance with Rule 3.7 (e) are included as Exhibit B to the Application. ¹⁹
3.7 (f)	Profiles showing required ground line, grade line, and rate of grade construction details for the Proposed Crossings, in compliance with Rule 3.7 (f), are included at Exhibit B to the Application. ²⁰

The Commission’s RSD was required to evaluate the proposed construction of the rail crossing herein.²¹ To this end, RSD initially conducted a diagnostic review of the Proposed Crossings on April 25, 2023.²² RSD found no

¹⁷ Application at 2.

¹⁸ Application at 5 and Exhibit B2 (*Structure Drawings*), Exhibit B3-1 (*Bikeway Drawings: Coyote Creek Bikeway Trail over UPRR Santa Ana Industrial Lead Track*), Exhibit B3-2 (*Bikeway Drawings: Coyote Creek Bikeway Trail under BNSF Lead Track 7600-6670 San Bernadino Subdivision*), and Exhibit B3-3 (*Bikeway Drawings: Coyote Creek Bikeway Trail over BNSF Line Segment 7600 San Bernadino Subdivision*).

¹⁹ Application at 5 and Exhibit B1 (*Vicinity Maps*).

²⁰ Application at Exhibit B3-1 (*Bikeway Drawings: Coyote Creek Bikeway Trail over UPRR Santa Ana Industrial Lead Track*), Exhibit B3-2 (*Bikeway Drawings: Coyote Creek Bikeway Trail under BNSF Lead Track 7600-6670 San Bernadino Subdivision*), and Exhibit B3-3 (*Bikeway Drawings: Coyote Creek Bikeway Trail over BNSF Line Segment 7600 San Bernadino Subdivision*).

²¹ Pub. Util. Code § 99152.

²² See RSD Response at 2 and Attachment A at A-2.

safety concerns or issues with the Proposed Crossings, reviewed the Application on August 12, 2025, and filed its August 22, 2025 Response. RSD concluded that A.25-07-011 complied with the applicable safety and regulatory requirements provided in 1) Pub. Util. Code Sections 1201 through 1205 and 2) relevant Commission General Order (GO) 26-D,²³ as follows:

1. Public Utilities Code Sections 1201 – 1205: Applicant applied to the Commission for authority to construct three new grade-separated bike-way rail crossings under the applicable Public Utilities Code Sections.
2. General Order 26-D:
Applicant demonstrated in plans contained in Exhibit B2 that minimum overhead and side clearances to obstructions for railroad tracks comply with Sections 2.1 and 3.2 respectively.²⁴

RSD has no objection to the construction of the Proposed Crossings and recommends the Commission approve A.25-07-011.²⁵

After reviewing the Application and RSD's Response, the Commission finds that the Application does not currently pose any significant safety issues, is consistent with the Safety Policy Statement,²⁶ and complies with the applicable

²³ Commission GO 26-D (*Regulations Governing Clearances On Railroads and Street Railroads with Reference To Side and Overhaul Structures, Parallel Tracks, Crossings of Public Roads, Highways, and Streets*).

²⁴ See RSD Response at 2 and Attachment A at A-2.

²⁵ See RSD Response at 2 and 5.

²⁶ The Commission adopted the Safety Policy Statement on July 10, 2014 and declared its ultimate safety goal as "zero accidents and injuries across all utilities and businesses we regulate, and within our own workplace."

Public Utilities Codes, the Commission's Rules, and General Orders for light rail public transit systems and crossings with public roads across railroads.

4.2. Environmental Review

The California Environmental Quality Act of 1970, as amended under Public Resources Code Sections 21000, *et seq.* CEQA requires state and local government agencies to inform decisionmakers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. CEQA applies to discretionary projects to be carried out or approved by public agencies. Here the larger OC Loop Coyote Creek Project, of which the Proposed Crossings are a part, is subject to CEQA review for compliance or exemption.

Pursuant to CEQA, the lead agency is the public agency that carries out the project. For purposes of CEQA, the Commission is a responsible agency because the broader project, the OC Loop Coyote Creek Project, of which the Proposed Crossings are a part, is being carried out by Orange Co. as the lead agency, and the Commission's scope of discretionary authority is limited to the requested authorizations to construct the Proposed Crossings. As a responsible agency, the Commission must consider the lead agency's environmental impact documents and findings before acting on or approving the instant application.²⁷ In its review, the Commission considered Applicant's proffered environmental impact documents for CEQA compliance or exemption as to 1) significant environmental impacts;²⁸ 2) mitigation measures and/or project alternatives that

²⁷ CEQA Guidelines, 14 CCR §§ 15050(b) and 15096.

²⁸ CEQA Guidelines, 14 CCR § 15126.2.

may eliminate or lessen any identified significant environmental impacts;²⁹ 3) existence of environmentally superior alternatives to the proposed project;³⁰ 4) review and exercise of independent judgment by the lead agency in preparing and completing a CEQA compliant environmental review document for the project;³¹ 5) infeasibility of any identified mitigation measures or environmentally superior alternative;³² and 6) overriding considerations for identified significant unavoidable impacts.³³

If the Commission chooses to approve the Proposed Crossings, it will be responsible for mitigating and/or avoiding environmental effects associated with the construction of the approved crossing.

As referenced, the Proposed Crossings are part of Applicant's OC Loop Coyote Creek Project which aims to construct a new 2.7-mile bikeway to close a gap between existing bikeways in the OC Loop 66-mile regional bike corridor to increase the use of active transportation travel modes, enhance safety and mobility for non-motorized users, advance efforts to achieve greenhouse gas reduction goals, improve access and maintenance to flood control channels, and enhance public health.

Applicant submitted an Initial Study/Mitigated Negative Declaration for the OC Loop Coyote Creek Project in support of this A.25-07-011 proceeding

²⁹ CEQA Guidelines, 14 CCR §§ 15126.4 and 15126.6.

³⁰ CEQA Guidelines, 14 CCR § 15126.6(e)(2).

³¹ CEQA Guidelines, 14 CCR § 15090.

³² CEQA Guidelines, 14 CCR § 15091(a)(3).

³³ CEQA Guidelines, 14 CCR §§ 15093.

(August 2021 ISMND). Orange Co., in collaboration with its environmental consulting service UltraSystems Environmental, Inc., prepared the August 2021 ISMND in its capacity as the lead CEQA agency and as the public agency approving, and carrying out the larger OC Loop Coyote Creek Project.³⁴

Applicant put forth the August 2021 ISMND in support of its lead agency review of the CEQA elements and potential environmental impacts of the Proposed Crossings.³⁵ In its review, the Commission considered Applicant's proffered August 2021 ISMND for CEQA compliance or exemption as to 1) significant environmental impacts;³⁶ 2) mitigation measures and/or project alternatives that may eliminate or lessen any identified significant environmental impacts;³⁷ 3) existence of environmentally superior alternatives to the proposed project;³⁸ 4) review and exercise of independent judgment by the lead agency in preparing and completing a CEQA compliant environmental review document for the project;³⁹ 5) infeasibility of any identified mitigation measures or environmentally superior alternative;⁴⁰ and 6) overriding considerations for identified significant unavoidable impacts.⁴¹

³⁴ Application at 6. See also April 11, 2026 Exhibit C2 Support Documents.

³⁵ See August 2021 ISMND at 1-1, 1.1 (*Proposed Project*). See also CEQA Guidelines, 14 CCR § 15063 (*Initial Study*).

³⁶ CEQA Guidelines, 14 CCR § 15126.2.

³⁷ CEQA Guidelines, 14 CCR §§ 15126.4 and 15126.6.

³⁸ CEQA Guidelines, 14 CCR § 15126.6(e)(2).

³⁹ CEQA Guidelines, 14 CCR § 15090.

⁴⁰ CEQA Guidelines, 14 CCR § 15091(a)(3).

⁴¹ CEQA Guidelines, 14 CCR § 15093.

In compliance with CEQA Guidelines, the August 2021 ISMND identified and evaluated human health and environmental resource impacts of the Proposed Crossings, including aesthetics; agriculture and forestry resources; air quality; biological resources; cultural resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation; tribal cultural resources; utilities and service systems and wildfire.⁴² The August 2021 ISMND also includes mitigation measures for each identified adverse impact.

The August 2021 ISMND found no impacts to air quality, agricultural and forest resources, mineral resources and wildfire.⁴³

As to energy, greenhouse gas emissions, hydrology and water quality, land use and planning (policy/regulation), population and housing (displacement/replacement), and utilities and service systems factors were reviewed in the August 2021 ISMND but their impacts, were deemed less than significant.⁴⁴

⁴² See August 2021 ISMND at Section 4 (*Environmental Checklist*) at 4-1 *et seq.*

⁴³ *Id.* at Section 4.2 (*Agriculture and Forestry Resources*) at 4.2-1; Section 4.3 (*Air Quality*) at 4.3-1; Section 4.12 (*Mineral Resources*) at 4.12-1; and Section 4.20 (*Wildfire*) at 4.20-1.

⁴⁴ See April 2021 ISMND at Section 4.6 (*Energy*) at 4.6-1; Section 4.8 (*Greenhouse Gas Emissions*) at 4.8-1; Section 4.10 (*Hydrology and Water Quality*) at 4.10-1; Section, 4.11 (*Land Use and Planning*) at 4.11-1; Section 4.14 (*Population and Housing*) at 4.14-1; and Section 4.19 (*Utilities and Service Systems*) at 4.19-1.

Potential impacts to aesthetics,⁴⁵ biological resources,⁴⁶ cultural resources,⁴⁷ geology and soils,⁴⁸ hazards and hazardous materials,⁴⁹ noise,⁵⁰ public services,⁵¹ recreation,⁵² transportation,⁵³ and tribal cultural resources,⁵⁴ were presented as less than significant with implementation of proposed mitigation measures, in specific instances.

⁴⁵ See April 2021 ISMND at Section 4.1 (*Aesthetics*) Mitigation Measure (MM) AES-1 at 4.1-10 and MM AES-2 at 4.1-15; See also Section 7.0 (*Mitigation Monitoring and Reporting Program*), Table 7.0-1 at 7-2.

⁴⁶ Id. at Section 4.4 (*Biological Resources*) MM BIO-1 (*Qualified Biologist/Biological Monitor*) at 4.4-31; MM BIO- 2 (*Worker Environmental Awareness Program*) at 4.4-32; MM BIO-3 (*Project Limits and Designated Areas*) at 4.4-32 to 4.4-33; MM BIO- 4 (*General Vegetation Avoidance and Protection Measures*) at 4.4-33 to 4.4-34; MM BIO- 5 (*Nesting Bird Surveys*) at 4.4-34 to 4.4-35; MM BIO- 6 (*General Wildlife Avoidance and Protection Measures*) at 4.4-35 to 4.4-36; MM BIO- 7a (*Bat Mitigation: Safety Measure, Standard Operating Procedures*) at 4.4-36; MM BIO- 7b (*Bat Mitigation: Pre-Construction Bat Survey (Stage Road Bridge Only)*) at 4.4-36 to 4.4-37; MM BIO- 7c (*Bat Exclusion and Monitoring Plan (Stage Road Bridge Only)*) at 4.4-38; and MM BIO- 8 (*Tree Removal Permit*) at 4.4-52 to 4.4-53; See also Table 7.0-1 at 7-2 to 7-11.

⁴⁷ Id. at Section 4.5 (*Cultural Resources*) MM CUL-1 at 4.5-6 to 4.5-7; MM CUL-2 at 4.5-7 to 4.5-8; and MM CUL-3 at 4.5-8 to 4.5-9. See also Table 7.0-1 at 7-11.

⁴⁸ Id. at Section 4.7 (*Geology and Soils*) MM GEO-1 [paleontological resources/unique geological feature] at 4.7-11. See also Table 7.0-1 at 7.12.

⁴⁹ Id. at Section 4.9 (*Hazards and Hazardous Material*) MM HAZ-1, MM HAZ-2, and MM HAZ-3 at 4.9-4. See also Table 7.0-1 at 7-12 to 7-14.

⁵⁰ Id. at Section 4.13 (*Noise*) MM N-1 [construction noise monitoring] at 4.13-1; MM N-2 [noise source controls] and MM N-3 [noise path controls] at 4.13-16; MM N-4 [pre-construction written notice to noise sensitive receivers] at 4.13-17; MM N-5 [vibratory rollers limit within 75 feet of residential property] at 4.13-19. See also Table 7.0-1 at 7-14 to 7-15.

⁵¹ Id. at Section 4.15 (*Public Services*) MM PS-1 at 4.15-3 and MM PS-2 at 4.15-5. See also Table 7.0-1 at 7-15 to 7-16.

⁵² Id. at Section 4.16 (*Recreation*) at 4.16-1 to 4.16-2. See also Table 7.0-1 at 7-16.

⁵³ Id. at Section 4.17 (*Transportation*) MM TRANS-1 at 4.17-6 to 4.17-9. See also Table 7.0-1 at 7-16 to 7-18.

⁵⁴ Id. at Section 4.18 (*Tribal Cultural Resources*) MM TCR-1 at 4.18-4. See also Table 7.0-1 at 7-18.

The August 2021 ISMND and the CEQA Mitigated Negative Declaration IP PP-18-1453 (October 2021 MND) concluded that the OC Loop Project, of which the Proposed Crossings are a part, would not result in significant and unavoidable impacts or cumulatively considerable and unavoidable adverse impacts if the required mitigation steps were incorporated.⁵⁵

Based on the August 2021 ISMND and the October 2021 MND provided by Orange Co. as well as the full record of this proceeding, the Commission finds that Applicant has made a sufficient showing that the Proposed Crossings will not have a significant environmental impact. Accordingly, the Commission finds that A.25-07-011 complies with CEQA.

4.3. Impact on Environmental and Social Justice Communities

On April 7, 2022, the Commission adopted Version 2.0 of the Environmental and Social Justice (ESJ) Action Plan which was approved in Public Agenda 3505 as Item #45 (Agenda ID #20479). The ESJ Action Plan serves as a roadmap for implementing the Commission's vision to advance equity in its programs and policies for ESJ or disadvantaged communities and includes goals related to health and safety, consumer protection, program benefits, and enforcement in sectors regulated by the Commission.

As discussed, the Proposed Crossings are part of Applicant's OC Loop Coyote Creek Project. Orange Co.'s purpose for the OC Loop Coyote Creek Project is to close a gap between existing bikeways in the OC Loop 66-mile

⁵⁵ See August 2021 ISMND, Section 4.21 (*Mandatory Findings of Significance*) at 4.21-1 to 4.21-4. See also Application at 6 and Exhibit C1 (*CEQA Notice of Determination*).

regional bike corridor as well as to increase the use of active transportation travel modes, enhance safety and mobility for non-motorized users, advance efforts to achieve greenhouse gas reduction goals, improve access and maintenance to flood control channels, and enhance public health.⁵⁶ Applicant identifies three census track ESJ Communities in Buena Park and La Mirada, California⁵⁷ adjacent to the Proposed Crossing areas which will benefit from increased access to parks, beaches schools, and shopping areas, bus stops, and transit stations by active modes of transportation. Applicant asserts that the Proposed Crossings align with Goals 1 through 7 of the ESJ Action Plan.⁵⁸ Based on our review, the OC Loop Coyote Creek Project and the Proposed Crossings align with Goals 1 through 7 of the Commission's ESJ Action Plan."⁵⁹

Accordingly, we conclude that the Proposed Crossings do not have adverse economic and environmental impacts and align with Goals 1 through 7 of the nine goals of the Commission's ESJ Action Plan.

⁵⁶ See Application at Exhibit D (*Environmental Social Justice Memo*). See also Exhibit C2, Section 2.1 (*Project Location*) at 2-1 to 2-20.

⁵⁷ CalEnviro Screen Designated Census Tracks 6059110500, 6059110606, and 6037503902.

⁵⁸ Application at Exhibit D.

⁵⁹ See ESJ Action Plan 2.0, Goal 1 (*Consistently Integrate Equity and access Considerations Throughout CPUC Regulatory Activities*); Goal 2 (*Increase Investment In Cleaner Energy Resources To Benefit ESJ Communities, Especially To Improve, Local Air Quality and Public Health*); Goal 3 (*Strive To Improve Access To High-Quality Water, Communications, and Transportation for ESJ Communities*); Goal 4 (*Increase Climate Resiliency In ESJ Communities*); Goal 5 (*Enhance Outreach and Public Participation Opportunities For ESJ Communities To Meaningfully Participate In The CPUC's Decision-Making Process and Benefit From CPUC Programs*); Goal 6 (*Enhance Enforcement To Ensure Safety and Consumer Protection For All, Especially for ESJ Communities*); and Goal 7 (*Promote High Road Career Paths and Economic Opportunity For Residents Of ESJ Communities*).

4.4. Five Years to Complete the Proposed Crossings

Orange Co. estimates that its proposed construction activities can be completed in five years. RSD recommends a three-year time period but has not contested the requested five-year period. The five-year period to construct the Proposed Crossings, one in the City of La Mirada, County of Los Angeles, California and two in the City of Buena Park, County of Orange, California, is reasonable and therefore granted.⁶⁰

5. Conclusion

As discussed in the preceding sections, the Proposed Crossings in the Application comply with the requirements set forth in Rule 3.7 as well as the relevant sections of GO 26-D. The Application also complies with CEQA review and exemption requirements and aligns with several of the goals of the Commission's ESJ Action Plan.

We therefore conclude that construction of the Proposed Crossings should be authorized, and the Application should be granted. Orange Co. should be granted a period of five years from the date of this decision within which to complete construction of the Proposed Crossings.

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

⁶⁰ See October 2025 Supplement at 1. See also RSD Response at 2.

6. Summary of Public Comment

The Commission encourages and welcomes comments from the public on issues and proceedings to help us reach informed decisions. Commission Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comments submitted in a proceeding must be summarized in the final decision issued in that proceeding.

In this A.25-07-011 proceeding, written comments were not received or posted to the Docket card.

7. 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.

8. Assignment of Proceeding

Commissioner Christine Harada is the assigned Commissioner and Andrea D. McGary is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The grade separated bikeway-rail crossings requested in this Application must comply with the requirements set forth in Rule 3.7 of the Rules of Practice and Procedure.
2. Orange Co. provided information showing compliance with the requirements set forth in Rule 3.7.
3. RSD conducted diagnostic reviews of the Proposed Crossings on April 25, 2023 and August 12, 2025, respectively.

4. RSD found no safety issues and concluded that the request complies with the applicable regulatory and safety requirements.

5. The Application was filed prior to commencing construction of the Proposed Crossings.

6. The Proposed Crossings are part of the OC Loop Coyote Creek Project, which proposes to construct a new 2.7-mile bikeway to close a gap between existing bikeways in the OC Loop 66-mile regional bike corridor to increase the use of active transportation travel modes, enhance safety and mobility for non-motorized users, advance efforts to achieve greenhouse gas reduction goals, improve access and maintenance to flood control channels, and enhance public health.

7. The Proposed Crossings, as part of the larger OC Loop Coyote Creek Project, will benefit the safety and access of residents and visitors to parks, beaches, schools, and shopping areas, bus stops, and transit stations by active modes of transportation along the OC Loop in Orange County and Los Angeles County, California.

8. The construction of the Proposed Crossings and the OC Loop Coyote Creek Project meets the goals of the Commission's ESJ Action Plan 2.0 toward improvement of access to transportation and safety along rail lines in ESJ communities.

9. The Proposed Crossings align with the Commission's ESJ Action Plan 2.0.

Conclusions of Law

1. The Application complies with the applicable provisions of Rules of Practice and Procedure, including Rule 3.7 and GO 26-D.

2. The August 2021 ISMND prepared for the OC Loop Coyote Creek Project, including the Proposed Crossings, is adequate for our decision-making purposes.
3. The Application, the August 2021 ISMND, and October 2021 MND comply with CEQA review and exemption requirements.
4. The construction of the Proposed Crossings align with and promote Goals 1 through 7 of the Commission's ESJ Action Plan 2.0.
5. The Proposed Crossings, in this Application, should be approved and the requested authorization to construct should be granted.
6. Orange Co. should be granted a period of five years to complete construction of the Proposed Crossings.
7. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Application 25-07-011 filed by the County of Orange on July 22, 2025 is granted.
2. The County of Orange is authorized to construct one (1) grade separated bikeway-rail crossing overpass in the City of La Mirada, County of Los Angeles over the Union Pacific Railroad Santa Ana Industrial Lead Track.
3. The County of Orange is authorized to construct one (1) grade separated bikeway-rail crossing underpass in the City of Buena Park, County of Orange, crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision.
4. The County of Orange is authorized to construct one (1) grade separated bikeway-rail crossing overpass in City of Buena Park, County of Orange, over

the Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision.

5. The authorized Crossings shall have the configurations described and specified in the application and its exhibits, attachments, and appendices. The Crossings shall be identified by the following California Public Utilities Commission Crossing Numbers (CPUC Nos.):

Crossing Name	City	County	Milepost	Grade	CPUC Nos.
Coyote Creek Trail 1	La Mirada, California	Los Angeles	0502.912 Union Pacific Railroad Santa Ana Industrial Lead Track	Grade Separated Pedestrian Crossing (Overpass)	001BK-502.912-AD
Coyote Creek Trail 2	Buena Park, California	Orange	0160.370 Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision	Grade Separated Pedestrian Crossing (Underpass)	002-160.370-BCD
Coyote Creek Trail 3	Buena Park, California	Orange	0160.330 Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision	Grade Separated Pedestrian Crossing (Overpass)	002-160.330-AD

6. The County of Orange shall coordinate with the Union Pacific Railroad and Burlington Northern Santa Fe Railway to obtain and assign final United States Department of Transportation Crossing Identification Numbers for the

authorized crossings and submit them to the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Rail Safety Division.

7. The County of Orange shall coordinate with Union Pacific Railroad and the Burlington Northern Santa Fe Railway to notify the Federal Railroad Administration by submitting United States Department of Transportation Crossing Inventory Forms (FRA F 6180.71) acknowledging the establishment of each of the authorized crossings. Copies of the completed FRA F 6180.71 forms must also be provided to the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch via email to rceb@cpuc.ca.gov.

8. The County of Orange shall comply with all applicable rules, including the California Public Utilities Commission's General Orders, California Manual on Uniform Traffic Control Devices, and the Americans with Disabilities Act.

9. The County of Orange shall notify the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch at least 30 days prior to the opening of the crossings. Notification should be made by email to rceb@cpuc.ca.gov.

10. Within 30 days after completion of the work authorized by this decision, the County of Orange shall notify the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossing and Separations*), for the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site at www.cpuc.ca.gov/crossings. The completed report must be submitted via email to rceb@cpuc.ca.gov.

11. Within 30 days after completion of the work authorized by this decision, the County of Orange shall provide the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch with a copy of an executed maintenance agreement between the County of Orange, Union Pacific Railroad, and the Burlington North Santa Fe Railway for the grade separated bikeway rail crossings authorized herein.

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

13. A request for extension of the five -year authorization must be submitted to the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the extension request shall be sent to all interested parties.

14. Application 25-07-011 is closed.

This order is effective today.

Dated _____, at Sacramento, California.