

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Alameda Corridor – East Construction Authority (ACE) for an order authorizing elimination of two existing at-grade crossings through construction of a grade separated crossing (roadway underpass) at Ramona Boulevard, under Union Pacific Railroad Company’s Alhambra Subdivision main line and Southern California Regional Rail Authority’s San Gabriel Subdivision main line, in the City of El Monte, County of Los Angeles.

Application 03-12-021
(Filed December 15, 2003)

OPINION**Summary**

This decision grants Alameda Corridor – East Construction Authority’s (ACE) request for authority to construct the proposed grade-separated highway-rail crossing (grade separation) of Ramona Boulevard (roadway underpass) under the tracks of Union Pacific Railroad Company’s (UP) Alhambra Subdivision main line and Southern California Regional Rail Authority’s (SCRRA) San Gabriel Subdivision main line and to close and physically remove the existing Cypress Avenue and Ramona Boulevard at-grade highway-rail crossings in City of El Monte (City), Los Angeles County.

Discussion

The exact legal name of the Applicant is Alameda Corridor – East Construction Authority of the San Gabriel Valley Council of Governments. The

Ramona Boulevard grade separation project is one of many ACE projects that will reduce or eliminate train traffic – motor vehicle traffic conflicts in the San Gabriel Valley area of Los Angeles County.

Without ACE's proposed improvements, ACE estimates that motor vehicle delays will increase by 300 percent or an average vehicle wait at each at-grade highway-rail crossing of 10 to 24 minutes. ACE has projects at 55 at-grade highway-rail crossings within the San Gabriel Valley. The ACE program ultimately will construct 21 grade separations, including the proposed Ramona Boulevard roadway underpass. Grade separations, such as the proposed Ramona Boulevard roadway underpass, eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements.

ACE proposes to construct the Ramona Boulevard grade separation to eliminate the existing at-grade highway-rail crossings of Cypress Avenue and Ramona Boulevard over the adjacent UP Alhambra Subdivision and SCRRA San Gabriel Subdivision main line tracks. Ramona Boulevard will be depressed below the railroad tracks.

ACE will construct the proposed Ramona Boulevard grade separation in phases. During the period of construction of the proposed Ramona Boulevard grade separation, we will authorize ACE, UP, SCRRA, and City (parties) to close and physically remove the existing at-grade highway-rail crossings of Cypress Avenue and Ramona Boulevard. Work area traffic control will include the detour of motor and pedestrian traffic to the adjacent existing Peck Road grade separation and Tyler Avenue at-grade highway-rail crossing, CPUC Crossing No. B-495.30-B and B-494.80, respectively. ACE will provide work area control plans to the Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section (RCES) staff prior to construction. Upon

completion of the proposed Ramona Boulevard grade separation and its opening to vehicular traffic, the parties will permanently close and physically remove the existing at-grade highway-rail crossings of Cypress Avenue and Ramona Boulevard.

The State of California Department of Transportation (Caltrans) is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982) as stated in Public Resources Code Section 21000, et seq. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). Caltrans also determined that this project was exempt under the National Environmental Protection Act (NEPA) guidelines on September 28, 1999. On October 4, 1999, the United States Department of Transportation - Federal Highway Administration (FHWA) determined that this project was properly classified as a categorical exclusion. The Categorical Exemption found that “This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment” as specified in CEQA Guideline Section 15061 (b)(3).

The Applicant filed a Notice of Determination with the Los Angeles County Clerk on December 3, 2001. The Applicant approved the proposed Ramona Boulevard grade separation project on November 26, 2001, and determined that the project will not have a significant effect on the environment. Attached to the order in Appendix A is a copy of the Categorical Exemption and Notice of Determination.

The Application further stated that the project also has a Statutory Exemption under Public Resources Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade

crossing or which reconstructs an existing grade separation.” This project will eliminate the existing at-grade highway-rail crossings of Cypress Avenue and Ramona Boulevard, CPUC Crossing No. B-495.00 and B-495.10, respectively.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval.

We reviewed the lead agency’s Categorical Exemption and Categorical Exclusion determination and the Applicant’s Notice of Determination and Statutory Exemption determination. We are not aware of any information that would suggest Caltrans’ and FHWA’s exemption and exclusion classifications and applicant’s statutory exemption classification were inappropriate in this instance. We find that Caltrans’ CEQA Categorical Exemption and NEPA Categorical Exclusion determination and the Applicant’s Notice of Determination and Statutory Exemption determination are adequate for our decision making purposes. We adopt the lead agency’s findings of Categorical Exemption and Categorical Exclusion and the Applicant’s Notice of Determination and finding of Statutory Exemption for purposes of our project approval.

RCES inspected the site of the proposed Ramona Boulevard grade separation project. After reviewing the need for and the safety of the proposed project, RCES recommends that the Commission grant ACE’s request.

The Application is in compliance with the Commission’s filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway across a railroad. A site map and

detailed drawings of the proposed Ramona Boulevard grade separation are shown in Appendix B attached to the order.

To proceed in an expeditious manner with the construction of the proposed Ramona Boulevard grade separation, ACE requests that the Commission waive the usual 30-day effective date of an order. We will make our order effective immediately.

In Resolution ALJ 176-3125, dated December 18, 2003, and published in the Commission Daily Calendar on December 19, 2003, the Commission preliminarily categorized Application 03-12-021 as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, these preliminary determinations remain correct. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3125.

This Application is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published Notice of Application 03-12-021 in the Commission's Daily Calendar on December 18, 2003. There are no unresolved matters or protests; a public hearing is not necessary.
2. ACE requests authority, under Public Utilities Code Sections 1201-1205, to construct the proposed Ramona Boulevard grade separation under the adjacent

UP Alhambra Subdivision and SCRRA San Gabriel Subdivision main line tracks, in El Monte, Los Angeles County.

3. Public convenience, necessity, and safety require construction of the proposed Ramona Boulevard grade separation.

4. Public necessity and safety require, upon the opening of Ramona Boulevard grade separation and its opening to vehicular traffic, the permanent closure and physical removal of the existing at-grade highway-rail crossings of Cypress Avenue and Ramona Boulevard over the adjacent UP Alhambra Subdivision and SCRRA San Gabriel Subdivision main line tracks.

5. Caltrans is the lead agency for this project under CEQA, as amended.

6. Caltrans prepared a Categorical Exemption / Categorical Exclusion document for this project. On September 20, 1999, Caltrans determined that the project is categorically exempt under CEQA (CEQA Guideline Section 15061 (b)(3)). On September 28, 1999, Caltrans also determined that this project was exempt under the NEPA guidelines. On October 4, 1999, the FHWA determined that this project was properly classified as a categorical exclusion.

7. A Notice of Determination was filed for the project with the Los Angeles County Clerk on December 3, 2001. The Ramona Boulevard grade separation project was approved with a finding that the project will not have a significant effect on the environment.

8. The Application further stated that the project also has a Statutory Exemption under Public Resources Code Section 21080.13, which exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.”

9. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency’s Categorical Exemption / Categorical Exclusion

determination and the Applicant's Notice of Determination and Statutory Exemption determination.

Conclusions of Law

1. The lead agency and Applicant reasonably concluded that the project will not have a significant effect on the environment under CEQA. We adopt the lead agency's CEQA Categorical Exemption and NEPA Categorical Exclusion determinations and the Applicant's Notice of Determination and Statutory Exemption determination for purposes of our approval.
2. The Application is uncontested and a public hearing is not necessary.
3. The Application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Alameda Corridor – East Construction Authority (ACE) is authorized to construct the proposed Ramona Boulevard grade separation under Union Pacific Railroad Company's (UP) Alhambra Subdivision and Southern California Regional Rail Authority's (SCRRA) San Gabriel Subdivision main line tracks, in the City of El Monte (City), Los Angeles County, at the location and substantially as shown by plans attached to the Application and Appendix B of this order, identified as CPUC Crossing No. B-495.10-B.
2. During the period of construction of the proposed Ramona Boulevard grade separation, ACE, UP, SCRRA, and City (parties) are authorized to close and physically remove the existing Cypress Avenue and Ramona Boulevard at-grade highway-rail crossings, CPUC Crossing No. B-495.00 and B-495.10, respectively.

3. Upon completion of the proposed Ramona Boulevard grade separation and its opening to vehicular traffic, the parties shall permanently close and physically remove the existing Cypress Avenue and Ramona Boulevard at-grade highway-rail crossings, CPUC Crossing No. B-495.00 and B-495.10, respectively.

4. Clearances and walkways shall conform to all applicable Commission General Orders.

5. The parties shall bear construction and maintenance costs in accordance with an agreement between the parties. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, ACE shall notify the Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

7. This authorization shall expire if not exercised within three years unless the Commission extends the time or if the parties do not comply with the above conditions. The Commission may revoke or modify authorization if public convenience, necessity, or safety so require.

8. The Application is granted as set forth above.

9. Application 03-12-021 is closed.

This order becomes effective today.

Dated _____, at San Francisco, California.

APPENDIX A
ENVIRONMENTAL DOCUMENTS

APPENDIX B
PLANS

