

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit and Crossings Branch
Rail Crossings Engineering Section

Resolution SX-92
March 11, 2010

RESOLUTION

RESOLUTION GRANTING SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY AUTHORIZATION PURSUANT TO COMMISSION GENERAL ORDER 164-D TO CONSTRUCT THREE NEW AT-GRADE HIGHWAY-RAIL CROSSINGS AND A NEW TRACK AT AN EXISTING CROSSING AS PART OF THE CENTRAL SUBWAY PROJECT LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO

SUMMARY

This resolution grants San Francisco Municipal Transportation Agency (SFMTA) authorization pursuant to Commission General Order (GO) 164-D to construct three new at-grade highway-rail crossings and a new track at an existing crossing as part of the Central Subway Project located in the City and County of San Francisco (City).

DISCUSSION

The Central Subway Project of SFMTA is a project undertaken by SFMTA under the Federal Transit Administration (FTA) New Starts Program, and is jointly funded by SFMTA and the FTA. The project will connect areas in the southern and central parts of San Francisco through a light rail line, a portion of which was proposed at-grade. The project was undertaken in two phases, with Phase 1 already having received approvals and been constructed. For Phase 2, the at-grade portion at the southern end of the line connects the existing Phase 1 at-grade SFMTA line to the subway portion of the project.

By a letter dated May 19, 2009, (Attachment) SFMTA provided preliminary plans and requested authorization to construct highway-light rail transit crossings along 4th Street from King Street to Bryant Street. The proposed track alignment along 4th Street for the Central Subway Project will connect existing light-rail track at King Street to the proposed subway portal to be located just northwest of Bryant Street.

The project requires three new at-grade highway-light rail crossings, and construction of a new track at an existing crossing. All of the crossing locations are intersections currently controlled by traffic signals. The track alignment between intersections includes both semi-exclusive track separated by curbs within the street median, and non-exclusive track sharing vehicular traffic lanes in mixed traffic.

Light rail vehicles are expected to run at up to 25 MPH at 2.5-minute intervals during peak hours and 5-minute intervals during midday.

GO 164-D is titled “Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems.” Section 10 of this GO provides rules for authorizing at-grade crossings on fixed guideway systems.

In lieu of a Formal Application for Commission authority for the subject crossings, as provided for by Section 10.3(i) of GO 164-D, SFMTA provided a Rail Crossing Hazard Analysis Report (RCHAR) identifying potential hazards at the crossings and proposing mitigation measures to the Rail Transit and Crossings Branch (RTCB) to address the identified hazards. The proposed mitigation measures include modifications to traffic signals, signage, pavement markings, and lane and median configuration, among other items. The RCHAR and preliminary engineering submittal provide details regarding the proposed crossings, potential hazards, and mitigation measures. The RCHAR and preliminary engineering design submitted by SFMTA was developed in consultation with CPUC staff and others.

The following serves as a timeline of the project related to review of the at-grade rail safety concerns:

- 9/9/2005: CPUC staff responded to the Notice of Preparation of an Environmental Impact Report (EIR) for the Central Subway Project noting safety concerns related to at-grade crossings.
- 12/4/2007: State Clearinghouse provided a letter stating that SFMTA complied procedurally in issuing a Supplemental EIR which resulted in a modified alignment proposal.
- 3/24/2008: SFMTA met with CPUC staff to present the modified alignment.
- 8/7/2008: San Francisco Planning Commission certified the Supplemental EIR (SEIR).
- 8/12/2008: CPUC staff conducted a site review of the proposed crossing locations.
- 8/19/2008: SFMTA Board of Directors adopted the project as proposed in the SEIR.
- 9/16/2008: San Francisco Board of Supervisors upheld the SEIR certification by the San Francisco Planning Commission, in response to appeals by various parties.
- 10/16/2008: Workshop #1, CPUC, SFMTA and FTA staff reviewed the proposed alignment for hazards and risk indices. A draft RCHAR was reviewed.
- 10/24/2008: Workshop #2, CPUC, SFMTA, FTA and Caltrans staff further reviewed the draft RCHAR and determined possible controlling measures and mitigations to minimize the identified hazards, including feasibility of implementing semi-exclusive track over a portion of the alignment.
- 11/26/2008: FTA issued the Record of Decision for the project pursuant to the National Environmental Policy Act.

- 4/1/2009: Workshop #3, CPUC and SFMTA reviewed the proposed mitigation measures. SFMTA determined that the semi-exclusive track was feasible north of Fourth Street & King Street.
- 5/19/2009: SFMTA submitted the most recent revision of the RCHAR and preliminary final plans for the crossings.

Subsequent to this CPUC approval for the crossings and final construction engineering for the project, SFMTA will submit the detailed final construction plans for the at-grade crossings and alignment to the Commission's RTCB.

Environmental Review

As a responsible agency under the California Environmental Quality Act the Commission must consider the lead agency's environmental documents and findings in regards to safety, transportation and noise before acting on or approving this project. The City is the lead agency for the project.

The project was conceived as a project to construct a light rail line between Bayshore (southern San Francisco) and Chinatown (central San Francisco). The environmental analysis was split into two phases, with the first phase being the southern Third Street Light Rail Project (now referred to as the T-Third Line), for which a Final Environmental Impact Statement / Final Environmental Impact Report was issued in 1998.

Subsequently, the environmental analysis was carried out for the second phase, the Central Subway Project. The Notice of Preparation for the Central Subway Project was issued in August 2005. A SEIR was issued in October 2007.

The proposed alignment (Alternative 3A) was subsequently modified (to Alternative 3B – Fourth/Stockton Alignment) based on input from the community and project stakeholders. The modification of the tunnel portal location affected the proposed at-grade portion of the alignment. This change results in track at two additional intersections and additional track along the street between Brannan Street and Bryant Street.

The revised SEIR was issued in July 2008. In September 2008 the Final Supplemental Environmental Impact Statement / Supplemental Environmental Impact Report (Final SEIS/SEIR) was certified by the Board of Supervisors of the City.

One of the significant and unmitigated impacts identified in the Final SEIS/SEIR for the Alternative 3B alignment was specifically related to a light rail crossing location:

Transportation – Traffic – Operation/Cumulative:

“This alternative would have a cumulatively considerable contribution to the adverse cumulative traffic impacts at the King Street intersections with [Fourth

Street] ... during the p.m. peak hour in 2030... The traffic impacts at the ... Fourth/King Streets intersections could not be reasonably mitigated to a less-than-significant level.”

As part of developing the RCHAR, a semi-exclusive alignment was proposed along 4th Street that CPUC staff expects will increase separation between vehicular traffic and light rail trains on approach to King Street.

The City adopted a Notice of Determination (NOD) in certifying the Final SEIS/SEIR, State Clearinghouse No. 1996102097. The NOD for the Final SEIS/SEIR was received by the State Clearinghouse on September 18, 2008. It indicates that: the project will have a significant effect on the environment, that mitigation measures were made a condition of approval of the project, and that a Statement of Overriding Considerations (SOC) was adopted for the project. The Final SEIS/SEIR indicates that other impacts to safety, transportation and noise can be mitigated to less-than-significant levels through the implementation of mitigation measures.

The Commission reviewed and considered the lead agency’s Final SEIS/SEIR and finds where feasible, SFMTA adopted mitigations to reduce the impacts to less-than-significant levels, and that remaining significant impacts were lessened to the extent possible through adoption of additional mitigations. The Commission finds the Final SEIS/SEIR, NOD, and SOC adequate for our decision-making purposes.

NOTICE

On February 3, 2010, SFMTA’s request was published on the Commission’s Daily Calendar.

COMMENTS

The draft resolution of the Consumer Protection and Safety Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission’s Rules of Practice and Procedure. Comments were filed on ____, and reply comments were filed on ____.

FINDINGS

1. Section 10 of GO 164-D provides rules for authorizing at-grade crossings of fixed guideway systems, such as the SFMTA Central Subway Project.
2. SFMTA, by letter dated May 19, 2009, requests authorization, pursuant to GO 164-D, to construct track at the following at-grade crossings: (1) 4th Street & King Street (existing), (2) 4th Street & Townsend Street, (3) 4th Street & Brannan Street, and (4) 4th Street & Bryant Street at I-80 off-ramp, in the City.
3. RTCB has reviewed the hazard analysis report and the preliminary plans for the at-grade crossings submitted by SFMTA, and recommends Commission approve the project and subject crossings.

4. SFMTA has provided preliminary final designs, but has not yet completed Final Engineering for the Central Subway Project, including detailed construction plans showing the final design of each at-grade crossing. RTCB recommends that SFMTA be required to submit detailed plans for each crossing at the completion of Final Engineering.

THEREFORE, IT IS ORDERED THAT:

1. Pursuant to Commission General Order 164-D, Section 10.6, San Francisco Municipal Transportation Agency is authorized to construct additional track through the following existing at-grade crossing:
 - a. King Street & 4th Street (identified as CPUC Crossing No. 125T-5.09).
2. Pursuant to Commission General Order 164-D, Section 10.6, San Francisco Municipal Transportation Agency is authorized to construct the following three new at-grade highway-rail crossings:
 - a. Townsend Street & 4th Street (to be identified as CPUC Crossing No. 125T-5.17)
 - b. Brannan Street & 4th Street (to be identified as CPUC Crossing No. 125T-5.29)
 - c. Bryant Street & 4th Street (to be identified as CPUC Crossing No. 125T-5.41).
3. The traffic control devices shall include traffic signals at each crossing. The designs and further treatments at the crossings and along the semi-exclusive and non-exclusive right-of-way shall be in accordance with the FINAL DRAFT Rail Crossings Hazard Analysis Report submitted May 19, 2009.
4. San Francisco Municipal Transportation Agency shall submit to CPUC staff detailed plans for each crossing prior to the completion of Final Engineering for the Central Subway Project.
5. San Francisco Municipal Transportation Agency shall comply with all applicable rules, including Commission General Orders and California Manual on Uniform Traffic Control Devices.
6. San Francisco Municipal Transportation Agency shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least 5 business days prior to opening the crossings and placing the line in service. Notification should be made to rces@cpuc.ca.gov
7. Within 30 days after completion of the project, San Francisco Municipal Transportation Agency shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section that the authorized work is completed by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the

CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

8. This authorization shall expire if not exercised within three years 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.
9. A request for extension of the three-year authorization period must be submitted to Rail Crossings Engineering Section at least 30 days before the expiration of that period.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on March 11, 2010. The following Commissioners voted favorably thereon.

PAUL CLANON
Executive Director

ATTACHMENT