

Decision 10-08-007 August 12, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California Department of Transportation for an order authorizing the partial replacement and widening of the SR 15 Overhead (PUC No. 2X-6.40-A) and widening of the Box Springs Road (SR 15) Overhead (PUC No. 2X-6.42-A) over the San Jacinto branch line tracks of the Riverside County Transportation Commission, that are currently operated by the Burlington Northern and Santa Fe Railroad Company (per General Order 26-D), located in the City of Riverside and Moreno Valley, County of Riverside, State of California.

Application 10-03-020
(Filed March 16, 2010)

**DECISION GRANTING AUTHORIZATION TO CALIFORNIA DEPARTMENT OF
TRANSPORTATION TO REMOVE, RECONSTRUCT AND WIDEN THE STATE
ROUTE (SR) 15 AND BOX SPRINGS (SR 15) OVERHEAD BRIDGE
STRUCTURE OVER ONE SET OF RAILROAD TRACKS OWNED BY
RIVERSIDE COUNTY TRANSPORTATION COMMISSION, OPERATED BY
BNSF RAILWAY COMPANY WITHIN THE CITIES OF RIVERSIDE AND
MORENO VALLEY, COUNTY OF RIVERSIDE**

Summary

This decision grants the California Department of Transportation authorization to remove, reconstruct and widen the existing grade-separated crossing of SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215) over San Jacinto Subdivision railroad tracks owned by the Riverside County Transportation Commission and operated by BNSF Railway Company, within the Cities of Riverside and Moreno Valley, in the County of Riverside. The SR 15 (Northbound I-215) grade-separated crossing is identified as CPUC Crossing No.

002X-6.40-A and DOT No. 027313T. The Box Springs Road (Southbound I-215) grade-separated crossing is identified as CPUC Crossing No. 002X-6.42-A and DOT No. 027314A.

Discussion

The California Department of Transportation (Caltrans) proposes to remove, reconstruct and widen the existing SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215) Overhead Structures, as part of its project to improve the efficiency of State Route 60 (SR 60) and Interstate 215 (I-215) and associated interchanges in Riverside County. The proposed grade-separated structure is located immediately west of the SR 60/I-215 interchange. The SR 15 (Northbound I-215) structure will be approximately 100 feet in width and the Box Springs Road (Southbound I-215) structure will be approximately 104 feet in width. The proposed crossing number for both grade-separated structures (Northbound and Southbound I-215) will remain the same and is identified as CPUC Crossing No. 002X-6.40-A and DOT No. 027313T for SR 15 (Northbound I-215) and Crossing No. 002X-6.42-A and DOT No. 027314A for Box Springs Road (Southbound I-215).

The accelerated growth and development within the Inland Empire over the last two decades has resulted in an increase of commuter and interregional traffic. The increased traffic volumes exceed the existing capacity of the facilities and have resulted in severe congestion and operational breakdown of the facilities. Operational conditions on the SR 60/I-215 freeways within the study area have deteriorated in general, and have fallen to Level of Service F during peak periods. In addition, the increased congestion and existing geometric deficiencies have contributed to a high-rate of congestion-related auto accidents in the vicinity. Conditions are expected to deteriorate further unless an

alternative is implemented in the near future. The SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215) grade-separated structure is part of the project to address these deficiencies.

The design and construction of the overpass grade-separation structure will comply with all minimum clearance requirements set forth in California Public Utilities Commission General Order 26-D.¹ The plans show the minimum vertical clearance will be 24 feet 10 inches from top of rail to the bottom of bridge structure, which meets the minimum requirement for General Order 26-D of 22 feet 6 inches.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

¹ General Order 26-D details the clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings.

The lead agency is either the public agency that carries out the project,² or the one with the greatest responsibility for supervising or approving the project as a whole.³ Here, Caltrans is the lead agency for this project because it is proposing and carrying out the project to improve one of its roadways, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.⁴

The reconstruction of an existing grade-separation structure is statutorily exempt from CEQA (Public Resources Code 21080.13). However, pursuant to CEQA and the National Environmental Policy Act, Caltrans and the Federal Highway Administration (FHWA) have prepared a joint Final Environmental Impact Statement and Final Environmental Impact Report (joint FEIS/FEIR) that reviews improvements to SR 60 and I-215, which includes the removal, reconstruction, and widening of the SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215) overcrossing on I-215. The joint FEIS/FEIR states that there are no major individual or cumulative environmental impacts associated with the entire project.⁵ Substantively, this means that the removal,

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

³ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

⁴ CEQA Guidelines, Sections 15050(b) and 15096.

⁵ Final Environmental Impact Statement/Environmental Impact Report, Interstate 215 Improvements, Cities of Riverside and Moreno Valley, Riverside, California, at Page 2-15.

reconstruction and widening of the existing grade-separated crossing of SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215), a subset of the larger project, has no significant impacts. Although the FEIS/FEIR is a joint document, the FEIR, dated September, 2001, meets the requirements of CEQA. FHWA approved a Record of Decision (ROD) for the project on March 1, 2002.

Caltrans prepared a CEQA Addendum in December 2009 to address additional issues related to the I-215/SR 60 Project, specifically, modifications pertaining to a drainage channel to be altered, whose impacts were not previously evaluated. The Addendum disclosed that no new significant impacts were associated with the changes.

The Commission reviewed and considered the joint FEIS/FEIR, the ROD, and the CEQA Addendum. The Commission finds the documents adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3251 dated April 8, 2010, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received.

There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 1, 2010. There are no unresolved matters or protests. A public hearing is not necessary.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to remove, reconstruct and widen the grade-separated crossings of SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215) over the San Jacinto Subdivision railroad tracks owned by the Riverside County Transportation Commission and operated by BNSF Railway Company.

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

4. Caltrans and FHWA prepared a joint FEIS/FEIR for improvements to I-215 and SR 60, which has a scope that includes the removal, reconstruction and widening of the existing grade-separated crossing of SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215).

5. Because the joint FEIS/FEIR identifies no major environmental impacts associated with I-215 and SR 60, this substantively means that the removal and

reconstruction of the existing grade-separated crossing of SR 15 (Northbound I-215) and Box Springs Road (Southbound I-215), a subset of the larger project, has no significant impacts on the environment.

6. FHWA approved a ROD for the project on March 1, 2002.

7. Caltrans prepared a CEQA Addendum for additional design changes related to the I-215/SR 60 project in December 2009. No further significant impacts were identified.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's joint FEIS/FEIR, including the CEQA Addendum of December 2009.

Conclusions of Law

1. The joint FEIR/FEIS, ROD and CEQA Addendum, prepared by Caltrans and FHWA to meet CEQA requirements, are adequate for our decision-making purposes.

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. The California Department of Transportation is authorized to remove, reconstruct and widen the State Route 15 (Northbound I-215) and Box Springs Road (Southbound I-215) grade-separated crossings to be identified as CPUC Crossing Nos. 002X-6.40-A and 002X-6.42-A respectively, in the Cities of Riverside and Moreno Valley, County of Riverside.

2. The California Department of Transportation shall notify the Commission's Consumer Protection and Safety Division – Rail Crossing

Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

3. Within 30 days after completion of the work under this order, the California Department of Transportation shall notify Commission's Consumer Protection and Safety Division – Rail Crossing Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpus.ca.gov/formg> . This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

4. The California Department of Transportation shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

5. This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not satisfied. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

6. A request for extension of the three-year authorization period must be submitted to the Commission's Consumer Protection and Safety Division – Rail Crossing Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

7. The application is granted as set forth above.

8. Application 10-03-020 is closed.

This order becomes effective 30 days from today.

Dated August 12, 2010, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

TIMOTHY ALAN SIMON

NANCY E. RYAN

Commissioners