

Decision 12-03-041 March 22, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Alameda Corridor – East Construction Authority for an order authorizing construction of a project to eliminate the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard grade crossings of Union Pacific Railroad Company’s Alhambra subdivision main line, by lowering the railroad operating right-of-way to pass underneath the four roadways; which project is called the San Gabriel Trench; located principally within the City of San Gabriel, County of Los Angeles, State of California

Application 10-08-021
 (Filed August 27, 2010;
 Petition for Modification filed
 September 8, 2011)

ORDER MODIFYING DECISION 11-05-014**Summary**

By a Petition for Modification filed September 8, 2011, the Alameda Corridor - East Construction Authority requests authority to modify Decision 11-05-014. This decision granted the Alameda Corridor – East Construction Authority authorization to construct its San Gabriel Trench Project which will grade-separate the existing Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard at-grade crossings of the Union Pacific Railroad Company’s Alhambra Subdivision main line tracks in the City of San Gabriel, County of Los Angeles. The requested modification pertains to the temporary at-grade crossings along the shoofly track to be used during construction of the grade-separation structures.

The Petition for Modification requests authorization to modify the designs approved by Decision 11-05-014 as follows:

1. Install R3-2 (NO LEFT TURN) train activated blank out signs at the intersection of Ramona Street and Mission Road, north of the Ramona Avenue crossing CPUC Crossing No. 001B-490.20 and DOT No. 746879A to serve eastbound traffic.
2. Install Americans with Disabilities Act-compliant modifications to the temporary pedestrian walkway proposed at the intersection of Ramona Street and Mission Road by enlarging the fenced area and the installation of a push button-actuate pedestrian walk signal.
3. Install Americans with Disabilities Act-compliant temporary pedestrian walkway across the intersection of Mission Road and South Junipero Serra Drive, on the northeast quadrant of the Mission Road, CPUC Crossing No. 001B-490.30 and DOT No.746880U with curb ramp and Americans with Disabilities Act tactile warning strips for the walkway and crossing in stage 1A.
4. Move the temporary pedestrian crossing at Mission Road, from the east side to the west side of the crossing in stage 2B.
5. Install new railroad signal bungalows (i.e. houses) at the Ramona Street, Mission Road, Del Mar Avenue, CPUC Crossing No. 001B-490.70-A and DOT No. 746882H and San Gabriel Boulevard, CPUC Crossing No. 001B-491.20-A and DOT No. 746883P in stage 1A instead of 1B.
6. Rename the Walnut Grove Avenue, CPUC Crossing No. 001B-491.60 and DOT No. 746884W stages to 1A, 1B, 2A, and 2B for clarity.

Discussion

The Alameda Corridor - East Construction Authority (ACE) filed its original Application 10-08-021 on August 27, 2010. The Commission issued Decision (D). 11-05-014 on May 9, 2011.

ACE filed the Petition for Modification on September 8, 2011 and indicates that it is requesting the changes to the final designs proposed for the temporary crossings to be constructed across the shoofly track and placed in use while the grade-separation structures are constructed. ACE is requesting authority to add train-activated blank out signs at the intersection of Ramona Street and Mission Road crossing north of the Ramona crossing to serve eastbound Mission Road vehicular traffic. ACE requests to move the temporary pedestrian crossing at Mission Road approved by D.11-05-014 from the east side to the west side of the crossing in stage 2B, as well as provide Americans with Disabilities Act (ADA)-compliant modifications to the temporary pedestrian walkways proposed at the intersection of Ramona Street and Mission Road and at the intersection of Mission Road and South Junipero Serra Drive. ACE also requests to move the temporary pedestrian crossing at Mission Road, from the east side to the west side of the crossing in stage 2B. In addition to adding new railroad signal houses at the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard crossings in stage 1A instead of 1B, the Petition to Modify also proposes to rename the Walnut Grove Avenue crossing stages to 1A, 1B, 2A, and 2B for clarity.

These minor changes are requested to mitigate the issues identified during preparation of contract documents with the Union Pacific Railroad Company, City of San Gabriel requirements, California Department of Transportation requirements, Los Angeles County requirements, Army Corps of Engineers

requirements, State Historic Preservation Office requirements, California Environmental Quality Act/National Environmental Policy Act mitigation measures, scheduling requirements, and other requirements in preparation of plans and specifications for bid purposes.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, in 1982) as stated in 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. The Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must modify D.11-05-014, which authorized the project pursuant to Section 1202 of the Public Utilities Code); therefore, the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

ACE is the lead agency for this project under CEQA. 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.

In the original Commission decision authorizing this project, the Commission reviewed and considered the *Construction of the San Gabriel Trench Grade Separation Project, Final Environmental Impact Report (FEIR)/Finding of No Significant Impact (FONSI)*, Notice of Determination (NOD) and Statement of Overriding Considerations (SOC) adopted by ACE, and found them adequate for our decision-making purposes.

The Petition for Modification is silent regarding the application of CEQA or National Environmental Policy Act (NEPA) to the revised project, but ACE clarified after being contacted by Commission staff that the project is within the scope of the original decision and the proposed modifications to mitigate the issues identified during preparation of contract documents are minor; staff concurs. The determination that the proposed changes to the project are within the scope of the original decision obtained pursuant to CEQA and NEPA appears reasonable and we will adopt it for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements.

The Commission's Rail Crossings Engineering Section reviewed and analyzed the plans submitted with the Petition to Modify and recommends that the Commission grant ACE's request.

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

Michelle Cooke is the assigned Examiner in this proceeding.

Findings of Fact

1. The Petition for Modification of D.11-05-014 was published in the Commission's Daily Calendar on September 9, 2011.
2. ACE's Petition to Modify requests authority to modify the design approved by D.11-05-014 to the Ramona Avenue crossing CPUC Crossing No.

001B-490.20 and DOT No. 746879A, Mission Road, CPUC Crossing No. 001B-490.30 and DOT No.746880U Del Mar Avenue, CPUC Crossing No. 001B-490.70-A and DOT No. 746882H and San Gabriel Boulevard, CPUC Crossing No. 001B-491.20-A and DOT No. 746883P. ACE also provided additional information of renaming the Walnut Grove Avenue, CPUC Crossing No. 001B-491.60 and DOT No. 746884W construction stages to clarify.

3. The Petition for Modification is silent regarding the application of CEQA or NEPA to the revised project, but ACE clarified in response to questions that the project is within the scope of the original environmental documents. The determination that the proposed changes to the project are within the scope of the original environmental approvals obtained pursuant to CEQA and NEPA appears reasonable and we will adopt it for our decision-making purposes.

Conclusion of Law

ACE's request to modify D. 11-05-014 should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that Decision 11-05-014 shall be modified as follows:

1. The Alameda Corridor-East Construction Authority is authorized to construct its San Gabriel Trench Project that will grade-separate the existing Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard at-grade crossings, identified as CPUC Crossing No. 001B-490.20 and DOT No. 746879A; CPUC Crossing No. 001B-490.30 and DOT No. 746880U; CPUC Crossing No. 001B-490.70 and DOT No. 746882H; and CPUC No. 001B-491.20 and DOT No. 746883P, as described in the Petition to Modify and summarized below.

- a) Add train-activated blank out signs at the intersection of Ramona Street and Mission Road crossing north of the Ramona crossing to serve eastbound Mission Road vehicular traffic.
- b) Move the temporary pedestrian crossing at Mission Road approved by Decision 11-05-014 from the east side to the west side of the crossing in stage 2B.
- c) Provide Americans with Disabilities Act-compliant modifications to the temporary pedestrian walkways proposed at the intersection of Ramona Street and Mission Road and at intersection of Mission Road and South Junipero Serra Drive.
- d) Move the temporary pedestrian crossing at Mission Road, from the east side to the west side of the crossing in stage 2B.
- e) Add new railroad signal houses at the Ramona Street, Mission Road, Del Mar Avenue and San Gabriel Boulevard crossings in stage 1A instead of 1B; and
- f) Rename the Walnut Grove Avenue crossing stages to 1A, 1B, 2A, and 2B for clarity.

2. The Alameda Corridor-East Construction Authority and Union Pacific Railroad Company's shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices, published by the California Department of Transportation.

3. Within 30 days after completion of the work under this order, the Alameda Corridor-East Construction Authority shall notify the Commission's Rail Crossings Engineering Section by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*.

4. Within 30 days after completion of the work under this order, the Union Pacific Railroad Company shall notify the Federal Railroad Administration of the closure of the at-grade crossings and existence of the grade separation crossing structures by submitting a revised U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71, for the closures, and a new U.S.DOT CROSSING INVENTORY FORM for each new grade-separation structure.

5. In all other respects, Decision 11-05-014 shall remain in full force and effect.

6. The Petition for Modification is granted as set forth above.

7. Application 10-08-021 is closed.

8. This order becomes effective 30 days from today.

Dated March 22, 2012, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J. K. SANDOVAL
MARK J. FERRON
Commissioners