

Decision 12-03-043 March 22, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District (RT) for an order authorizing it to construct, maintain and operate a light rail passenger system on a structure over Morrison Creek/Union Pacific Railroad mainline, Cosumnes River Boulevard and Cosumnes River College access road in the City of Sacramento, County of Sacramento, State of California.

Application 11-10-027
(Filed October 26, 2011)

DECISION GRANTING AUTHORIZATION TO THE SACRAMENTO REGIONAL TRANSIT DISTRICT TO CONSTRUCT GRADE-SEPARATED STRUCTURES FOR LIGHT RAIL TRAINS OVER MORRISON CREEK/UNION PACIFIC RAILROAD MAINLINE, COSUMNES RIVER BOULEVARD, AND COSUMNES RIVER COLLEGE ACCESS ROAD IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO

Summary

This decision grants the Sacramento Regional Transit District authorization to construct a new grade-separated track-over-track crossing over Morrison Creek/Union Pacific Railroad mainline, and grade-separated highway-rail crossings over Cosumnes River Boulevard and Cosumnes River College access road in the City of Sacramento in Sacramento County. The new Morrison Creek/Union Pacific Railroad mainline crossing will be identified as CPUC Crossing No. 083S-8.92-BT and 004-130.30-AT, with each railroad having its own number. The new Cosumnes River Boulevard crossing will be identified as CPUC Crossing No. 083S-11.27-B and the new Cosumnes River College access road crossing will be identified as CPUC Crossing No. 083S-11.32-B.

Discussion

The Sacramento Regional Transit District (SRTD) requests authority to construct a new grade-separated track-over-track crossing of the Union Pacific Railroad (UPRR) Sacramento Subdivision tracks and a grade-separated highway-rail crossing structure that will span over Cosumnes River Boulevard and a Cosumnes River College access road, in the City of Sacramento, Sacramento County. The new crossings are to be part of the South Sacramento Corridor Phase 2 Project (Project), extending SRTD light rail transit service further south and east of its current terminus. The Project is also part of the Transit Master Plan to reduce single-occupancy vehicle usage and, in turn, reduce the region's air quality problems.

The track-over-track grade-separation will be a 1317-foot, 6-inch long, 32-foot wide curved structure that spans both the UPRR tracks and Morrison Creek. The SRTD tracks will share the rail corridor with UPRR until reaching this location, where the SRTD tracks will go up, and curve to the east, crossing over the UPRR tracks and Morrison Creek. The tracks then come back to an at-grade configuration, where the tracks run east in an exclusive right-of-way just north of the north curb line of Cosumnes River Boulevard and its future extension. The minimum overhead clearance between the top of rail of the UPRR tracks and the bottom of the SRTD structure will be 26-feet, 8-inches.

The highway-rail grade-separation will take the SRTD tracks from their alignment north of the north curb of Cosumnes River Boulevard, over Cosumnes River Boulevard and the northeast corner of the college grounds, to an alignment along Bruceville Road. The SRTD Extension will terminate at a station in this northeast corner of the college grounds. Future service is planned to extend south along Bruceville Road toward Elk Grove. The structure will be a 945-foot

long, 32-foot wide curved structure that spans over both Cosumnes River Boulevard and the Cosumnes River College access road. The minimum overhead clearance over Cosumnes River Boulevard will be 17 feet, 3 inches and over the Cosumnes River College access road, 15 feet.

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.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, SRTD is the lead agency for this project because the project, is being constructed by them, and is subject to their review and approval, 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

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

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

consider the lead agency's environmental documents and findings before acting on or approving this project.³

In 1994, SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project. On March 18, 1997, SRTD filed a Notice of Determination (NOD). A Supplemental Final Impact Statement/Subsequent Final Impact Report (SFEIS/SFEIR) was circulated in September 2008 to evaluate Phase 2 of the South Sacramento Corridor project. No significant and unavoidable impacts were identified for Phase 2 of the project.

On October 21, 2011, the Federal Transit Administration (FTA) filed a Finding of No Significant Impact (FONSI) with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the project "was evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required." Actions by SRTD to undertake mitigations not modified by the FONSI but identified in the SFEIS/SFEIR remain in effect.

FTA served as the lead agency and SRTD served as a joint-lead agency in the preparation of the Environmental Analysis (EA) in compliance with National Environmental Policy Act, 42 U.S. C. Section 4321 et. seq. and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the project's

³ CEQA Guidelines, Sections 15050(b) and 15096.

potential significant impacts. The EA was issued in August 2011. The EA found that the project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. After considering the EA, its supporting documents, public comments, and responses, FTA found under 23 CFR 771.121 that the proposed project with the mitigation to which SRTD has committed, will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

The Commission reviewed and considered SRTD's Draft Environmental Impact Report, Final Environmental Impact Report, NOD, SFEIS/SFEIR and FTA's FONSI as they relate to these grade-separated crossings and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.9 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a public road and Rule 3.10 which relates to the construction of a railroad across a railroad.

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

Categorization and Need for Hearings

In Resolution ALJ 176-3284, dated November 10, 2011, 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, 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

Michelle Cooke is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on October 28, 2011. There are no unresolved matters or protests. A public hearing is not necessary.

2. SRTD requests authority, under Public Utilities Code Sections 1201-1205, to construct a new grade-separated track over track crossing over Morrison Creek/Union Pacific Railroad mainline, and a grade-separated highway-rail crossing over Cosumnes River Boulevard and Cosumnes River College access road in the City of Sacramento in Sacramento County.

3. SRTD is the lead agency for this project under CEQA. SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement in 1994 and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project. On March 18, 1997, SRTD filed a NOD.

4. SFEIS/SFEIR was circulated in September 2008 to evaluate Phase 2 of the South Sacramento Corridor project. No significant and unavoidable impacts were identified for Phase 2 of the project.

5. On October 21, 2011, the FTA filed a FONSI with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the project "was evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required."

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Draft Environmental Impact Report , Final Environmental Impact Report, NOD, SFEIS/SFEIR and FTA's FONSI. Mitigation measures were made a condition of approval for the overall project.

Conclusions of Law

1. The Draft Environmental Impact Report, Final Environmental Impact Report, NOD, SFEIS/SFEIR prepared by SRTD and FTA's FONSI as the documentation required by CEQA for the project are adequate for our decision-making purposes.

2. The South Sacramento Corridor Phase 2 Project will not result in significant and unavoidable environmental impacts. Mitigation measures were made a condition of approval for the project.

3. The application is uncontested and a public hearing is not necessary.

4. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Sacramento Regional Transit District is authorized to construct the new grade-separated track-over-track crossing over Morrison Creek/Union Pacific Railroad mainline, in the City of Sacramento in Sacramento County. The new Morrison Creek/Union Pacific Railroad mainline crossing will be identified as CPUC Crossing No. 083S-8.92-BT and 004-130.30-AT.

2. The Sacramento Regional Transit District is authorized to construct a new grade-separated highway-rail crossing over Cosumnes River Boulevard and Cosumnes River College access road in the City of Sacramento in Sacramento County. The new Cosumnes River Boulevard crossing will be identified as CPUC Crossing No. 083S-11.27-B and the new Cosumnes River College access road crossing will be identified as CPUC Crossing No. 083S-11.32-B.

3. The Sacramento Regional Transit District shall notify the Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section at least five (5) business days prior to opening the crossings. Notification should be made to rces@cpuc.ca.gov .

4. Within 30 days after completion of the work under this order, the Sacramento Regional Transit District shall notify the Rail Crossings 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.cpuc.ca.gov/formg> . This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

5. Within 30 days after completion of the work under this order, Sacramento Regional Transit District shall notify the Federal Railroad Administration of the existence of the track-over-track crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy is to be provided concurrently to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov.

6. The Sacramento Regional Transit District shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

7. 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.

8. A request for extension of the three-year authorization period must be submitted to the Rail Crossings Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

9. The application is granted as set forth above.

10. Application 11-10-027 is closed.

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