

Decision 12-06-029 June 21, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Anaheim for an order authorizing the construction of a pedestrian tunnel, pedestrian overcrossing structure and a baggage tunnel for the new Anaheim Regional Transportation Intermodal Center (ARTIC) which is located approximately 1400 ft. east of the existing Anaheim Train Station, located in the City of Anaheim, County of Orange, State of California.

Application 12-02-006
(Filed February 3, 2012)

**DECISION GRANTING AUTHORIZATION TO THE CITY OF ANAHEIM TO
CONSTRUCT THREE RAIL CROSSINGS: ONE PEDESTRIAN UNDER-
CROSSING, ONE PEDESTRIAN OVER-CROSSING, AND ONE BAGGAGE
UNDER-CROSSING FOR THE ORANGE COUNTY TRANSPORTATION
AUTHORITY TRACKS AT THE NEW ANAHEIM REGIONAL
TRANSPORTATION INTERMODAL CENTER IN THE CITY OF ANAHEIM,
COUNTY OF ORANGE**

Summary

This decision grants the City of Anaheim authorization to construct three new grade-separated rail crossings: a pedestrian rail under-crossing, a pedestrian rail over-crossing and a private baggage rail under-crossing across the Orange County Transportation Authority tracks at the new Anaheim Regional Transportation Intermodal Center, in the City of Anaheim, County of Orange. The new rail crossings will be identified as follows: ARTIC Station UP, CPUC Crossing No. 101OR-170.75-BD and DOT No. 945785X; ARTIC Station OH, CPUC Crossing No. 101OR-170.86-AD and DOT No. 945786E; and ARTIC Baggage UP, CPUC Crossing No. 101OR-170.89-BX and 945787L.

Discussion

The City of Anaheim (City), in conjunction with the Orange County Transportation Authority (OCTA), proposes to construct three grade-separated crossings: a pedestrian-rail under-crossing, a pedestrian rail over-crossing, and a private baggage rail under-crossing, across the two existing railroad tracks owned by the OCTA. The project is located at the future Anaheim Regional Transportation Intermodal Center (ARTIC), approximately 1,400 feet east of the existing Anaheim Train Station in the City of Anaheim, County of Orange.

The existing tracks are operated by the Southern California Regional Rail Authority (SCRRA) also known as Metrolink. The line also hosts National Railroad Passenger Corporation (Amtrak) passenger trains, and BNSF Railway Company and Union Pacific Railroad Company freight trains. Approximately 41 passenger trains per day at a maximum speed of 79 miles per hour (MPH) and 4 freight trains per day at a maximum speed of 55 MPH operate over these tracks.

The larger ARTIC project will combine a transportation gateway and mixed-use activity center on a 16-acre site owned by OCTA and the City. In addition to serving Metrolink, Amtrak, OCTA bus operations, shuttles, bicyclists and pedestrians, the ARTIC is also slated to serve the future High-Speed Rail system. As part of the ARTIC project, the proposed rail crossing project will provide safe pedestrian access, as well as safe access for Amtrak baggage handling operations, between the new ARTIC station platforms and station buildings and exits. During construction of the new crossings, railroad operations will be impacted, but construction activities will be closely coordinated to minimize the impact.

The proposed pedestrian tunnel will be a grade-separated pedestrian-rail crossing under two sets of OCTA Orange Subdivision mainline tracks at mile

post 170.75 to provide direct and safe access for transit patrons between the platforms and the far side western parking lots and the Angel Stadium of Anaheim. The pedestrian tunnel will be approximately 14 feet wide by 10 feet high by 97 feet long with a minimum vertical clearance of 10 feet. Americans with Disabilities Act (ADA) compliant walkways will be installed on both approaches to the tunnel. North of the crossing, one path extends to a 10 feet wide gently descending walkway approximately 97 feet in length, which leads from the station platform down to the tunnel entrance. The other north pathway leads to a set of stairs that go up to the platform. South of the crossing, one pathway extends to a 10 feet wide gently descending walkway, which leads from the station platform down to the tunnel entrance. The other south pathway leads to a set of stairs.

The nearest railroad crossing to the west is a grade separated pedestrian under-crossing located approximately 500 feet (0.09 miles) away at the existing Anaheim Train Station. The nearest crossing to the east is the Stadium (State Route 57) Overhead (OH) grade-separated crossing located approximately 600 feet (0.11 miles) away. The ARTIC mixed-use development building is approximately 900 feet east of the proposed pedestrian rail crossing. The proposed new ARTIC Station UP CPUC Crossing Number will be identified as 101OR-170.75-BD and DOT No. 945785X.

The second proposed pedestrian-rail crossing will be a grade-separated pedestrian overpass over two sets of OCTA Orange Subdivision mainline tracks at mile post 170.86 to carry pedestrian traffic from the new ARTIC station to the platforms. City proposes to build a grade-separated pedestrian structure approximately 27 feet wide by 10 feet 10 inches high by 265 feet long from the elevator platform on the south end, to the ARTIC building on the north end, over

the two OCTA tracks. The pathways leading to the proposed railroad overpass from the platforms to both sets of elevators will be ADA-compliant. The grade-separated bridge structure will continue over the OCTA tracks to connect the ARTIC project with the Honda Center, and a trail easement adjacent to the Santa Ana River Trail, along the east side of ARTIC between the railroad right-of-way and Katella Avenue. The final vertical clearance above the top of the tracks will be a minimum of 25 feet 7 inches. The minimum horizontal clearance will be 16 feet 4 inches from the track center line to the north elevator tower. These dimensions will be in compliance with General Order No. 26-D Section 2.1 minimum clearance requirements.

The nearest railroad crossing to the west is the grade-separated Douglass Road Underpass (CPUC Crossing No. 101OR-170.80-B and DOT No. 916116J) located approximately 325 feet (0.06 miles) away. The nearest crossing to the east is the grade-separated Santa Ana River Bike Path Underpass (CPUC Crossing No. 101OR-170.90-BD and DOT No. 916117R) located approximately 210 feet (0.04 miles) away. The proposed new ARTIC Station OH pedestrian-rail overpass crossing will be identified as CPUC Crossing No. 101OR-170.86-AD and DOT No. 945786E.

The third proposed rail crossing will be a grade-separated private baggage underpass tunnel to provide access for Amtrak baggage via carts between the ARTIC station Amtrak check-in area and the platforms. The baggage tunnel will be approximately 11 feet 6 inches wide by 10 feet high by 121 feet long with ramps on both sides leading back to the station platform. On the north side there will be a short ramp from the tunnel which then turns west where it leads to the platform. On the south side there will be short ramp leading directly from the tunnel entrance to the platform. The nearest railroad crossing to the west is the

grade-separated Douglass Road Underpass located approximately 450 feet (0.09 miles) away. The nearest crossing to the east is the grade-separated Santa Ana River Bike Path Underpass located approximately 60 feet (0.01 miles) away. The proposed private baggage tunnel undercrossing will be known as CPUC Crossing No. 101OR-170.89-BX and DOT No. 945787L.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, 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 proposed rail crossing project is subject to CEQA and the California Public Utilities Commission (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 The City of Anaheim is the lead agency for the ARTIC project and proposes three grade-separated rail crossings as part of the ARTIC project. The Commission is a responsible agency because it has jurisdiction to issue a permit for a portion of the ARTIC project. As a responsible agency under CEQA, the

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).

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

On September 29, 2010, the City of Anaheim certified an environmental impact report (EIR) for the ARTIC project. The EIR found that potentially significant impacts could result from the project, but some potential impacts would be reduced to less-than-significant levels with the implementation of identified mitigation measures. The City adopted a Mitigation Monitoring and Reporting Program (MMRP) which was made a condition of approval for the project.

The significant impacts identified in the EIR in areas under the Commission's jurisdiction pertain to construction related noise, and transportation and traffic within the area. For noise, mitigation measures consist of regulation through the City of Anaheim Municipal Code. Additionally, construction activity will be limited to between 7:00 am and 7:00 pm. For traffic, mitigation measures consist of the project's fair share of City improvements related to ARTIC as an applicable traffic impact fee into the City's Traffic Impact Fee Account. The City will also participate in a multi-jurisdictional effort with the California Department of Transportation to develop a study to identify the fair share contribution funding sources attributable to the ARTIC project. Also, a number of identified State of California facilities will operate at deficient levels of service with the project. Specifically, the ARTIC project will impact identified Caltrans freeway segments, and on-ramp and off-ramp intersections. Since the mitigation improvements are outside the City's jurisdiction, the City will pay into a mitigation fund that will be used for future Caltrans improvement projects

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

on these identified freeway segments and ramp intersections. With the use of these mitigations, the potential effects would be reduced to less-than-significant levels, except some traffic/transportation effects will result in significant and unavoidable construction related impacts.

The City adopted a Statement of Overriding Considerations (SOC) for the traffic/transportation impacts that could not be fully mitigated. The benefits cited by the City in the SOC include, but are not limited to, providing a needed inter-modal transportation center that will enhance the County of Orange's overall transportation system by accommodating additional bus/rail transit options, additional alternatives to road based travel, and improved services for the transit dependent; provide improved and safe pedestrian access and offer opportunities for transit oriented development as identified in the Anaheim General Plan and the Platinum Triangle Master Land Use Plan; and provide a necessary component for the transportation network within Anaheim and serve as the gateway to the southern California region. The City found that these benefits outweigh the potential environmental impacts of the ARTIC project.

The Commission reviewed and considered the EIR, SOC and MMRP and finds them adequate for its decision-making purposes. The significant impacts to traffic/transportation are acceptable when balanced against the facts as set forth in the SOC.

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 staff has reviewed and analyzed the application, and

recommends that the requested authority to construct the subject crossings be granted for a period of three (3) years.

Categorization and Need for Hearings

In Resolution ALJ 176- 3289 dated February 16, 2012, 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

Jack Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 10, 2012. There are no unresolved matters or protests. A public hearing is not necessary.
2. The City in conjunction with OCTA requests authority to construct three (3) grade-separated rail crossings: a pedestrian-rail under-crossing (ARTIC Station UP, CPUC Crossing No. 101OR-170.75-BD and DOT No. 945785X); a pedestrian-rail over-crossing (ARTIC Station OH, CPUC Crossing No. 101OR-170.86-AD and DOT No. 945786E); and a private baggage rail under-crossing

(ARTIC baggage UP, CPUC Crossing No. 101OR-170.89-BX and 945787L), across OCTA's railroad tracks in the City of Anaheim, County of Orange.

3. The City is the lead agency for the ARTIC project under CEQA.
4. The Commission is a responsible agency for this project.
5. Safety, traffic/transportation, and noise impacts are areas within the scope of the Commission's permitting process.
6. On September 29, the City certified an EIR for the ARTIC project. The EIR found that potentially significant impacts could result from the project, but some potential impacts would be reduced to less-than-significant levels with the implementation of identified mitigation measures.
7. The City adopted an MMRP, which was made a condition of approval for the project.
8. The significant impacts identified in the EIR in areas under the Commission's jurisdiction pertain to construction related noise, and transportation and traffic within the area. The City adopted reasonable and feasible mitigations to reduce noise and traffic impacts to less-than-significant levels, except some construction-related traffic/transportation impacts could not be fully mitigated and result in temporary significant and unavoidable impacts during construction.
9. The City adopted a SOC for the impacts that could not be fully mitigated.
10. The Commission has reviewed and considered the EIR, MMRP and SOC and finds them adequate for the Commission's decision making purposes.
11. The benefits cited in the SOC outweigh the potential environmental impacts of the project.

Conclusions of Law

1. The EIR, MMRP and SOC were completed in compliance with CEQA and reflect the Commission's independent judgment.
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 City of Anaheim is authorized to construct three (3) grade-separated rail crossings: a pedestrian-rail under crossing, a pedestrian-rail over-crossing, and a private baggage under crossing tunnel, at separated grades across the two (2) existing railroad tracks owned by the Orange County Transportation Authority and located at the new Anaheim Regional Transportation Intermodal Center station in the City of Anaheim, County of Orange. The new crossings are to be identified as CPUC Crossing No. 101OR-170.75-BD and DOT No. 945785X for the Anaheim Regional Transportation Intermodal Center Station underpass pedestrian-rail crossing; CPUC Crossing No. 101OR-170.86-AD and DOT No. 945786E for the Anaheim Regional Transportation Intermodal Center Station overhead pedestrian-rail crossing; and CPUC Crossing No. 101OR-170.89-BX and 945787L for the private Anaheim Regional Transportation Intermodal Center baggage underpass tunnel crossing.
2. The City of Anaheim shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

3. The City of Anaheim shall notify the California Public Utilities 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 City of Anaheim shall notify the California Public Utilities Commission's Consumer Protection and Safety Division – 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 California Public Utilities Commission 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, Orange County Transportation Authority shall notify the Federal Railroad Administration of the existence of the three new grade-separated crossings by submitting a completed U.S. DOT CROSSING INVENTORY FORM, form FRA F6180.71, for the new grade-separation structures. A copy of that submittal shall be provided concurrently to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. The form may be submitted electronically to rces@cpuc.ca.gov.

6. This authorization shall expire if not exercised within three (3) 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 requires.

7. If an extension of the authorization is needed or anticipated, a request for extension of the 3-year authorization shall be submitted to the California Public

Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least 30 days before its expiration. A copy of the extension request shall be sent to all interested parties.

8. This application is granted as set forth above.
9. Application 12-02-006 is closed.

This order becomes effective 30 days from today.

Dated June 21, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J. K. SANDOVAL

MARK J. FERRON

Commissioners