

Decision 03-01-028 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY (ACTA) for an order authorizing the construction of two railroad tracks underneath the existing Terminal Island Freeway Grade Separation structure (CPUC number 114B-17.46-A) in the City of Los Angeles, California.

Application 02-03-026
(Filed March 19, 2002)

O P I N I O N

Summary

Alameda Corridor Transportation Authority (ACTA) requests authority to construct two ACTA main line tracks, in addition to the existing railroad tracks, under the Terminal Island Freeway overpass in the City of Los Angeles, Los Angeles County. The Alameda Corridor consolidates through train operations into a single rail corridor that is entirely grade separated. The proposed track addition will provide increased freight train traffic capacity for the improved through movement of goods to and from the Ports of Long Beach and Los Angeles without the adverse consequences of increased future freight rail traffic.

Discussion

ACTA was created in 1989 as a Joint Power Organization as a result of studies and planning activities that showed the need for a consolidated railroad link between the Ports of Los Angeles and Long Beach (Ports), and the regional and national railroad systems. The Alameda Corridor, a 20-mile long, multiple-track, high-capacity consolidated railroad corridor, constructed on the former Southern Pacific Transportation Company San Pedro Branch right-of-way that

ACTA has acquired will provide this link. The Corridor consolidates through train operations along approximately 90 miles of previous trackage. The Corridor is entirely grade separated which greatly reduces present highway-railroad at-grade crossing delays.

The Alameda Corridor project provides improved goods movement without the adverse consequences of increased future freight rail traffic while at the same time sustaining economic growth. In addition to facilitating access to the Ports and accommodating the Ports' growth, the Corridor reduces highway congestion, air pollution and noise which is most beneficial in residential areas. It also reduces delays at existing at-grade highway-railroad crossings and provides enhanced safety. Through train operations over 90 miles of existing trackage is consolidated into the new corridor which is entirely grade separated and greatly reduces present vehicular delays along the San Pedro Branch Line Corridor.

The entire Alameda Corridor project has 40 highway-railroad crossings along its three major sections:

1. The North End consists of several segments and ten public crossings. The Redondo Junction Grade Separation is one of these segments and extends from a point south of Olympic Boulevard along the west bank of the Los Angeles River, then continues southeasterly to the intersection of The Burlington Northern Santa Fe Railway Company (BNSF) right-of-way, east of Soto Street. By Decision (D.) 98-10-015, dated October 8, 1998, in Application (A.) 98-04-047, filed April 23, 1998, the Commission authorized construction of the Redondo Junction Grade Separation and the railroad-railroad grade separation for the tracks of the Southern California Regional Rail Authority (SCRRA) to pass over the tracks of ACTA, the Union Pacific Railroad Company (UP), and BNSF.

Another North End segment involves construction of the Santa Fe Avenue Viaduct, a railroad bridge over Washington Boulevard to carry ACTA main tracks, and a railroad bridge over Washington Boulevard that will carry two BNSF tracks connecting BNSF San Bernardino Subdivision with ACTA main tracks. By D.99-07-042, dated July 22, 1999, in A.99-01-027, filed January 22, 1999, the Commission authorized construction of the Santa Fe Avenue Viaduct, and the railroad bridges over Washington Boulevard.

By D.01-04-026, dated April 19, 2001, in Application A.00-03-049, filed March 24, 2000, the Commission granted authority for another North End project that connects ACTA main tracks to UP tracks located on the east side of the Los Angeles River.

Also among the North End projects are the realignment of the east to west connecting track between the BNSF San Bernardino Subdivision tracks and the ACTA San Pedro Branch track across 26th Street (CPUC No. 2-144.72-C), and the realignment of the BNSF spur across 26th Street (CPUC No. 2-144.38-C).

2. The Mid-Corridor along Alameda Street between Santa Fe Avenue in Los Angeles and State Highway 91 in Compton is a 10-mile, 33 feet deep, 50 feet wide, depressed double-track railroad with 36 grade separated highway-railroad crossings and 5 railroad crossings above and across the depressed railroad. The Mid-Corridor extends from Los Angeles through the Cities of Los Angeles, Vernon, Huntington Park, South Gate, Lynwood, Compton, and the unincorporated County of Los Angeles.

Included in this Mid-Corridor is a 5.6 mile at-grade UP By-Pass Track parallel to the depressed railroad along the East Side of the ACTA right-of-way. This at-grade connection has 17 grade crossings, two grade separations, and one separated railroad crossing, between the existing tracks at the State Highway 91

overpass and the connection to the UP Santa Ana Branch, north of Firestone Boulevard. This By-Pass Track serves local industries. By D. 99-04-019, dated April 1, 1999, in A.98-11-010, filed November 2, 1998, the Commission granted authority for construction of this By-Pass Track and interim railroad warning devices.

By D.99-04-019, dated April 1, 1999, the Commission granted authority to relocate 17 single-track highway-railroad grade crossings; two single-track grade-separated highway-railroad crossings, and one grade-separated highway-railroad crossing between Firestone Boulevard grade crossing and Auto Drive South, inclusive, in the County of Los Angeles, Cities of South Gate, Lynwood, and Compton.

3. The South End Corridor trackage extends at-grade along Alameda Street through unincorporated County of Los Angeles, City of Carson, and City of Los Angeles to the Ports and serves Dolores Yard, the Intermodal Container Facility and various industries en route. Planning is ongoing to grade separate existing grade crossings that will result in the filing of subsequent applications to the Commission. By D.99-06-014, dated June 13, 1999, in A.99-02-013, filed February 8, 1999, the Commission authorized construction of a two track grade separation above a reconstructed intersection of Henry Ford Avenue.

The following applications for South End projects were submitted to the Commission by other agencies and decisions were published:

Alameda Street Grade Separation	A.99-01-022, D.99-09-010
Del Amo Blvd. Grade Separation	A.97-07-006, D.98-01-039
Sepulveda Blvd. Grade Separation	A.97-04-048, D.98-01-038
Carson Street Grade Separation	A.86-12-029, D.87-09-058

This project involves construction of two new ACTA main line tracks, identified as POLB-1 and POLB-2, underneath the existing Terminal Island

Freeway overpass grade separation bridge structure. These tracks will be in addition to the existing tracks presently in use underneath the referenced structure.

ACTA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On June 27, 1997, the State of California Clearinghouse advised ACTA, that it had complied with State Clearinghouse review requirements for “draft environmental documents, pursuant to the California Environmental Quality Act (CEQA).”

In April 1996, the U.S. Department of Transportation (Federal Highway Administration and Federal Railroad Administration) approved a Record of Decision for the Alameda Corridor Project which adopted a federal Environmental Impact Statement (EIS), which in turn incorporated the ACTA-certified Environmental Impact Report (EIR). Four project alternatives as well as the No Build alternative were evaluated and considered by the California Department of Transportation (CalTrans), the Federal Highway Administration (FHWA) and the Federal Railroad Administration (FRA). The Record of Decision approved the Depressed Trainway with Reconstruction of Existing Alameda Street as the preferred alternative for a number of reasons including that it: 1) meets improved access needs for the ports of Los Angeles and Long Beach; 2) causes the least disruption to cities along the corridor; 3) is the environmentally superior alternative; 4) results in less adverse noise and vibration impacts; 5) produces beneficial air quality and traffic circulation / flow effects; 6) minimizes right of way acquisition; 7) avoids substantial environmental impacts which would result from projected rail traffic growth without this project.

In approving the project, the Record of Decision adopted all mitigation measures developed for the project. In particular, these include standard specifications and practices, mitigation measures specified in the final EIS Section S.12, Table S-1; Chapter 4, Environmental Consequences; Section 5.5, Written Comments and Responses; and the EIR mitigation monitoring report program. Pursuant to the Record of Decision ACTA will provide direct monitoring and oversight of the implementation of the environmental mitigation. Implementation of FHWA, FRA, and CalTrans policies and procedures will be implemented to ensure all mitigation measures are carried out.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities which must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the above-identified environmental documentation and finds these documents adequate for our decision-making purposes. In considering the documents, we note that there are potentially significant environmental impacts and adopted mitigation measures involving geology and soils, hydrology and water quality, air quality, noise, safety, transportation, vibration, energy, vegetation and wildlife, land use, population and housing, and acquisition and displacement. Safety, security, transportation and noise are within the scope of the Commission's permitting authority.

Potentially significant noise impacts for the Alameda Corridor project are identified for approximately 92 residential structures and two community facilities; mitigation will include the placement of noise barriers and the potential use of building insulation.

Potentially significant safety impacts involve possible train derailments and cargo spills. Although it is believed that improved tracks and grade separations will decrease the possibility of accidents, specific mitigations include signalization, and centralized traffic control. In addition, ACTA will prepare an emergency response plan in consultation with other agencies.

Potentially significant traffic impacts involve reduces pedestrian and vehicular access at certain locations, traffic detours, and general inconveniences during construction. Mitigations include the development of a construction management plan to target specific areas, restriction of construction related parking, hauling, excavation and staging activities, and maintained access to businesses, schools and residences.

We find that ACTA and the Department of Transportation adopted reasonable mitigation measures to reduce or substantially eliminate the potential environmental impacts associated with the project. We will adopt all the mitigation measures also adopted by these agencies, and contained in the above-specified documentation, for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section staff has inspected the site of the proposed project. Staff examined the need for and the safety of the proposed installations and related railroad construction, and recommends that the application be approved.

The application was found to be in compliance with the Commission's filing requirements, including Rules 38 to 41 of the Rules of Practice and Procedure. A site map of the proposed construction underneath the overpass grade separation bridge structure is as shown on plans attached to the application and Appendix A of this order.

In Resolution ALJ 176-3085, dated April 4, 2002 and published on the Commission Daily Calendar on April 5, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Consumer Protection and Safety Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3085.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being 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 Daily Calendar on March 25, 2002. There are no unresolved matters or protests; a public hearing is not necessary.
2. ACTA requests authority to construct two additional ACTA main line tracks underneath the existing Terminal Island Freeway overpass grade separation bridge structure in Los Angeles, Los Angeles County.

3. The Alameda Corridor and related rail projects provide improved goods movement, to accommodate the Ports of Long Beach and Los Angeles growth, reduce highway congestion, reduce air pollution and noise, which will benefit adjacent residential and industrial areas.

4. Public convenience, necessity and safety require construction of the railroad tracks and other related rail work, in connection with the Alameda Corridor project, as set forth in Appendix A, and as more fully described in the application.

5. ACTA is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered ACTA's EIR, the EIS, and U.S. Department of Transportation Record of Decision. Mitigation measures were adopted as a condition of project approval.

Conclusions of Law

1. We find the environmental documents prepared by ACTA and the Department of Transportation adequate for our decision-making purposes.

2. We adopt the mitigation measures as described and specified herein for purposes of our approval.

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

O R D E R

IT IS ORDERED that:

1. Alameda Corridor Transportation Authority (ACTA) is authorized to construct two additional ACTA main line tracks underneath the existing Terminal Island Freeway overpass grade separation bridge structure, identified as CPUC Crossing No. 114B-17.46-A, in the City of Los Angeles, Los Angeles County.

2. Construction and maintenance of the crossings shall be in accordance with the provisions of Commission General Order (G.O.) 72-B.

3. Clearances shall be in accordance with G.O. 26-D. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by ACTA with the Commission's Rail Crossings Engineering Section (RCES) of the Consumer Protection and Safety Division prior to construction. Should the parties fail to agree, the CPUC shall apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, ACTA shall notify RCES in writing, by filing a completed standard CPUC Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

8. Application 02-03-026 is closed.

This order is effective today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners



