

Decision 03-05-012 May 8, 2003

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of:  
ALAMEDA CORRIDOR TRANSPORTATION  
AUTHORITY (ACTA) for an order authorizing  
the construction of the Pacific Coast Grade  
Separation over the ACTA main tracks and the  
former SPTC San Pedro Branch (CPUC numbers  
114-16.40-A and 001-BG-501.30-A), the  
construction of a temporary at-grade detour  
crossing over the former SPTC San Pedro Branch,  
in the City of Los Angeles, California.

Application 02-03-027  
(Filed March 19, 2002)

**OPINION GRANTING APPLICATION FOR AUTHORITY  
TO CONSTRUCT GRADE SEPARATION**

**Summary**

The application of Alameda Corridor Transportation Authority (ACTA) for Commission authorization to construct a new grade separation of Pacific Coast Highway over the ACTA main tracks and the former Southern Pacific Transportation Company (SPTC) San Pedro Branch is granted. Our decision constitutes permission for ACTA to construct this grade separation in accordance with the latest revision of plans filed with the Commission as part of ACTA's supplemented and amended application, and is subject to the conditions set forth in our order. Application (A.) 02-03-027 is closed.

**Background and Procedural History**

ACTA filed this application on March 19, 2002. ACTA is a Joint Powers Authority created in 1989 to consolidate into a single rail line four lines of

railroad between central Los Angeles and the Ports of Los Angeles and Long Beach. The new rail line, known as the Alameda Corridor, is a twenty-mile long, multiple-track, high-capacity line that generally follows the original alignment of the SPTC main line to these ports. Much of the new line runs through a tunnel alongside Alameda Street, and is designed to be essentially grade-separated for its entire length.

Rail operations in the Alameda Corridor commenced in April 2002. In addition to eliminating conflicts between railroad and vehicular street traffic and the attendant delays and safety problems, the line has substantially improved the movement of goods, reduced highway congestion, facilitated rail access to the ports, and reduced air pollution and noise in adjunct residential areas. Construction of the Alameda Corridor required numerous grade separation and related projects that were previously authorized by the Commission.<sup>1</sup> This application is concerned with construction of a grade separation for the final remaining public crossing in the Alameda Corridor.

Equilon, whose refinery is located adjacent to the project site, filed a timely protest to the original application. Equilon objected to the design of the grade separation on the grounds that its traffic circulation would be adversely affected, and requested a hearing.<sup>2</sup>

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<sup>1</sup> See e.g., Decision (D.) 98-10-015 (October 8, 1998), D.99-07-042 (July 22, 1999), D.01-04-026 (April 19, 2001), D.00-06-072 (June 22, 2000), D.01-05-046 (May 14, 2001), and D.99-04-019 (April 1, 1999).

<sup>2</sup> As a consequence of the filing of this protest, the proceeding was reassigned from Examiner Richard Clark to Commissioner Michael R. Peevey and Administrative Law Judge (ALJ) Victor D. Ryerson on June 7, 2002.

The ALJ held a prehearing conference (PHC) in Los Angeles on July 8, 2002, and subsequently set the matter for hearing. Before the hearing, however, the parties mediated their dispute and succeeded in negotiating a settlement. On October 25, Equilon filed a motion to withdraw its protest, which the ALJ granted by Ruling filed November 7. The ALJ also ruled that this application is to be decided *ex parte*. ACTA supplemented its application twice in accordance with the terms of its settlement agreement with Equilon, and in response to minor design changes suggested by the Rail Safety and Carriers Division and the ALJ. The project we are considering in this decision is the final version that reflects all of these changes.

### **Project Description**

As described in its supplemented and amended application, ACTA seeks authority to build a grade separation spanning the Alameda Corridor's main tracks (CPUC number 114-16.40-A), Alameda Street, and the former SPTC San Pedro Branch (CPUC number 001-BG-501.30-A). This grade separation will extend along the existing Pacific Coast Highway alignment, starting at Coil Street at its western end, and terminating 700 meters east of Alameda Street. The centerline of Pacific Coast Highway will shift to the south between Blinn Street and Alameda Street to minimize property impacts. The grade separation will include ancillary projects, such as the on-and off-ramp connecting Alameda Street. Construction is now expected to begin in May 2003, and will last for a period of approximately 15 months.

Train speed on the Alameda Corridor tracks at this location is 25 miles per hour. The project is required in order to alleviate traffic congestion resulting from increased rail traffic along the Alameda Corridor and the San Pedro Branch.

Without the proposed grade separation, freight traffic on both the ACTA main tracks and the San Pedro Branch conflicts with local surface street traffic, creating serious traffic delays and increasing crossing hazards.

During construction of the grade separation, Pacific Coast Highway will be closed to through traffic within the project limits for approximately 12 months. Vehicular traffic will be diverted from the construction zone via Coil Street to Colon Street, just north of Pacific Coast Highway. The San Pedro Branch will be closed and barricaded to railroad traffic at the limits of the closure for the duration of construction. A temporary at-grade crossing (CPUC number 001-BG-501.20) will be constructed at Colon Street between Alameda Street-West and Alameda Street-East. ACTA expects that this detour to support the rerouted traffic adequately. However, the Alley crossing (CPUC 001-BG-501.40), just south of Pacific Coast Highway, will be used as a couplet to compliment the Coil Street and Colon Street detour, if necessary. The Alley crossing, if constructed, will also be a temporary crossing without active warning devices for the duration of the service period of the detour road. Each crossing will be constructed of asphalt in accordance with Commissioner General Order (GO) 72. Both crossings, if constructed, will be retired, and the pavement at the crossings and the approaches will be removed upon completion of the new Pacific Coast Highway grade separation. At that time the San Pedro Branch will also be restored to operation. Neither of these temporary detour crossings, if constructed, will have active warning devices. The California Department of Transportation Type 50 barriers will be placed across the closed San Pedro Branch adjacent to each crossing, and a "Track Out of Service" sign will be installed at each crossing.

At the beginning of construction, the existing five-lane crossing of the San Pedro Branch at Pacific Coast Highway (CPUC number 001-BG-501.30) will be retired and closed to the public. The four existing CPUC No. 9 (gate and signal) devices and the paved approaches to the crossing will be removed. Upon completion of the grade separation, the new CPUC number 001BG-501.30-A will be assigned to the grade separated crossing.

The existing five-lane crossing of the ACTA main tracks at Pacific Coast Highway (CPUC number 002H-27.90-C) will be closed when the Pacific Coast Highway detour is in operation. The closed public crossing will become a two-lane private driveway designated CPUC number 114-16.40-X. A CPUC No. 9 gate and signal device will be in place at each approach to the crossing. The eastern access to this crossing will be from the Equilon (Shell) parking area that is secured from the general public. The western access to this crossing will be through a gated driveway at the end of a cul-de-sac constructed at lower Pacific Coast Highway. This private crossing will only be used by Shell Refinery contractor traffic, and for construction access during project construction, but not by through traffic. The expected traffic over this crossing will be as low as 30 vehicles a day during periods of low refinery maintenance activity, and as high as 300 vehicles a day when the plant is shut down for maintenance. Shell Refinery employees and vehicles transporting refinery products will enter the plant through other gates on the facility, and will not use this crossing. The proposed active warning devices will be in place at the private crossing during all stages of construction, and will remain after completion of the structure. If, during construction, the active warning devices do not function or if traffic is detoured onto lanes not protected by active warning devices, the crossing will be flagged manually. The perimeter of the proposed private driveway will be

fenced adjacent to the ACTA right-of-way. A rolling gate will be installed on the west side of the columns and the gate and flashing light device. The rolling gate will be installed in a manner to ensure that the warning signals will not be blocked when the gate is open. The signal will be visible through the fence and gate when it is closed. This fencing will supplement the existing and proposed fencing along the right-of-way of ACTA and the adjacent property. In addition, CalTrans standard R-101 signs, 24" x 18", with the language "Private Property Vehicle Code Enforced" will be installed on the gate and on the fence.

The grade separation will be constructed at the expense of the California Department of Transportation (CalTrans) and ACTA. The division of maintenance of the grade separation will be in accordance with agreements between ACTA, CalTrans, and the City of Los Angeles. The private driveway at-grade crossing of the ACTA tracks (CPUC No. 114-16.40-X) will be maintained pursuant to the maintenance program for the Alameda Corridor and in conformity with all applicable CPUC regulations and standards.

## **Discussion**

Public Utilities Code Section 1202 grants to the Commission the exclusive power to determine and prescribe the manner of installation, operation, maintenance, use, protection, relocation, and abolishment of a public street or highway crossing by a railroad and vice versa. Pursuant to this authority, Commission staff reviewed the project proposal several times during the course of its development, both before and after ACTA filed its application. Following settlement of its dispute with Equilon, ACTA modified the project design in response to staff recommendations. The final proposal may fairly be characterized as representing a complete consensus of all interested parties after extensive discussion, and we review it with that fact in mind.

Considering the length and weight of trains operating on ACTA's line, and the frequency of present and potential future train operations to and from the ports (which are the busiest on the West Coast), the need to separate those operations from vehicular traffic on the busy Pacific Coast Highway is unquestionable. The latter is a busy arterial, and the presence of vehicular traffic on the ACTA line and vice versa poses a significant safety hazard and impediment to the free flow of both vehicular and rail traffic. Construction of the proposed grade separation will virtually eliminate conflict between the two, eliminating all of these problems. The residual traffic across the rail line on the private crossing is not expected to exceed 300 vehicles per day, and the proposed crossing protection, restrictions on access, and other safety measures are appropriate safeguards for this vastly reduced traffic level.

The public interest will be well served by construction of this grade separation and private crossing. The proposed design addresses all of our concerns regarding safety and compliance with our GOs, and the proposal contains appropriate provisions for public safety and the accommodation of traffic flow while construction is in progress. Environmental review has been conducted in accordance with applicable law. There is no reason why we should not approve this unopposed applicable law.

### **Comments on Draft Decision**

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, the otherwise applicable 30-day period for public review and comment is being waived.

### **Conclusion**

We will grant ACTA's application.

### **Assignment of Proceeding**

Michael R. Peevey is the Assigned Commissioner and Victor D. Ryerson is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. The authority ACTA seeks in this application is that which is represented by the Application filed March 19, 2002, as amended and supplemented on November 4, 2002, and December 17, 2002.

2. The proposed grade separation to carry the Pacific Coast Highway across ACTA's main tracks, Alameda Street, and the former SPTC San Pedro Branch will alleviate traffic congestion on the Pacific Coast Highway and intersecting streets and roadways, improve safety on the Pacific Coast Highway and other roadways which currently cross ACTA's tracks and the San Pedro Branch at grade, conserve energy, reduce air pollution in the vicinity, and facilitate the shipment of freight to and from the Ports of Long Beach and Los Angeles.

3. Public convenience, necessity, and safety require the construction of this grade separation and associated private crossing to the Equilon (Shell) property, and the physical removal of all existing at-grade crossings, in the manner set forth in the amended and supplemented Application.

4. The Commission is a responsible agency for this project under the California Environmental Quality Act (CEQA), and has reviewed and considered the lead agency's determination that this project is exempt hereunder.

### **Conclusions of Law**

1. Under Public Resources Code Section 21080.13, the activity is exempt from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code – Division 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.



2. The public interest will be well served by construction of this grade separation and private crossing. The proposed design addresses all of our concerns regarding safety and compliance with our GOs, and the proposal contains appropriate provisions for public safety and the accommodation of traffic flow while construction is in progress.

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

4. This order should be effective today to allow the expeditious construction of the grade separation and private crossing.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Alameda Corridor Transportation Authority (ACTA) is authorized to construct a new grade separation of Pacific Coast Highway over ACTA's main tracks and the former Southern Pacific Transportation Company San Pedro Branch as set forth in ACTA's amended and supplemented Application, as described above.

2. The authority granted herein includes authorization to close affected crossings, construct temporary crossings, and establish a new private crossing, as described in the amended and supplemented Application.

3. All work shall be completed in accordance with applicable General Orders (GOs) of this Commission, including GO 72, GO 26-D (clearances), and GO 118 (walkways).

4. During construction, walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original conditions in the event of damage during construction.

5. This grade separation project shall be constructed at the expense of the California Department of Transportation (CalTrans) and ACTA. Construction and maintenance costs shall be borne by those parties in accordance with agreements between ACTA, Caltrans, and the City of Los Angeles; and the private driveway at-grade crossing will be maintained pursuant to the maintenance program for the Alameda Corridor in conformity with all applicable Commission regulations and standards. Should the parties fail to agree upon allocation of the responsibility for construction and maintenance costs, the Commission will apportion such costs by further order.

6. Within 30 days after completion of the work under this order, ACTA shall notify the Commission in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three years, unless the time is extended, or the foregoing conditions are not satisfied. This authority may be revoked or modified if public convenience, necessity or safety so require.

8. Application 02-03-027 is closed.

This order is effective immediately.

Dated May 8, 2003, at San Francisco, California.

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