

Decision 08-11-046 November 21, 2008

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

Application of the California Department of Transportation for an order authorizing construction of two new grade separated crossings over one rail line operated by the Union Pacific Railroad Company at the proposed State Route 65 in the City of Lincoln, County of Placer, State of California.

Application 08-04-002  
(Filed April 1, 2008)

**DECISION GRANTING CALTRANS AUTHORITY  
TO CONSTRUCT TWO GRADE-SEPARATED  
HIGHWAY-RAIL CROSSINGS OVER THE TRACK  
AND RIGHT-OF-WAY OF THE UPRR  
IN THE CITY OF LINCOLN**

**Summary**

This decision grants the request of the California Department of Transportation (Caltrans) for authority to construct two new grade-separated highway-rail crossings over the track and right-of-way of the Union Pacific Railroad Company (UPRR) in the City of Lincoln (City), County of Placer. The new crossings will be constructed in connection with the Lincoln Bypass, Placer County, State Route (SR) 65 (Lincoln Bypass) project, and will together be identified as CPUC Crossing No. 001C-115.00-A. One of the crossings will be a bridge for northbound traffic; the other for southbound traffic.

**Discussion**

The proposed crossings are part of the Lincoln Bypass project that will “bypass” most of the urbanized areas within the City. The downtown area of the

City consists of storefront shops, parallel parking, and areas of high pedestrian usage. The existing SR 65 serves as an urban arterial network through the downtown section of the City and causes substantial traffic congestion and major traffic delays. The Lincoln Bypass project is expected to relieve traffic congestion by bypassing the downtown City area and serve as a vital link in Caltrans' plan to provide a complete expressway/freeway facility from Butte County to Placer and Sacramento Counties. The completion of this expressway project will greatly enhance the movement of goods and services through the area and will accommodate the growing traffic demands of the region. In Appendix A, attached to this order, is a vicinity map of the project.

The new grade-separated crossings will be double span, concrete box girder bridges, each approximately 389 feet in length, and 47 feet in travel-way width that will cross a UPRR mainline track (001C Line), and Industrial Avenue in Placer County.

### **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. The Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must approve 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.

The lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.<sup>1</sup> Here, Caltrans is the lead agency for this project and the Commission is a responsible agency. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.<sup>2</sup>

Pursuant to CEQA and the National Environmental Policy Act (NEPA),<sup>3</sup> Caltrans and the United States Department of Transportation's Federal Highway Administration Federal Highway (FHWA) prepared a Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) titled *Lincoln Bypass, Placer County, State Route 65*, which identifies environmental impacts related to the overall Lincoln Bypass project.

Environmental impacts related to safety, traffic (transportation), and noise are within the scope of the Commission's permitting process. In this FEIR/FEIS, no significant impacts related to safety and traffic issues are identified, including none for the proposed crossings. In the overall Lincoln Bypass project, there are some noise impacts related to traffic and construction activities that are mitigated by sound walls in certain locations and restricting construction work to certain hours of the day, respectively.

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>2</sup> CEQA Guidelines, Sections 15050(b) and 15096.

<sup>3</sup> 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval or are undertaken by federal agencies are subject to both NEPA and CEQA.

A Notice of Determination was submitted by Caltrans (issued May 30, 2006) that concludes the Lincoln Bypass project will not have a significant effect on the environment. Mitigation measures were made a condition of the approval of the project. We will adopt Caltrans' environmental findings and mitigations for purposes of our approval.

### **Filing Requirements and Staff Recommendations**

This application is in compliance with the Commission's filing requirements, including Rule 3.7 of 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 has inspected the site of the proposed crossings, has reviewed and analyzed the plans submitted with the application, and recommends that the Commission grant Caltrans' request.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3211 dated April 10, 2008, and published in the Commission's Daily Calendar on April 11, 2008, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3211.

### **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 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's Daily Calendar on April 7, 2008. There are no unresolved matters or protests. A public hearing is not necessary.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to construct two new grade-separated highway-rail crossings over the track and right-of-way of UPRR in the City of Lincoln, Placer County. These crossings together will be identified as CPUC Crossing No. 001C-115.00-A.

3. Caltrans is the lead agency for this project under CEQA, as amended. Caltrans, acting pursuant to CEQA and FHWA acting pursuant to NEPA, prepared an FEIR/FEIS for the Lincoln Bypass project.

4. Safety, traffic (transportation), and noise are within the scope of the Commission's permitting process. The Caltrans/FHWA FEIR/FEIS for the Lincoln Bypass project identified no significant impacts related to safety and traffic, including no safety or traffic impacts for the operation or construction of the grade-separated highway-rail crossings project that is the subject of this application. In the overall Lincoln Bypass project, there are some noise impacts related to traffic and construction activities that are mitigated by sound walls in certain locations and restricting construction work to certain hours of the day, respectively.

5. On May 30, 2006, Caltrans issued a Notice of Determination regarding the Lincoln Bypass project, which includes the proposed crossings. In this Notice of

Determination, Caltrans states that the Lincoln Bypass project, with the adoption of certain mitigations, will not have a significant effect on the environment.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIR/FEIS.

### **Conclusions of Law**

1. The FEIR/FEIS and Notice of Determination, prepared pursuant to CEQA and NEPA are adequate for our decision-making purposes.

2. We adopt Caltrans' Notice of Determination finding that the Lincoln Bypass project (which includes the proposed crossings) will not have a significant effect on the environment.

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 California Department of Transportation is authorized to construct two new grade-separated highway-rail crossings, which together will be identified as CPUC Crossing No. 001C-115-A, over the track and right-of-way of the Union Pacific Railroad Company (UPRR) in the City of Lincoln, Placer County, at the location and substantially as described in the application.

2. Within 30 days after completion of the work under this order, UPRR shall notify the Commission's Rail Crossings Engineering Section (RCES) that the authorized work is completed by submitting a completed Standard Commission Form G titled *Report of Changes at Highway Grade Crossings and Separations*.

3. 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.

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

5. This application is granted as set forth above.

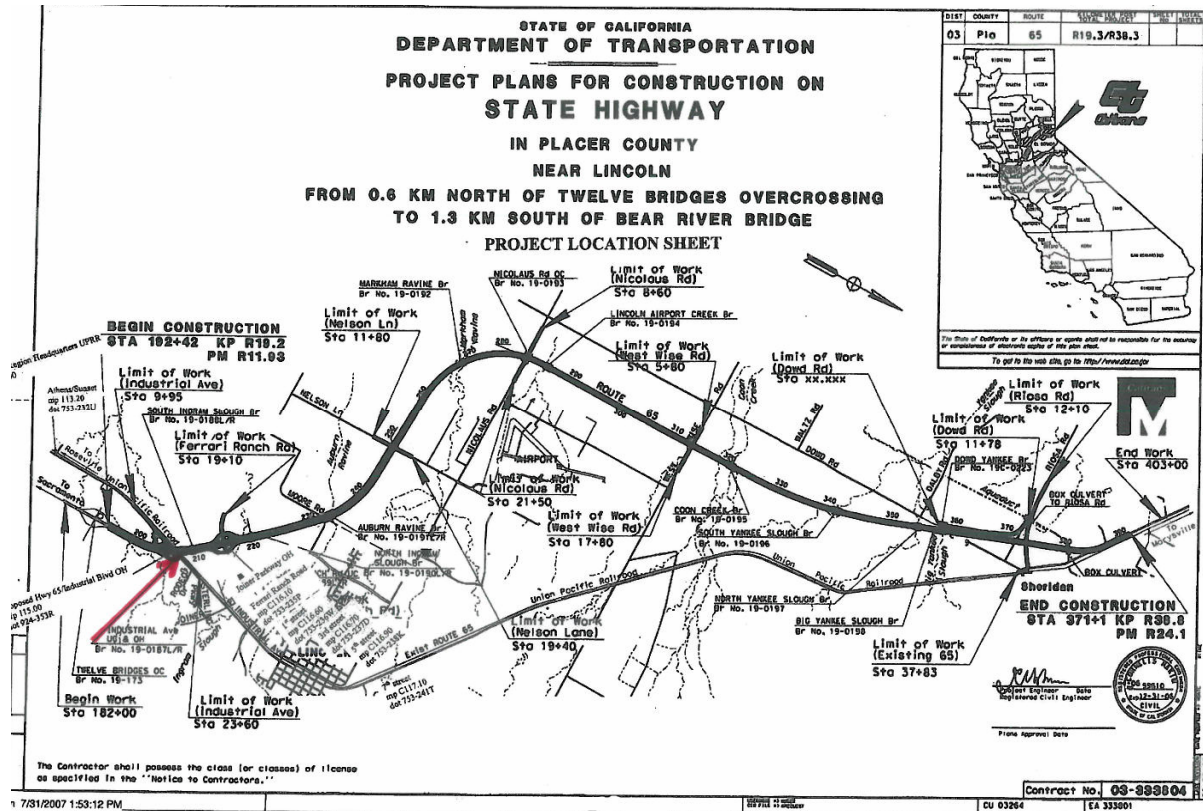
6. Application 08-04-002 is closed.

This order becomes effective 30 days from today.

Dated November 21, 2008, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners

APPENDIX A



Project Map - Red arrow indicates location of subject new crossings (bridges).