

Decision 97-12-020 December 3, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Coachella)
 for an order authorizing construction)
 of a crossing at separated grades)
 between 1st Street and the tracks of)
 the Union Pacific Railroad Company,)
 sometimes referred to as the "50th)
 Avenue/1st Street Overhead" (PUC No.)
 B-614.3A), and the closing of existing)
 50th Avenue and 5th St.)

ORIGINAL

Application 97-08-052
(Filed August 22, 1997)

O P I N I O N

City of Coachella (City) requests authority to construct the 50th Avenue/1st Street Overhead grade separation over the tracks of Union Pacific Railroad Company's (UP) Los Angeles - Yuma Main Line, formerly owned by the Southern Pacific Transportation Company (SPT), in Coachella, Riverside County.

City proposes to construct a grade separation overhead bridge structure which will carry 1st Street across Grapefruit Boulevard and three existing UP tracks, by means of a five-span reinforced box girder concrete structure. The total length of bridge along the roadway will be about 350 feet, measured back-to-back of abutments. Four 12-foot vehicular lanes plus four-foot shoulders and one sidewalk will be carried on the proposed overhead grade separation bridge structure. The grade separation bridge structure will connect 1st Street to 50th Avenue on northeast side of the railroad tracks.

During construction, the existing 50th Avenue and 5th Street at-grade crossings will remain open to vehicular traffic. Upon completion of the overhead grade separation bridge structure, the 50th Avenue and 5th Street at-grade crossings will be closed and physically removed. The 5th Street crossing currently serves Peter Rabbit Farms. Traffic consists of workers and numerous

trucks delivering fruits to the packing plant, with outbound trucks carrying the crated produce. When the 5th Street crossing is closed, employees and produce trucks will utilize the new 50th Avenue/1st Street Overpass.

By Decision (D.)95-03-031, dated March 22, 1995, in Application (A.) 94-12-040, Commission granted request of City for authority to construct a grade separation between 50th Avenue and railroad tracks. However, during preparation of final design plans for the proposed structure at 50th Avenue, some subsurface contamination was discovered. Moreover, it was determined that alleged heavy costs would be incurred to relocate a nearby high volume diesel fuel distributor, and there would be potential adverse impact on a privately owned parcel at the westerly end of the proposed overhead. The alternative location spanning the railroad, in the vicinity of 1st Street, avoids the aforementioned problems and will permit the bridge structure to span the railroad without significant skew. Accordingly, D.95-03-031 for the construction of the 50th Avenue Overhead will be allowed to expire.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000, et seq. Applicant has determined that this project, elimination of existing at grade crossings, is exempt from the reporting requirements of CEQA under PR Code Section 21080.13.

Applicant further contends that relocation of the grade separation from 50th Avenue to 1st Street will preclude even minor encroachment on the contaminated site.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's exemption determination. The new site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division staff and it appears to be in a more desirable location

for a grade separation. After reviewing and examining the new data submitted by applicant, staff recommends that City's request to construct 50th Avenue/1st Street grade separation be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highways across railroad tracks. A location map and details from the project plans are shown in Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on August 27, 1997. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct 50th Avenue/1st Street Overhead grade separation over the tracks of UP's Los Angeles - Yuma Main Line in Coachella, Riverside County.
3. Construction of the 50th Avenue/1st Street Overhead grade separation will improve traffic circulation and reduce traffic impact of increased commercial and residential growth in the area.
4. The grade separation overhead is required to carry vehicular traffic over the heavily used UP freight line which carries about 31 train movements per day.
5. Public convenience, necessity, and safety require construction of the 50th Avenue/1st Street Overhead.
6. Upon completion of the 50th Avenue/1st Street Overhead and its opening to vehicular traffic, the existing at-grade crossings at 50th Avenue and at 5th Street will be closed and physically removed.

7. City is the lead agency for this project under CEQA as amended, and has determined that this project is exempt from the filing requirements of CEQA.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

9. D.95-03-031, dated March 22, 1995, in A.94-12-040 granted request of City for authority to construct a grade separation of 50th Avenue and UP's main line tracks.

10. Unforeseen environmental and right-of-way problems discovered during the preparation of final engineering design plans preclude the construction of a grade separation at the existing 50th Avenue crossing.

11. An alternative location spanning the railroad, in the vicinity of 1st Street, avoids contamination and right-of-way problems discovered at 50th Avenue.

12. D.95-03-031 will be allowed to expire and be superceded by the Decision issued in connection with the instant application.

Conclusions of Law

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

2. The relocation of the proposed 50th Avenue grade separation project to 1st Street will preclude the disturbance of contaminated soil.

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

O R D E R

IT IS ORDERED that:

1. City of Coachella (City) is authorized to construct 50th Avenue/1st Street Overhead, at separated grades over the tracks of Union Pacific Railroad Company's (UP) Los Angeles - Yuma Main Line in Coachella, Riverside County at the location and substantially as shown by plans attached to the Application and Appendix A of this order, to be identified as Crossing No. B-614.3-A.
2. Upon completion of the overhead bridge structure, and its opening to vehicular traffic, the existing 50th Avenue, identified as Crossing B-614.2, and 5th Street, identified as Crossing B-614.6, at grade crossings shall be closed and physically removed.
3. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 21 feet 6 inches above top of rail shall be authorized and UP shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Rail Safety and Carriers Division forbidding employees to ride on top of cars beneath the structure.
4. City shall notify the Commission's Rail Safety and Carriers Division and UP at least 15, but not more than 30, days in advance of the date when the temporary impaired overhead clearance will be created.
5. Walkways shall conform to GO 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.

6. Construction and maintenance cost shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement, together with plans of the crossing approved by UP, shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

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

8. 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.

9. Decision 95-03-031 in Application 94-12-040 for authority to construct a grade separation at 50th Avenue shall be allowed to expire.

10. The application is granted as set forth above.

11. Application 97-08-052 is closed.

This order is effective 30 days from today.

Dated December 3, 1997 at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners





