

Decision 99-04-018 April 1, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, Department of)	
Transportation, for an order authorizing the Department)	Application 98-02-019
to construct two new overhead structures over the)	(Filed February 11, 1998)
existing tracks and right-of-way of the Union Pacific)	
Railroad Company, to widen the railroad crossing of)	
Beach Boulevard with signal relocation and upgrade, all)	
in connection with the reconstruction of the State Route)	
91/Interstate 5 Interchange as part of the I-5 widening)	
<u>project in Orange County.</u>)	

OPINION

The State of California, Department of Transportation (Caltrans) requests authority to construct the State Route (SR) 91 / Interstate (I) 5 Interchange as part of an I-5 widening project. The reconstruction will require Orangethorpe Avenue Overhead to be replaced with a wider structure and the construction of the new North (N) - West (W) Connector Separation and South (S) - East (E) Connector Separation. As part of the project, Caltrans also requests authority to widen Beach Boulevard at-grade across the tracks of Union Pacific Railroad Company's (UP) Santa Ana Branch Line, formerly owned by the Southern Pacific Transportation Company, in the Cities of Anaheim, Fullerton, and Buena Park, Orange County, as set forth in Appendix A and as more fully described and indicated by text and plans attached to the application.

The proposed project focuses on improvements that would provide a higher capacity to the existing SR 91/I-5 Interchange. These improvements include direct High Vehicle Occupancy (HOV) connectors between I-5 and SR-91, and measures that would facilitate a smooth transition on the I-5 freeway from a ten-lane freeway south of the interchange to an existing six-lane freeway north of the interchange.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. and has prepared a Negative Declaration regarding this project under PR Code Section 21080.13. The Negative Declaration, dated February 22, 1993, determined that "the proposed project would not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Negative Declaration determination. The site of the proposed project has been inspected by the Commission's Rail Safety and Carrier Division staff. Staff examined the need for and the safety of the proposed grade separations and recommends that the application be approved.

The application is in compliance with the Commission's filing requirements, including Rules 38 and 39 of the Rules of Practice and Procedure which relates to the construction and widening of public highway crossings and separations over a railroad. A site map of the grade crossing and separations and details from the project plans are shown in Appendix A and more fully described and indicated by text and plans attached to the application.

In Resolution ALJ 176-2987, dated February 23, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received, and The Commission's Rail Safety and Carriers 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 176-2987.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on February 17, 1998. No protests have been received. A public hearing is not necessary.

2. Construction of the new N-W Connector Separation and S-E Connector Separation are required as part of the widening of I-5 Freeway through Orange County and shall provide a higher capacity for the connector.

3. Reconstruction of Orangethorpe Avenue Overhead is required to complete the widening of I-5 Freeway through Orange County and shall provide a higher capacity for the overhead.

4. The widening of Beach Boulevard grade crossing is required to accommodate the Beach Boulevard Widening Project, that provides additional capacity for the area.

5. Public convenience, necessity, and safety require construction of the new N-W Connector Separation and S-E Connector Separation; the reconstruction of Orangethorpe Avenue Overhead, as set forth in Appendix "A".

6. Public convenience and necessity also require the widening of Beach Boulevard Crossing.

7. Public safety requires that Beach Boulevard be protected by two Standard No. 9-A cantilevered flashing light signals with gates and two median-mounted Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

8. Caltrans is the lead agency for this project under CEQA, as amended.

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Negative Declaration.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. State of California, Department of Transportation (Caltrans) is authorized to construct the State Route (SR) 91 / Interstate (I) 5 Interchange as part of an I-5 widening project. The reconstruction will require Orangethorpe Avenue Overhead to be replaced with a

wider structure and the construction of the new North (N) - West (W) Connector Separation and South (S) - East (E) Connector Separation. To complete the project, Caltrans is authorized to widen Beach Boulevard at-grade across the tracks of Union Pacific Railroad Company's (UP) Santa Ana Branch, formerly owned by the Southern Pacific Transportation Company, in the Cities of Anaheim, Fullerton, and Buena Park, Orange County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order.

2. Orangethorpe Avenue Overhead and Beach Boulevard will retain their identification numbers: Orangethorpe Avenue Overhead - BK-505.30-A; Beach Boulevard - BK-504.60. The new N-W Connector Separation and S-E Connector Separation will be identified as BK-504.96-A and BK-505.09-A, respectively, as shown in Appendix A.

3. Protection at Beach Boulevard Crossing shall be two Standard No. 9-A cantilevered flashing light signals with gates and two median-mounted Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

4. Clearances shall be in accordance with GO 26-D.

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 costs shall be borne in accordance with an agreement entered into between parties. A copy of the agreement shall be filed by Caltrans with the Commission's Rail Safety and Carrier Division prior to commencing construction.

7. Caltrans shall also file final construction plans approved by UP, with Rail Safety and Carriers Division prior to commencing construction.

8. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission in writing that the authorized work was completed.

9. 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.

The application is granted as set forth above.

Application 98-02-019 is closed.

This order is effective 30 days from today.

Dated April 1, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

APPENDIX A

As part of the project to widen Interstate Route 5 (I-5), the State of California, Department of Transportation (Caltrans), proposes to construct two interchanges between I-5 and State Route 91 (SR-91). In connection therewith, the following railroad-highway crossing projects are proposed to be constructed over, under, and across the tracks of Union Pacific Railroad Company's (UP) Santa Ana Branch Line, formerly owned by the Southern Pacific Transportation Company, Cities of Anaheim, Fullerton, and Buena Park, in Orange County, as shown on plans attached to the application:

1. Reconstruction of Overhead at separated grades to accommodate a wider structure that carries Orangethorpe Avenue over I-5 and UP's tracks, to be identified as Crossing BK-505.30-A.
2. Construction of two High-Vehicle Occupancy (HOV) connectors between I-5 and SR-91, at separated grades that would facilitate a smooth transition on the I-5 from a ten-lane freeway south of the interchange to an existing six-lane freeway north of the interchange, over UP's tracks, to be identified as the North (N) - West (W) Connector Separation (Crossing BK-504.96-A) and the North (N) - South (S) Connector Separation (Crossing BK-505.09-A).
3. Widening of Beach Boulevard at grade across UP's tracks, to be identified as Crossing BK-504.60. Protection at Beach Boulevard Crossing shall be two Standard no. 9-A cantilevered flashing light signals with gates and two median-mounted Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

**PROJECT LOCATION
FOR
SR-91 / I-5 INTERCHANGE OVERHEADS,
ORANGETHORPE AVENUE OVERHEAD, AND
BEACH BOULEVARD CROSSING**

