

Decision 99-10-019 October 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
 UNION PACIFIC RAILROAD COMPANY)
 For an Order Authorizing the Alteration)
 Of Bluff Road Overpass)
 [Crossing No. 3-8.9A], a public bicycle trail)
 underpass and an equestrian trail underpass)
 [both identified as Crossing No. 3-9.2-BD])
 in the City of Montebello, County of Los)
Angeles, State of California)

Application A.99-05-026
 (Filed May 12, 1999)

OPINION

Union Pacific Railroad Company (UP) requests authority to reconstruct the Bluff Road Overpass grade separation structure above UP's main line tracks; and to alter the Rio Hondo Channel Bicycle and Equestrian Trail Underpass, beneath UP's mainline tracks (also at separated grades) in the City of Montebello, Los Angeles County.

The purpose of this proposed project is to improve flood control protection by increasing the capacities of the Los Angeles River and the Rio Hondo Channel. Without modification, flood flows would create an unfavorable pressure flow condition at this bridge causing flow to overtop adjacent levees and possibly causing the bridge to fail structurally from excessive hydrodynamic loads. The proposed project is a sub-project of an area-wide project, known as the Los Angeles County Drainage Area (LACDA). Sponsored by the U.S. Army Corps of Engineers and the Los Angeles Department of Public Works, the LACDA project is intended to reduce the current flood potential in the Rio Hondo and Los Angeles River portions of the LACDA flood control systems. The LACDA project calls for the implementation of a number of physical and structural improvements, including raising bridge soffit elevations, to provide 133-year flood protection for the LACDA flood control system.

The primary action of the project will be to raise the bridge soffit elevation by a vertical distance ranging from seven to nine feet (varies in certain locations), and raising the track elevation by six inches. The soffit raising will be accomplished by decreasing the span length. Proposed project construction includes modifications to bridge abutments, construction of a permanent shoo-fly track, reconstruction of piers, grading on both sides of the Rio Hondo Channel, and construction of a new railroad bridge superstructure. To accommodate the new railroad bridge, the project also requires modifications to the bridge approaches. Bridge approach work includes the relocation of the piers and replacement of the superstructure for the Bluff Road Overpass bridge, and track realignment between the Montebello Boulevard and Whittier Boulevard crossings. The total project area generally consists of the railroad right-of-way as it extends from the Montebello Boulevard crossing on the west to the Whittier Boulevard crossing on the east.

As a sub-project of the LACDA project described above, the County of Los Angeles (County) 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. On December 19, 1994, the County of Los Angeles had prepared an Environmental Impact Report (EIR) for the LACDA project. After preparation and review of the EIR, County approved the project. On April 6, 1995, a Notice of Determination was filed with the Los Angeles County Clerk, which found that "The project will have a significant effect on the environment." Mitigation measures will reduce adverse impacts to acceptable levels. None of the adverse impacts can be attributed to the grade separation structure. A Statement of Overriding Consideration was adopted for the project.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered County's environmental documentation. The site of the project has been inspected by the Commission's Rail Safety and Carrier Division - Rail Crossings Engineering Section staff. Staff examined the need for and the safety of the proposed grade separations 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 Rule 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 is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3016, dated June 7, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. 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 176-3016.

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 comments being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on May 17, 1999. No protests have been received. A public hearing is not necessary.

2. UP requests authority, under Public Utilities Code Sections 1201-1205, to reconstruct the Bluff Road Overpass, and to alter the Rio Hondo Channel Bicycle Trail and Equestrian Trail Underpass at separated grades in connection with the improvement of UP's mainline tracks in the City of Montebello, Los Angeles County. A site map of the grade separations is as shown on the plans attached to the application and Appendix A.

3. The proposed project is required to improve flood control protection by increasing the capacities of the Los Angeles River and the Rio Hondo Channel. Without modification, flood flows would create an unfavorable hydraulic pressure condition at this bridge causing water flow to overtop adjacent levees and possibly causing the bridge to fail structurally from excessive hydrodynamic loads.

4. Public convenience, necessity and safety require reconstruction of the grade separations.

5. County 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 County's EIR and Notice of Determination.

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. Union Pacific Railroad Company (UP) is authorized to reconstruct the Bluff Road Overpass, and to alter the Rio Hondo Channel Bicycle Trail and Equestrian Trail Underpass at separated grades in connection with the improvement of UP's mainline in the City of Montebello, Los Angeles County, to be identified as Crossing No. 3-8.9-A (Bluff Road Overpass) and Crossing No. 3-9.2-BD (Rio Hondo Channel Bicycle Trail and Equestrian Trail Underpass).

2. Clearances shall be in accordance with General Order (GO) 26-D. 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.

3. 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 UP with the Commission's Rail Safety and Carriers Division prior to commencing construction.

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

5. 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.

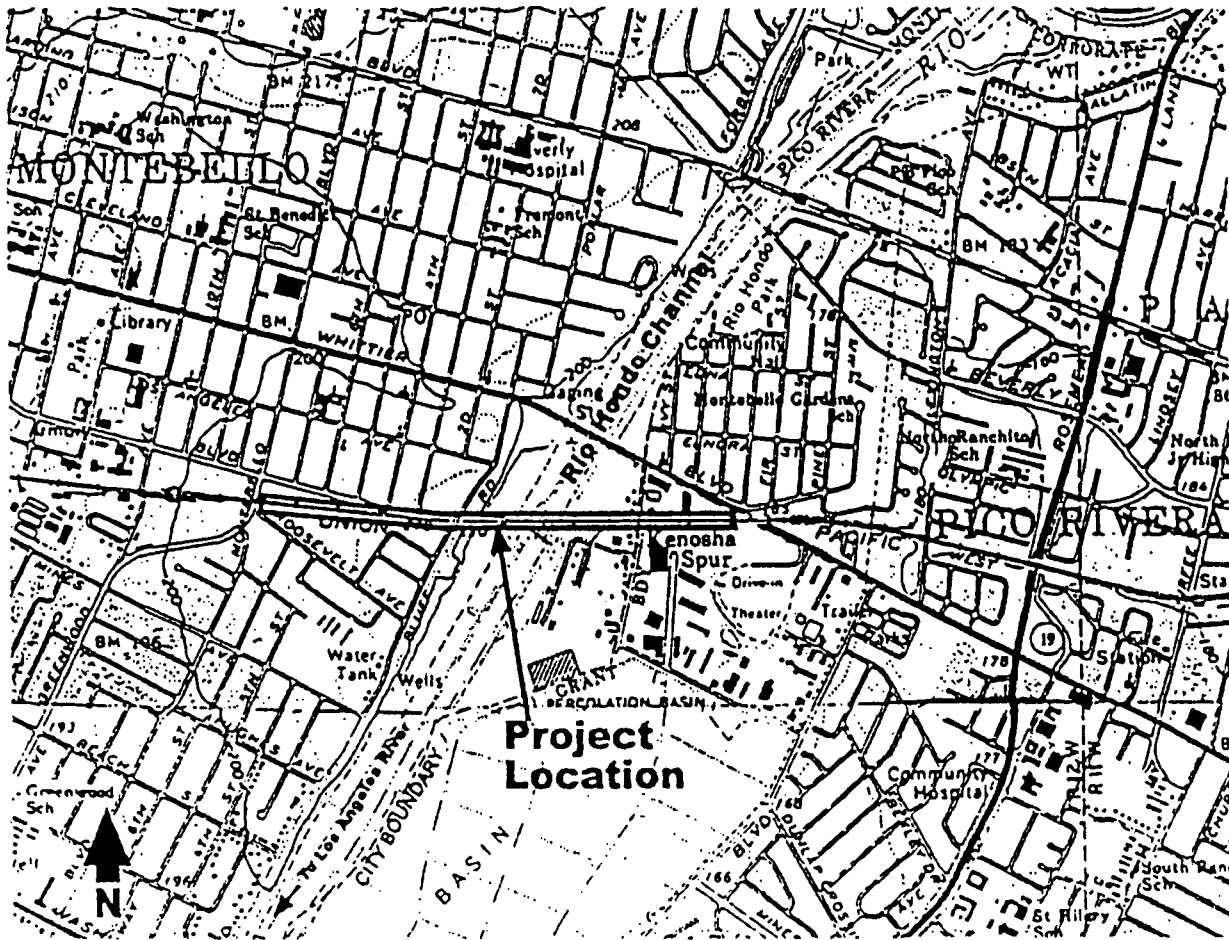
Application 99-05-026 is closed.

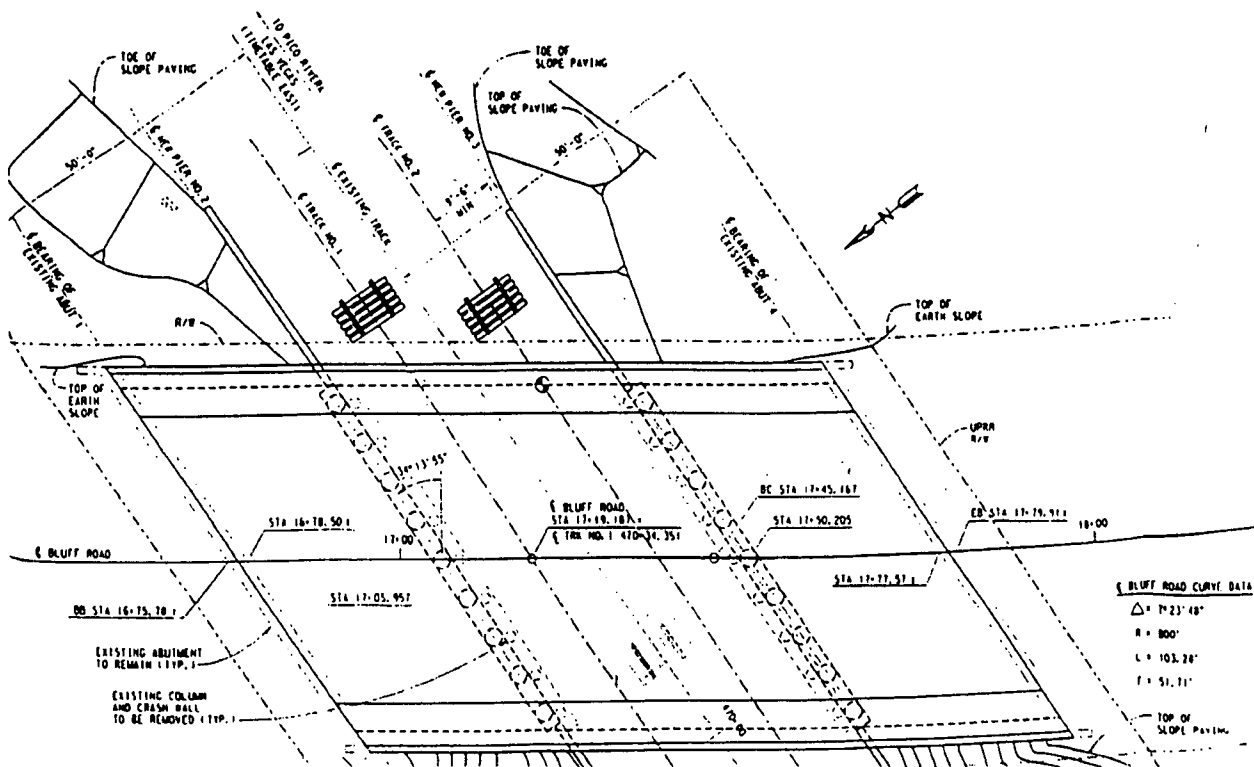
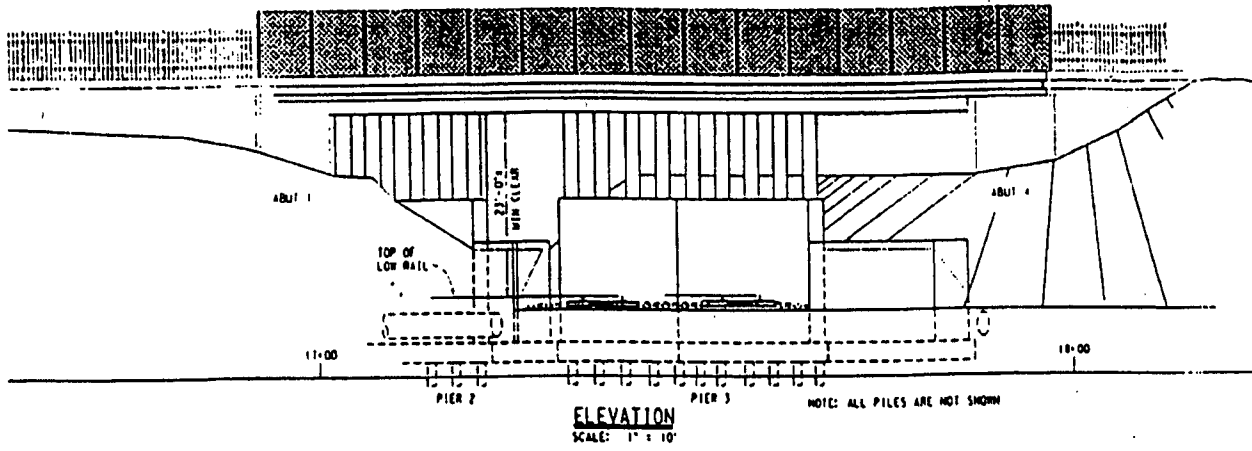
This order is effective 30 days from today.

Dated October 7, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners

Relocation of Union Pacific Railroad Bridge No. 9.04 Montebello, California





**Bluff Road Overpass
Crossing No. 3-8.9-A**

