

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



August 25, 2010

File Number: G.10-07-018
City of Laguna Niguel, County of Orange

Dave Rogers, PE
Public Works Director
City of Laguna Niguel
27791 La Paz Road
Laguna Niguel, CA 92677

Re: **General Order 88-B Request for Authority to Modify the Crown Valley Parkway Highway-Rail Crossing, CPUC Crossing No. 101OR-193.2-A, DOT No. 026780C, in the City of Laguna Niguel, Orange County.**

Dear Mr. Rogers:

This refers to your letter, dated July 23, 2010 (received on July 27, 2010), requesting authorization, pursuant to Commission General Order (GO) 88-B, to modify the existing grade separated crossing of the Southern California Regional Rail Authority (SCRRA) tracks and Crown Valley Parkway in the City of Laguna Niguel, Orange County. The crossing is identified by CPUC Crossing Number 101OR-193.2-A.

In addition to SCRRA Metrolink commuter trains, the BNSF Railway (BNSF) and the National Passenger Railroad Corporation (Amtrak) operate freight and passenger trains over this line respectively. It is proposed to widen the southside of the Crown Valley Parkway overhead structure from the intersection of Cabot Road in the City of Laguna Niguel to the northbound I-5 loop entrance ramp in the City of Mission Viejo to reduce congestion along Crown Valley Parkway and provide gateway improvements into the City. During construction, the City is requesting a temporary impaired overhead vertical clearance of 21 feet 6 inches. Commission General Order (GO) 26-D, Section 2.1, requires a minimum vertical clearance of 22 feet 6 inches. Therefore, the City requests a temporary deviation from the vertical clearance requirements of GO 26-D.

The Commission's Rail Crossings Engineering Section (RCES) investigated the request filed by the City, and finds it adequately addresses compliance and safety. As the City, SCRRA, BNSF and Amtrak are all in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, the improvements as described in your request dated July 23, 2010 and summarized above are authorized.

Temporary traffic controls shall be provided in compliance with Section 8A.05, Temporary Traffic Control Zones, of the California Manual on Uniform Traffic Control Devices (CA MUTCD), published by the California Department of Transportation.

All parties shall comply with all applicable rules, including Commission General Orders and the CA MUTCD.

Pursuant to Commission Resolution SX-76 and Section 16.2 of General Order (GO) 26-D, the City is granted a temporary deviation from GO 26-D, Section 2.1 and is authorized a temporary overhead clearance of not less than 21 feet 6 inches above the top of the highest rail to the lowest of point on the overhead structure and falsework, during the period of widening of the Crown Valley Parkway Overhead structure, CPUC Crossing Number 101OR-193.2-A, DOT No. 026780C, in the City of Laguna Niguel, Orange County.

The following requirements shall apply to the temporary deviation to GO 26-D, Section 2.1:

1. City shall notify SCRRA and the Los Angeles office of the Commission's Consumer Protection and Safety Division – Rail Operations Safety Branch (ROSB) and Rail Crossings Engineering Section at least 15 days but not more than 30 days in advance of the date when the City will create the temporary reduced overhead clearance. Commission notification may be made to rces@cpuc.ca.gov.
2. SCRRA shall issue instructions to all individuals responsible for operation of trains over these tracks of the temporary reduced clearance of 21 feet 6 inches beneath the Crown Valley Parkway Overhead structure, and shall submit the instructions in advance of the date when the City will create the temporary reduced overhead clearance to the Los Angeles office of ROSB and RCES. Notification may be made to rces@cpuc.ca.gov.

Relative to the grade separation, this project is statutorily exempt from the requirements of the California Environment Quality Act of 1970, as amended. [California Public Resources Code 21080.13].

This authorization shall expire if the above conditions are not complied with or if the work is not completed within three years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved parties in support of the time extension. If an extension is requested, RCES may reevaluate the crossing prior to granting an extension.

Within 30 days after completion of this project, City shall notify RCES that the authorized work is completed, by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

If you have any questions, please contact Laurence Michael at (213) 576-7076 or ldi@cpuc.ca.gov .

Sincerely,

A handwritten signature in black ink that reads "Daren Gilbert". The signature is written in a cursive style with a large, stylized "D" and "G".

Daren Gilbert, Supervisor
Rail Crossings Engineering Section
Consumer Protection and Safety Division

C: Melvin Thomas, BNSF
Bill Doran, SCRRA
Harry Steelman, Amtrak