Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City and County of San Francisco, through its San Francisco Municipal Railway, for an order authorizing construction of at-grade crossings for 11 intersections and 1 grade separated crossing along Segment E of the Third Street Light Rail Project in the City and County of San Francisco.	Application 03-02-020 (Filed February 6, 2003)

O P I N I O N

Summary

The City and County of San Francisco (CCSF) proposes to establish 58 at-grade crossings and one grade-separated crossing along a 5.2 mile extension of the San Francisco Municipal Railway (Muni) light rail system (3rd St. Extension) beginning at the Caltrain station at the intersection of 4th and King Streets and ending at Bayshore Boulevard between Sunnydale Avenue and the San Francisco county line in Visitacion Valley. The segment of the proposed 3rd St. Extension included in this decision, Segment E, will extend from the intersection of 3rd Street and Egbert Avenue in the north to Bayshore Boulevard and Hester Avenue intersection to the south. The intersection of 3rd Street and Carroll Avenue and Armstrong Avenue and Lane Street are included in this application, although physically located in Segment D (approved by the Commission in Decision 02-11-068), due to design modifications at these proposed crossings. A map of Segment E is included as Attachment A.

The 3rd St. Extension will bring transit service to the communities in the southeastern part of San Francisco. It is also intended to serve as a key infrastructure improvement to help support the economic and physical revitalization of the Bayview-Hunters Point commercial core along 3rd Street and the planned development in Mission Bay.

Discussion

The 3rd St. Extension includes the construction of 58 at-grade crossings, and the widening of the existing grade-separated freeway overpass to accommodate the light rail system. This decision covers only crossings at 11 intersections along Segment E and the reconstruction of the existing grade-separated freeway overpass, as listed in Attachment B.

Segment E, the fourth segment of the 3rd St. Extension, will begin on 3rd Street at Egbert Avenue intersection going south along 3rd Street in a semi-exclusive alignment. After passing LeConte Avenue, the alignment passes over U.S. 101 on a grade-separated structure, with the alignment then proceeding south on Bayshore Boulevard. 3rd Street at Hester Avenue is the southern-most crossing proposed for Segment E. The station platform at LeConte will be configured as a center platform. Gilman and Carroll Stations will be configured as sets of two side platforms. All pedestrian access to the platforms and across the tracks will be at crosswalks adjacent to the proposed crossings. Left-turn lanes will be provided northbound and southbound on 3rd Street at Gilman and Jamestown Avenues and southbound on 3rd Street at Key and LeConte Avenues.

At Armstrong Avenue a turnout will be located on the west side of the street (approved by the Commission in Segment D), which will act as a storage track for out-of-service light rail vehicles (LRV) in the event of mechanical failure (similar to tracks of the N Judah line). The crossing proposed at Armstrong

Avenue at Lane Street is a continuation of this storage track. The intersection of 3rd Street and Carroll Avenue, which contains a Union Pacific spur track, will be upgraded with modern highway/rail warning devices consisting of two Standard No. 8-As (a Standard No. 8 with additional flashing lights on cantilevered mast arm), as described in Commission General Order 75-C. The current single traffic-style signal dates from 1948. The rail-to-rail crossing approval, and the associated warning device upgrades at Carol Street will be the subject of a future Commission application.

This application and the order herein are sought under Sections 1201 - 1205 of the Public Utilities Code.

Safety features at the crossings include pavement markings, warning signs, some pedestrian refuge areas, traffic signals, and video loop detection as agreed to by Rail Crossings Engineering Section (RCES) and Muni at field diagnostic meetings.

At RCES's request, initial engineering/design was performed investigating an elevated grade-separated highway/rail crossing that would avoid the traffic exiting from southbound US 101 to Hester Avenue and traffic from northbound Bayshore Boulevard. Plans initially submitted to RCES by CCSF contained an improved circulation design over the existing configuration, incorporating a new exit lane from northbound US 101 that has this traffic avoiding the proposed light rail tracks. RCES's concerns centered on the heavy existing traffic, and the potential for increased traffic if the expected revitalization of the area becomes reality. CCSF presented plans for a grade-separation to RCES, however, due to the location of the project site being on the crest of a hill, certain physical limitations regarding overhead clearances, and approach grades required for this

structure were unacceptable for the operational ability of the LRV specifications, and the structure was deemed impracticable.

Typical traffic warning devices at these intersections will include traffic signs and signals for automobiles and pedestrians with integrated priority signal for the LRVs. The movement of LRVs at signalized intersections will be controlled by exclusive LRV signals. All crossing intersections will be signalized for traffic in all directions. In addition to traffic signals, all crossings/intersections with left-turn pockets will be equipped with active "Train Coming" signs. The "Train Coming" signs will be interconnected to train detection so as to activate only when LRVs approach the at-grade crossings. Each intersection will be equipped with "count down" pedestrian signals, which will warn pedestrians on the amount of time remaining before each signal turns red.

By Resolution ST-56, dated July 17, 2002, the Commission granted CCSF a waiver from General Order (G. O.) 143-B 9.06c(1). G. O. 143-B requires a 30-inch minimum clearance adjacent to trains where persons are permitted to be while trains are in motion, and between LRVs on parallel tracks. Resolution ST-56 allows Muni to construct the two parallel tracks proposed for 3rd Street with an 18-inch minimum clearance between the LRVs. The 18-inch clearance was necessary due to the narrow width of 3rd Street. For the 3rd St. Extension, the sidewalks were narrowed to a width of nine feet and parking was eliminated for much of the route to accommodate the narrow width of 3rd Street.

A safety issue regarding the reduced clearance between trains is the possibility that pedestrians may get caught in the middle of the right-of-way between the tracks without sufficient refuge when LRVs arrive simultaneously from both directions. Mitigation for this safety concern consists of increasing the

amount of "walk" time to allow a person traveling 2.5 feet/second to safely cross the street (4.0 feet/second is standard). The increased pedestrian travel time, in conjunction with the "count down" pedestrian heads, should discourage persons from attempting to cross the street late in the walk cycle to avoid being trapped within the right-of-way.

Train operators must be prepared to stop short of any person, object, or obstruction within range of their vision as required by Rule 4.22.2 of the "San Francisco Municipal Railway Rules and Instruction Handbook." Additionally, a new operating rule will be enforced, which requires that, "If two opposing trains are approaching a person who is on the right of way, where there is not sufficient room to safely remain while the trains pass, both trains shall stop to allow the person to reach a safe place".

The CCSF, through the Department of City Planning, is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. The CCSF's Public Transportation Commission approved the 3rd St. Extension on June 23, 1998. A copy of the document was available for public review at 1145 Market Street in San Francisco. On June 4, 2001, in compliance with CEQA, CCSF filed its Notice of Determination with the State of California Office of Planning and Research and the San Francisco County Clerk, approving this project, which stated that the project will have an unavoidable significant effect on the environment (State Clearinghouse Number 96102097). Accordingly, CCSF adopted mitigation measures as a condition of approval of the project, and submitted a Statement of Overriding Considerations (SOC) for the project. (Resolution #99-009.) The Notice of Determination is included as Attachment C.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

RCES has reviewed CCSF's environmental documentation. The environmental documentation consists of the Notice of Determination, a Final Environmental Impact Report (FEIR), and an SOC. We find that these environmental documents are adequate for our decision-making purposes. Analysis of potential environmental impacts included land use, visual and aesthetics resources, hydrology and water quality, transportation and traffic, geology and seismicity, cultural resources, community facilities and services, socio-economic characteristics, utilities and energy, noise and vibration, biological and wetlands resources, hazardous materials and air quality.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The environmental documentation discussed police, fire and emergency services in the community facilities and services section, but did not identify any potential impacts in Segment E related to safety and security.

Noise impacts were identified in the FEIR related to short-term noise due to construction. The mitigation measures include the use of equipment with effective mufflers, construction techniques that create the lowest noise levels, minimize off-hour (8 pm-7 am) and holiday construction activities, create a

community liaison program for the local residents, and select haul routes that minimize intrusion to residential areas. Mitigation measures due to vibration impacts include the use of pre-drilled piles for pile-driving when within 250 feet of residential areas, modification to the under-car suspension of Breda LRVs to reduce vibrations, and the relocation of track crossovers from vibration-sensitive areas. Prior to construction, the contractor will establish vibration levels at random locations, including those previously established as sensitive, to determine locations for mitigation.

Transportation and traffic impacts were identified in the FEIR related to the reduced Levels of Service and increased roadway traffic volumes at four intersections. None of the impacted intersections are within Segment E.

In adopting the SOC, CCSF determined that certain project benefits outweighed the significant and unavoidable impacts and warrant project approval. In particular, the SOC stated the impacts are due to cumulative conditions in the corridor caused by the impacts of several projects occurring simultaneously. The CCSF found that specific policy considerations, including but not limited to, the environmental, social and economic benefits of the project outweigh the significant unavoidable impacts.

With respect to the potentially-significant noise and transportation impacts identified above that could be mitigated, the Commission finds that CCSF adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. With respect to the project environmental impacts that remain significant and unavoidable, we also find that CCSF identified reasonable project benefits to justify its adoption of an SOC and project approval. Therefore, we similarly adopt and require the mitigation measures identified in the CCSF's FEIR and adopt the SOC, for purposes of our project approval.

RCES has inspected the site of the proposed 3rd St. Extension. After reviewing the need for, and safety of, the proposed 11 at-grade crossings and one grade-separated crossing, RCES recommends that the requested authority sought by CCSF be granted for a period of two years.

Application 03-02-020 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad or street railroad across a public road, highway, or street.

In Resolution ALJ 176-3108, dated February 27, 2003 and published on the Commission Daily Calendar on February 28, 2003, the Commission preliminarily categorized the application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3108.

To meet an aggressive construction schedule and gain the relief requested, CCSF has requested that the normal 30-day waiting period following the Commission's consideration of this matter be waived. This is an uncontested matter in which the decision grants the request. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise-applicable 30-day public review and comment period is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published the Notice of Application in the Commission's Daily Calendar on February 18, 2003. No protests have been filed and there are no unresolved matters.

2. CCSF requests authority, under Public Utilities Code Sections 1201-1205, to construct, maintain and operate 11 at-grade crossings and one grade-separated crossing of Segment E of the 3rd St. Extension (as described in Attachment B).

3. Public convenience, safety, and necessity require the construction of the proposed at-grade crossings and grade-separated crossing.

4. CCSF is the lead agency under CEQA.

5. The Commission is a responsible agency for this project and has reviewed and considered the CCSF's environmental documentation upon which CCSF relied in adopting mitigation measures for the project.

6. On June 4, 2002, CCSF filed its Notice of Determination approving the extension and found the 3rd St. Extension would have a significant effect on the environment. An SOC was adopted for this extension.

7. CCSF's environmental documents are adequate for our decision-making purposes.

8. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

9. The Commission finds that for each potentially significant impact related to safety and security, transportation or noise, CCSF adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

10. The Commission finds that for the environmental impacts determined to be significant and unavoidable, CCSF reasonably concluded there are sufficient project benefits to warrant project approval.

Conclusions of Law

1. There are no protests or unresolved matters; a public hearing is not necessary.

2. We adopt and require the mitigation measures identified in CCSF's FEIR as well as the SOC for purposes of our project approval.

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

O R D E R

IT IS ORDERED that:

1. The City and County of San Francisco (CCSF) is authorized to build, maintain, and operate 11 highway-light rail at-grade crossings along 3rd Street at Egbert Avenue (125 J-1.25), Fitzgerald Avenue (125 J-1.19), Gilman/Paul Avenues (125 J-1.13), Hollister Avenue (125 J-1.08), Ingerson Avenue (125 J-1.03), Jamestown Avenue (125 J-0.97), Key Avenue (125 J-0.92), LeConte Avenue (125 J-0.86), Bayshore Boulevard/Hester Avenue (125 J-0.60), Carroll Avenue (125 J-1.36), Armstrong Avenue/Lane Street (125 J-1.51-C), and U.S. 101 (125J-0.65-B).

2. Warning for pedestrians and motorists shall be provided by traffic signals and signs. Every street at-grade crossing shall be fully signalized with "count-down" pedestrian signals to warn pedestrians of the amount of time remaining before each signal turns red. The movement of light rail vehicles (LRV) at signalized intersections shall be controlled by signals for exclusive LRV use only. All crossing intersections shall be signalized for traffic in all directions and have LRV signals, such that visibility of the LRV signals by motorists shall be minimized. In addition to traffic signals, all crossings/intersections with left-turn pockets shall be equipped with active "Train Coming" signs. The "Train

Coming" signs shall be interconnected to train detection and shall only activate when LRVs approach the at-grade crossings.

3. Clearances shall be in accordance with General Orders (G.O.) 26-D, with the exception of Sections 9, 10, and 11 and 143-B, with the exception of G.O. 143-B 9.06 c (1), from which a waiver has been granted for the project through Commission Resolution ST-56.[1]

4. If two opposing trains are approaching a person who is on the right-of-way, where there is not sufficient room to safely remain while the trains pass, both trains shall stop to allow the person to reach a safe place.

5. Prior to construction, CCSF shall file with Consumer Protection and Safety Division's Rail Crossings Engineering Section (RCES) final construction plans.

6. Within 30 days after completion of the work under this order, CCSF shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

7. This authorization shall expire if not exercised within two 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.

8. This application is granted as set forth.

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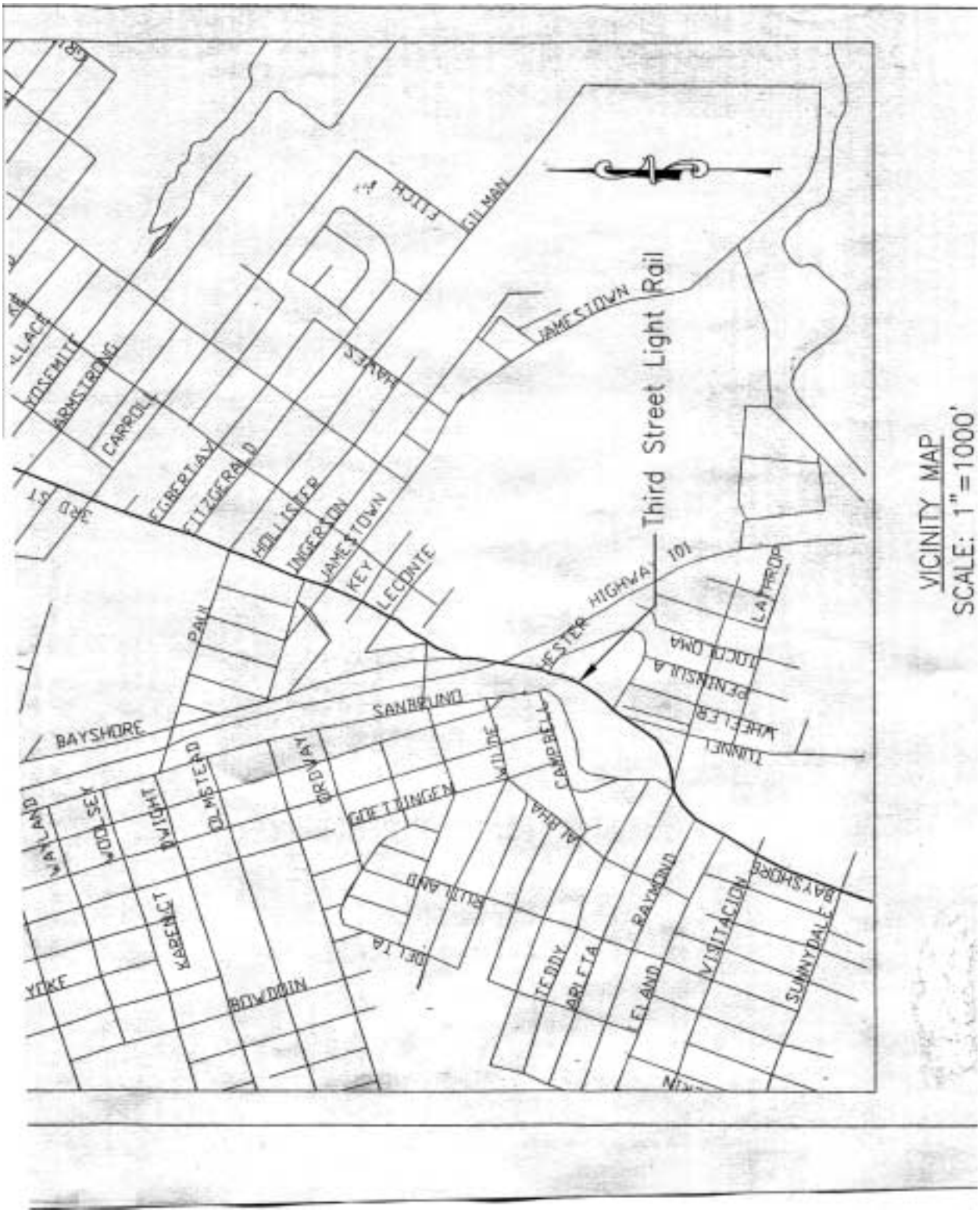
[1] Clearances of LRVs on parallel tracks shall be a minimum of 18 inches, instead of the usual standard of 30 inches.

9. Application 03-02-020 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A



ATTACHMENT B

Proposed Crossings Within Segment E

3rd Street and Egbert Avenue	125 J-1.25
3rd Street and Fitzgerald Avenue	125 J-1.19
3rd Street and Gilman/Paul Avenue	125 J-1.13
3rd Street and Hollister Avenue	125 J-1.08
3rd Street and Ingerson Avenue	125 J-1.03
3rd Street and Jamestown Avenue	125 J-0.97
3rd Street and Key Avenue	125 J-0.92
3rd Street and LeConte Avenue	125 J-0.86
Bayshore Boulevard and Hester Avenue	125 J-0.60
3rd Street and Carroll Avenue	125 J-1.36
Armstrong Avenue and Lane Street	125 J-1.51-C
3rd Street and U.S. 101	125 J-0.65-B

ATTACHMENT C

OFFICE OF ENVIRONMENTAL REVIEW
$25.00 Private Development Fee IS OWED X

ENDORSED
FILED
San Francisco County Clerk

JUN 0 4 2001

BY: M Mueller
Deputy County Clerk

NOTICE OF DETERMINATION

X State of California
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
State Clearinghouse No.: 96102097

X County Clerk
City and County of San Francisco
City Hall - Room 168
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Pursuant to the California Environmental Quality Act (CEQA), the Guidelines of the Secretary for Resources and San Francisco requirements, this Notice of Determination is transmitted to you for filing. At the end of the posting period, please return this Notice to the Contact Person with a notation of the period it was posted.

File Number and Project Title: 96.281E - Third Street Light Rail Project
Address: Generally along Third Street from County line to Market Street, within southeastern portion of San Francisco; and a 13 acre portion of former Western Pacific rail yard east of Third Street, north of Pier 80.

Project Description: Construction of a new light rail transit system along Third Street, generally from the County line at the southern end to Market Street at the northern end; Construction of new light rail maintenance and storage facility.

Lead Agency: City and County of San Francisco by Department of City Planning,
1660 Mission Street, San Francisco, CA 94103-2414
Contact Person: Paul Maltzer **Telephone:** (415) 558-5977
Project Applicant: San Francisco Municipal Railway

The City and County of San Francisco Public Transportation Commission decided to carry out or approve the project on June 23, 1998. A copy of the documents may be examined at 1145 Market Street, Suite 402, San Francisco, CA.

1. An environmental document has been prepared pursuant to the provisions of CEQA, as noted below. It is available to the public and may be examined at the Office of Environmental Review at the above address.
   _Certificate of Exemption
   _Negative Declaration
   X Environmental Impact Report

2. A determination has been made that the project in its approved form
   _will not have a significant effect on the environment.
   X will have a significant effect on the environment and findings were made pursuant to Section 15091 and a statement of overriding considerations was adopted

3. Mitigation Measures X were _were not made a condition of approval.

Gerald G. Green
Director of Planning

by Paul E. Maltzer
Environmental Review Officer

cc: Sue C. Hestor, 870 Market St, #1128, San Francisco CA 94102
Project Sponsor