Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Cities of AZUSA and GLENDORA for authority to close the North Rockvale Avenue private at-grade crossing across the Los Angeles County Metropolitan Transportation Authority (LACMTA) track operated by the Burlington Northern Santa Fe (BNSF) Railway, CPUC No. 101PA-116.22-X; to convert the existing Palm Drive Crossing, CPUC No. 101PA-116.05-X into a grade separated crossing and to construct a new grade separated crossing at Citrus Avenue, MP 115.86 proposed CPUC No. 101PA-115.86-B in the cities of Azusa and Glendora County of Los Angeles.	Application 05-02-002 (Filed February 3, 2005)

O P I N I O N

Summary

This decision grants the request of the Cities of Azusa and Glendora (Cities) for authority to permanently close and physically remove the North Rockvale Avenue and Palm Drive private at-grade highway-rail crossings (private crossings) in Azusa and to construct the proposed Palm Drive grade-separated highway-rail public crossing (grade separation) in Azusa and the proposed Citrus Avenue grade separation in Azusa and Glendora. Each grade separation will consist of a railroad bridge structure with one BNSF Railway Company (BNSF) track and adequate cross-sectional width for the construction of two proposed future tracks. The track, right-of-way, and appurtenances are owned by the Los Angeles to Pasadena Metro Blue Line Construction Authority

(Authority) and held in trust for the Los Angeles County Metropolitan Transportation Authority (MTA), in Los Angeles County.

Discussion

The Cities request authority to close and remove the North Rockvale Avenue and Palm Drive private crossings and to construct the Palm Drive and Citrus Avenue grade separations. The construction of the Palm Drive and Citrus Avenue grade separations is necessary to provide access into a proposed 1,250-unit residential development at the site of the current Monrovia Nursery Company. The proposed project will enhance public safety by closing the private crossings and constructing the new public crossings as grade separations.

The Palm Drive private crossing currently serves as the main entrance into Monrovia Nursery. Nursery employees, visitors, and delivery vehicles currently cross the private crossing. The proposed Palm Drive and Citrus Avenue grade separations will eliminate potential train – motor vehicle traffic conflicts and safety hazards associated with motorists and pedestrians accessing the proposed residential development. Palm Drive and Citrus Avenue will function as the two southerly access routes into the proposed residential development. Project traffic studies determined that the average daily traffic volumes on Palm Drive and Citrus Avenue upon completion of the residential development will be 2,554 vehicle trips and 3,836 vehicle trips, respectively.

The proposed Citrus Avenue grade separation will also be adjacent to a conceptually planned new light rail transit station on MTA's Blue Line. This station would service the proposed residential development and students from the adjacent Azusa Pacific University and Citrus College. Thus, the proposed Citrus Avenue grade separation will avoid traffic conflicts and safety hazards associated with access to the light rail transit station.

The proposed Palm Drive and Citrus Avenue grade separation bridge structures will provide width for walkways and will provide a minimum of 15 feet of vertical clearance as required under Commission General Order 118. Each bridge structure will consist of one track for BNSF trains and will provide adequate cross-sectional width to accommodate two additional proposed tracks.

The City of Azusa is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended in 1982 and as stated in Public Resources (PR) Code Section 21000 et seq. The City of Azusa prepared the Monrovia Nursery Specific Plan and Project Draft Environmental Impact Report (Draft EIR), assigned State Clearinghouse (SCH) Number 2002071046, for the project in October 2002. On February 18, 2003, the City of Azusa approved the project and adopted the Final EIR. On February 19, 2003, in compliance with PR Code Sections 21152, the City of Azusa filed a Notice of Determination (NOD) with the State Clearinghouse and the Los Angeles County Clerk. The NOD is attached to Appendix A of the order. The NOD concluded that the project will have a significant effect on the environment. Mitigation measures were made a condition for project approval. Findings were made pursuant to the provisions of CEQA. The City of Azusa adopted a "Statement of Overriding Considerations" (SOC) for this project.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project 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 a

responsible agency must conduct are contained in CEQA Guideline Section 15096.

The Commission has reviewed the lead agency's environmental documents. We find the documents adequate for our decision-making purposes. These documents include the Monrovia Nursery Specific Plan and Project Draft EIR (SCH No. 2002071046), prepared by the City of Azusa. In considering this document, we note that the Draft EIR developed and evaluated a range of alternatives, including a "No Development Alternative" and a "No Project Alternative." The Draft EIR included an analysis of potential environmental impacts related to the project and alternatives related to, among other items, transportation and traffic, land use and planning, air quality, and noise. Safety, transportation and noise are within the scope of the Commission's permitting process. The City of Azusa identified environmental impacts related to transportation/traffic and noise. The Draft EIR contains statements pertaining to the scope and methodology, environmental setting, significance criteria, environmental impacts, mitigation measures, and unavoidable significant adverse impacts.

The Draft EIR identified significant impacts related to transportation and traffic. The significant impacts relate to intersection levels of service and access. The implementation of the mitigation measures stated in the Draft EIR would reduce the transportation and traffic impacts to less-than-significant levels.

The Draft EIR also identified significant impacts related to noise. The significant impacts relate to railroad and construction noise. The implementation of the mitigation measures stated in the Draft EIR would reduce the interior noise and railroad noise to less-than-significant levels. The Draft EIR concluded that horn noise from trains at the existing Palm Drive private crossing is a

significant adverse impact. The proposed Palm Drive grade separation would eliminate that impact. Implementation of the mitigation measures would reduce construction noise impacts, although not to less-than-significant levels. Construction activities would constitute an unavoidable significant adverse impact. The City of Azusa adopted the SOC with respect to significant and unavoidable adverse environmental impacts identified in the Draft EIR, including those impacts related to noise.

The City of Azusa found that the benefits of the proposed project outweigh the unavoidable significant adverse environmental impacts. The City of Azusa determined that each of the separate benefits identified in the SOC, in itself and independent of other project benefits, is a basis for overriding all unavoidable impacts identified in the Draft EIR and noted in the City of Azusa's findings. Specific overriding benefits resulting from the project include the following items:

- A high quality residential community that enhances the existing surrounding neighborhoods;
- A variety of housing types in different price ranges, allowing for a variety of homeownership opportunities;
- An opportunity for future light rail transit to serve the new development and the surrounding community;
- A new Azusa Unified School District kindergarten through eighth grade school;
- Over 28 acres of public parks open to the community;
- Conservation of over 168 acres of open space in the foothills;
- New roadway and pedestrian connections to disperse traffic through the community;

- Railroad crossings that promote pedestrian and vehicular safety but do not physically divide the community, constrain access to existing properties, or require infeasible acquisition of off-site property;
- Opportunity for the Los Angeles County Fire Department to relocate or place a new fire station outside of the Sierra Madre Fault Zone setback zone;
- Design amenities that attract buyers, contribute to the quality of life of future residents, and maintain property values;
- A financially successful development that is fiscally responsible and equitably contributes to the improvement or expansion of those public services and facilities impacted by the project; and
- An increase in residential development in a job-rich area, improving the jobs to housing balance.

In reviewing the Draft EIR, we find that with respect to issues within the scope of our permitting process, the City of Azusa, where possible, adopted feasible mitigation measures to lessen the significant environmental impacts to less-than-significant levels. We will adopt the City of Azusa's findings and mitigations for purposes of our approval.

With respect the SOC, we find that the City of Azusa enumerated several significant benefits associated with the proposed project which appeared, on balance, to reasonably justify approval of the project despite certain significant and unavoidable impacts. Therefore, we accept and adopt the findings of the SOC for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) inspected the sites of the existing private crossings and the proposed grade separations. After reviewing the need for and

the safety of the grade separations, RCES recommends that the Commission grant the Cities' requests.

The Cities filed a Supplement to Applicant (Supplement) on April 29, 2005, with the Commission's Docket Office to correct minor errors and to clarify the relationship among MTA, BNSF, and the Authority. The right-of-way, track, and appurtenances are owned by the Authority and held in trust for MTA, which retains certain rights regarding BNSF's easement through the Property Trust Agreement and the Reserved Railroad Freight Easement. The "Common Carrier Railroad" now maintained and operated by BNSF on an easement retained by its predecessor, The Atchison, Topeka and Santa Fe Railway Company, has been in operation on this right-of-way since the latter part of the 19th century.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad. A site map and detailed drawings of the proposed grade separations are shown in Appendix B attached to the order.

Categorization and Need for Hearings

In Resolution ALJ 176-3147, dated February 10, 2005, and published in the Commission Daily Calendar on February 11, 2005, the Commission preliminarily categorized the Application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, these preliminary determinations remain correct. It is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3147.

Waiver of Comment Period

This Application is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2),

we waive the otherwise applicable 30-day period for public review and comment.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published Notice of the Application in the Commission Daily Calendar on February 7, 2005. There are no unresolved matters or protests; a public hearing is not necessary.

2. The Cities request authority, under Public Utilities Code Sections 1201-1205, to close and remove the North Rockvale Avenue and Palm Drive private crossings in Azusa, to construct the Palm Drive grade separation in Azusa, and to construct the Citrus Avenue grade separation in Azusa and Glendora, Los Angeles County.

3. Public convenience, necessity, and safety require the closure and the removal of the private crossings and the construction of the grade separations.

4. The City of Azusa is the lead agency for this project under CEQA, as amended.

5. In approving the project on February 18, 2003, the City of Azusa adopted the Final EIR for the Monrovia Nursery Specific Plan and Project (SCH No. 2002071046) and found that "The project will have a significant effect on the environment." Mitigation measures were made a condition of the approval of the project. Findings were made pursuant to the provisions of CEQA. An SOC was adopted for this project.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Draft EIR, NOD, and SOC. We find these documents to be adequate for our decision-making purposes.

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

8. For the approved project, the lead agency identified environmental impacts related to transportation/traffic and noise.

9. The Cities filed a Supplement with the Commission's Docket Office on April 29, 2005, to correct minor errors and to clarify the relationship among MTA, BNSF, and the Authority.

Conclusions of Law

1. With respect to significant impacts from transportation/traffic and noise, we find that the lead agency adopted feasible mitigation measures where possible to substantially lessen the environmental impacts to a less-than-significant level. We adopt these mitigation measures for purposes of our approval. With respect to the significant and unavoidable environmental impacts, we find that the City of Azusa enumerated several significant benefits to justify project approval. Therefore, we also adopt the SOC for purposes of our approval.

2. The Application is uncontested and a public hearing is not necessary.

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

O R D E R

IT IS ORDERED that:

1. The Cities of Azusa and Glendora (Cities) are authorized to construct the Palm Drive grade-separated highway-rail crossing (grade separation), identified as CPUC Crossing No. 101PA-116.05-B, in Azusa, and the Citrus Avenue grade separation, identified as CPUC Crossing No. 101PA-115.86-B, in Azusa and Glendora, Los Angeles County, with each grade separation roadway under a

railroad bridge structure consisting of one BNSF Railway Company (BNSF) track and adequate cross-sectional width for the construction of two additional proposed tracks, at the locations and substantially as shown by the plans attached to the Application and Appendix B attached to this order.

2. Prior to the commencement of construction of the Palm Drive grade separation, the City of Azusa shall permanently close and physically remove the existing Palm Drive private at-grade highway-rail crossing (private crossing), identified as CPUC Crossing No. 101PA-116.05-X.

3. The City of Azusa is authorized to close the existing North Rockvale Avenue private crossing, identified as CPUC Crossing No. 101PA-116.22-X. Upon completion of the Palm Drive grade separation and its opening to vehicular traffic, the City of Azusa shall permanently close and physically remove the North Rockvale Avenue private crossing.

4. The Cities, BNSF, Los Angeles to Pasadena Metro Blue Line Construction Authority, and Los Angeles County Metropolitan Transportation Authority (MTA) (parties) shall bear construction and maintenance costs in accordance with an agreement between the parties. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, MTA shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

6. This authorization shall expire if not exercised within three years unless the Commission extends the time or if the parties do not comply with the above

conditions. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

7. The Commission grants the Application as set forth above.

8. Application 05-02-002 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

A P P E N D I X A

ENVIRONMENTAL DOCUMENTS

NOTICE OF DETERMINATION

ORIGINAL FILED

TO: ___ Clerk of the Board of Supervisors
or
_X_ County Clerk
County of: Los Angeles

FEB 19 2003

LOS ANGELES, COUNTY CLERK

FROM: City of Azusa
213 E. Foothill Blvd.
Azusa, CA 91702

_X_ Office of Planning and Research (If the project requires state approval)
P.O. Box 3044 (U.S. Mail) Sacramento, California 95812-3044
1400 Tenth Street, Room 222 (overnight delivery) Sacramento, California 95812

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Monrovia Nursery Specific Plan and Project
Project Title

2002071046
State Clearinghouse Number (If submitted to Clearinghouse)

Roy Bruckner
Contact Person

(626) 812-5236
Telephone Number

City of Azusa, Los Angeles, County
Project Location (Include County)

A specific plan allowing up to 1,250 residential units; 50,000 sq. ft. commercial; K-8 public school; approx.18 acres of parks; and approx. 220 acres open space.
Project Description

This is to certify that the City of Azusa
(Lead Agency or Responsible Agency)
approved the above described project on February 18, 2003 and made the following determinations:

1. The project _X_ will ___ will not have a significant effect on the environment.
2. _X_ An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
   ___ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
   ___ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3. Mitigation measures _X_ were ___ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations _X_ was ___ was not adopted for this project.
5. Findings _X_ were ___ were not made pursuant to the provisions of CEQA.
6. The location and custodian of the documents which comprise the record of proceedings for the Final EIR (with comments and responses) or Negative Declaration are specified as follows:

   Custodian: City of Azusa
   Location: 213 E. Foothill Blvd., Azusa, CA 91702

February 18, 2003
Date

Signature

THIS NOTICE WAS POSTED ON FEB 19 2003

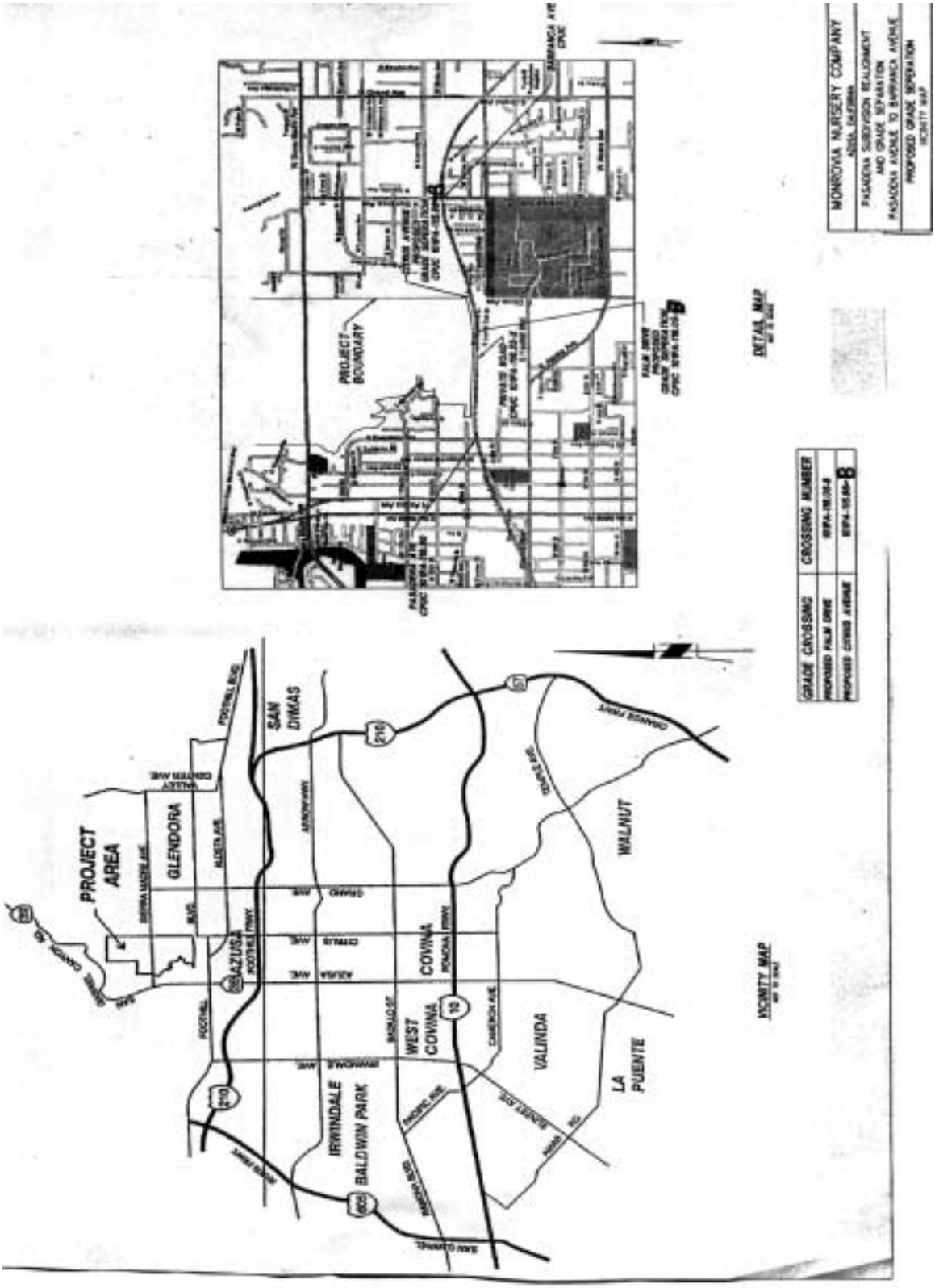
February 19, 2003
Date Received for Filing

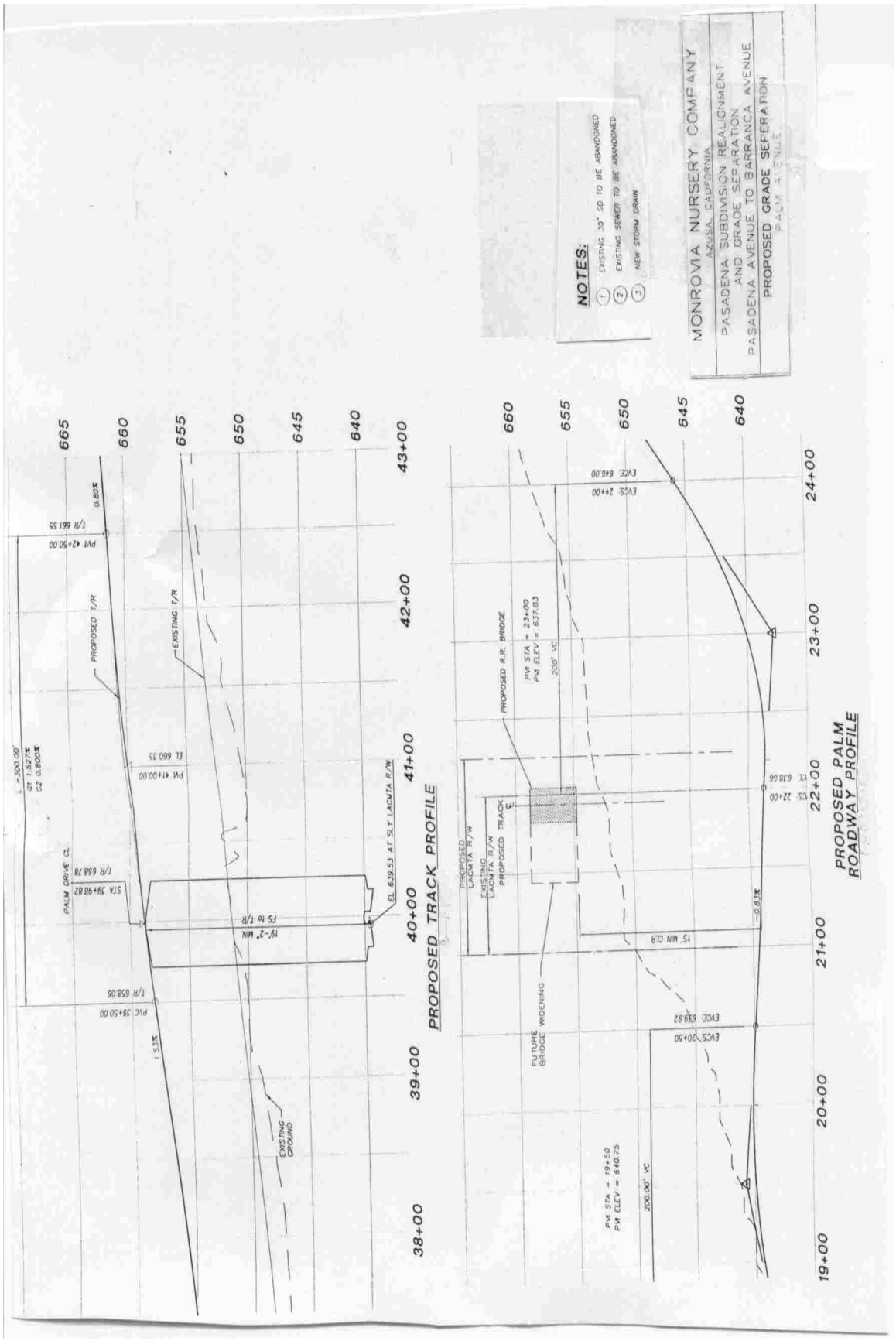
Director of Community Development
Title

MAR 18 2003
REGISTRAR-RECORDER/COUNTY CLERK

02 - 0004402

A P P E N D I X B
PLANS




MONROVIA NURSERY COMPANY
AZUSA, CALIFORNIA
PASADENA SUBDIVISION REALIGNMENT
AND GRADE SEPARATION
PASADENA AVENUE TO BARRANCA AVENUE
PROPOSED GRADE SEPERATION
PALM AVENUE
NOTES:
1 EXISTING 30" SD TO BE ABANDONED
2 EXISTING SEWER TO BE ABANDONED
3 NEW STORM DRAIN
PROPOSED TRACK PROFILE
PROPOSED PALM ROADWAY PROFILE
PROPOSED T/R
EXISTING T/R
EXISTING GROUND
PALM DRIVE CL
PROPOSED R.R. BRIDGE
PROPOSED LACMTA R/W
EXISTING LACMTA R/W
PROPOSED TRACK
FUTURE BRIDGE WIDENING
15' MIN CLR
PVI STA = 23+00
PVI ELEV = 637.83
200' VC
PVI STA = 19+50
PVI ELEV = 640.75
200.00' VC
EL 639.53 AT SLY LACMTA R/W
19'-2" MIN
FS TO T/R
665
660
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43+00
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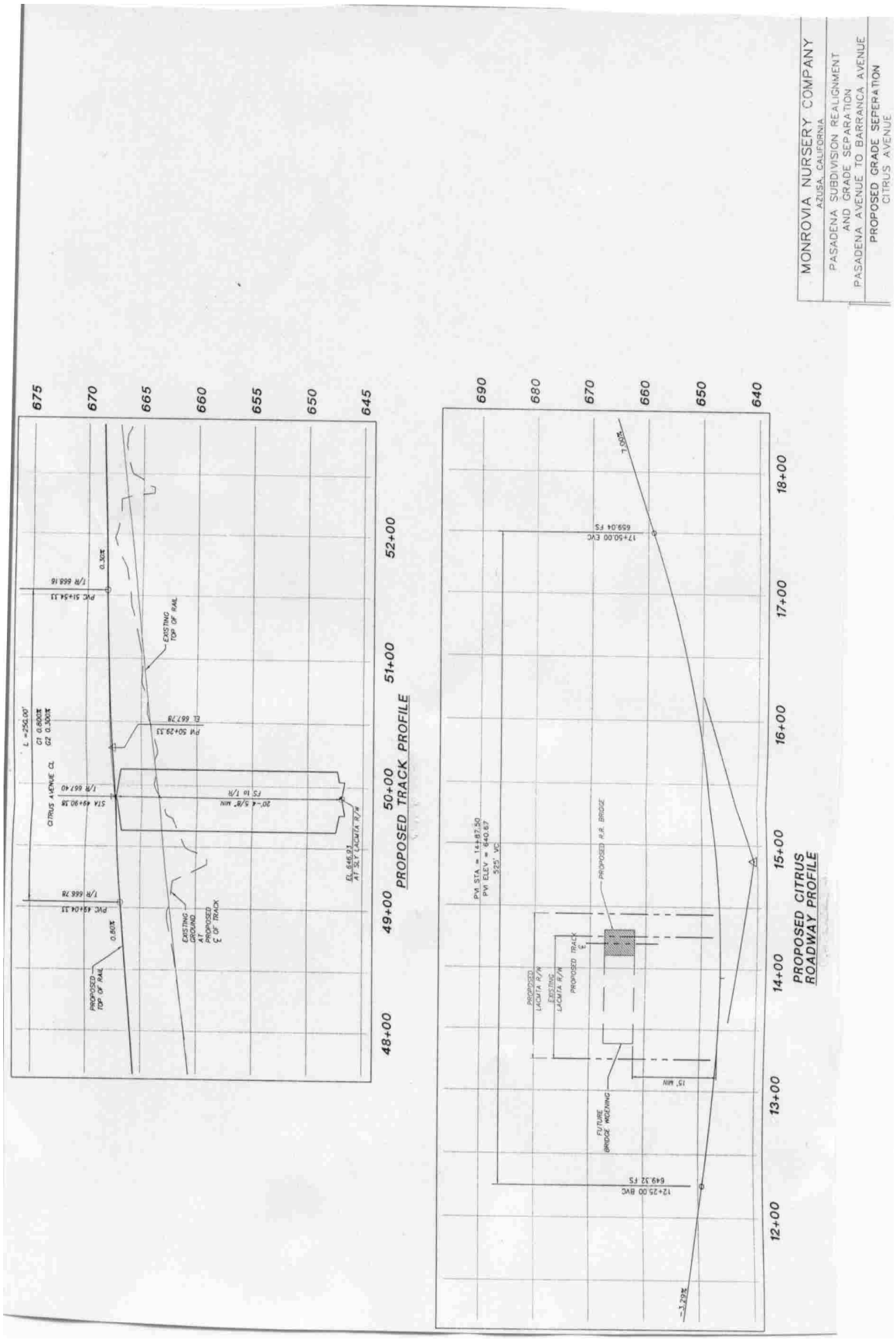
MONROVIA NURSERY COMPANY
AZUSA, CALIFORNIA
PASADENA SUBDIVISION REALIGNMENT
AND GRADE SEPARATION
PASADENA AVENUE TO BARRANCA AVENUE
PROPOSED GRADE SEPERATION
CITRUS AVENUE
PROPOSED TRACK PROFILE
PROPOSED CITRUS ROADWAY PROFILE
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CITRUS AVENUE CL
G1 0.80%
G2 0.50%
L =250.00'
PVI 50+29.33
EL 667.78
STA 49+90.38
T/R 667.40
PVC 49+04.33
T/R 666.78
PVC 51+54.33
T/R 668.16
0.80%
0.50%
PROPOSED TOP OF RAIL
EXISTING TOP OF RAIL
EXISTING GROUND AT PROPOSED ℄ OF TRACK
20'-4 5/8" MIN
FS to T/R
EL 646.21
AT 52.7' LACMTA R/W
PVI STA = 14+87.50
PVI ELEV = 640.67
525' VC
PROPOSED R.R. BRIDGE
PROPOSED LACMTA R/W
EXISTING LACMTA R/W
PROPOSED TRACK ℄
FUTURE BRIDGE WIDENING
15' MIN
12+25.00 BVC
649.32 FS
17+50.00 EVC
659.04 FS
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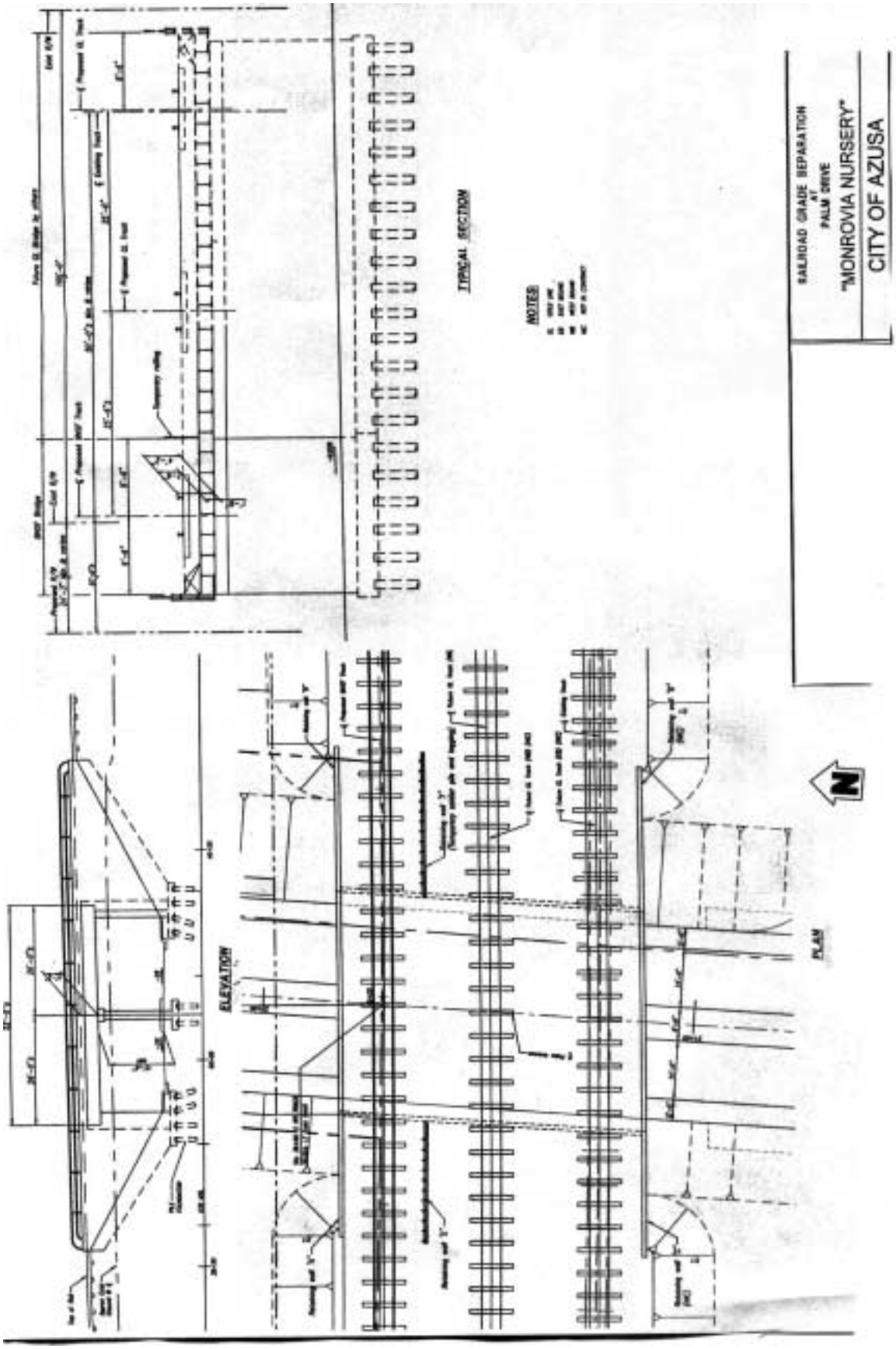
TYPICAL SECTION
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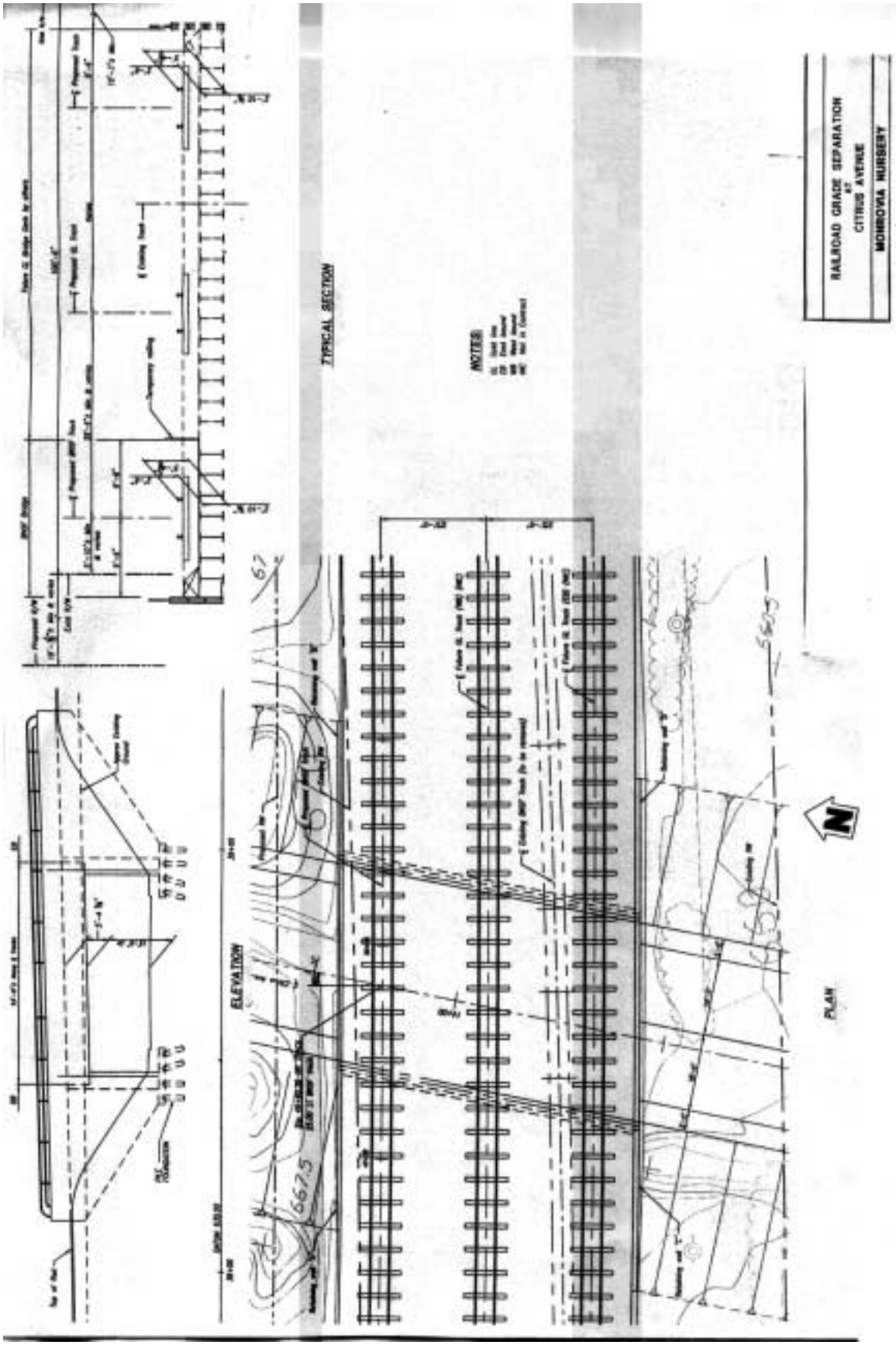
ELEVATION
PLAN
RAILROAD GRADE SEPARATION
AT
PALM DRIVE
"MONROVIA NURSERY"
CITY OF AZUSA


RAILROAD GRADE SEPARATION
AT
CITRUS AVENUE
MONROVIA NURSERY
TYPICAL SECTION
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