DOCKETED	
Docket Number:	24-OPT-02
Project Title:	Compass Energy Storage Project
TN #:	263660
Document Title:	OCTA Comment Letter
Description:	N/A
Filer:	System
Organization:	Orange County Transportation Authority (OCTA)
Submitter Role:	Public Agency
Submission Date:	6/2/2025 11:19:57 AM
Docketed Date:	6/2/2025

Comment Received From: Orange County Transportation Authority
Submitted On: 6/2/2025
Docket Number: 24-OPT-02

OCTA Comment Letter

Additional submitted attachment is included below.

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

May 22, 2025

Ms. Renee Longman
California Energy Commission
715 P Street
Sacramento, CA 95814

Via: California Energy Commission : e-comment : Submit Comment

Subject: **Notice of Preparation of a Draft Environmental Impact Report - Compass Energy Storage Project - Docket Number 24-OPT-02**

Dear Ms. Longman:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to comment on the Compass Energy Storage Project located in the City of San Juan Capistrano, Orange County. OCTA owns the railroad right-of-way (ROW) directly adjacent to the eastern boundary of the proposed project site. Sole access to the site is through the geometrically constrained Rancho Capistrano public railroad crossing. The railroad ROW is actively used by passenger rail service (including the Southern California Regional Rail Authority and Amtrak's Pacific Surfliner) as well as freight operations by Burlington Northern Santa Fe Railway throughout the day. OCTA previously sent a comment letter regarding this matter to the California Energy Commission in October 2024. OCTA would like to reiterate its concerns regarding the project's design and siting adjacent to the privately owned Oso Creek drainage course and emphasize the potential risks that this facility may pose to the adjacent railroad infrastructure.

The proposed location of this project lies directly adjacent to an unimproved segment of Oso Creek that is subject to high-velocity and high-volume flows. These conditions have recently caused severe erosion on the Saddleback Church property, which is immediately north of the proposed project site. The attachment includes a February 2021 presentation prepared by Orange County Public Works which outlines the hydraulic challenges associated with Oso Creek. Specifically, page 17 of the presentation identifies "Location #1," situated just south of the existing concrete-lined portion of the creek. This location illustrates the intense creek flows which are scouring and eroding the Saddleback Church property directly adjacent to the proposed Compass Energy Project. This issue warrants attention to help prevent further erosion and potential impacts to the active railroad ROW.

The Rancho Capistrano public railroad crossing is the only access to the proposed development. The California Public Utility Commission (CPUC), in its capacity as the State Rail Safety Agency, has reviewed and approved the use of this crossing as a public access point, subject to specific conditions. The attachment includes the CPUC's approval documentation which outlines measures to control vehicular movements and ensure crossing safety. OCTA is concerned that the project will require frequent use of the crossing by large vehicles—such as construction equipment, supply trucks, and maintenance vehicles. These types of vehicles may not be compatible with the crossing's existing geometry, which was not designed for such use, potentially creating safety risks for both the public and rail operations.

Thank you for your consideration of these concerns. Should you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Director, Transportation Planning and Analysis

Attachment

c: Jim Beil, OCTA

ATTACHMENT

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

October 17, 2024

Ms. Renee Longman
California Energy Commission
715 P Street
Sacramento, CA 95814

Via: efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=24-OPT-02

Subject: Compass Energy Storage Project – San Juan Capistrano - Docket Number 24-OPT-02

Dear Ms. Longman:

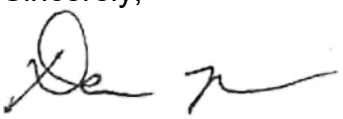
The Orange County Transportation Authority (OCTA) appreciates the opportunity to comment on the Compass Energy Storage Project in the City of San Juan Capistrano, Orange County. OCTA is the owner of the railroad right-of-way located adjacent to the east of the project site. Sole access to the site is through the geometrically constrained Rancho Capistrano public railroad crossing. The railroad right-of-way is active as passenger rail service (the Southern California Regional Rail Authority and Amtrak Pacific Surfliner) and freight operators (BNSF Railway) utilize this railroad line throughout the day. OCTA would like to share concerns about the design and siting of the facility in proximity to Oso Creek drainage course and highlight risks that this facility may pose to the railroad right-of-way.

The planned location of this project is immediately adjacent to an unimproved area of Oso Creek that is experiencing high velocity/volume flows. Recently, this has led to severe erosion on the Saddleback Church property, which is located immediately adjacent and to the north of the proposed project site. Attachment A is a February 2021 presentation prepared by Orange County Public Works which highlights the Oso Creek hydraulic issues. On page 17 of the presentation, Location #1 is just to the south of the existing concrete lined portion of the Oso Creek channel, this location reflects the high velocity creek flows into the Saddleback private property, immediately adjacent to the proposed Compass Energy Project. This issue should be addressed to mitigate further erosion and potential impact to the active railroad right-of-way.

The Rancho Capistrano public railroad crossing is the only access to the proposed development. The California Public Utility Commission (CPUC), in its capacity as the State Rail Safety Agency, has reviewed and approved the Rancho Capistrano crossing to be used as a public crossing with specific conditions. Attachment B is the CPUC's approval of the Rancho Capistrano crossing, and it includes specific scope to control vehicular movements to ensure crossing safety. OCTA is concerned that many large construction materials, supply, equipment delivery, and maintenance trucks will need to cross the Rancho Capistrano crossing. These types of vehicles may not appropriately fit the geometrics of the crossing as it had been designed for and may pose a safety risk to the public and the operating railroads.

Thank you for your consideration of these concerns. Should you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,



Dan Phu
Manager, Environmental Programs

c: Jim Beil, OCTA

Enclosures

Attachment A

SJC10 Rehabilitation Project Concepts

February 23, 2021

Agenda

- Introductions
- Background
  - South Orange County Water Quality Improvement Plan (WQIP) – Channel Erosion
  - Historical SJC10 Efforts
- SJC10 Existing Conditions
- SJC10 Rehabilitation Project Concepts
- Roundtable discussion
- Next Steps

Introductions

Jacqui Sedighi

South OC WMA

Background:
South OC WQIP – Channel Erosion

Jacqui Sedighi
County of Orange

Highest Priority Water Quality Conditions

Priorities			
	Human Pathogen Health Risk	Channel Erosion	Unnatural Water Balance
Goals and strategies	Focus on human waste source control	Focus on stream rehabilitation	Focus on unnatural, unpermitted dry weather runoff elimination

OC Public Works

MILESTONES

Channel Erosion

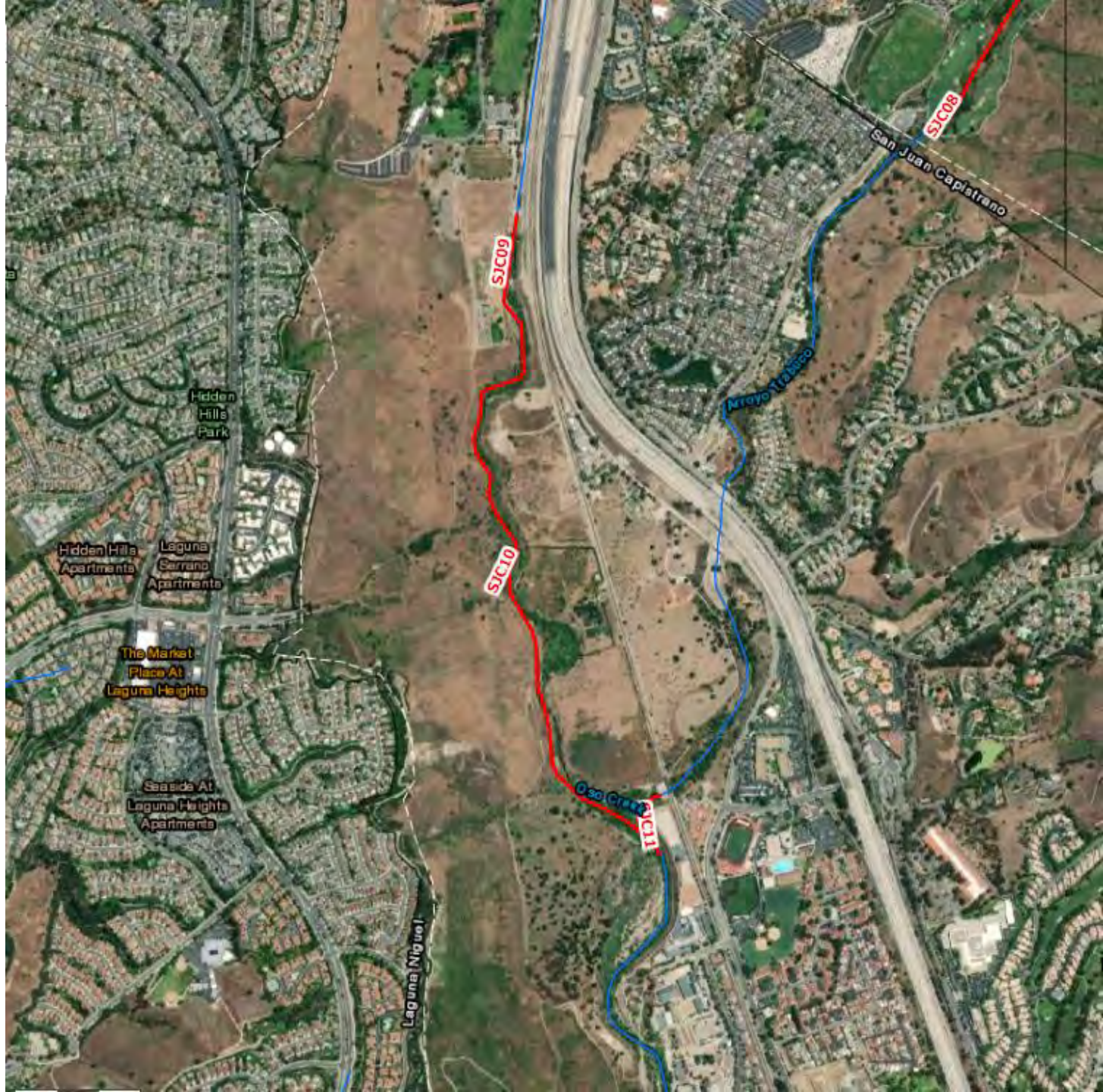
OC PublicWorks

Background:
Historical SJC10 Efforts

Jacqui Sedighi
County of Orange

SJC10

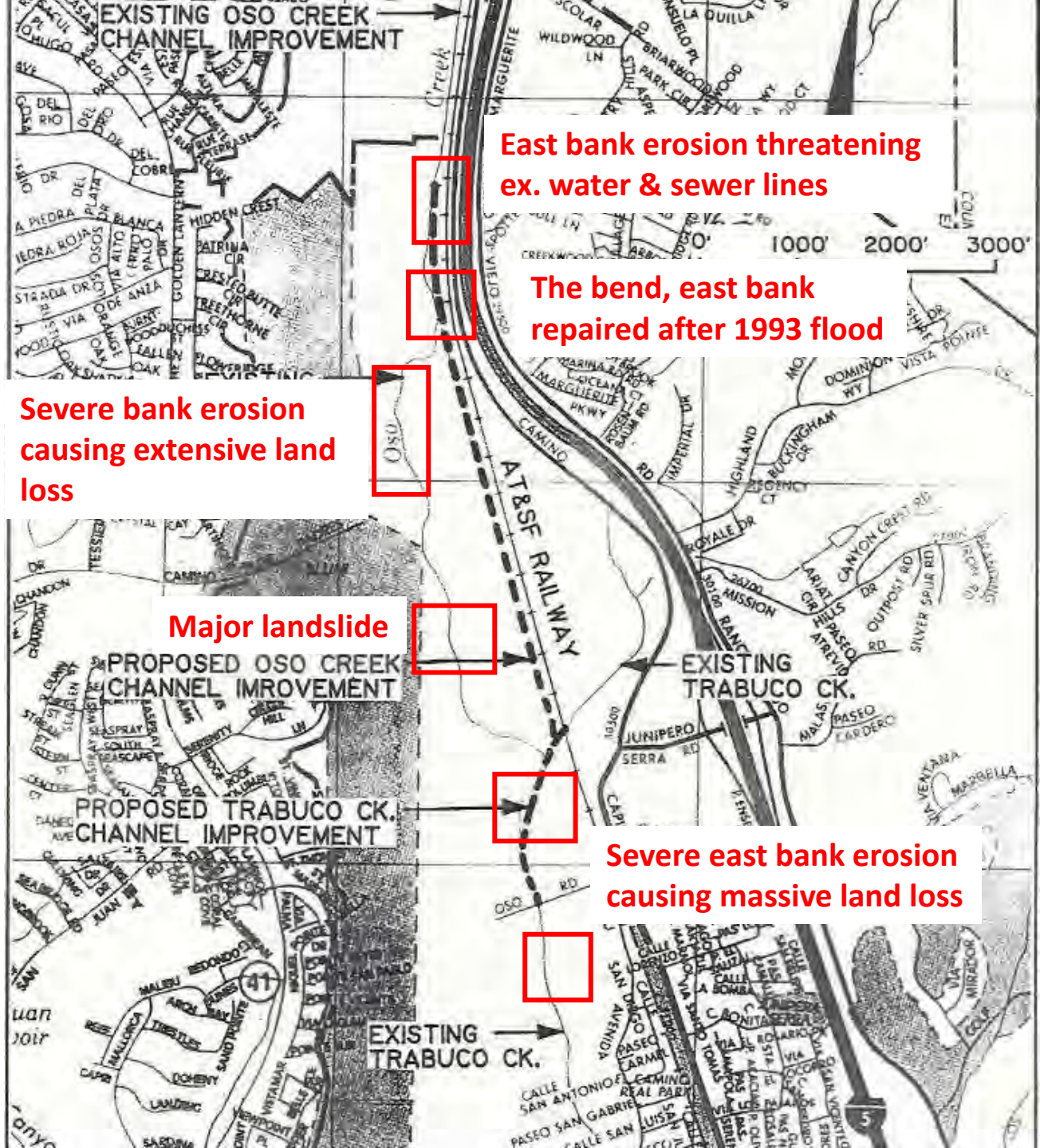
- **Location context:** Oso creek located west of I-5 in San Juan Capistrano
- **Current status:** stakeholder interest in implementing a solution
  - Hsaio family – greenhouses falling into the creek
  - Saddleback Church – field collapsed during recent rain



Efforts from 1990s

Problem:

- Both Oso and Trabuco incised due to reduction of upstream sediment supply
- Severe bank erosion and loss of valuable land, expected to become worse as meandering develops (1983, 1993…).
- Specific problem areas:
  - Potential failure of water & sewer lines – Oso Creek upstream
  - Major landslide adjacent to Oso Creek
  - Potential failure of railway and pipelines at crossing of Trabuco Creek
  - Potential failure of water line at the Oso Road crossing of Trabuco Creek



Source: "Preliminary Concept Design…", Simon, Li & Associates, Inc.

Efforts from 1990s

Proposed solution:

- "Erosion control measures shall be implemented immediately"
- Three alternatives for Oso Creek
  - Alt A – 34′ W x 10′ H reinforced concrete (R.C.) channel
  - Alt B – 18′ W x 16′H R.C. channel
  - Alt C - 18′ W x 16′H R.C. box culvert

Alt. A:	34′W x 10′H R.C. Channel:	$4.67 million + 10.9 Acres of R/W (approximately $820/LF)
Alt. B:	18′W x 16′H R.C. Channel:	$4.86 million + 10.6 Acres of R/W (approximately $850/LF)
Alt. C:	18′W x 16′H R.C. Box Culvert:	$8.46 million + 10.5 Acres of R/W (approximately $1,480/LF)

Source: "Preliminary Concept Design…", Simon, Li & Associates, Inc.

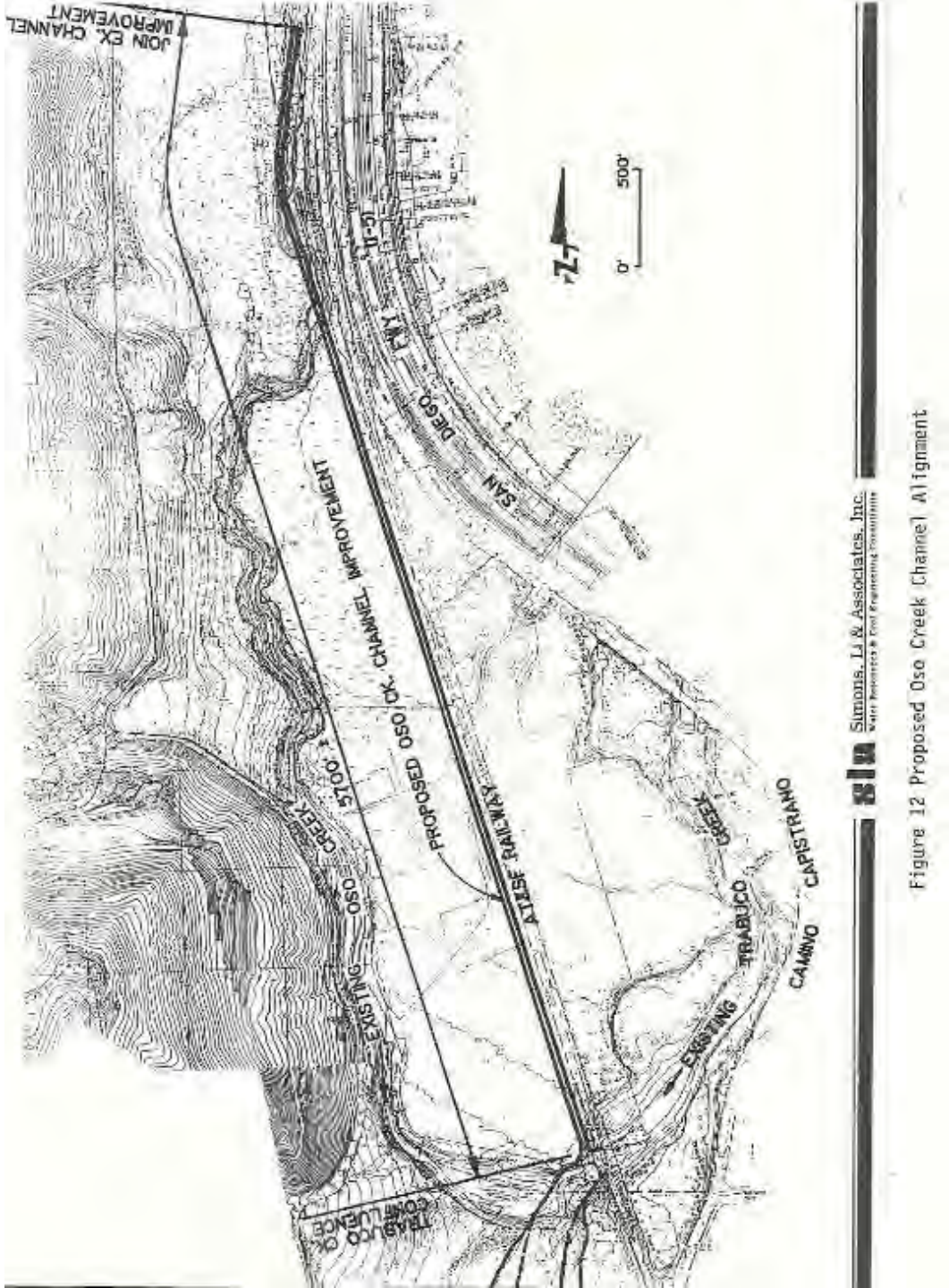
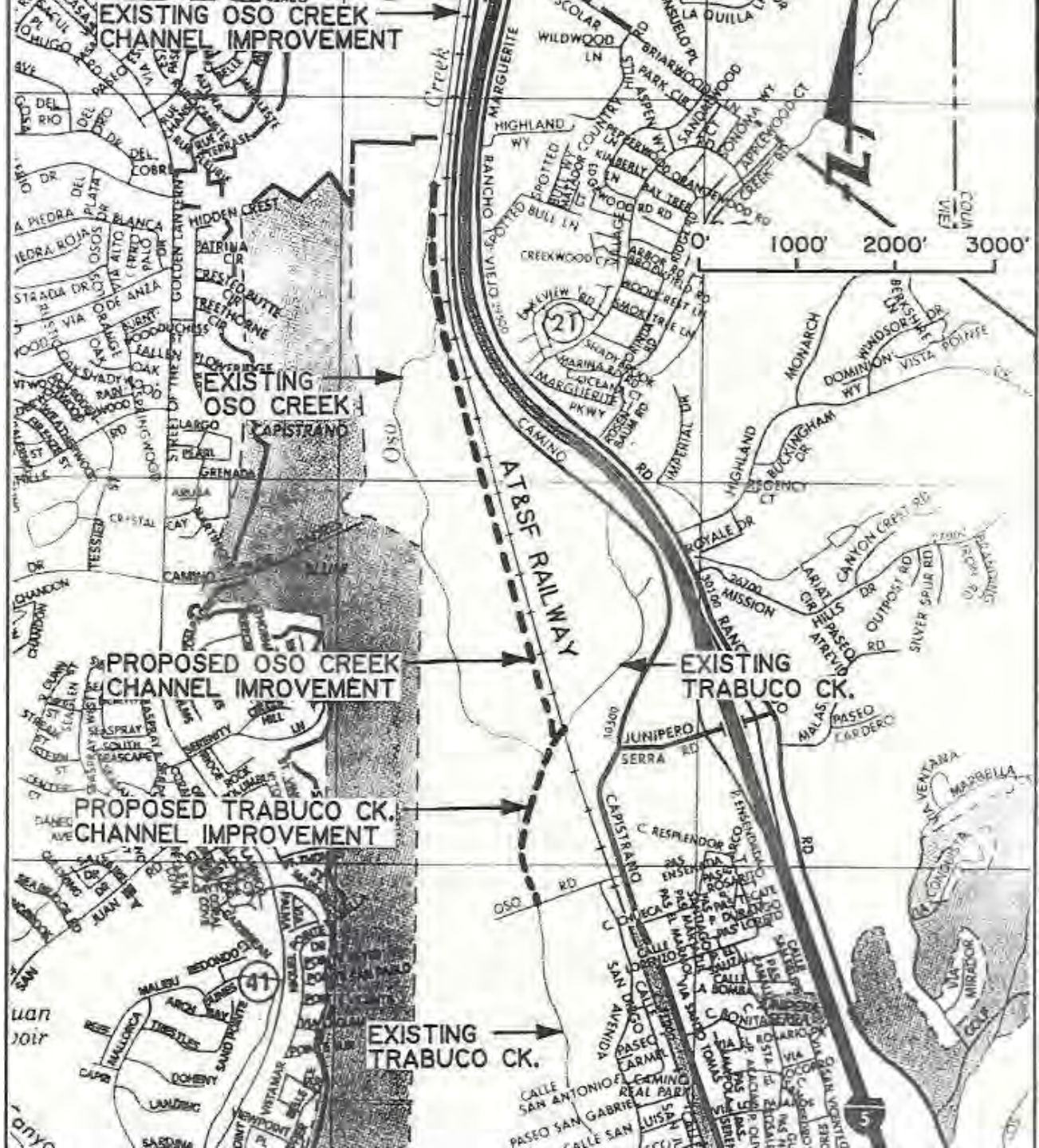


Figure 12 Proposed Oso Creek Channel Alignment

Efforts from 1990s

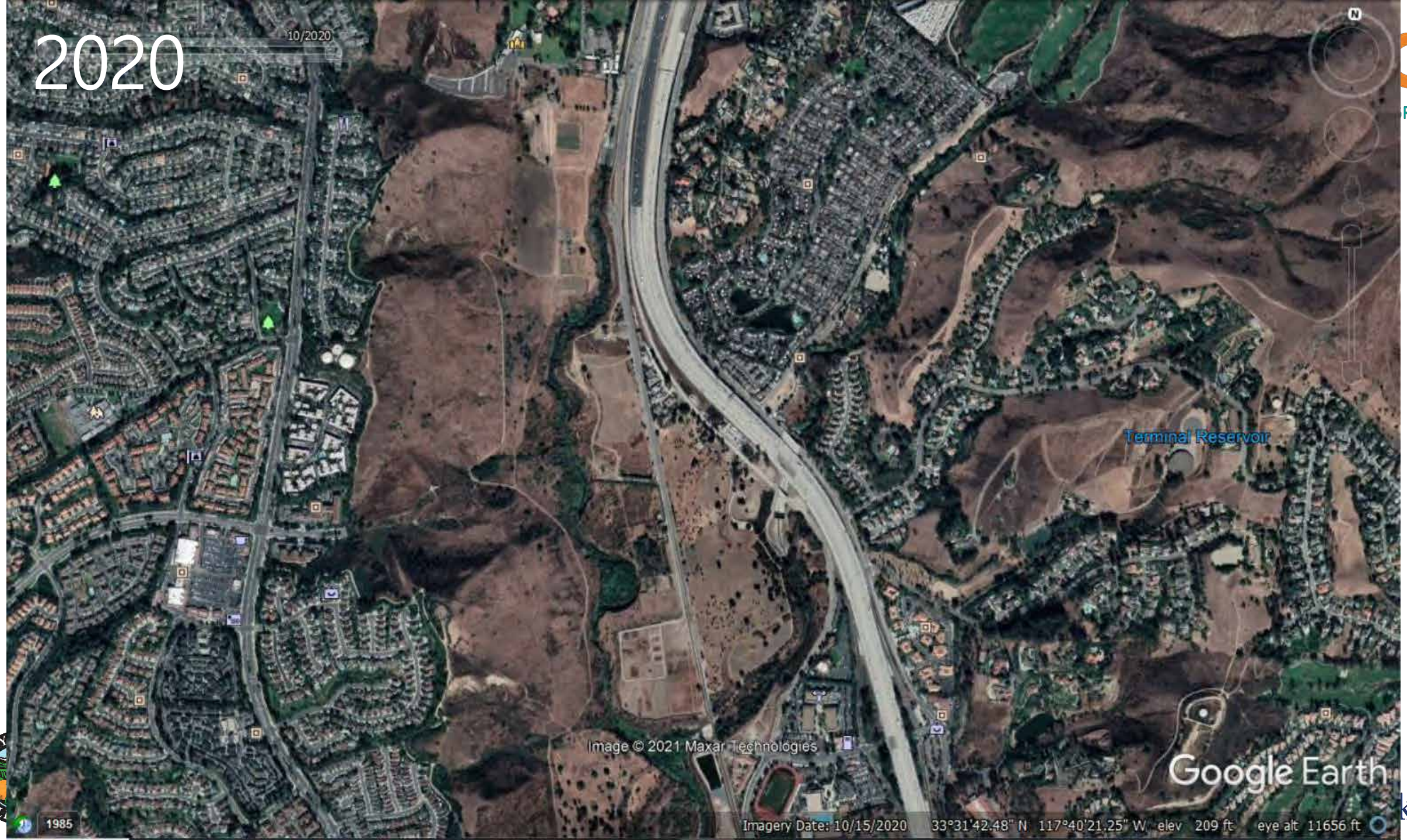
Outcomes:

- Cost-sharing example was developed but consensus was not reached
- OCTA moved forward will a smaller individual project to address the immediate need



Source: "Preliminary Concept Design…", Simon, Li & Associates, Inc.


1994
Terminal Reservoir
Image U.S. Geological Survey
Google Earth
1985
Imagery Date: 5/31/1994 33°31'42.48" N 117°40'21.25" W elev 209 ft eye alt 11656 ft


2020
10/2020
Terminal Reservoir
Image © 2021 Maxar Technologies
Google Earth
1985
Imagery Date: 10/15/2020 33°31'42.48" N 117°40'21.25" W elev 209 ft eye alt 11656 ft

Rehabilitation Alternatives and Feasibility Studies:

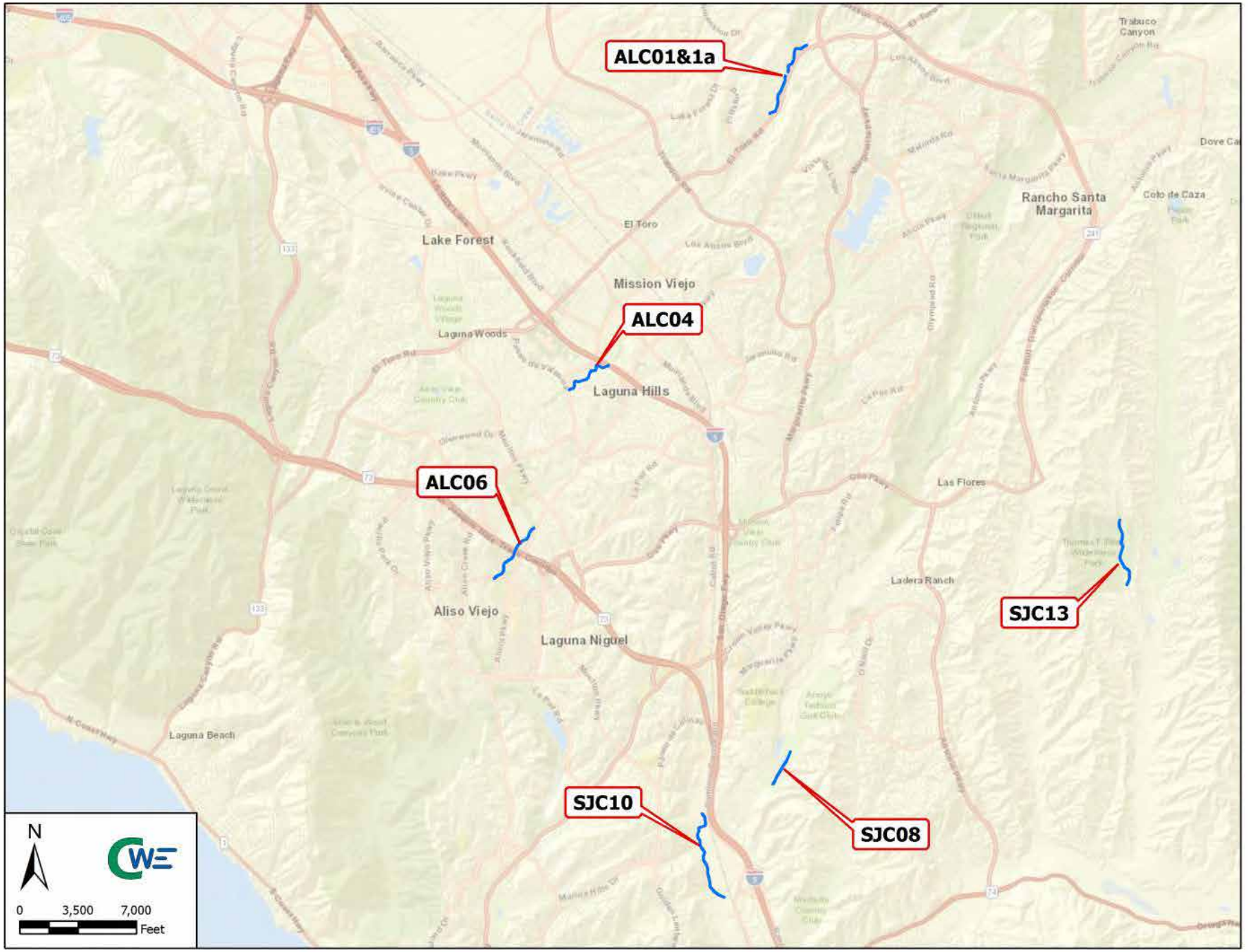
Rehabilitation Project Concepts for SJC10

Chris Pendroy, MS, CPSWQ, QSD/P, ENV SP
Kayla Kilgo, PhD, PE, ENV SP
Ben Willardson, PhD, PE, D.WRE, QSD/P

SJC10 Existing Conditions

Kayla Kilgo and Chris Pendroy
CWE

Study Reaches



SJC10 (Part of Oso Creek)

Intensive Bank Erosion

Right bank erosion near the upstream end of the study reach

Left bank erosion viewed from right bank downstream of greenhouse location

Upstream End of SJC10

Rip rap near upstream end of study reach

Looking downstream from the rip rap lined banks

Wolman Pebble Count Location 1

Looking upstream from Wolman Pebble Count Location 1

Looking downstream from Wolman Pebble Count Location 1

Downstream of Location 1

Right bank erosion

Right bank erosion and evidence of recent collapse

Recently Collapsed Bank

Looking downstream

Recent collapse along right bank

Bank Erosion

Right bank erosion


Left bank erosion

Bank Erosion

Left bank erosion near greenhouses

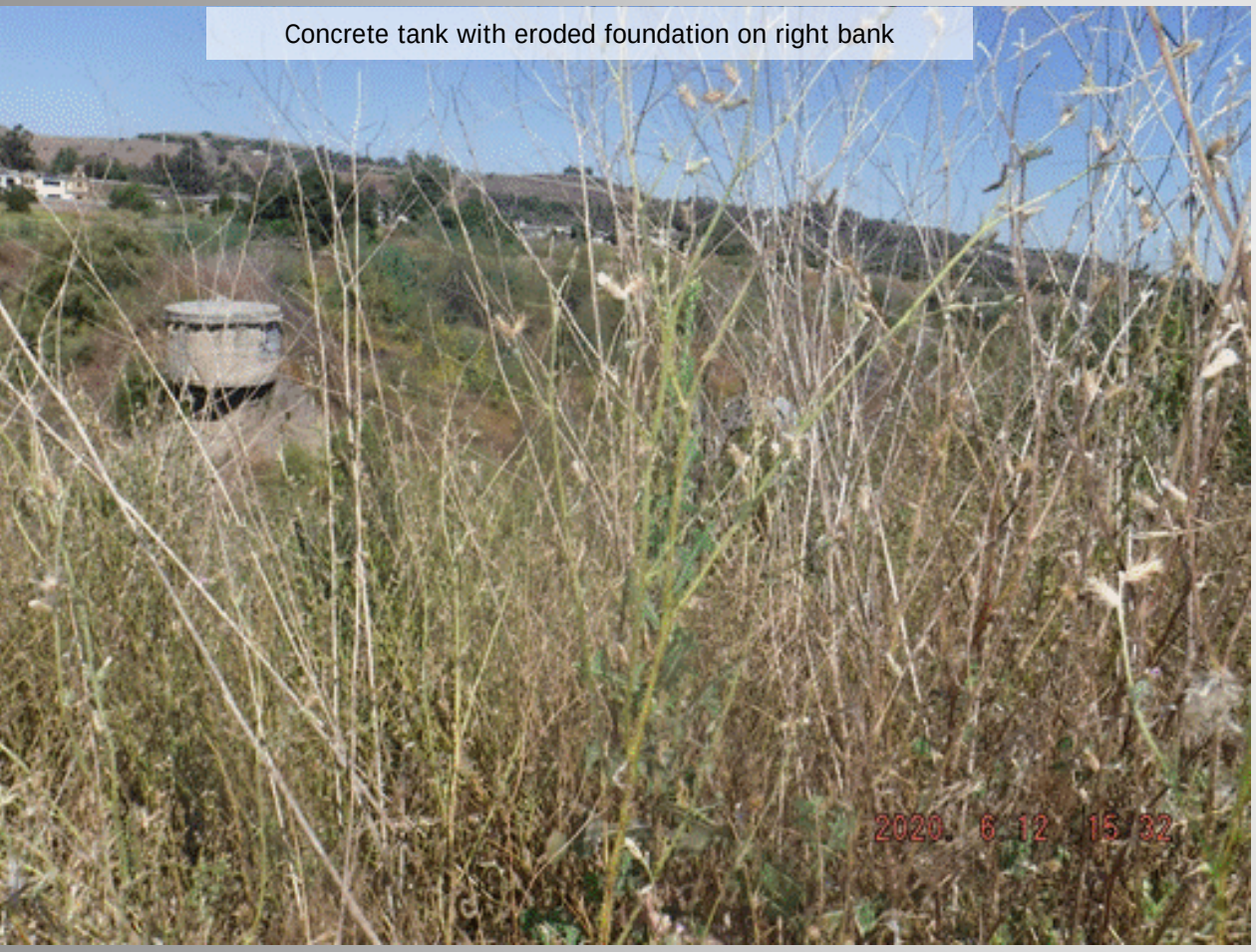
Left bank erosion near greenhouses

Bank Erosion

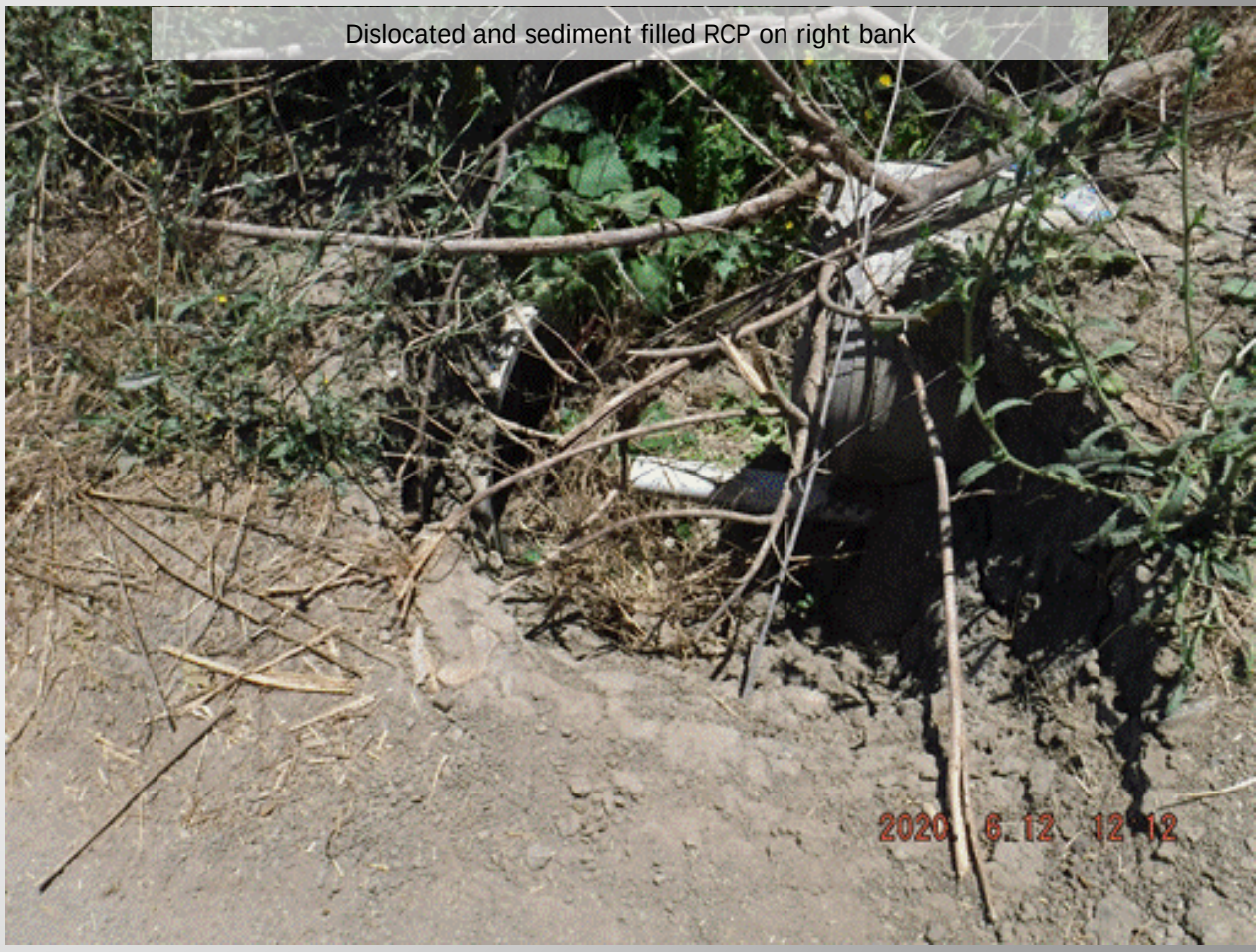
Looking downstream of greenhouses

Looking upstream towards greenhouses

Bank Erosion



Concrete tank with eroded foundation on right bank



Dislocated and sediment filled RCP on right bank

Oso and Trabuco Creek Confluence

Heavy vegetation downstream of confluence viewed from right bank

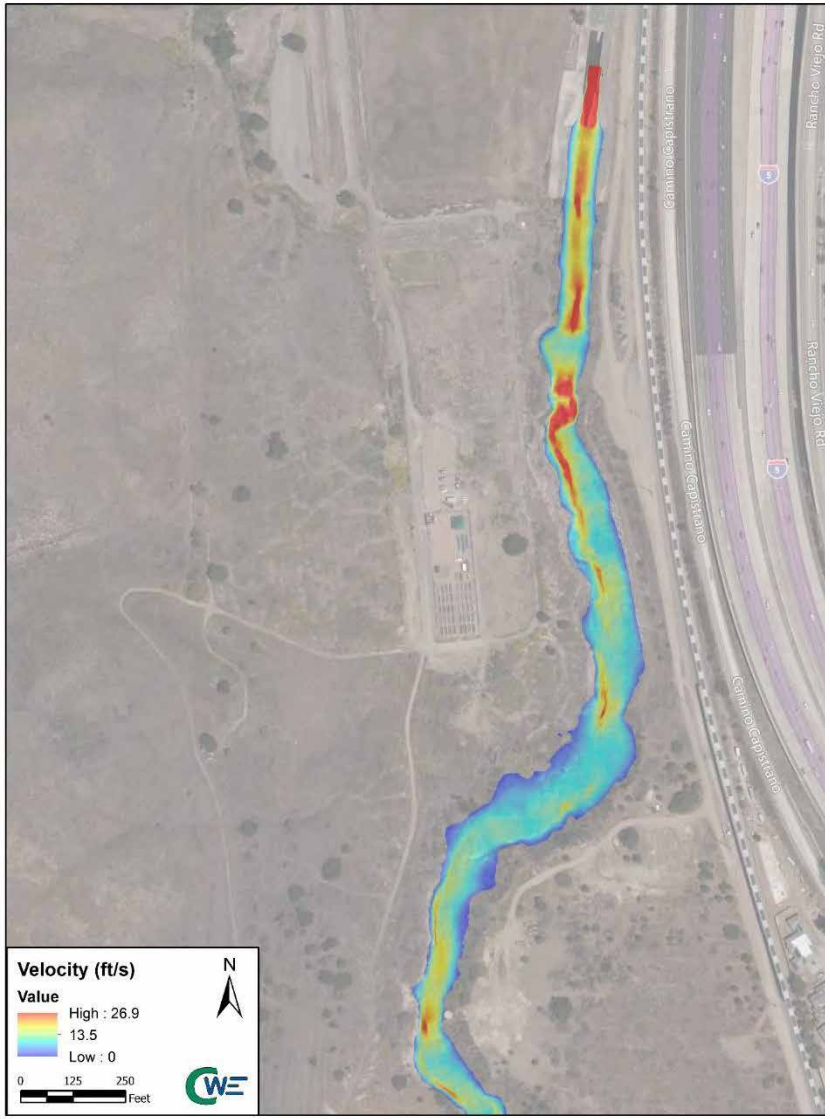
Right bank erosion along Trabuco Creek upstream of confluence with Oso Creek

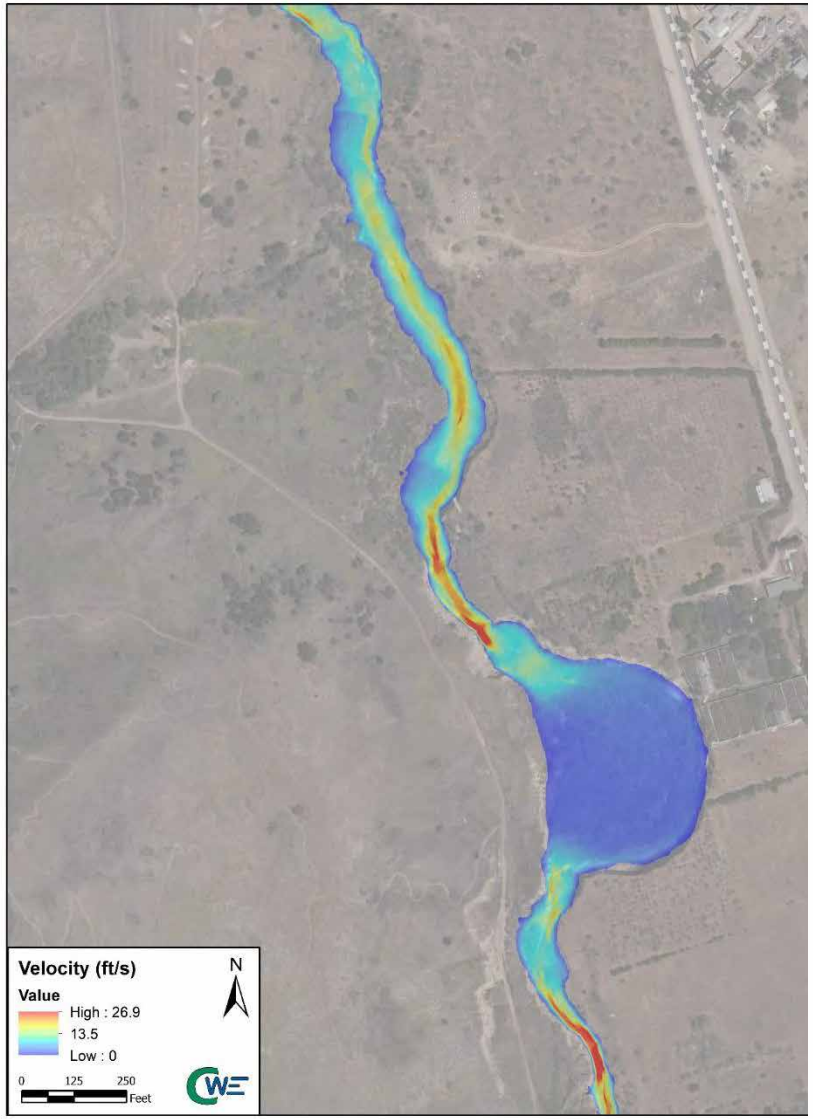
Wolman Pebble Count Location 2

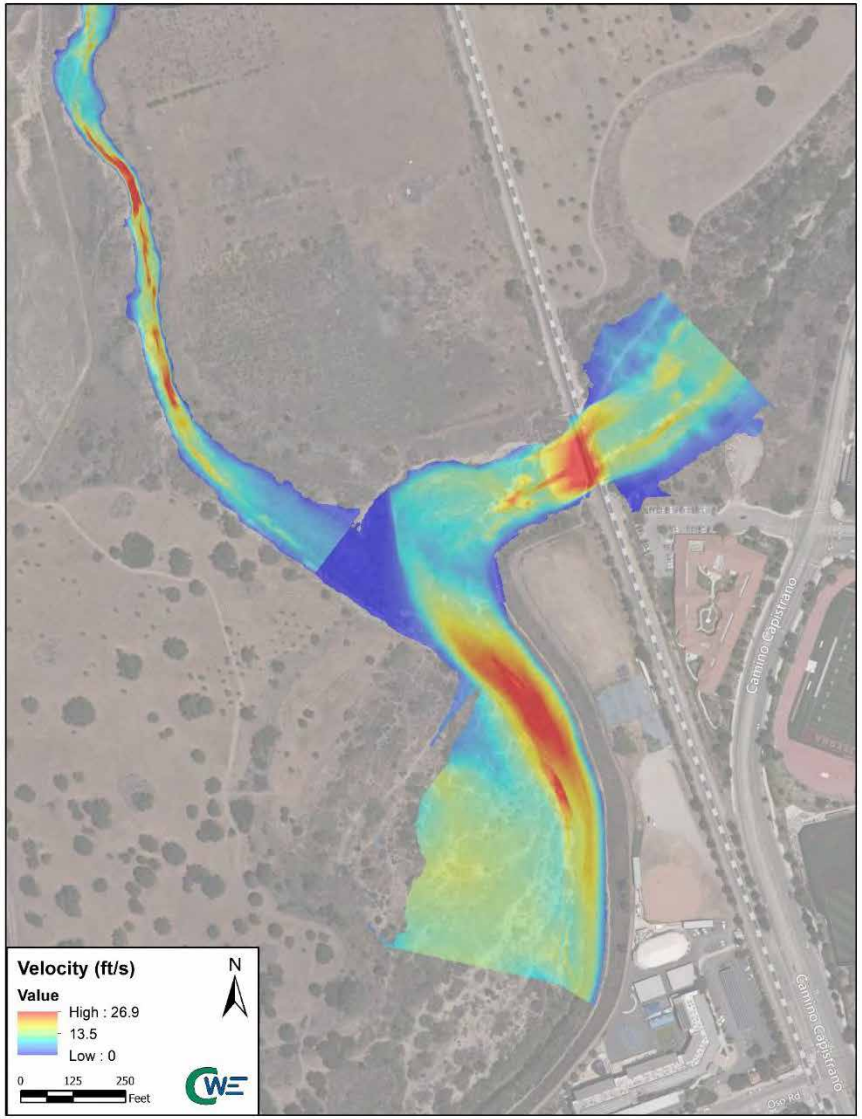

Looking upstream from Wolman Pebble Count Location

Looking downstream from Wolman Pebble Count Location

Existing Conditions Velocities



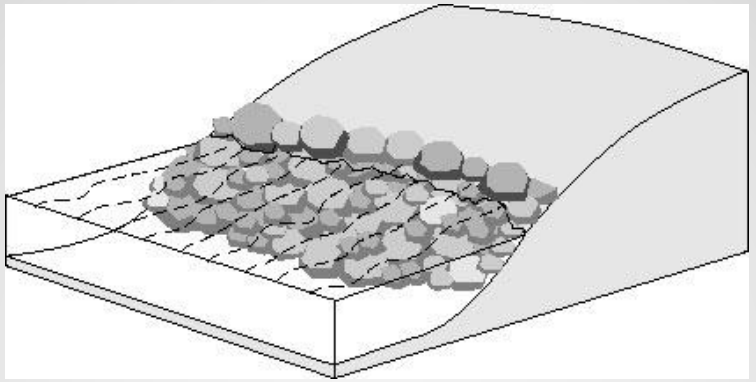




SJC10 Rehabilitation Design Concepts

Ben Willardson and Chris Pendroy
South OC WMA

Concept #1: Rip Rap Revetment



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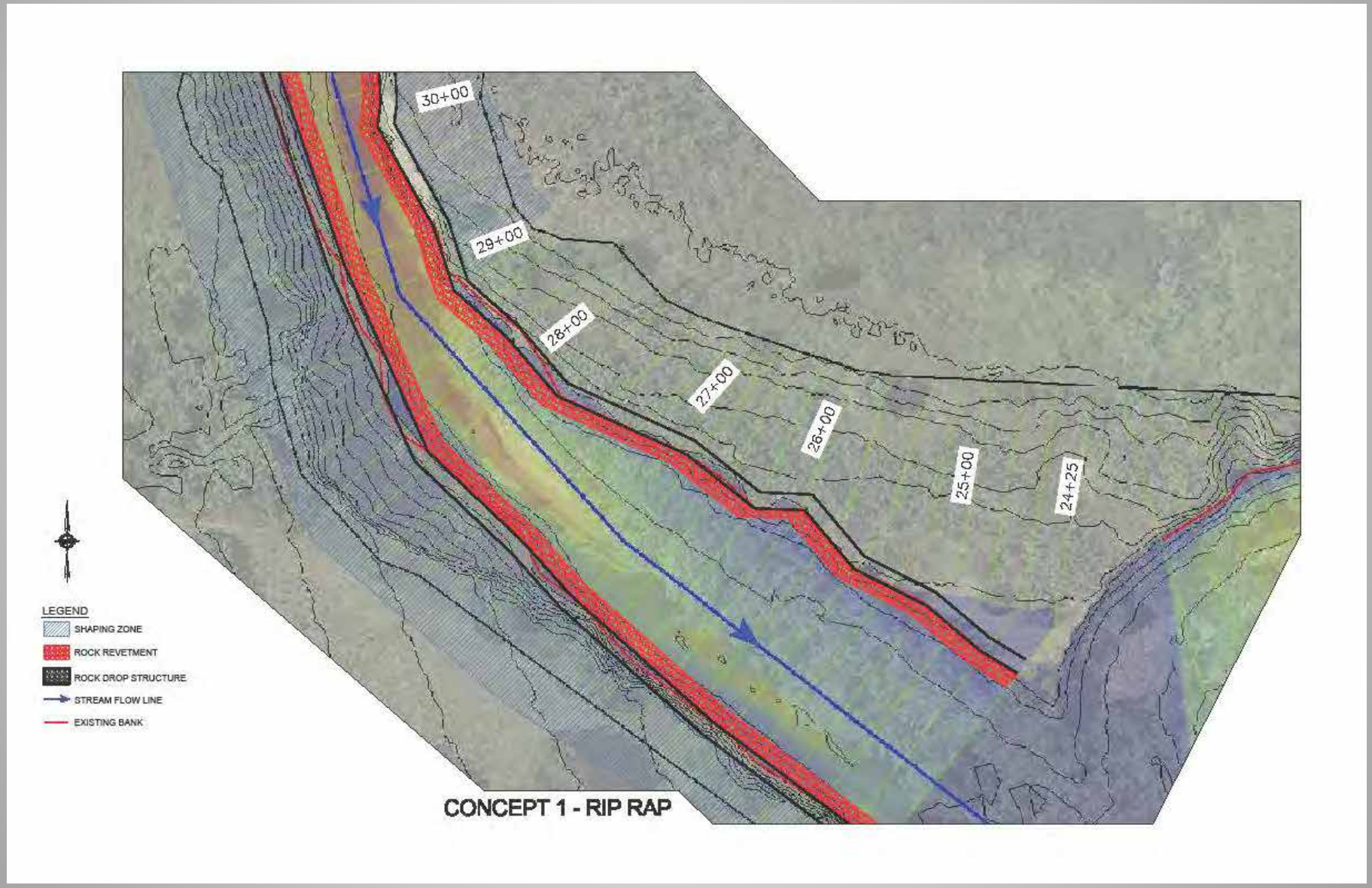

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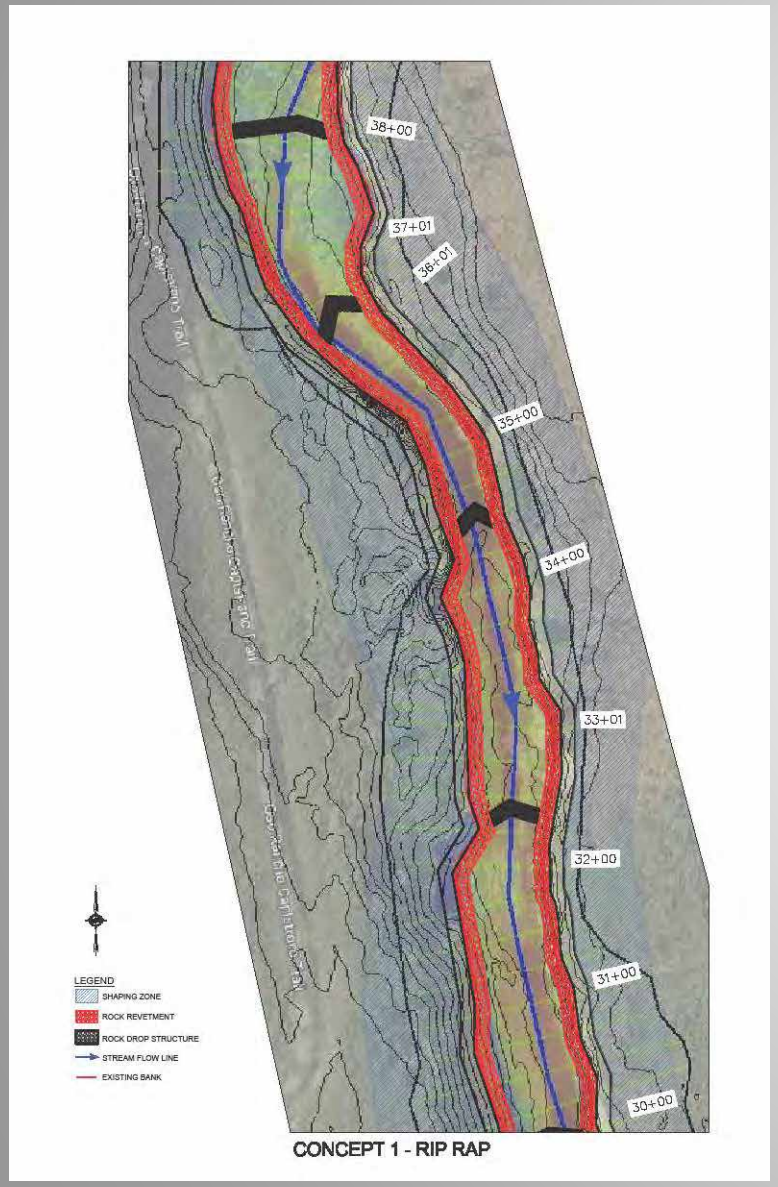
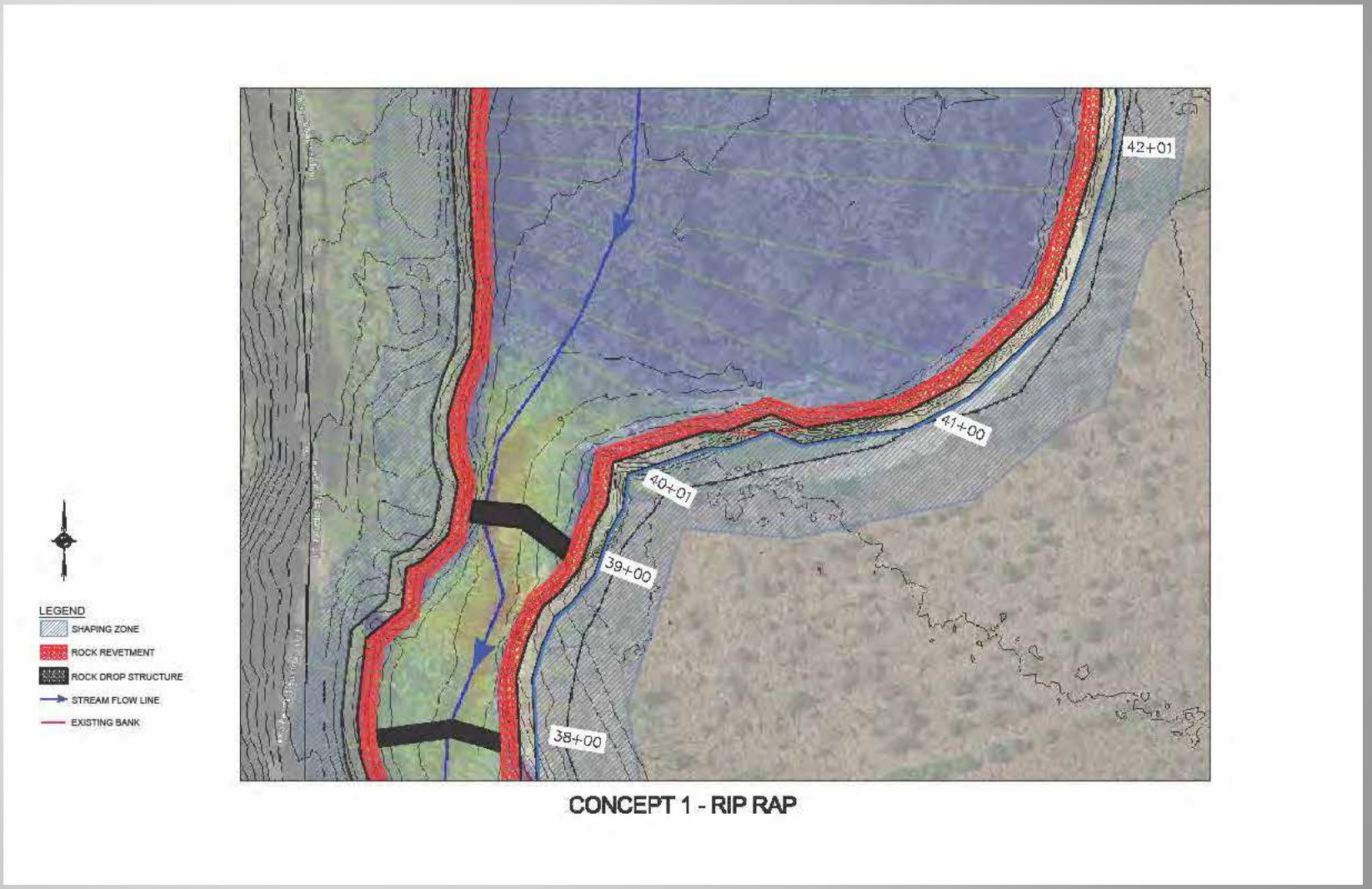


CONCEPT 1 - RIP RAP



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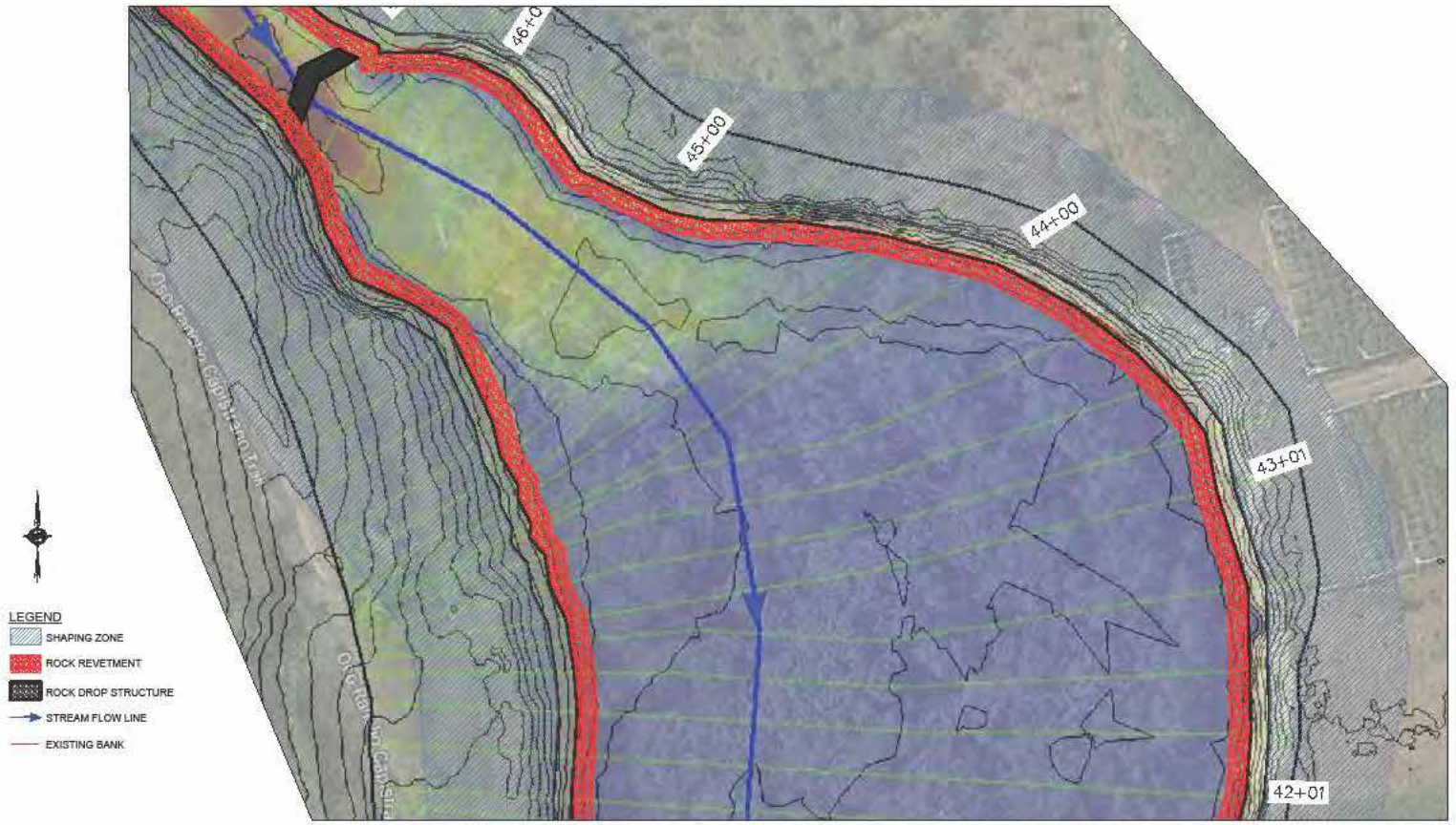

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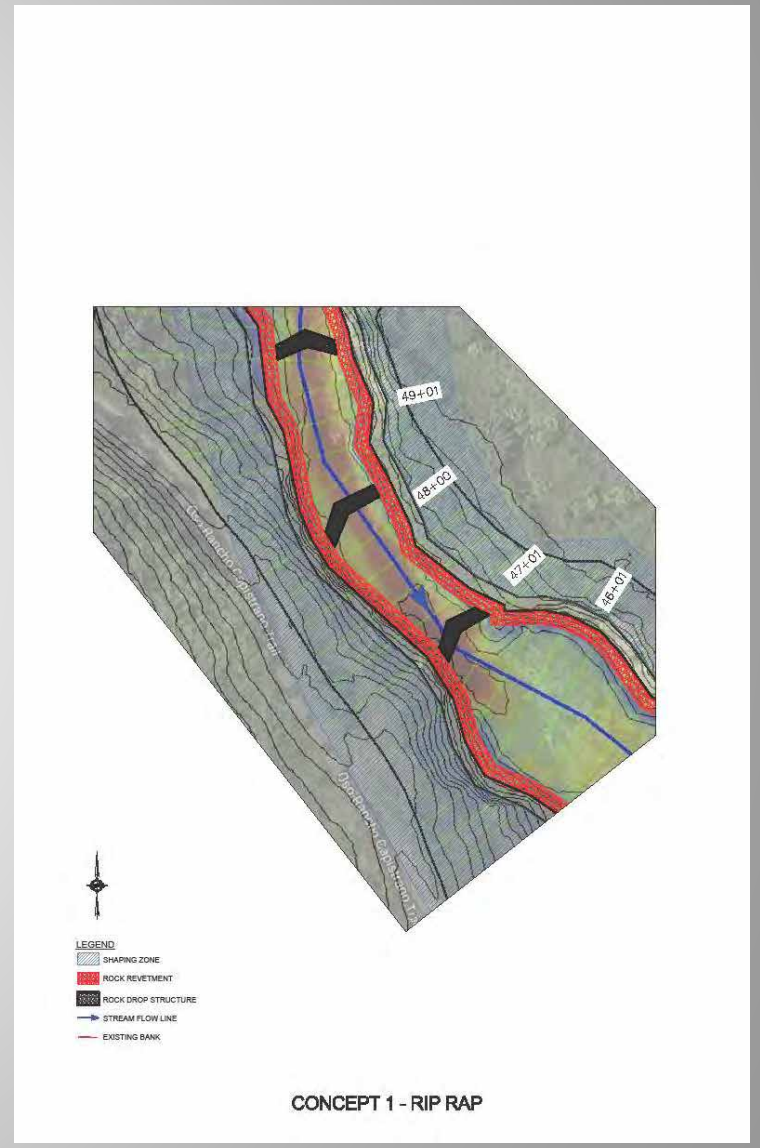

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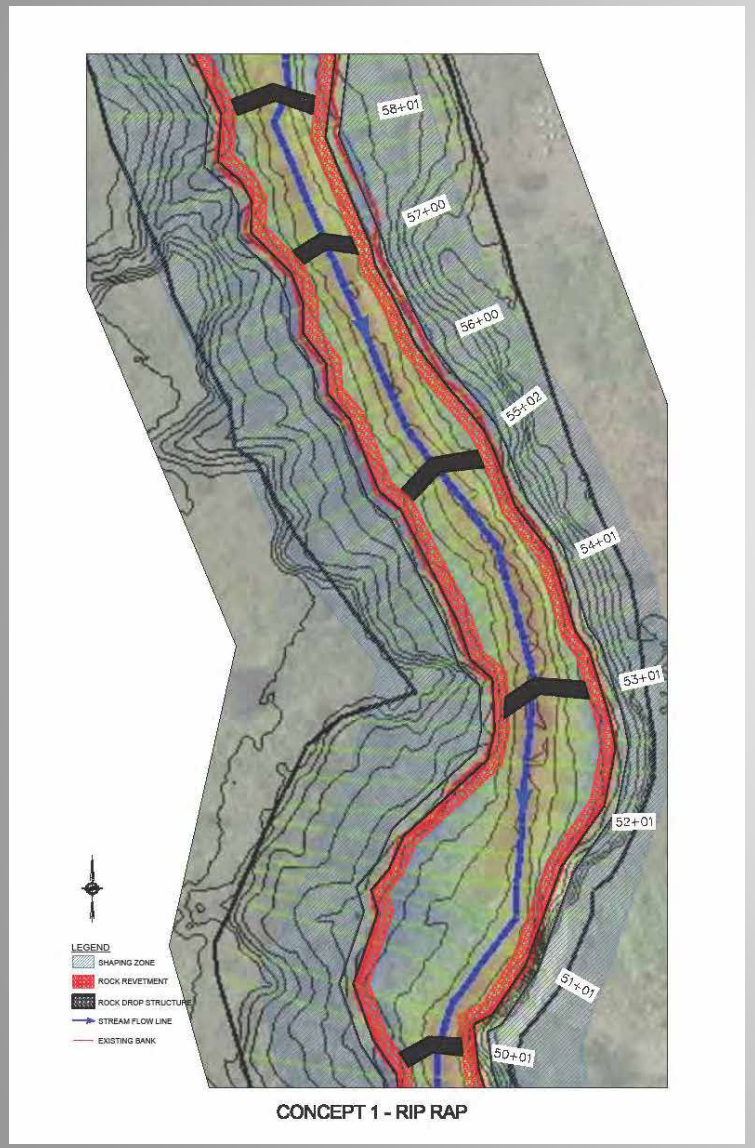

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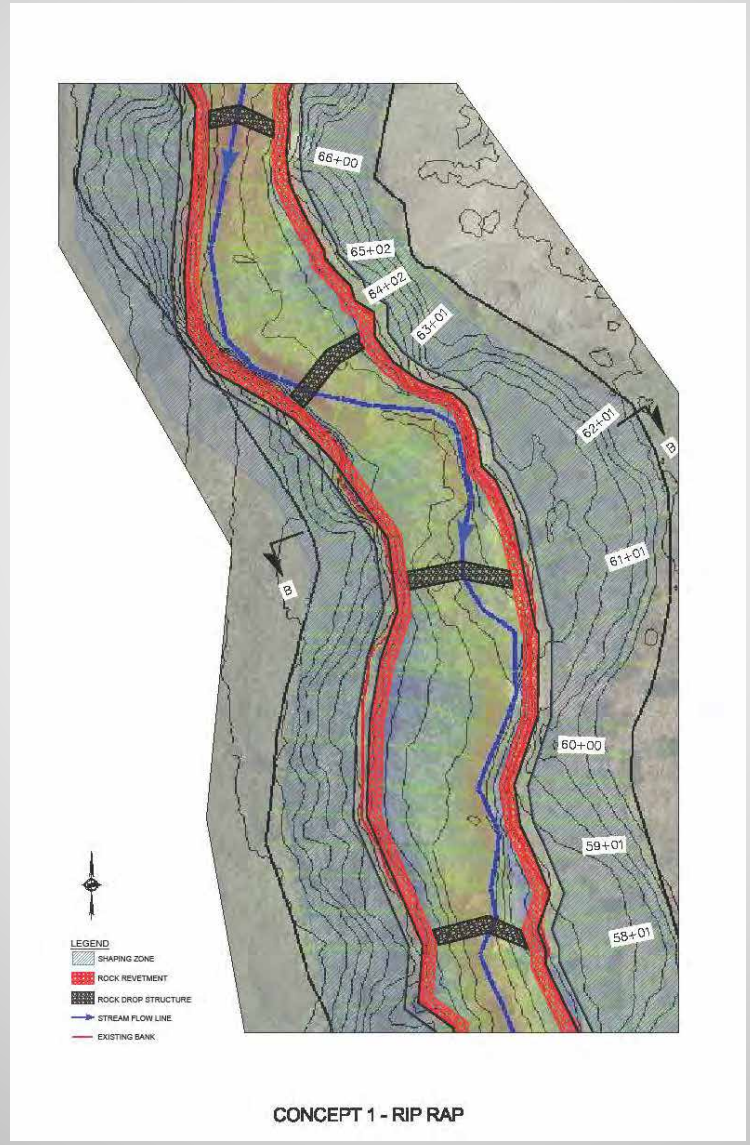

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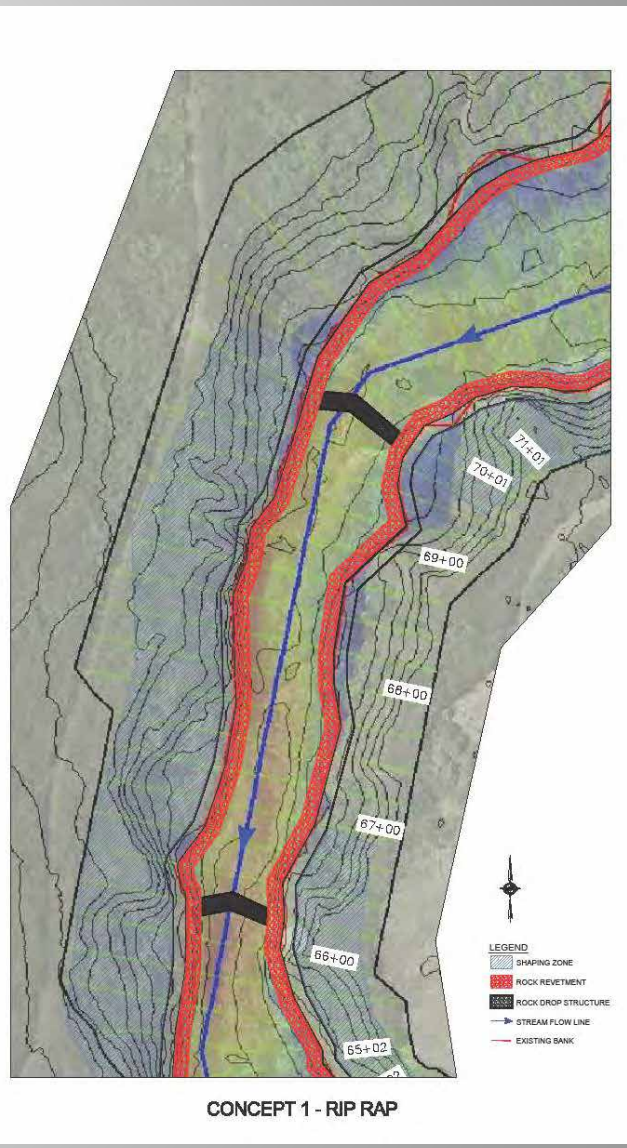

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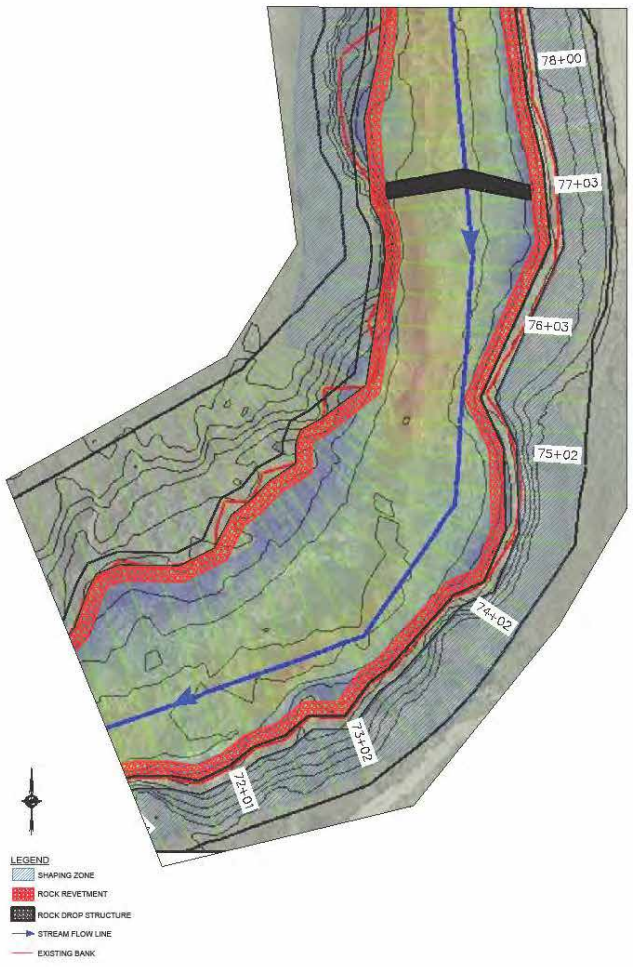

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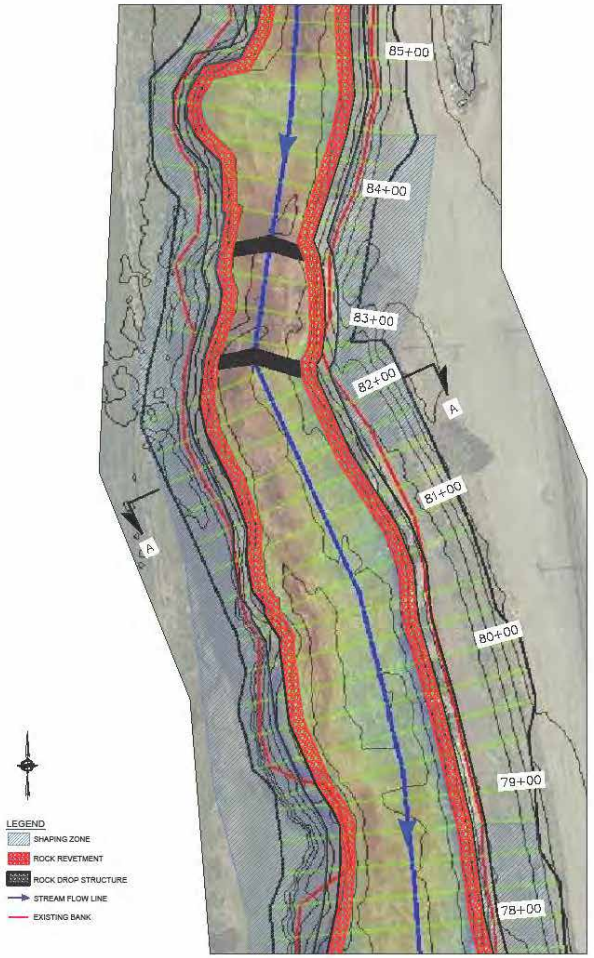

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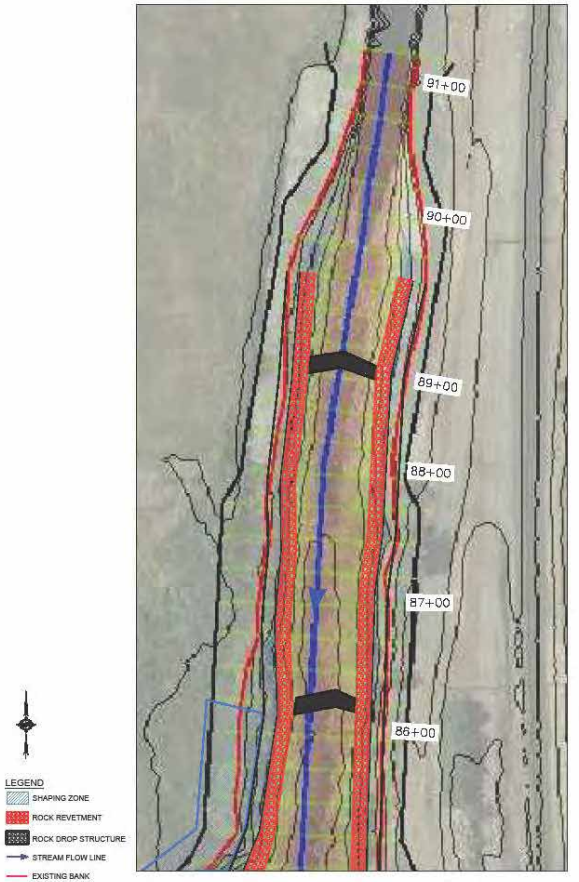

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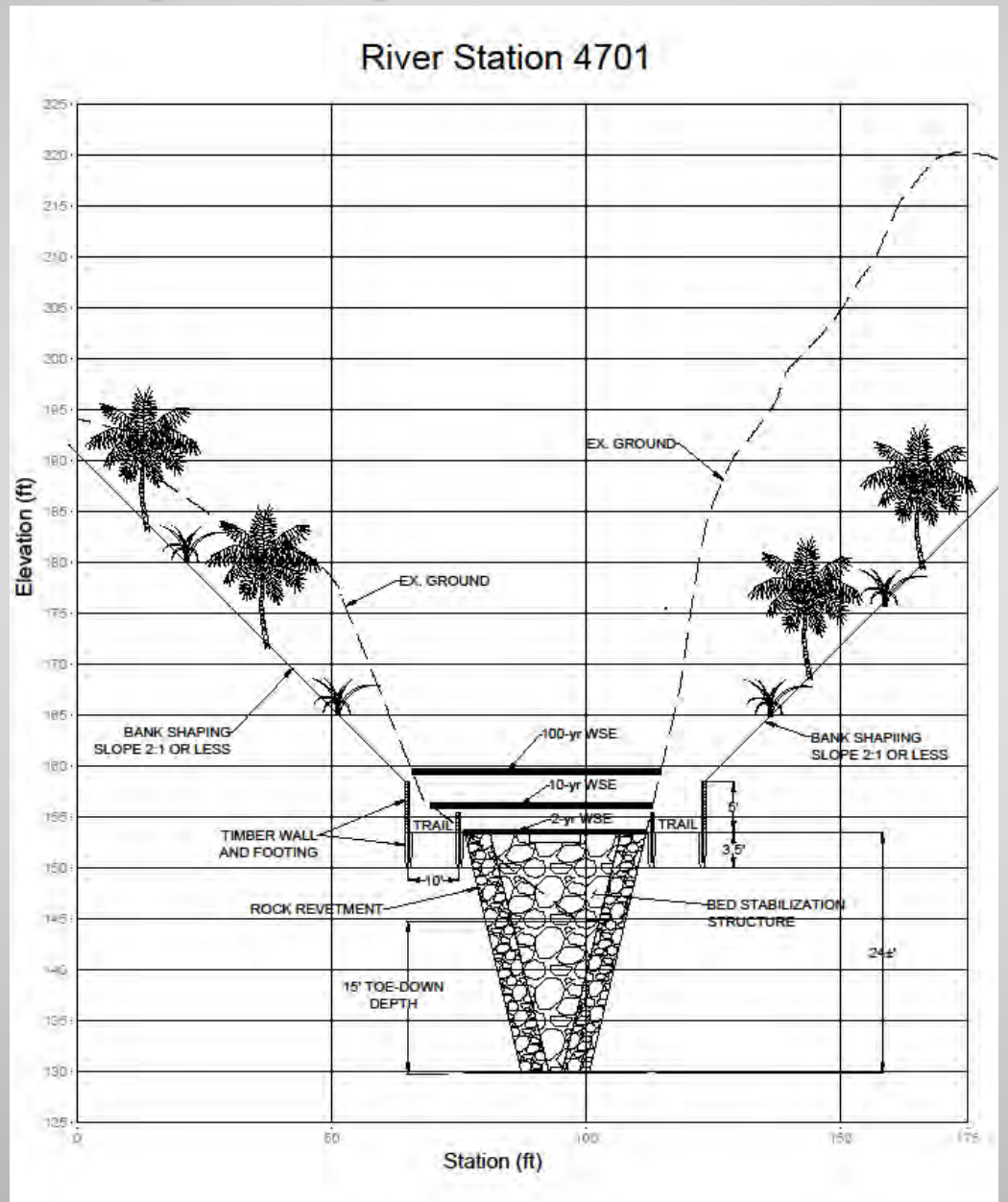

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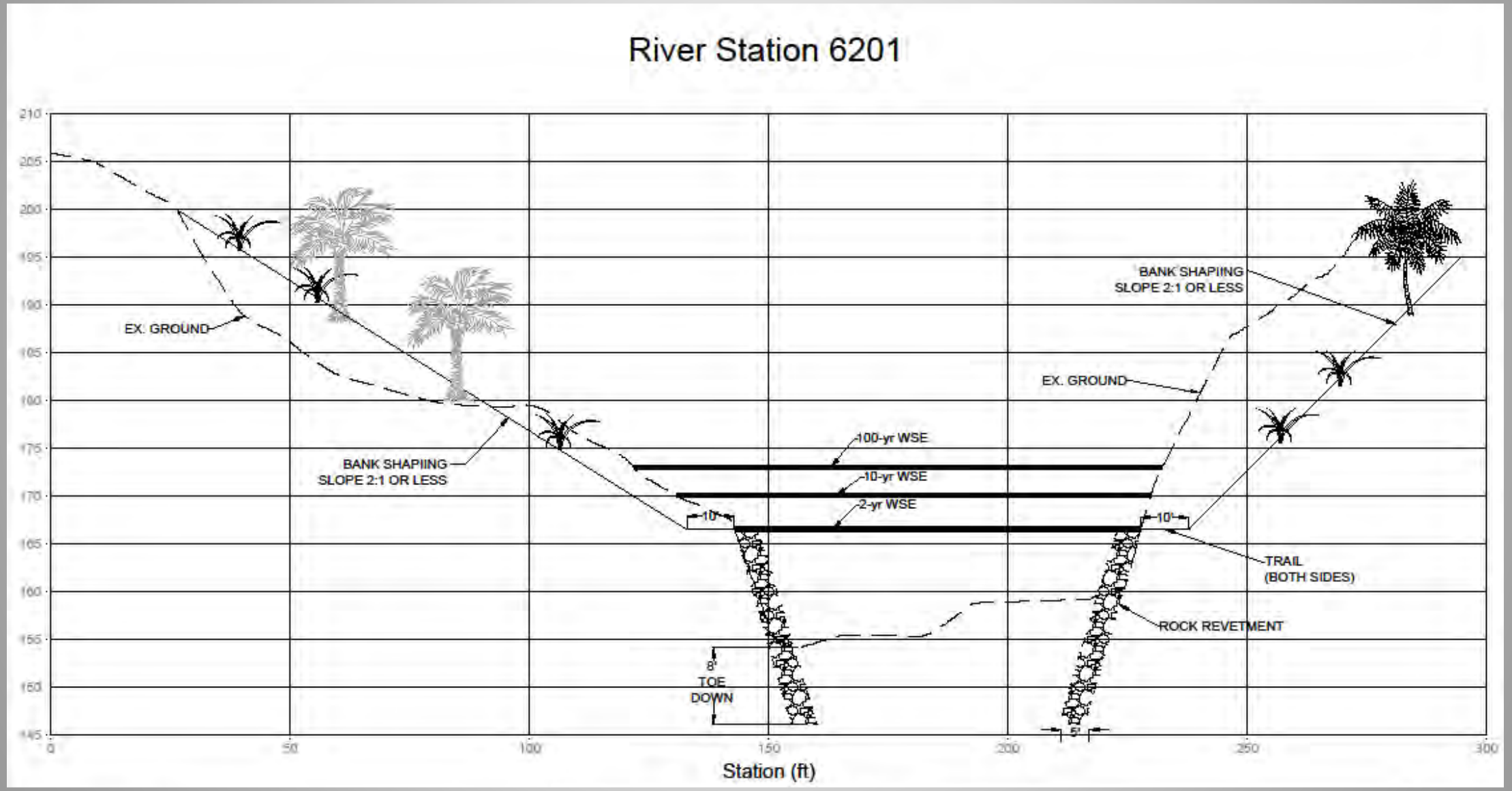

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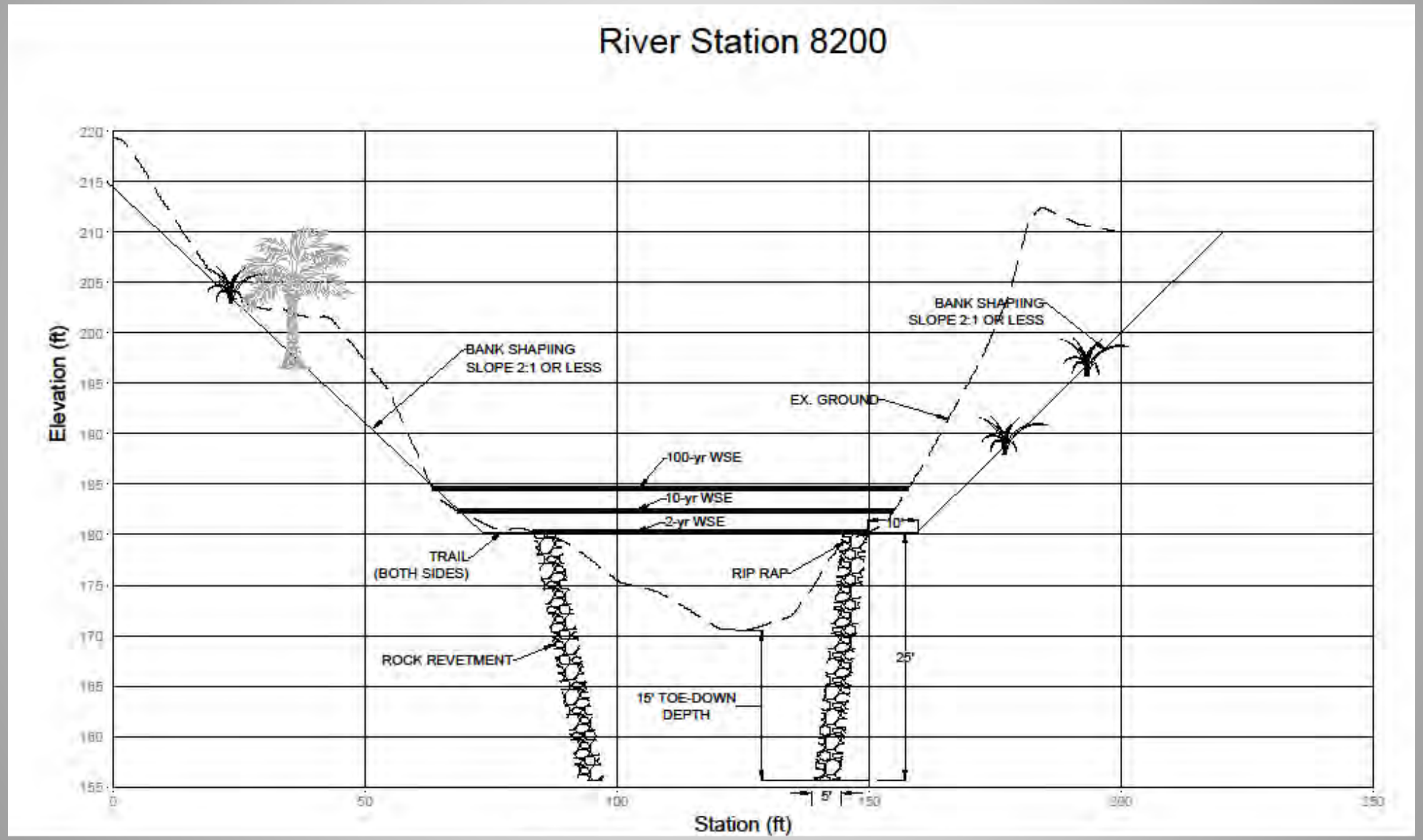
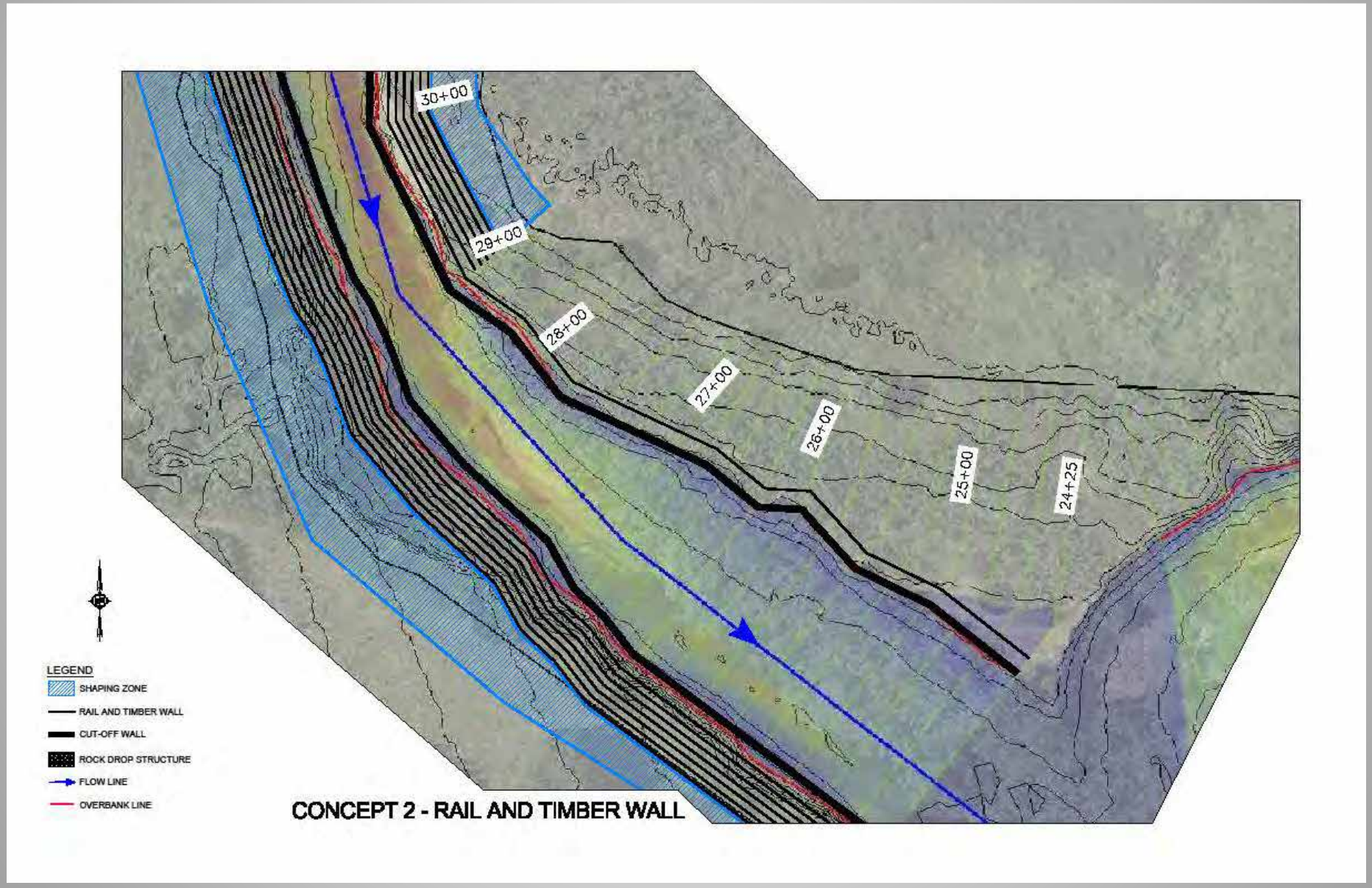


Concept #1: Costs

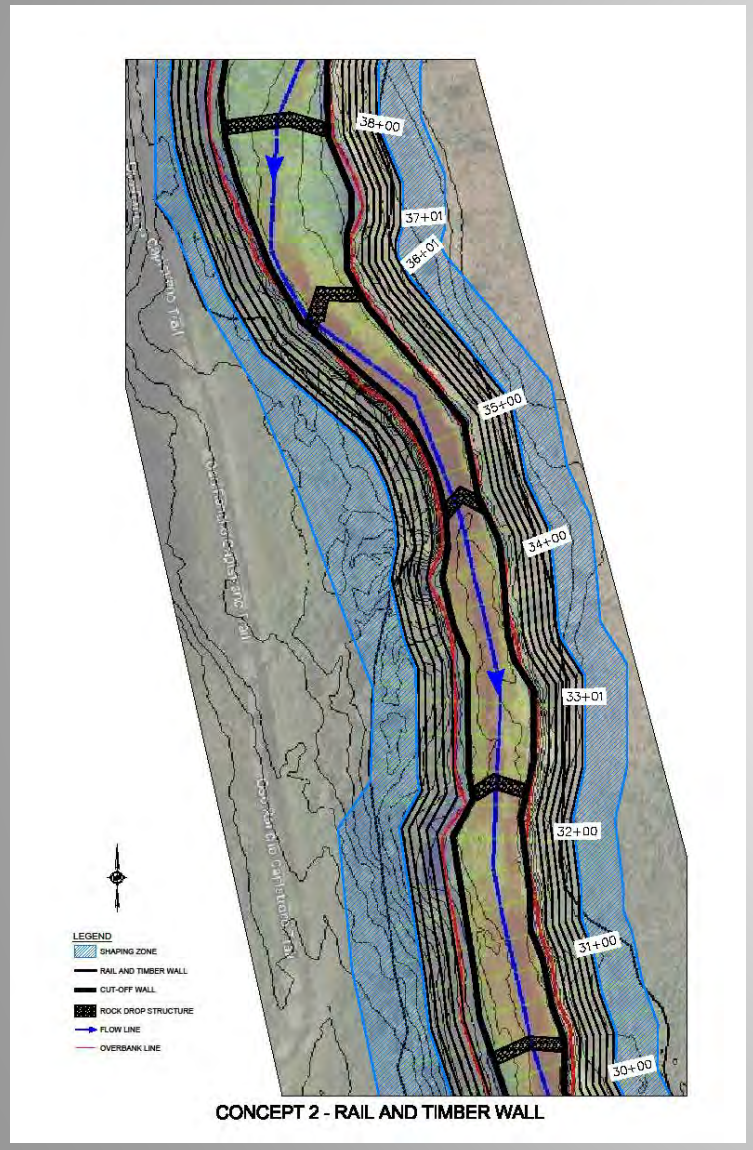
ITEM #	DESCRIPTION	UNIT/LF	QUANTITY [LF]	UNIT PRICE/LF	COST
1	Mobilization (5%)	LS	1	$2,410,200	$2,410,200
2	Clearing and Grubbing	SF	13,055	$13	$169,715
Riprap Revetment					
3	Excavation	CY	13,055	$210	$2,741,550
4	Backfill	CY	13,055	$90	$1,174,950
5	4T Rock	TON	13,055	$2,200	$28,721,000
Bed Stabilization					
6	Excavation	CY	1,310	$333	$436,230
7	Backfill	CY	1,310	$249	$326,190
8	2T Rock	TON	1,310	$1,814	$2,376,864
Bank Shaping and Planting					
9	Excavation	CY	10,475	$300	$3,142,500
10	Backfill	CY	10,475	$600	$6,285,000
11	Planting	SF	10,475	$5	$52,375
12	Mulching	SF	10,475	$18	$188,550
				ENGINEER'S ESTIMATE	$48,025,124
				30% Contingency	$14,407,537
				CONSTRUCTION BUDGET	$62,432,661

Concept #2: Rail and Timber Wall

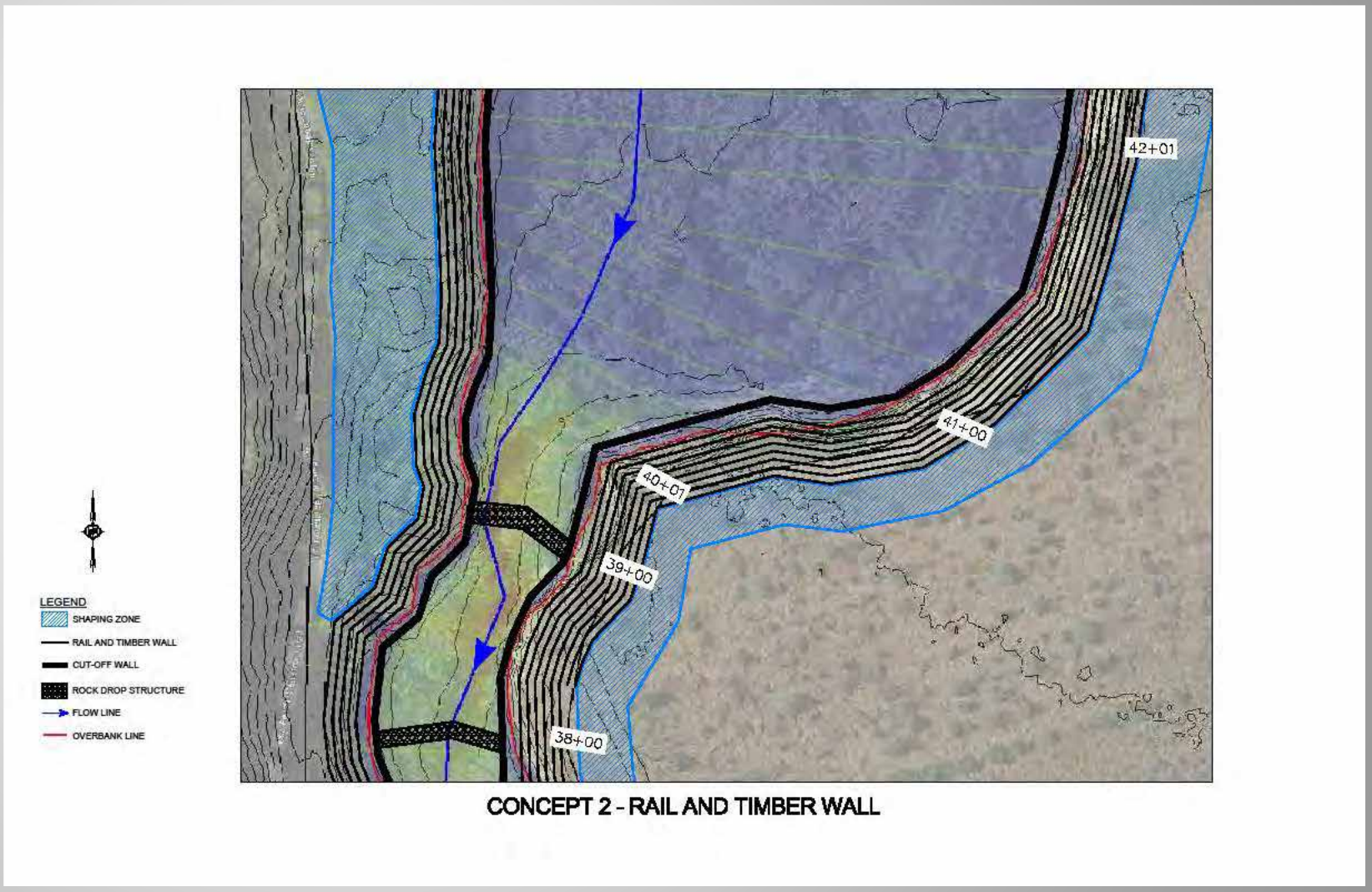
Concept #2: Rail and Timber Wall



Concept #2: Rail and Timber Wall

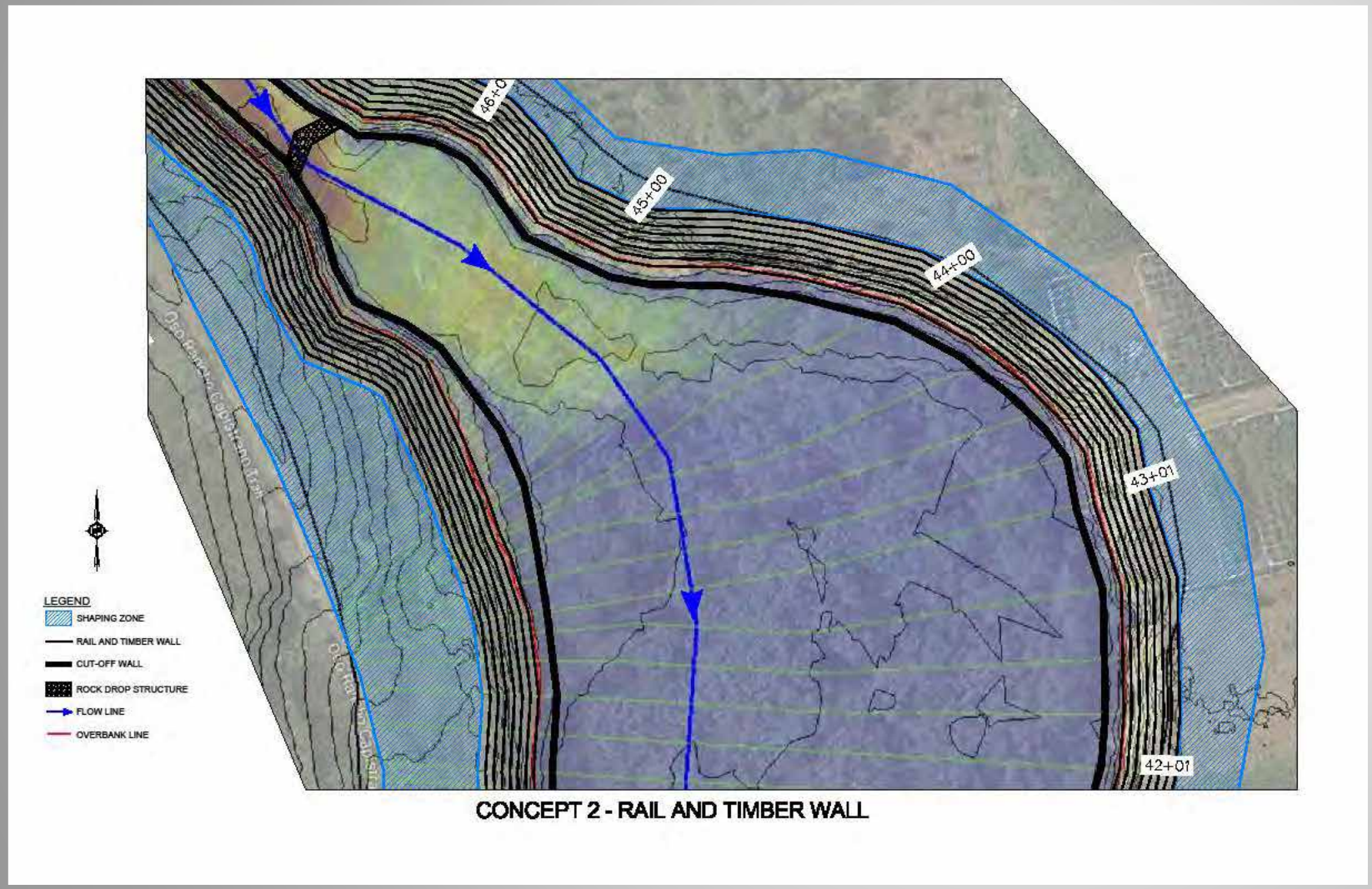


CONCEPT 2 - RAIL AND TIMBER WALL

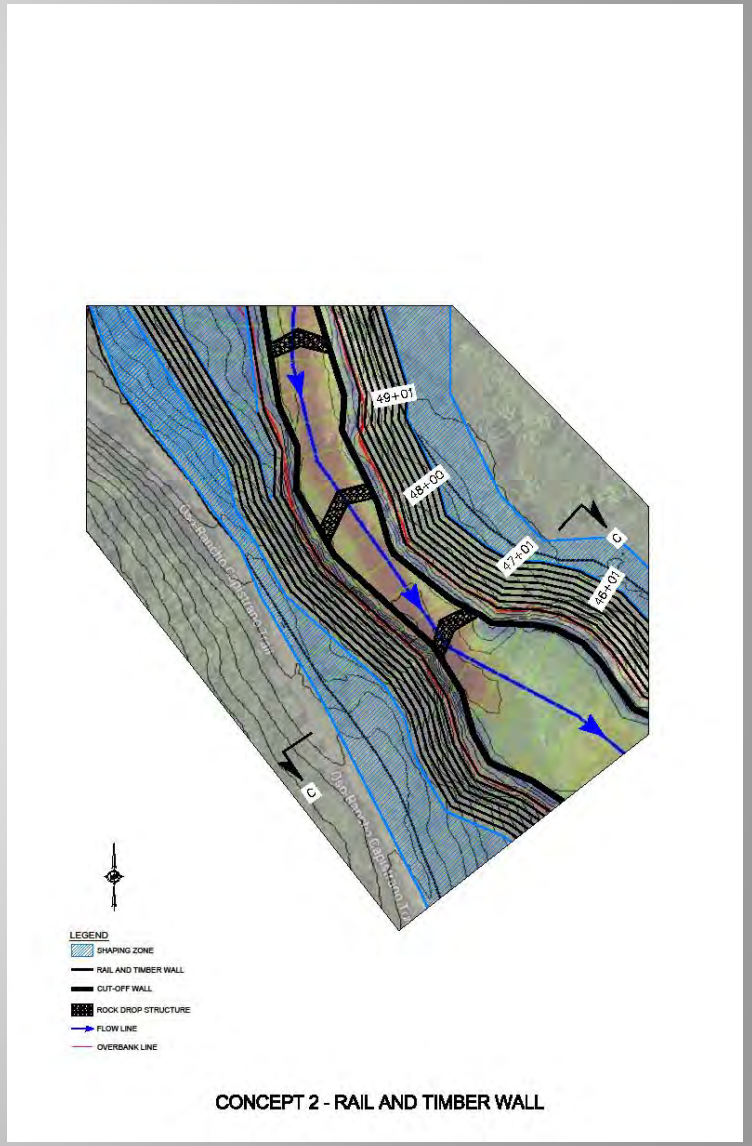


CONCEPT 2 - RAIL AND TIMBER WALL

Concept #2: Rail and Timber Wall

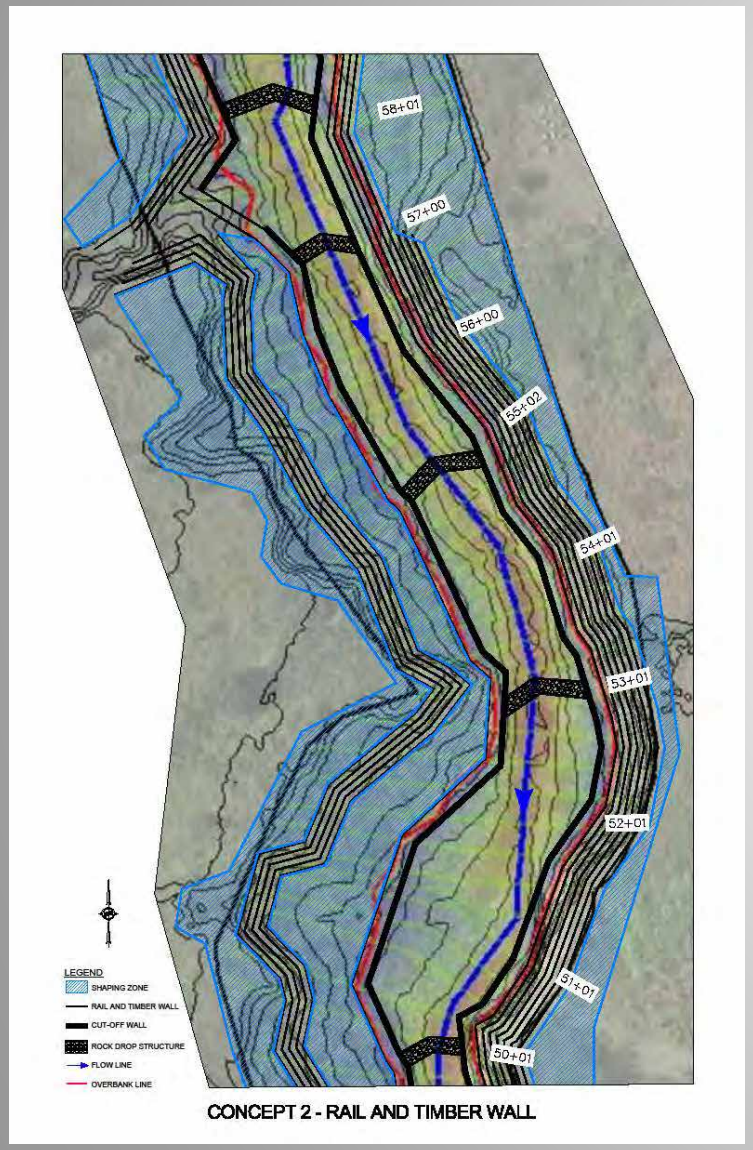


CONCEPT 2 - RAIL AND TIMBER WALL

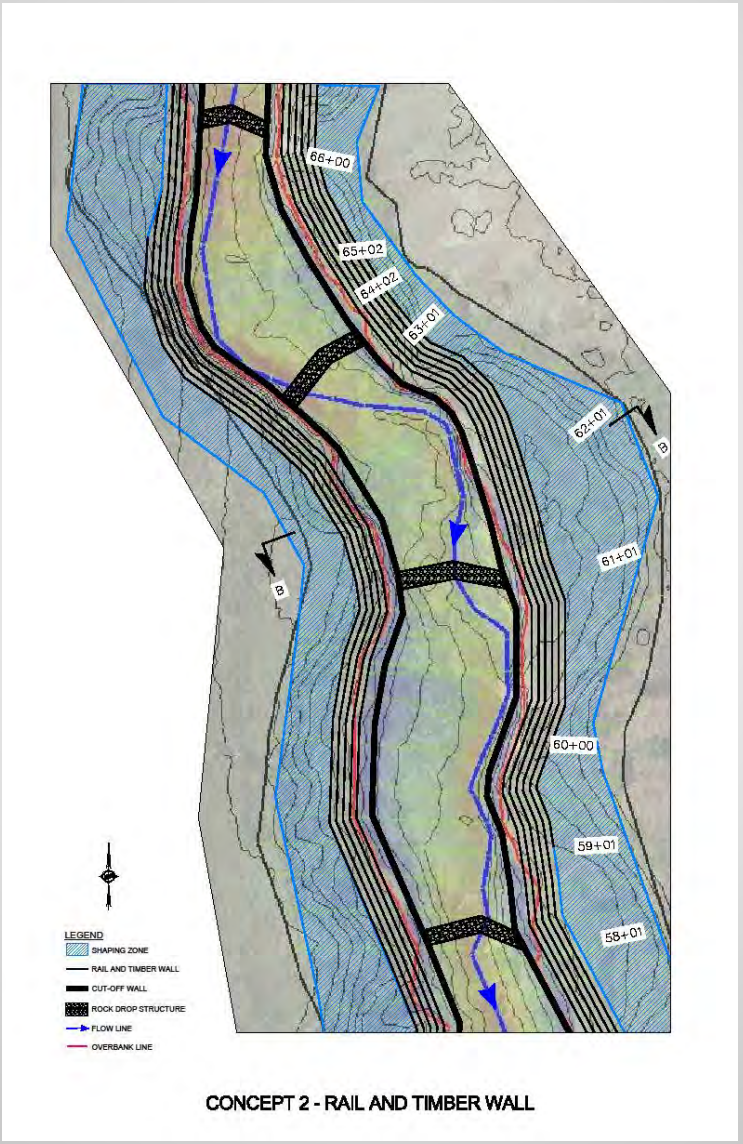


CONCEPT 2 - RAIL AND TIMBER WALL

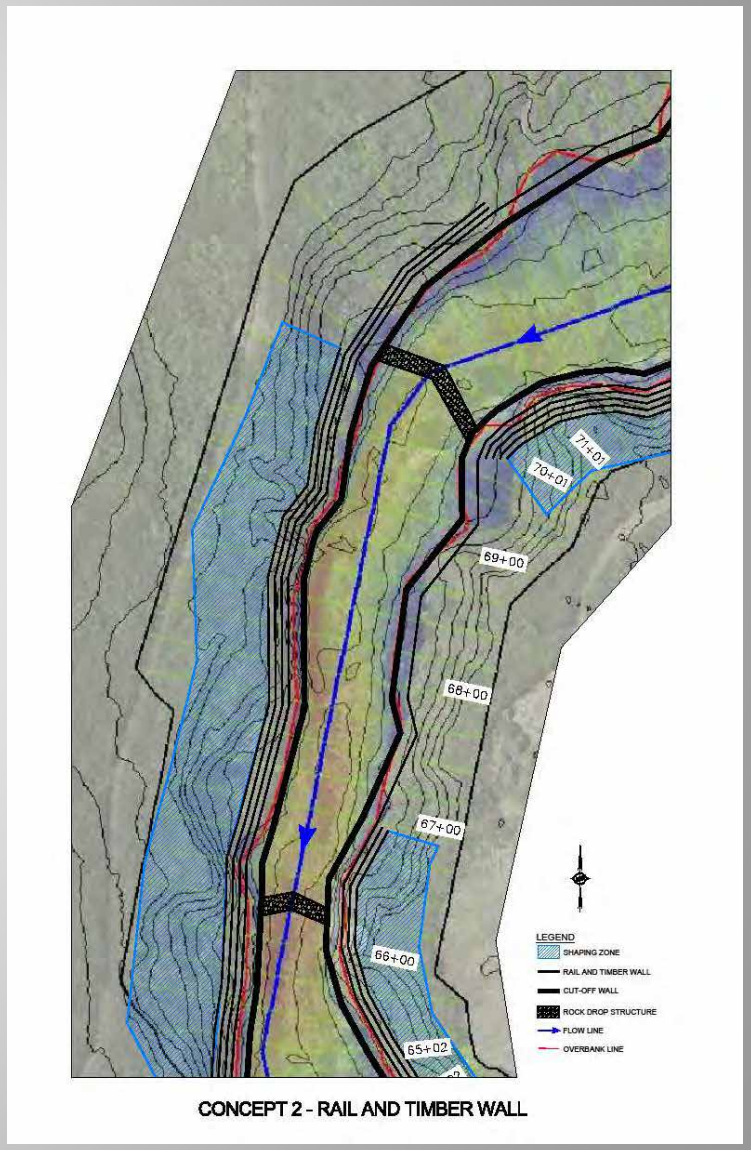
Concept #2: Rail and Timber Wall



CONCEPT 2 - RAIL AND TIMBER WALL

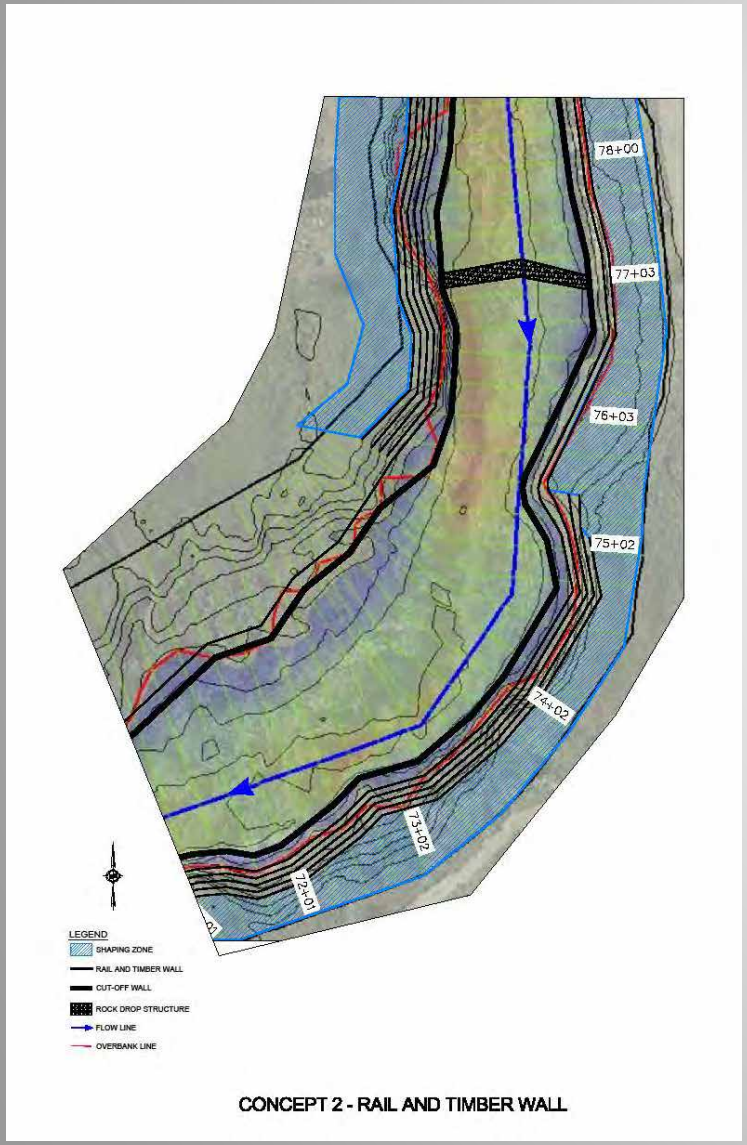


CONCEPT 2 - RAIL AND TIMBER WALL



CONCEPT 2 - RAIL AND TIMBER WALL

Concept #2: Rail and Timber Wall



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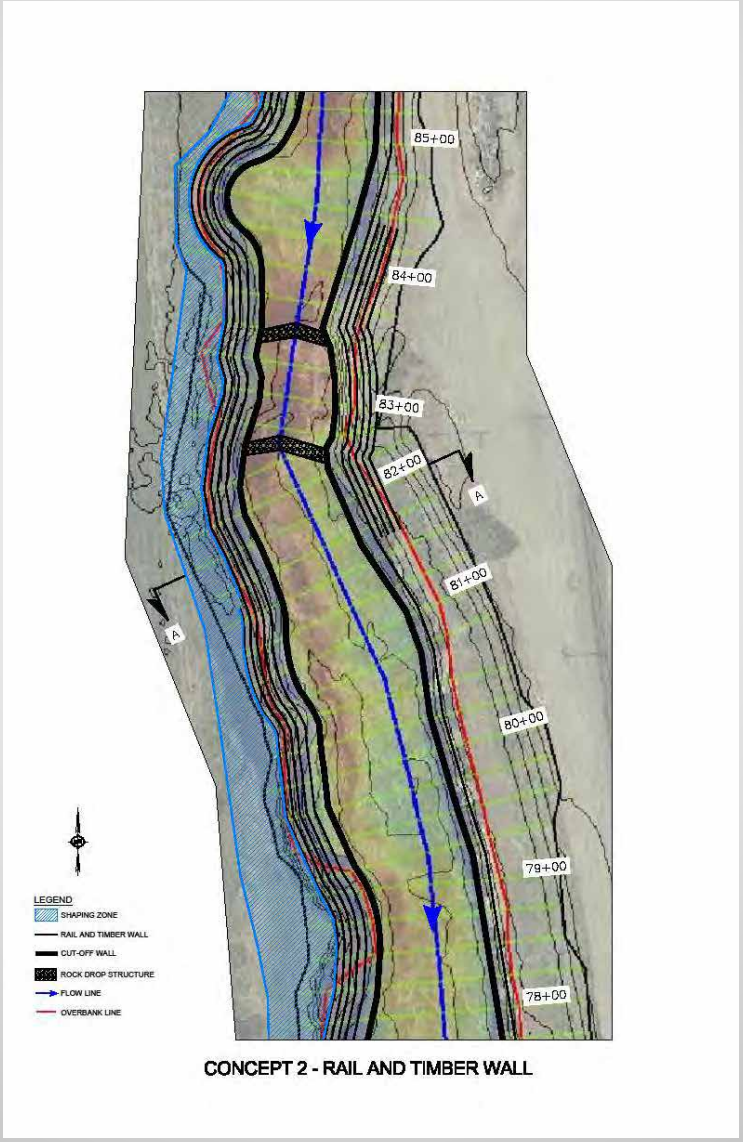
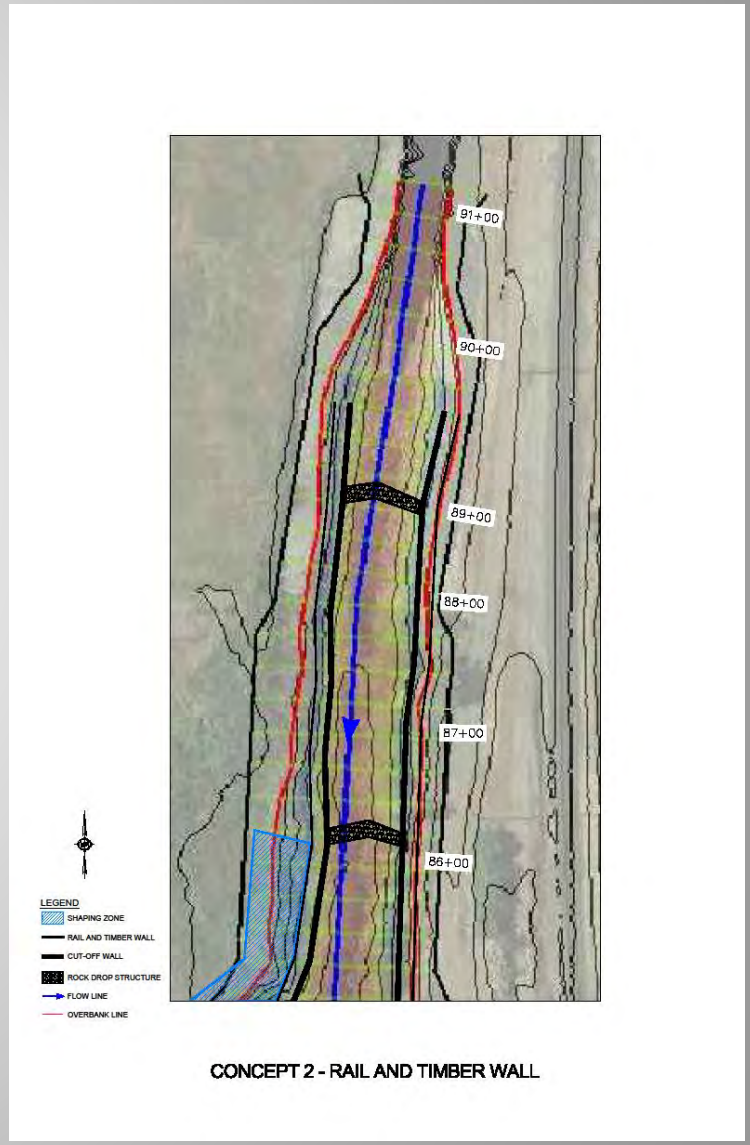
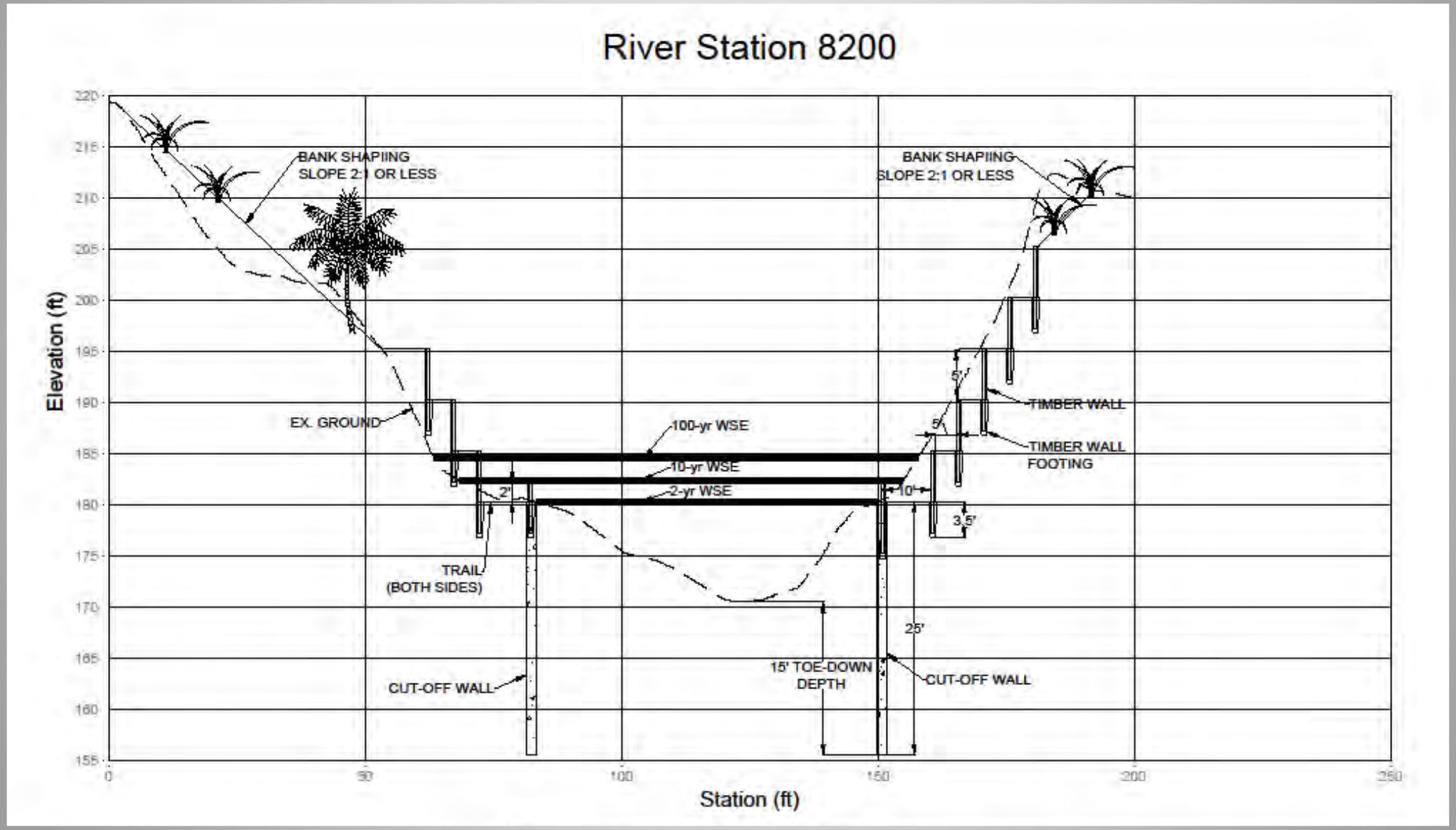


CONCEPT 2 - RAIL AND TIMBER WALL

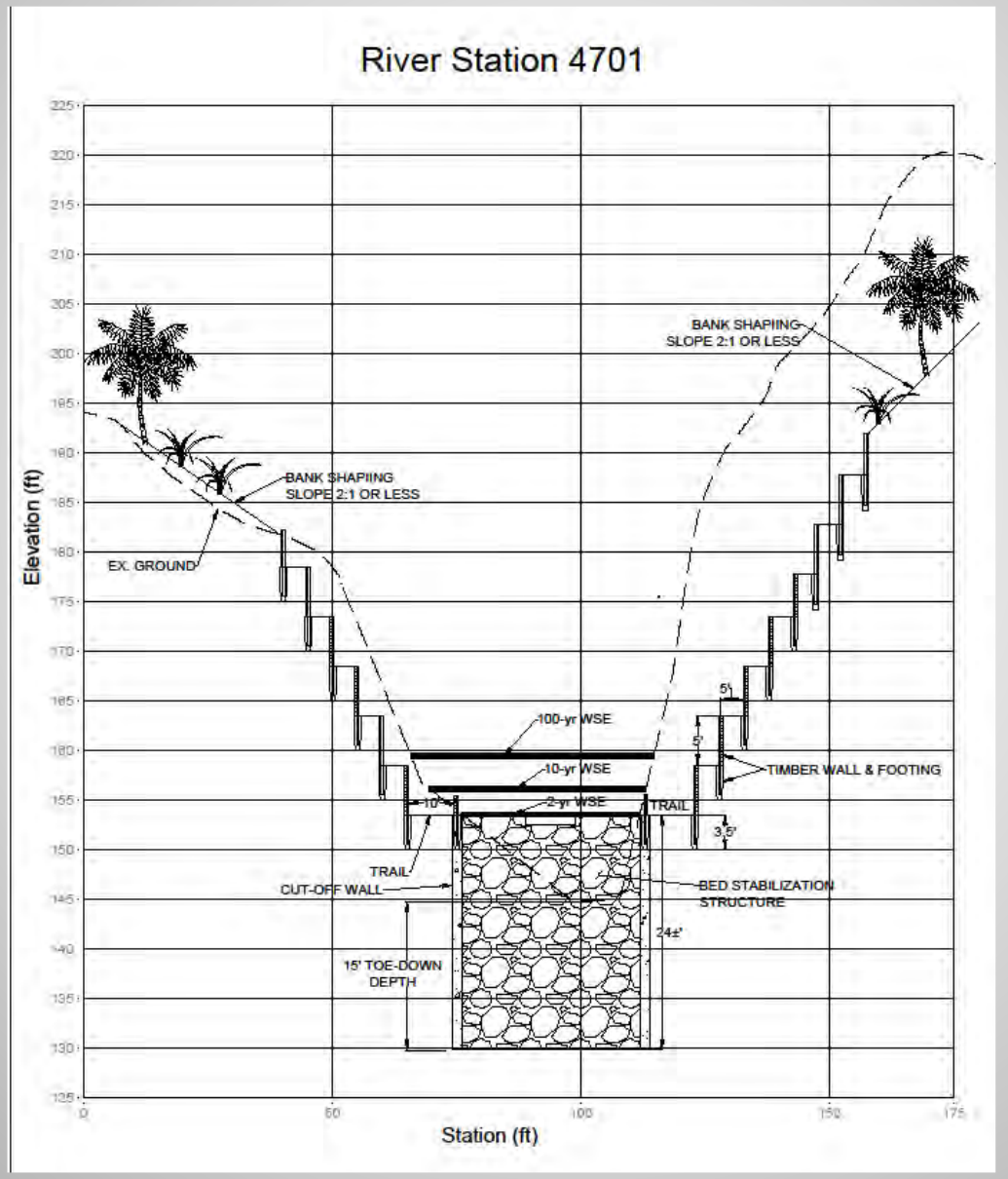


CONCEPT 2 - RAIL AND TIMBER WALL

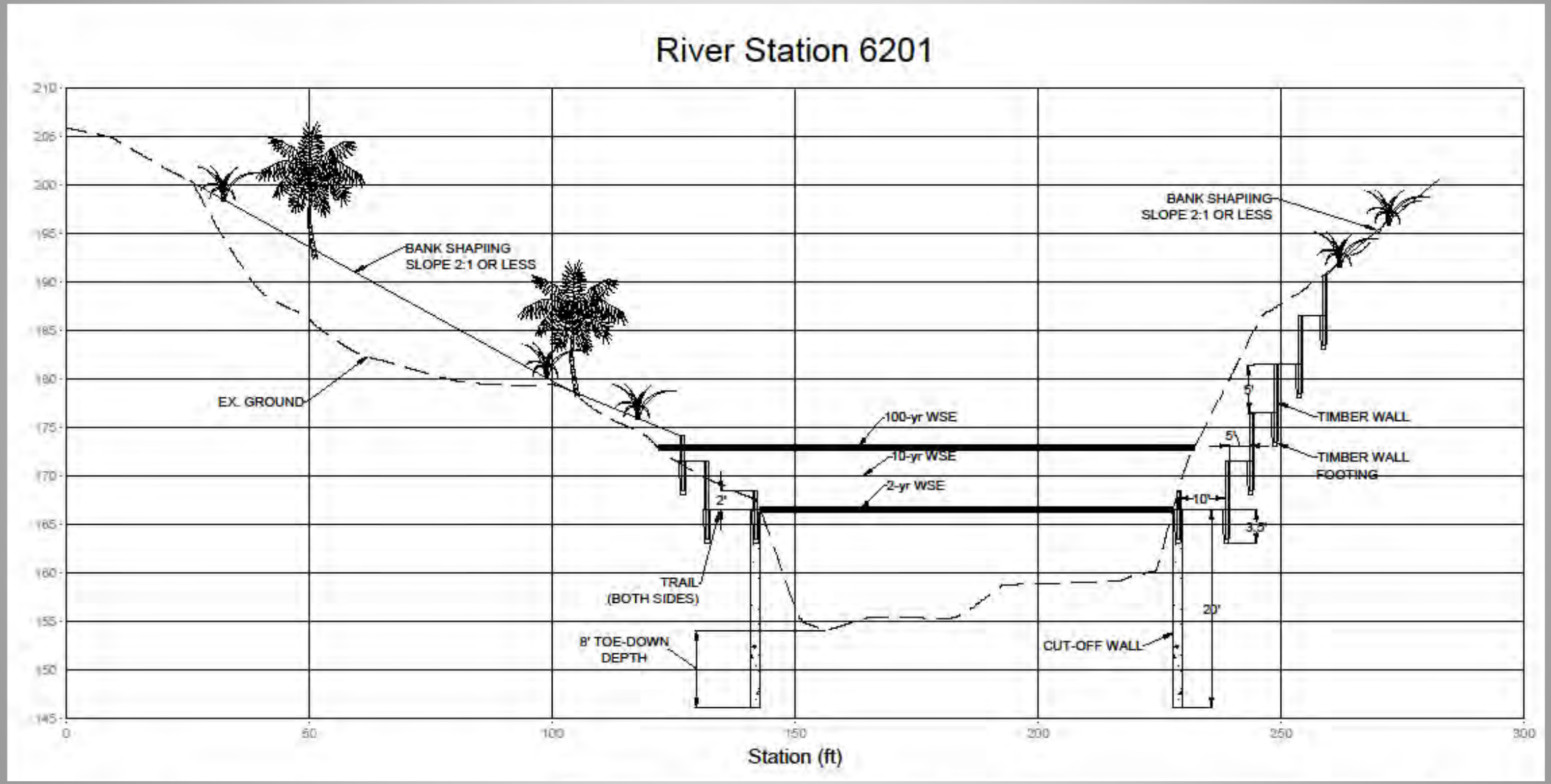
Concept #2: Rail and Timber Wall



Concept #2: Rail and Timber Wall



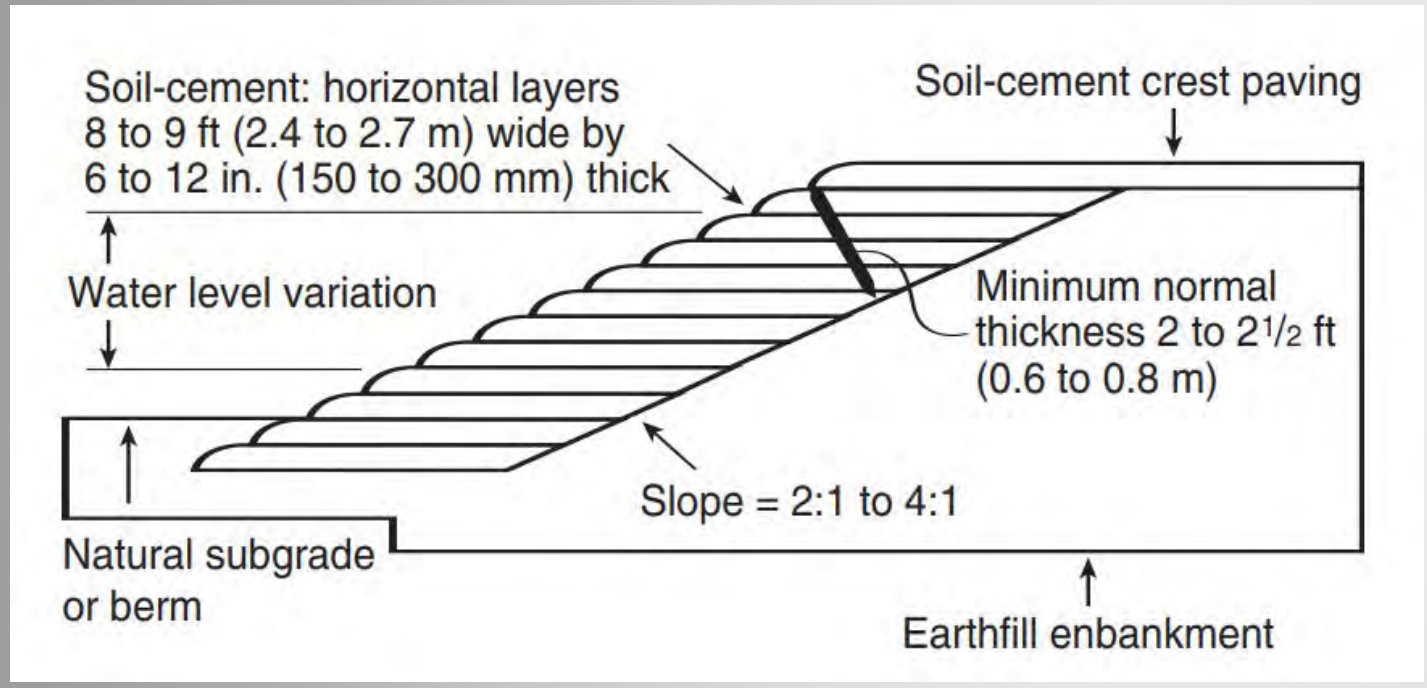
Concept #2: Rail and Timber Wall



Concept #2: Costs

ITEM #	DESCRIPTION	UNIT/LF	QUANTITY [LF]	UNIT PRICE/LF	COST
1	Mobilization (5%)	LS	1	$3,063,200	$3,063,200
2	Clearing and Grubbing	SF	11,970	$13	$155,610
Rail and Timber Wall					
3	Excavation	CY	11,970	$375	$4,488,750
4	Backfill	CY	11,970	$750	$8,977,500
5	Toe-down Wall	LF	11,970	$1,295	$15,501,150
6	Wood Rail and Timber Wall	LF	11,970	$1,275	$15,261,750
Bed Stabilization					
6	Excavation	CY	1,410	$333	$469,530
7	Backfill	CY	1,410	$249	$351,090
8	2T Rock	TON	1,410	$1,814	$2,558,304
Bank Shaping and Planting					
9	Excavation	CY	11,120	$300	$3,336,000
10	Backfill	CY	11,120	$600	$6,672,000
11	Planting	SF	11,120	$5	$55,600
12	Mulching	SF	11,120	$18	$194,600
				ENGINEER'S ESTIMATE	$61,085,084
				30% Contingency	$18,325,525
				CONSTRUCTION BUDGET	$79,410,609

Concept #3: Soil-Cement



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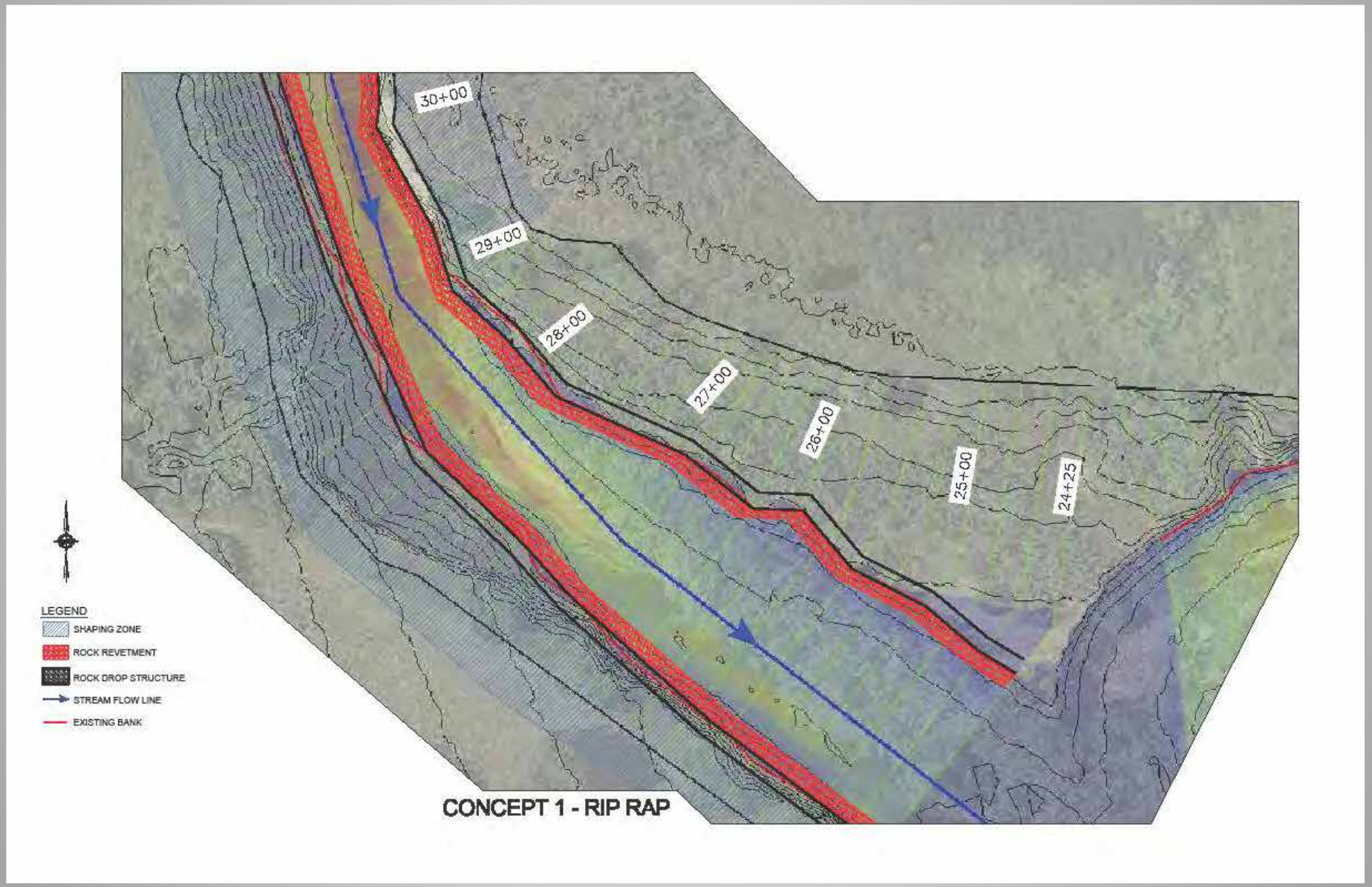

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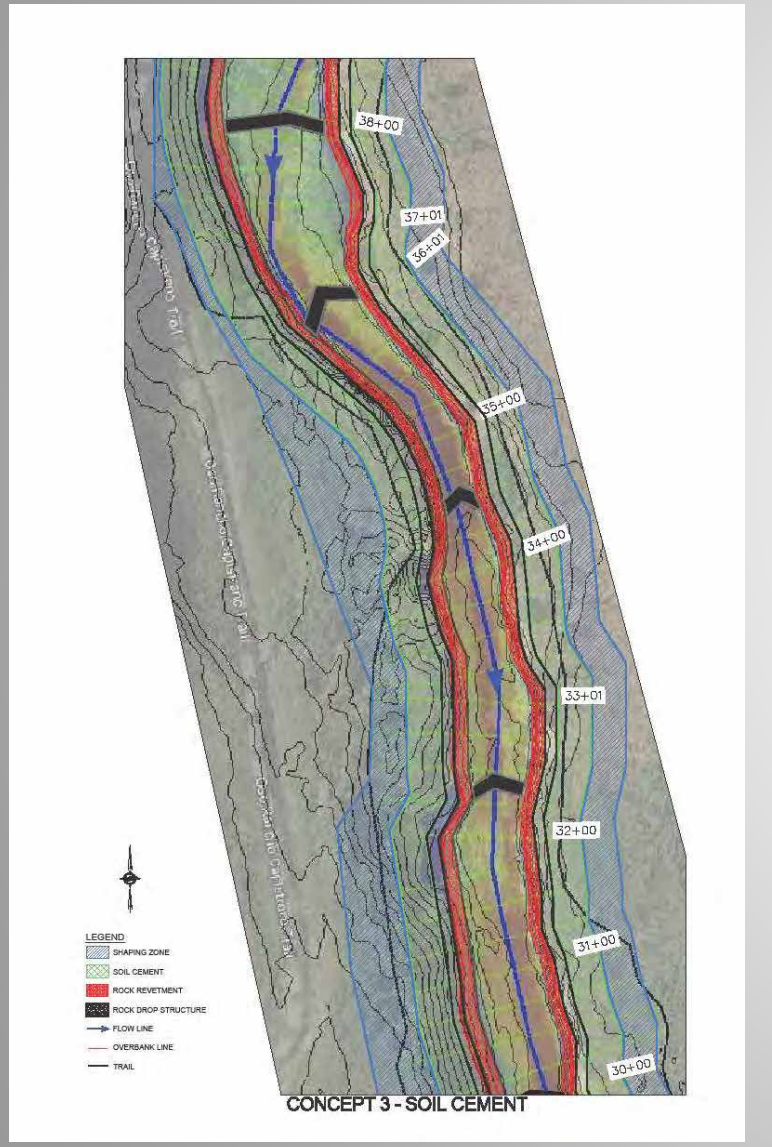
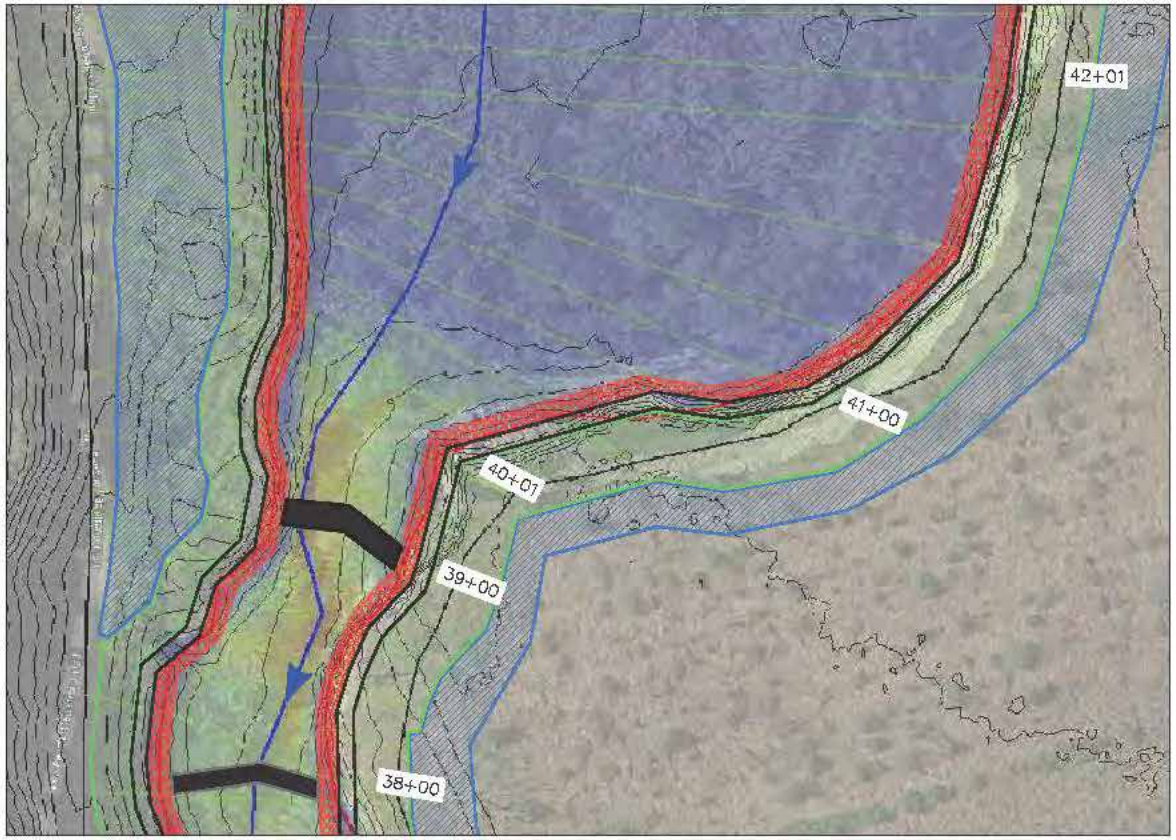
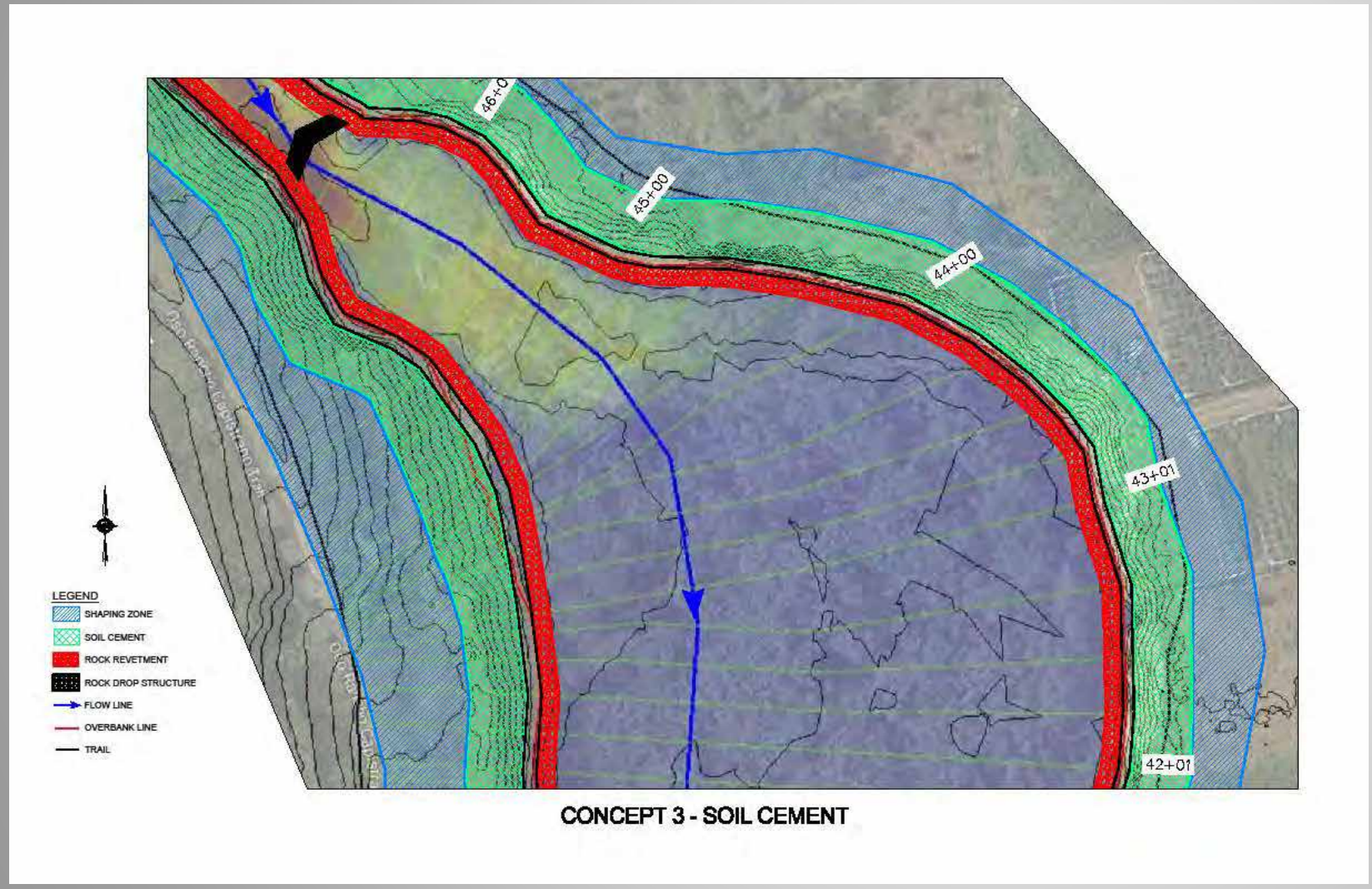


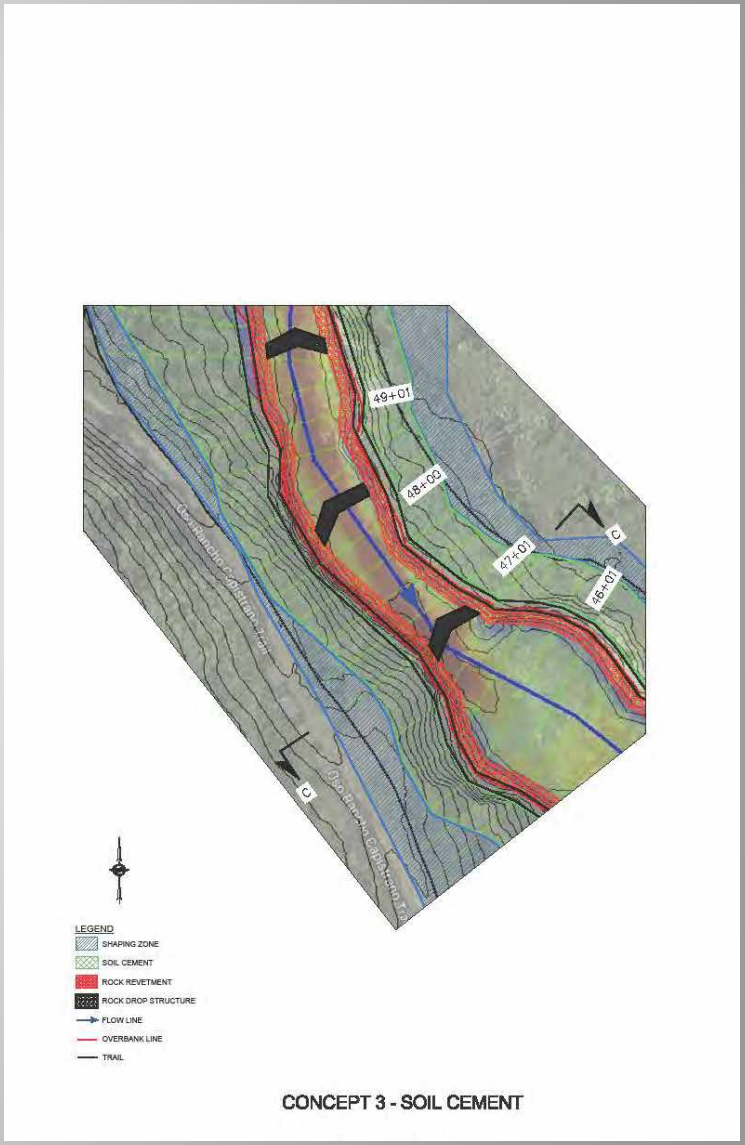
CONCEPT 3 - SOIL CEMENT



CONCEPT 3 - SOIL CEMENT

Concept #3: Soil-Cement





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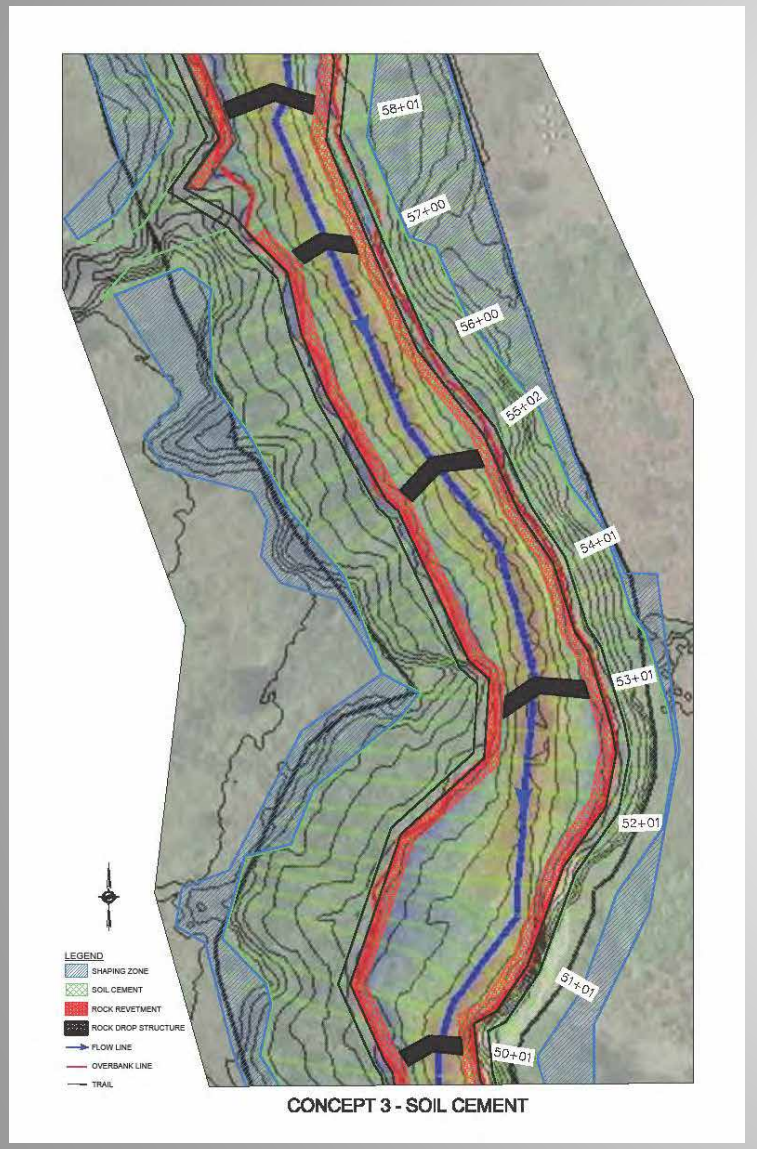

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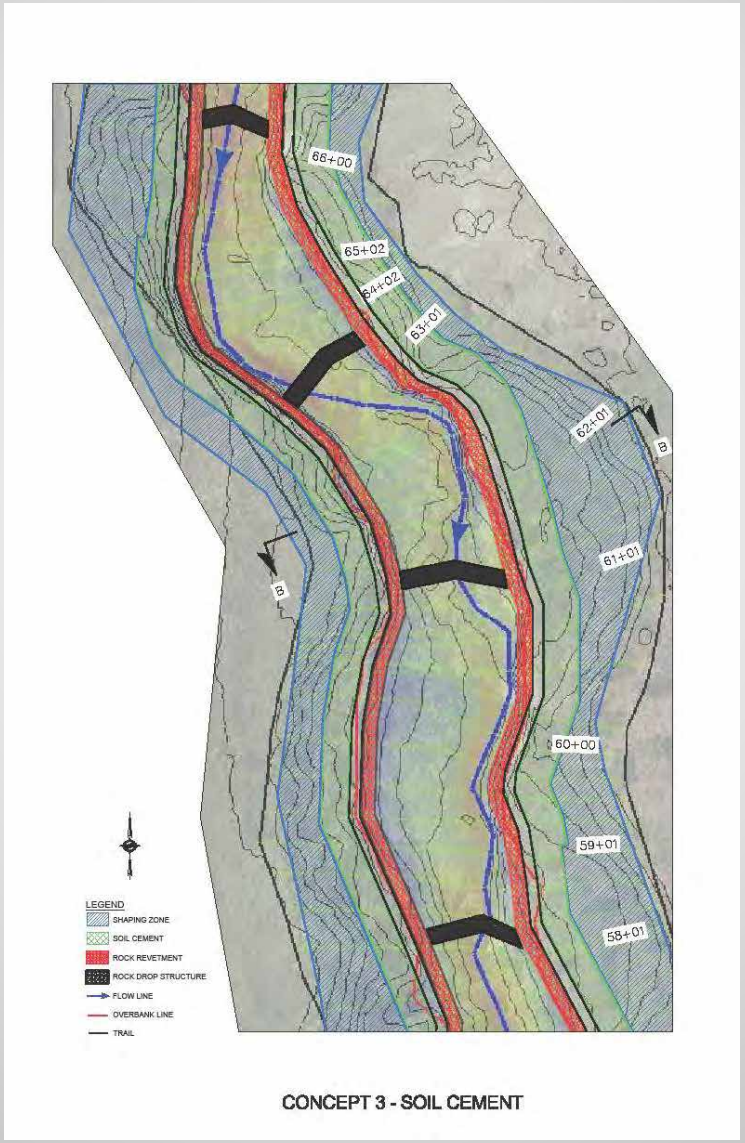

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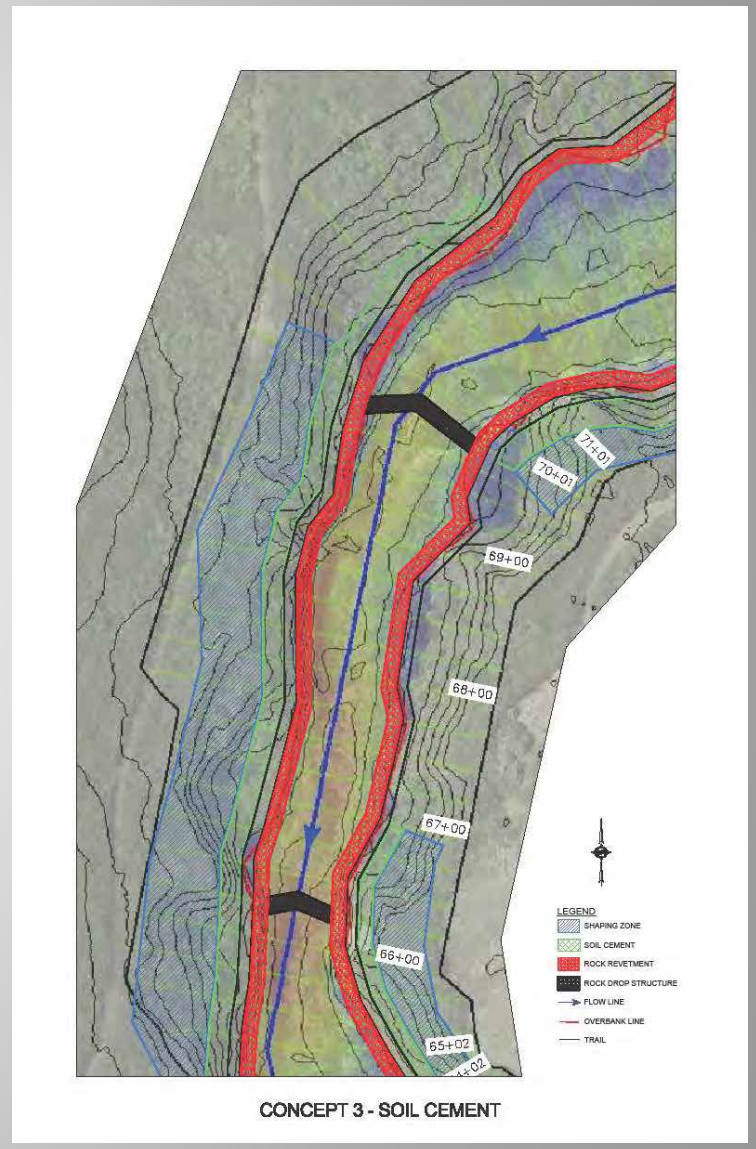

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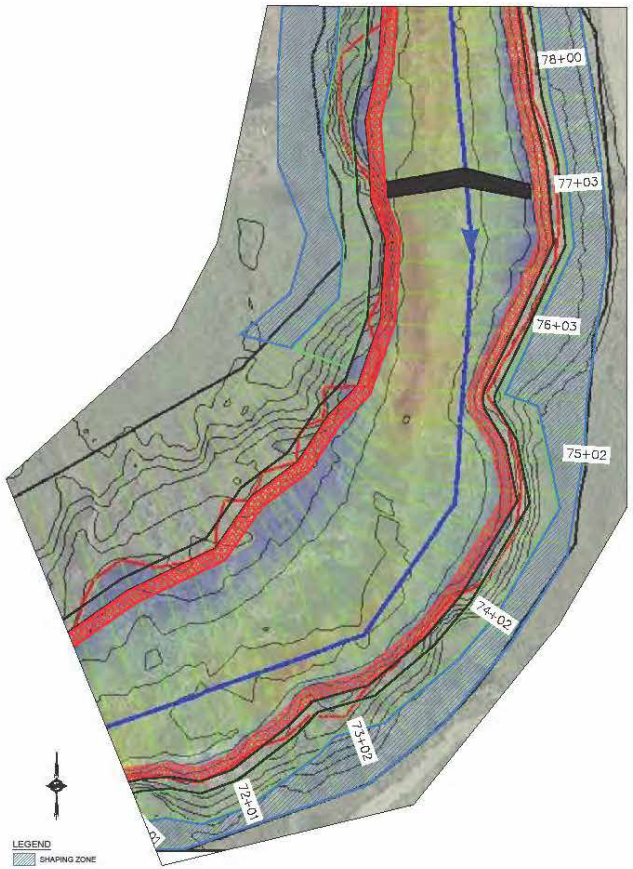

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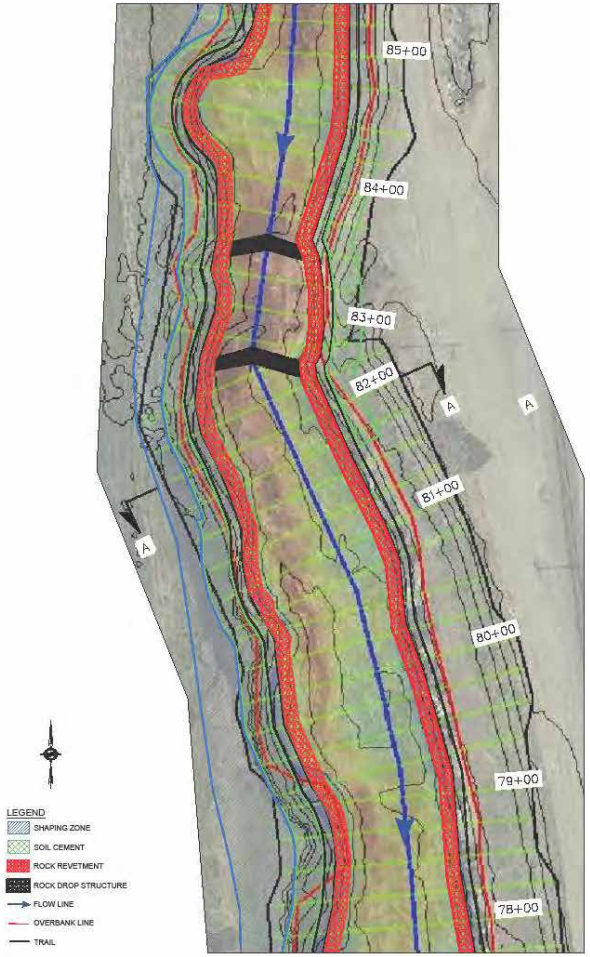

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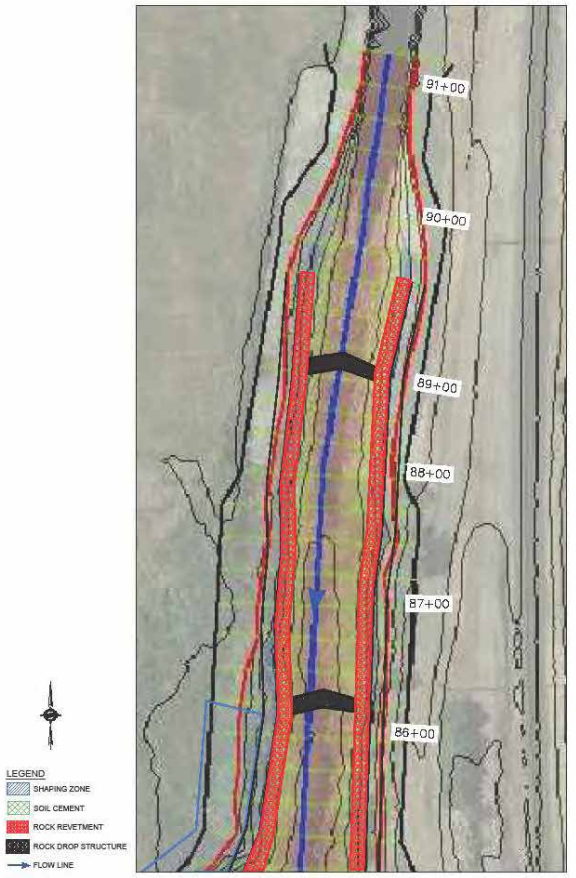

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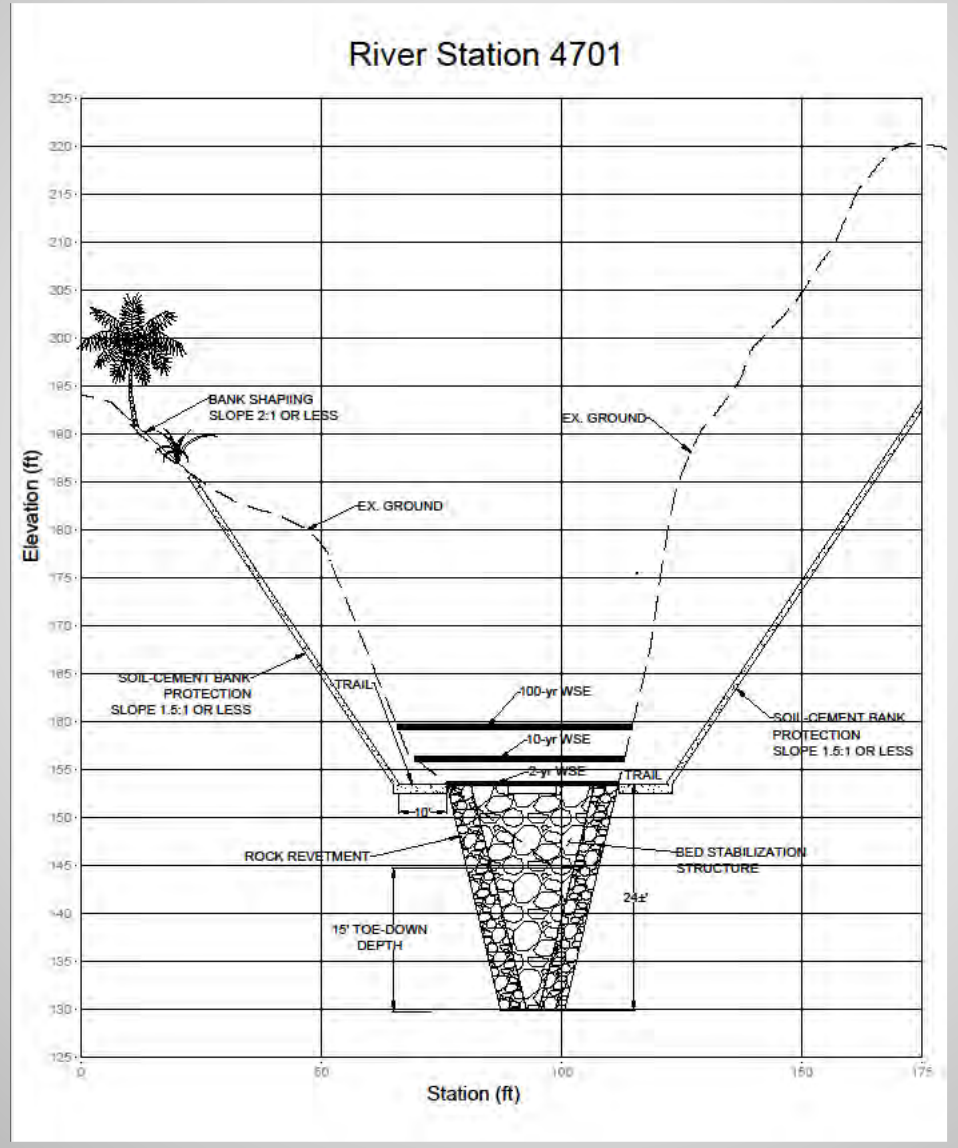

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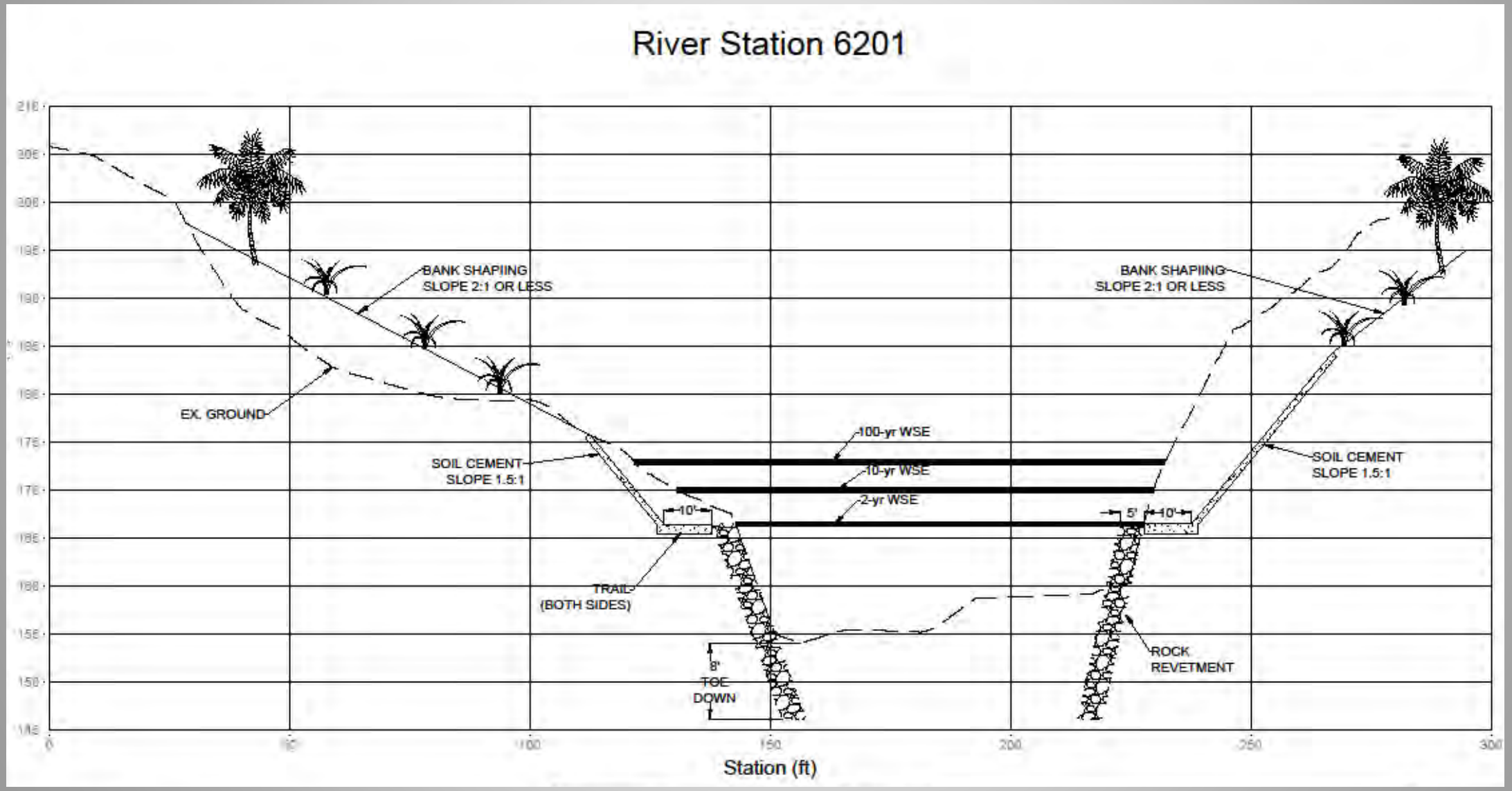

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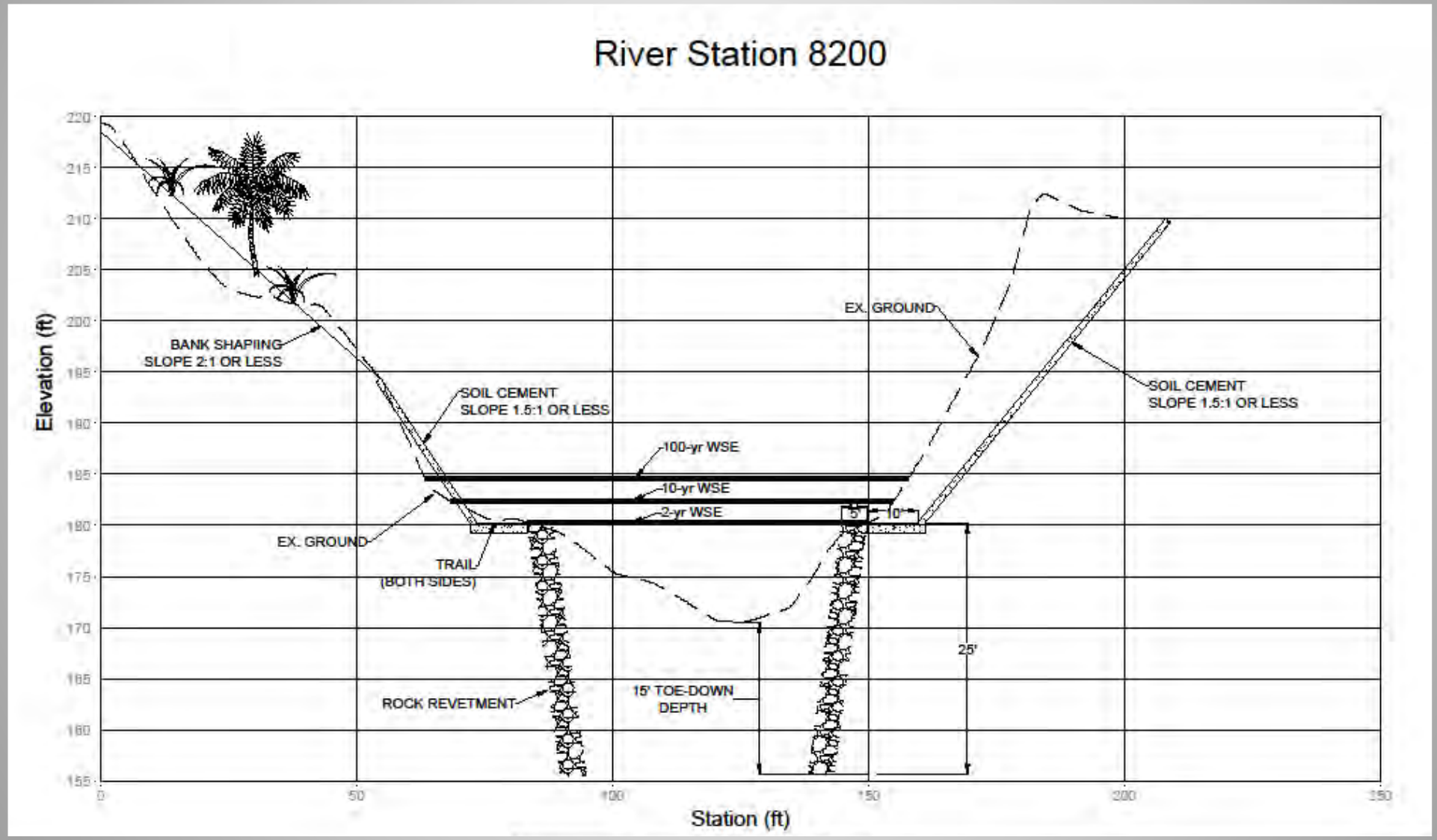
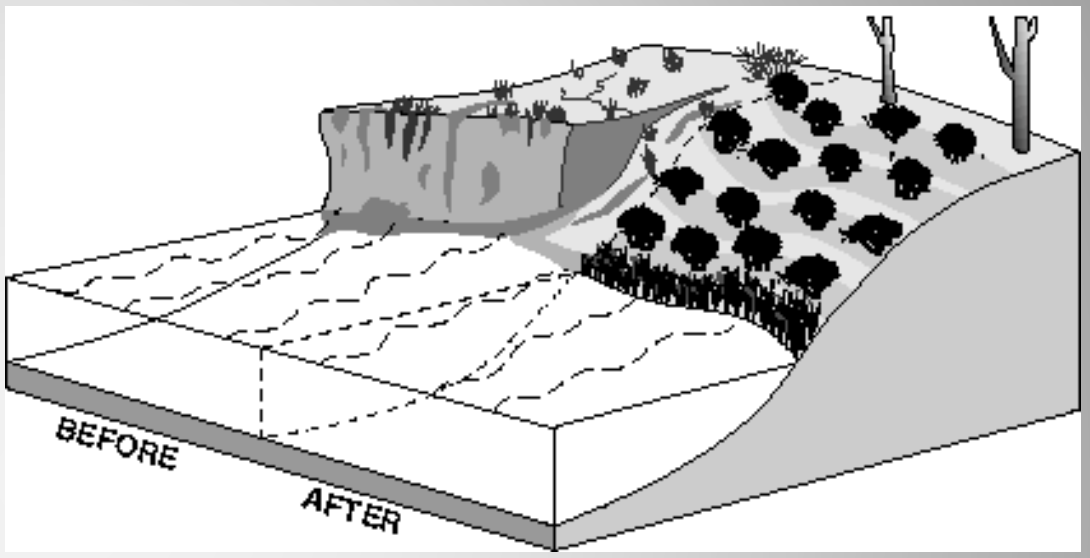


Concept #3: Costs

ITEM #	DESCRIPTION	UNIT/LF	QUANTITY [LF]	UNIT PRICE/LF	COST
1	Mobilization (5%)	LS	1	$2,177,700	$2,177,700
2	Clearing and Grubbing	SF	10,795	$13	$140,335
Soil Cement					
3	Excavation	CY	10,795	$210	$2,266,950
4	Backfill	CY	10,795	$90	$971,550
5	Soil Cement	TON	10,795	$75	$809,625
6	4T Rock	TON	10,795	$2,200	$23,749,000
Bed Stabilization					
7	Excavation	CY	1,480	$333	$492,840
8	Backfill	CY	1,480	$249	$368,520
9	2T Rock	TON	1,480	$1,814	$2,685,312
Bank Shaping and Planting					
10	Excavation	CY	10,530	$300	$3,159,000
11	Backfill	CY	10,530	$600	$6,318,000
12	Planting	SF	10,530	$5	$52,650
13	Mulching	SF	10,530	$18	$184,275
				ENGINEER'S ESTIMATE	$43,375,757
				30% Contingency	$13,012,727
				CONSTRUCTION BUDGET	$56,388,484

Concept #4: Bank Shaping and Planting



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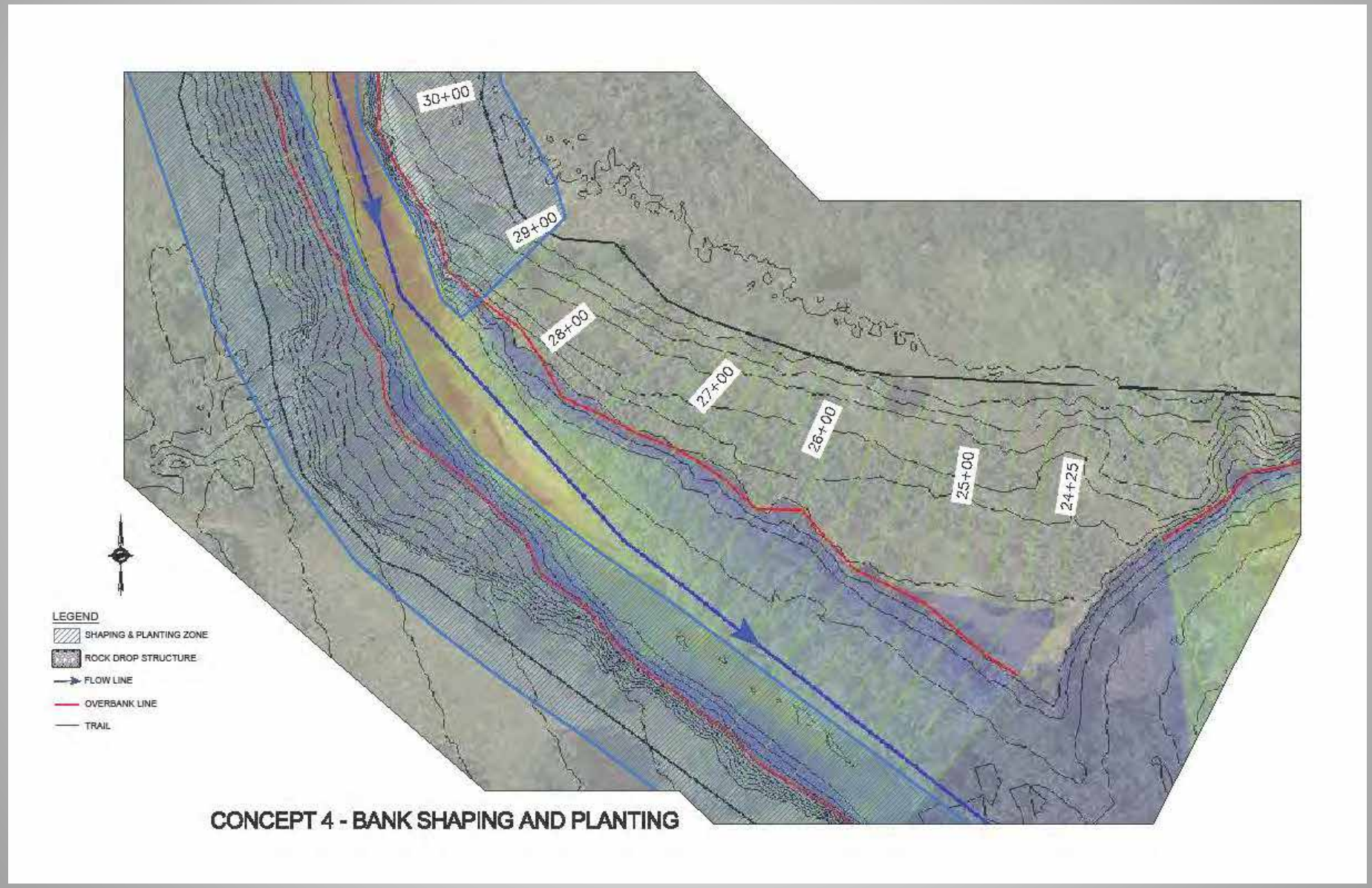
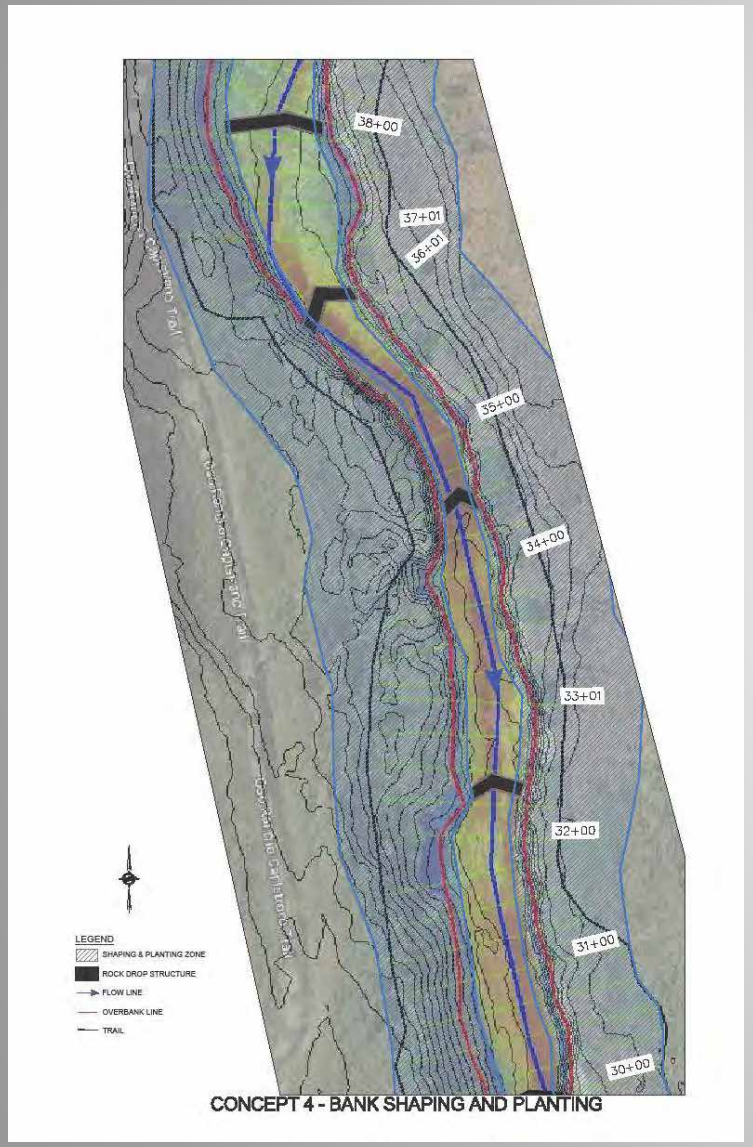
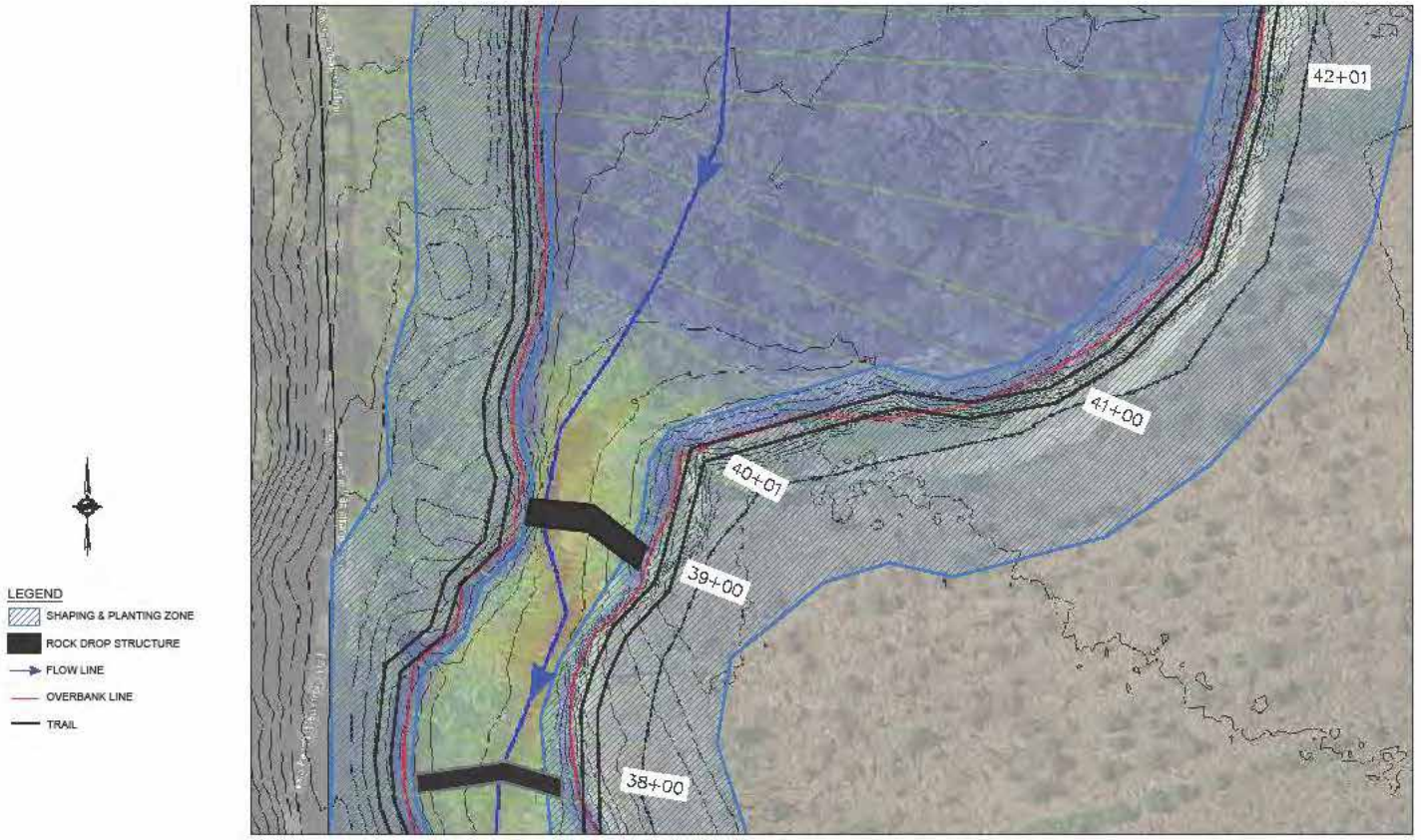


Concept #4: Bank Shaping and Planting



CONCEPT 4 - BANK SHAPING AND PLANTING



CONCEPT 4 - BANK SHAPING AND PLANTING

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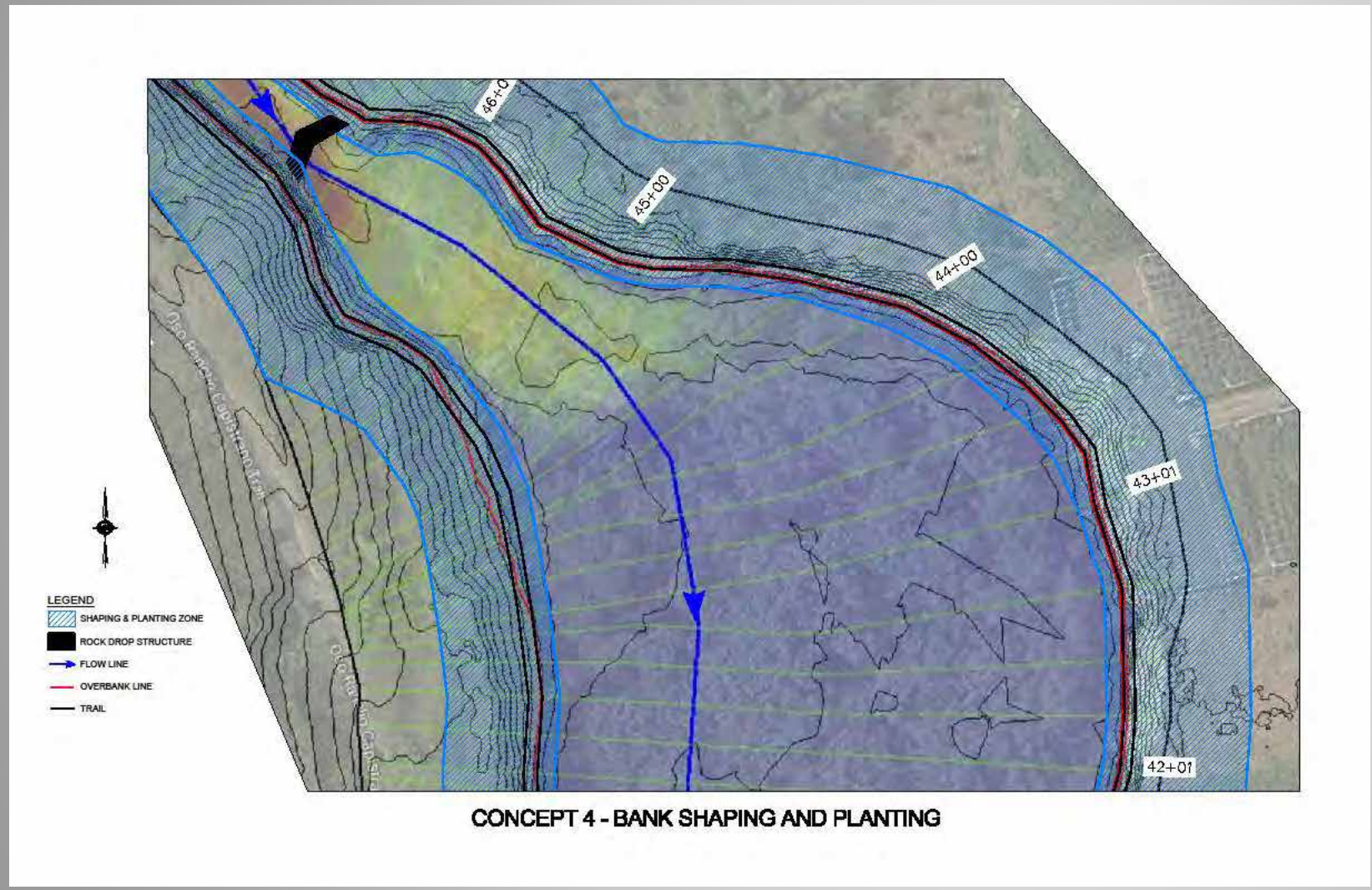

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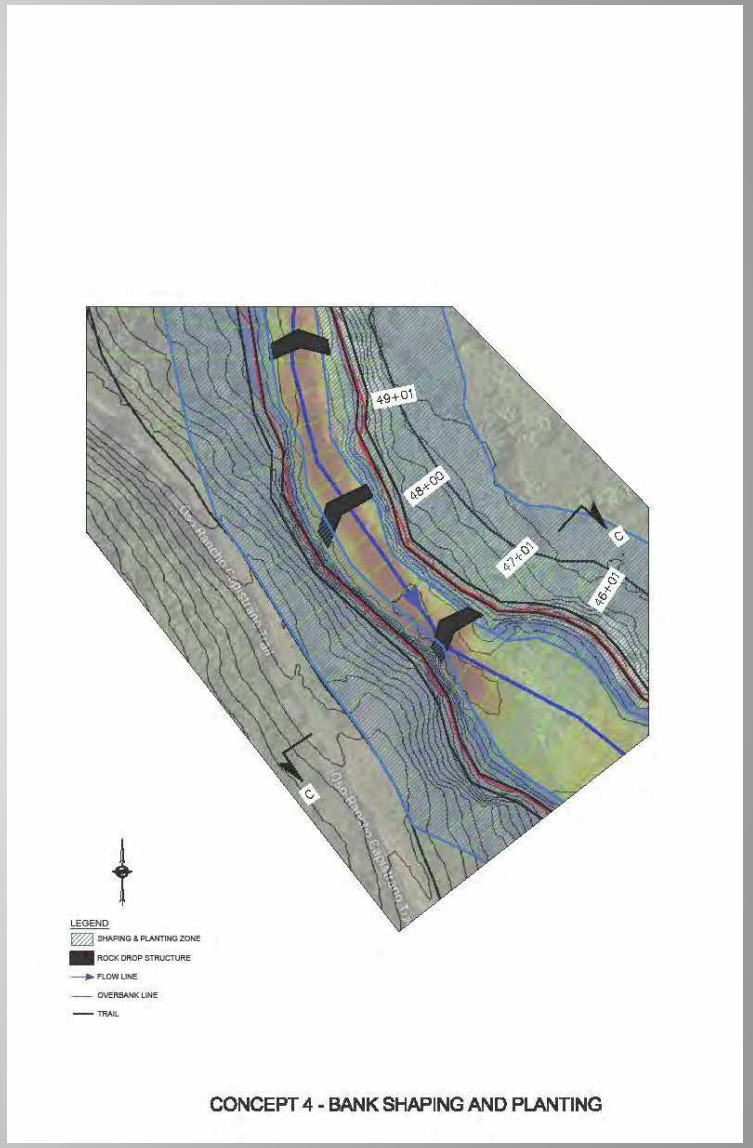

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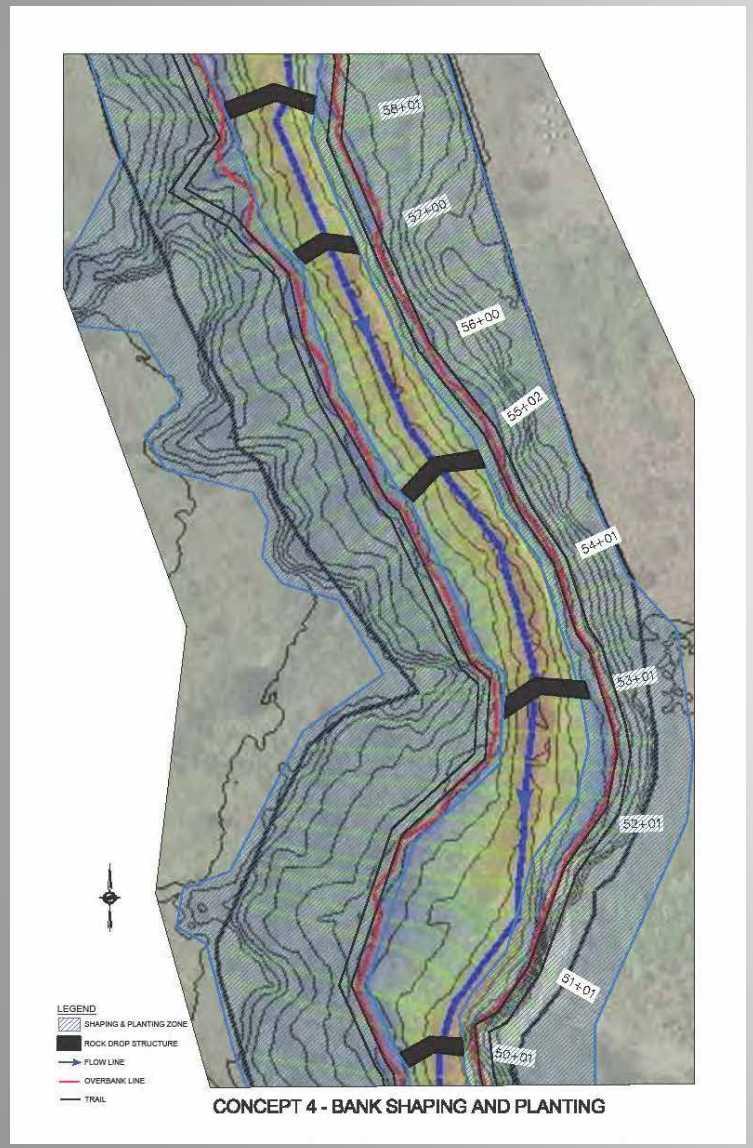

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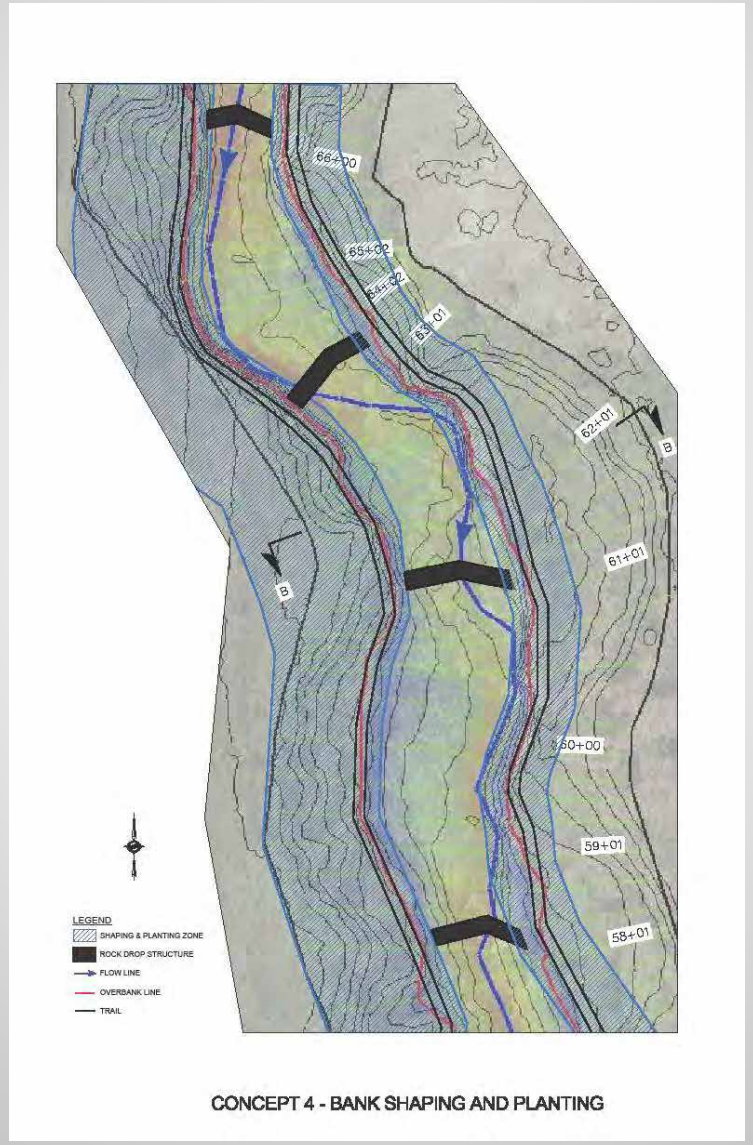

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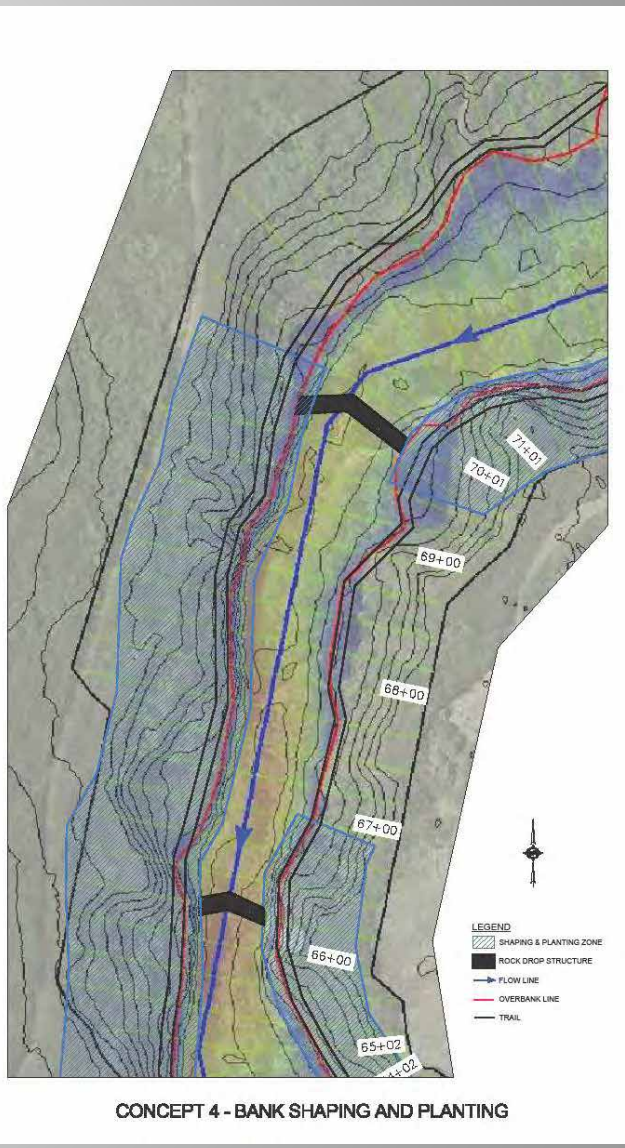

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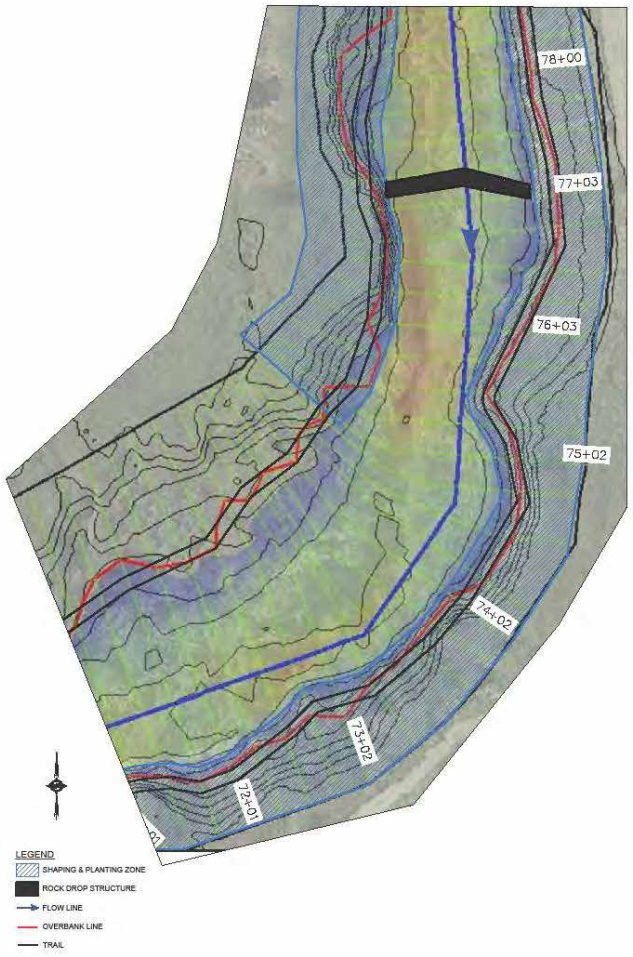

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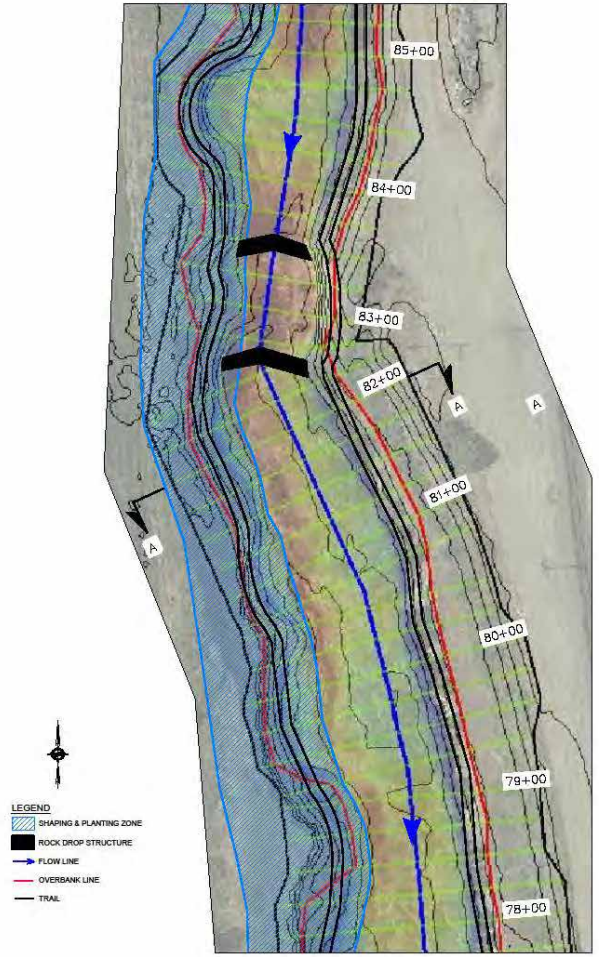

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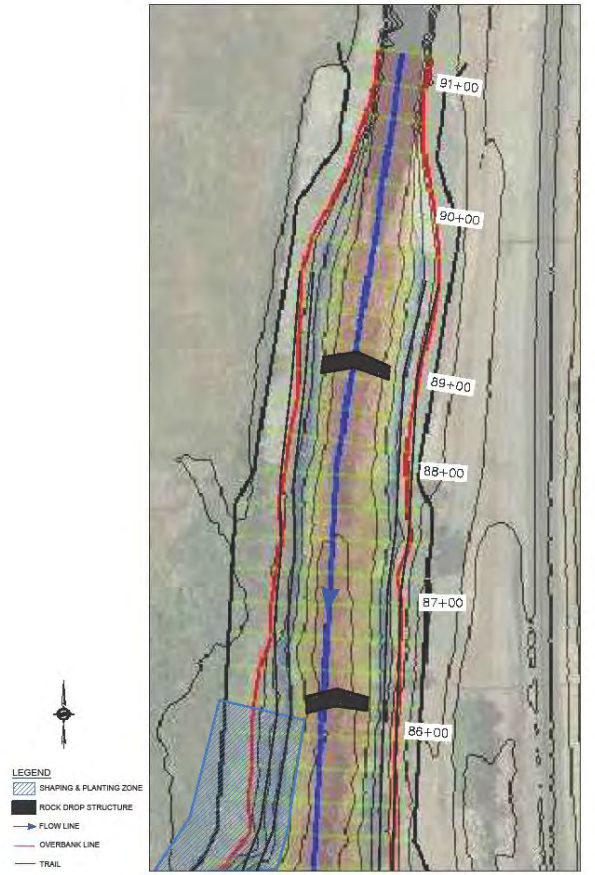
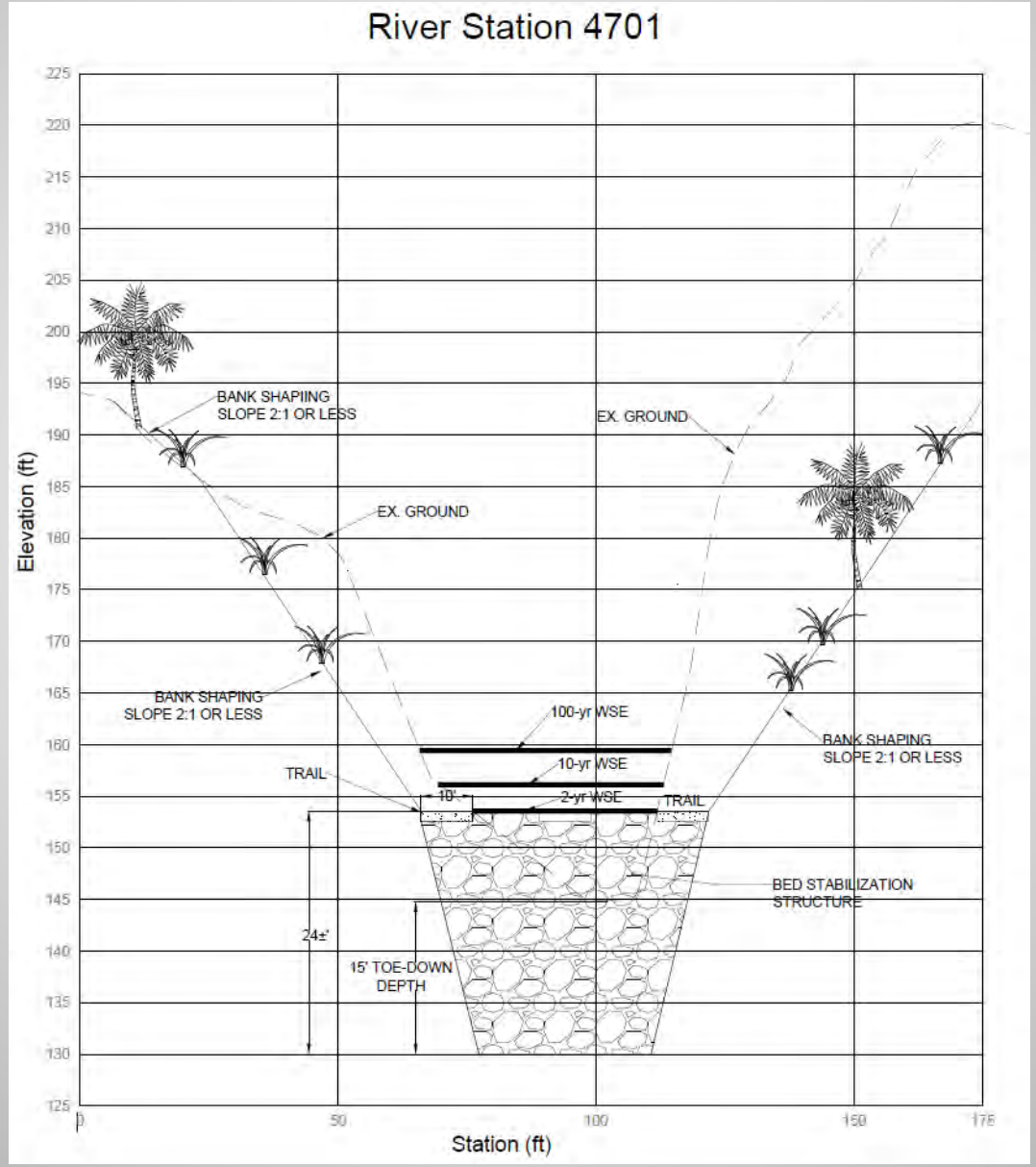


CONCEPT 4 - BANK SHAPING AND PLANTING

Concept #4: Bank Shaping and Planting



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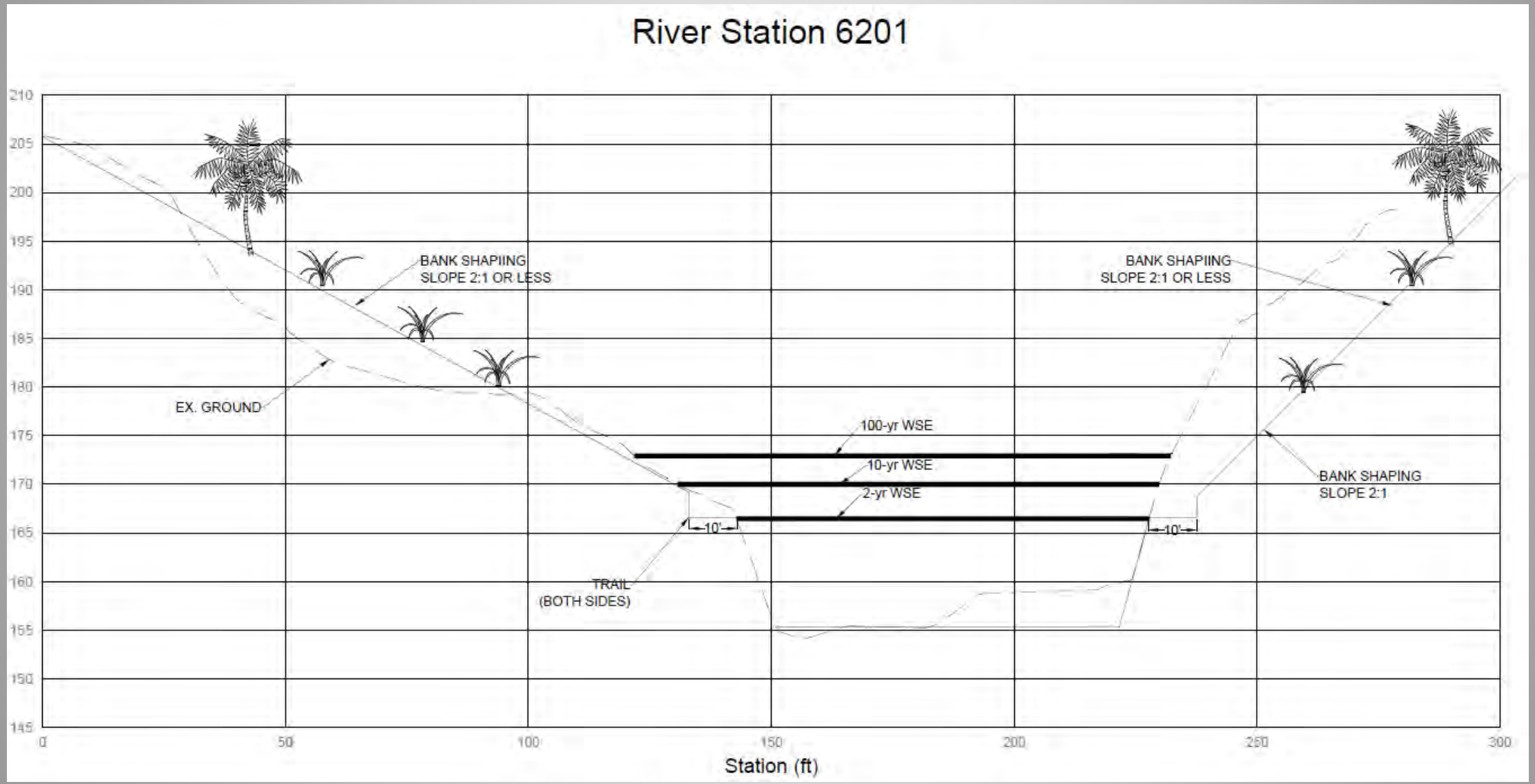

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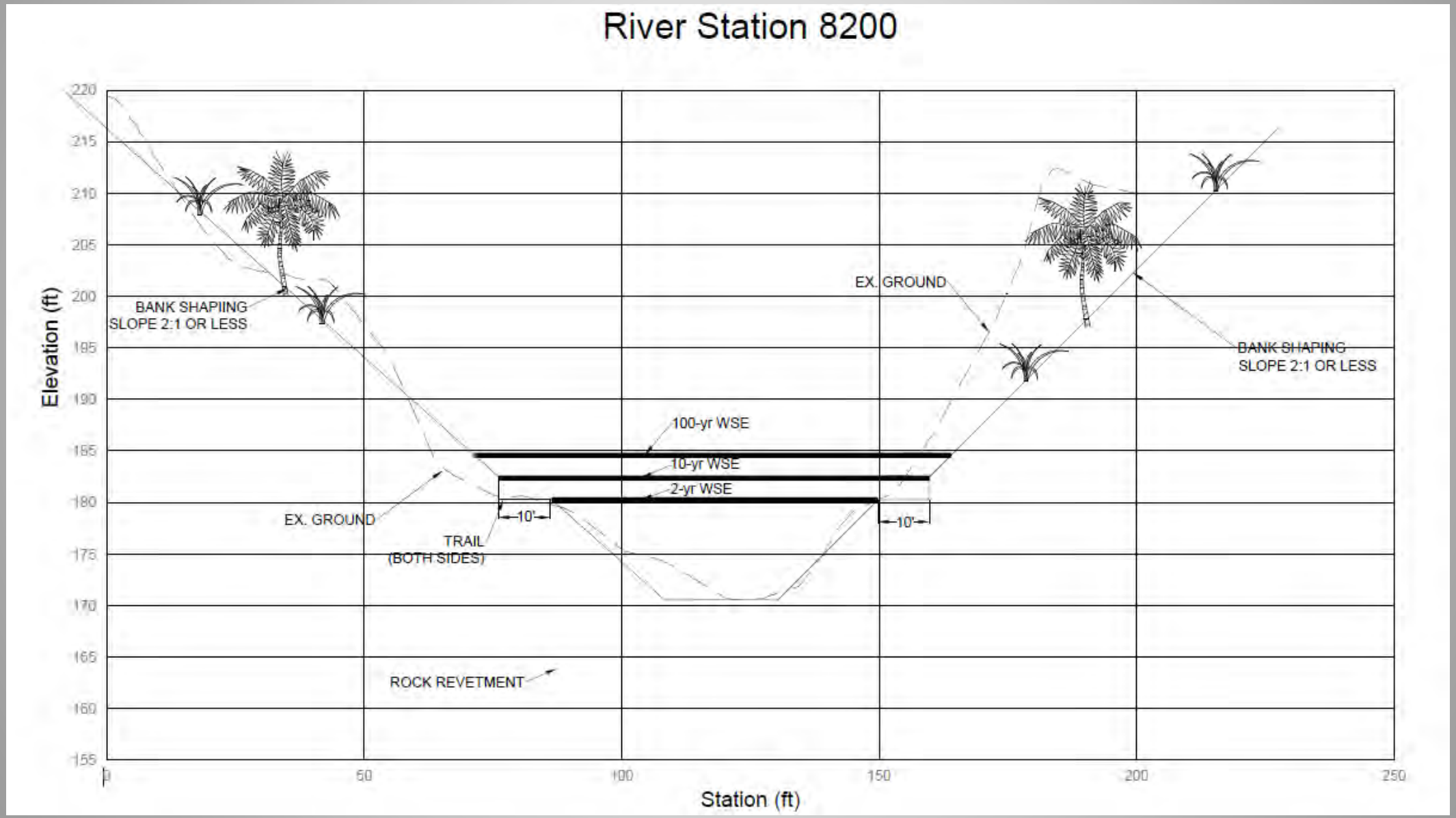

Concept #4: Costs

ITEM #	DESCRIPTION	UNIT/LF	QUANTITY [LF]	UNIT PRICE/LF	COST
1	Mobilization (5%)	LS	1	$866,900	$866,900
2	Clearing and Grubbing	SF	10,480	$13	$136,240
Bed Stabilization					
3	Excavation	CY	2,085	$333	$694,305
4	Backfill	CY	2,085	$249	$519,165
5	2T Rock	TON	2,085	$1,814	$3,783,024
Bank Shaping and Planting					
6	Excavation	CY	10,480	$375	$3,930,000
7	Backfill	CY	10,480	$750	$7,860,000
8	Planting	SF	10,480	$5	$52,400
9	Mulching	SF	10,480	$18	$183,400
				ENGINEER'S ESTIMATE	$18,025,434
				30% Contingency	$5,407,630
				CONSTRUCTION BUDGET	$23,433,064

Roundtable

Open discussion

Next Steps

Jacqui Sedighi

South OC WMA

Next Steps

- Obtain input – Send additional comments by 3/9
- Convene again to discuss comments and how to best move forward

Group Discussion

ALJ/ES2/jt2 **Date of Issuance: 3/20/2020**

Decision 20-03-013 March 12, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Juan Capistrano for authorization to modify and convert an existing private at-grade road crossing of Rancho Capistrano to a public crossing of the Southern California Regional Rail Authority's Orange Subdivision at Mile Post 194.32, Proposed CPUC Number 101OR-194.32, USDOT Number 026782R, County of Orange.	Application 19-09-001

DECISION AUTHORIZING THE CITY OF SAN JUAN CAPISTRANO TO MODIFY AND CONVERT THE EXISTING RANCHO CAPISTRANO PRIVATE CROSSING TO A PUBLIC CROSSING IN THE CITY OF SAN JUAN CAPISTRANO, ORANGE COUNTY

Summary

Pursuant to Public Utilities Code Sections 1201 and 1202, we authorize the City of San Juan Capistrano to modify and convert the Rancho Capistrano private at-grade highway-rail crossing to a public at-grade highway-rail crossing, over the Southern California Regional Rail Authority's Orange Subdivision tracks at Mile Post 194.32.

This proceeding is closed.

1. Factual Background

The City of San Juan Capistrano (City or Applicant) requests authority to modify and convert the existing Rancho Capistrano private at-grade crossing to a public at-grade crossing in the City of San Juan Capistrano, Orange County.[1] The crossing provides the only access to a private property owned by Saddleback Valley Community Church, which is also the current holder of the private crossing license agreement. The identified need for the project is to convert the existing, publicly used private crossing into a public crossing with additional roadway safety features.[2]

The Southern California Regional Rail Authority (SCCRA) operates and maintains the Metrolink regional passenger rail system through the crossing, while the Orange County Transportation Authority (OCTA), as a member agency of SCRRA, owns the railroad right-of-way. Other railroad users of the crossing include the National Railroad Passenger Corporation (Amtrak), which operates its Pacific Surfliner Amtrak passenger trains on the Orange Subdivision, and BNSF Railway Company, which operates freight trains on the Orange Subdivision.

The Rancho Capistrano roadway is proposed to retain its current alignment, having one lane of travel in either direction. The existing private crossing is currently configured with one (1) main track, but is in the process of being modified to include a total of two (2) tracks with the completion of the

[1] The City submitted a separate application to the Federal Railroad Administration to establish a "quiet zone" for the crossing, which provides an exemption to the rule requiring trains to sound their horns when approaching public highway-rail grade crossings.

[2] Application at 4-5.

"Laguna Nigel-San Juan Capistrano Passing Siding" project to be constructed by OCTA (OCTA Project). The OCTA Project is not considered as part of this application.

2. Procedural Background

The City submitted an application for authority to modify and convert the Rancho Capistrano private at-grade highway-rail crossing to a public at-grade highway-rail crossing on August 3, 2019. An amendment to the Application was filed by the City on November 4, 2019.

On November 22, 2019, the California Public Utilities Commission's Rail Safety Division (RSD) provided a response to the Application and the November 4, 2019 amendment. Based upon RSD's review of the filings, RSD concluded that the Application complies with the Commission's Rules, as well as all applicable requirements of the Commission's General Orders (GOs) 26-D, 72-B and 75-D. No party protested the Application.

On January 9, 2020, a telephonic prehearing conference (PHC) was held to discuss the scope, schedule, need for hearing, and other matters relevant to the management of the proceeding. On February 18, 2020, the assigned Commissioner issued a Scoping Memo and Ruling.

3. Jurisdiction

The California Public Utilities Commission (CPUC or Commission) has jurisdiction over railroad crossings pursuant to California Public Utilities Code (Pub. Util. Code) §§ 1201 and 1202. Rule 3.7 of the Commission's Rules of Practice and Procedure[3] governs applications to construct a public road,

[3] All references to Rules or Rule refer to the Commission's Rules of Practice and Procedure.

highway, or street across a railroad. The Commission's GOs govern applicable safety and engineering requirements, including: GO 26-D, which prescribes the minimum clearance requirements for all construction of tracks or structures adjacent to tracks; GO 72-B, which governs the construction and maintenance of crossings, and GO75-D, which governs warning devices for at-grade highway-rail crossings.

4. Issues Before the Commission

The assigned Commissioner's February 18, 2020 Scoping Memo and Ruling identified the following issues to be determined through the course of the proceeding:

1. Whether the Application meets all Commission requirements, including those in Rule 3.7, and General Orders 26-D, 72-B and 75-D, such that the Commission should grant the City's Application to modify and convert Rancho Capistrano crossing to a public at-grade highway-rail crossing over the Southern California Regional Rail Authority's Orange Subdivision at Mile Post 194.32.
2. Whether the Applicant has complied with the California Environmental Quality Act.
3. Whether the Commission should grant the City a period of three years from the application approval date to complete the proposed project.

5. Compliance with the California Environmental Quality Act

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 *et seq*.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities.

Under CEQA, the lead agency is either the public agency that carries out the project or has the greatest responsibility for supervising or approving the project.[4] The City is the lead agency under CEQA for the purposes of identifying environmental impacts from modifying and converting the Rancho Capistrano private at-grade highway-rail crossing to a public at-grade highway-rail crossing. Since the Commission must issue a discretionary decision in order for the project to proceed, the Commission is a responsible agency under CEQA,[5] and must consider the lead agency's environmental documents and findings before acting on or approving this project.[6]

The City has determined that the conversion of the Rancho Capistrano crossing is exempt from CEQA on the basis that the improvements would be located on the existing site and have the same purpose and capacity as the structure being reconstructed, thus satisfying "the criteria for a Class 1 (Existing Facilities) and Class 2 (Replacement or Reconstruction) Categorical Exemption Under the California Environmental Quality Act (CEQA) per Section 15301(b) and 15302(c), respectively, of the CEQA guidelines."[7] On August 19, 2019, a Notice of Exemption was filed with the County of Orange indicating the status as a statutory exemption.[8]

[4] CEQA Guidelines (Title 14 of the California Code of Regulations (14 Cal. Code Regs.)), §§ 15050 and 1505.

[5] 14 Cal. Code Regs. § 15381.

[6] 14 Cal. Code Regs. § 15091.

[7] Exhibit C at 3.

[8] Exhibit C to the Application.

The Commission reviewed and considered the Notice of Exemption and finds it adequate for our decision-making purposes. The Commission's Energy Division will file a Notice of Exemption with the CEQA Clearinghouse stating the Commission considered the document as it relates to the proposed at-grade crossing.

6. Filing, Safety and Engineering Requirements

Applications for the construction of at-grade railroad crossings must meet the requirements of Rule 3.7, as well as the safety and engineering requirements of GOs 26-D (clearances on railroads and street railroads), 72-B (construction and maintenance of crossings), and 75-D (warning devices).

Pursuant to Rule 3.7, applications for an at-grade crossing must include a statement demonstrating 1) the need to be served by the public at-grade crossing, 2) why a separation of grades is not practicable, and 3) the signs, signals, or other warning devices the Applicant proposes to include at the crossing.[9]

The identified need for the project is to convert the existing, publicly used private crossing into a public crossing with additional roadway safety features.[10] The City states that a separation of grades is not practicable at this site given the adjacent tracks and close proximity of the crossing to Camino Capistrano and the State Route 73 connector to Interstate 5, which would make implementation of a grade separation complex. A grade-separated crossing may also impact traffic circulation and existing adjacent land uses.[11] Currently, the Rancho Capistrano private crossing is configured with two (2) CPUC Standard No. 9 automatic gate

[9] Rule 3.7(c).

[10] Application at 5.

[11] *Ibid.* at 5-6.

warning devices. In addition to these automatic gate warning devices, and the replacement of right-of-way fencing, the proposed crossing configuration includes new crossing surfaces and signage, mountable and non-traversable raised medians, as well as improvements to the adjacent intersection of Rancho Capistrano with Camino Capistrano.[12]

RSD conducted a site visit to the crossing on January 25, 2019. Based upon the site visit, and review of the filings in A.19-09-001, RSD found no safety issues, and determined that the Application conforms with all requirements of the Commission's Rules and GOs. RSD recommends approval of the project.[13]

Given the location of this crossing, the inclusion of additional safety measures, and RSD's review of the site and Application, the Commission finds it reasonable to grant the City's request to modify and convert the Rancho Capistrano private at-grade crossing to a public at-grade crossing. We also find the City provided materials sufficient to satisfy Rule 3.7, as well as GOs 26-D, 72-B, and 75-D, as detailed in Appendix A.

7. Three Years to Construct

The City does not request a specific time period for crossing modification authorization. In its response, RSD recommends a three-year authorization time period, based on the allotted time typically authorized for crossing modifications.[14] No party objected to the proposed time period when discussed during the PHC. The Commission finds reasonable RSD's recommendation, and adopts it here.

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[12] *Ibid* at 7-10.

[13] RSD Response at 2 and 5.

[14] RSD Response at 2.

8. Conclusion

The Application conforms to our rules for granting authority to construct a public road across a railroad. Accordingly, we grant the City authority to modify and convert the Rancho Capistrano private at-grade highway-rail crossing to a public at-grade highway crossing, subject to compliance with the terms and conditions set forth in the Ordering Paragraphs. All outstanding motions not addressed in this decision are denied.

9. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Pub. Util. Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

10. Assignment of Proceeding

Genevieve Shiroma is the assigned Commissioner and Ehren Seybert is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The proposed crossing meets the requirements of Rule 3.7.
2. The proposed crossing meets the requirements of GOs 26-D, 72-B, and 75-D.
3. The City of San Juan Capistrano is the lead agency for this project under CEQA.
4. A Notice of Exemption was filed with the County of Orange on August 19, 2019, stating that the project satisfies the criteria for Categorical Exemption under CEQA.

Conclusions of Law

1. The Commission reviewed and considered the environmental compliance documents submitted by the City of San Juan Capistrano, including the Notice of Exemption.

2. The Commission's Energy Division should file a Notice of Exemption with the CEQA Clearinghouse stating the Commission considered the document as it relates to the proposed crossing.

3. RSD's request for Commission authorization to construct the railroad crossing within three years is reasonable.

4. The application should be granted.

O R D E R

IT IS ORDERED that:

1. The City of San Juan Capistrano is authorized to modify and convert the Rancho Capistrano private at-grade highway-rail crossing to a public at-grade highway-rail crossing over the Southern California Regional Rail Authority's Orange Subdivision tracks at Mile Post 194.32.

2. The crossing shall have the configurations and safety features described and specified in the application and its attached exhibits. The public at-grade highway-rail crossing shall be identified as California Public Utilities Commission Crossing Number 101OR-194.32 and United States Department of Transportation Crossing Number 026782R.

3. The City of San Juan Capistrano shall comply with all applicable rules, including California Public Utilities Commission General Orders and California Manual on Uniform Traffic Control Devices.

4. The City of San Juan Capistrano shall assume maintenance responsibility to the approaches of the public at-grade highway-rail crossing upon the conversion.

5. Within 30 days after completion of the work authorized by this decision, the City of San Juan Capistrano shall notify the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Rail Safety Division by submitting the following documents:

   a. A completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossing and Separations), for the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site at www.cpuc.ca.goc/crossings. The completed report must be submitted via email to rceb@cpuc.ca.gov.

   b. A copy of executed agreement for the easement west of the crossing as shown in Exhibit D.

   c. A copy of executed crossing license agreement between the City of San Juan Capistrano and the Orange County Transportation Authority as shown in Exhibit E.

   d. Emergency Notification System signs must be installed at the crossing to comply with General Order 75-D.

6. This authorization shall expire if not exercised within three years of the issuance of this decision unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity or safety so require.

7. A request for extension of the three-year authorization must be submitted to the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Rail Safety Division at least 30 days before the expiration of that period. A copy of the extension request shall be sent to all interested parties.

8. The Commission's Energy Division shall file a Notice of Exemption with the State Clearinghouse stating the Commission considered the document in relation to the proposed at-grade crossing.

9. The application is granted as set forth above.

10. All outstanding motions not addressed in this decision are hereby denied.

11. Application 19-09-001 is closed.

This order is effective today.

Dated March 12, 2020, at Sacramento, California.

MARYBEL BATJER
President
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners

Appendix A
SUMMARY OF FILING REQUIREMENTS

Rule 3.7

Rule	
3.7(a)	Southern California Regional Rail Authority (SCRRA) Orange Subdivision Mile Post 194.32. The legal location description is included as Exhibit A to A.19-09-001.
3.7(b)	The nearest public crossings are State Route 73/Interstate 5 Southbound Connector (CPUC No. 101OR-194.10-A) to the north of the Project, and Oso Road (CPUC No. 101OR-196.10), to the south of the Project.
3.7(c)	The application includes an explanation demonstrating the public need to convert the existing publicly-used private crossing into a public crossing, with additional safety features (Application at 5); a statement showing why a grade-separated crossing is not practicable (Application at 5-6), and; a statement showing the signs, signals, and other crossing warning devices which the applicant proposes to provide (Application at 7-10 and amended Exhibit F1-F3)
3.7(d-f)	The required maps and figures are included as Exhibit A, revised Exhibits F1-F3, and Exhibit F4.

Applicable Safety and Regulatory Requirements:

1. The proposed side clearances of 12 feet (') from the centerline of the track to a side obstruction is greater than the minimum clearance of 8' 6 inches for tangent tracks (GO 26-D § 3.2).

2. The proposed roadway crossing width of 29' complies with minimum requirement of 24' (GO 72-B § 4).

3. All warning devices are substantially in compliance with the Manual on Uniform Traffic Control Devices (GO 75- D § 4).

4. The crossing is proposed to include CPUC Standard No. 9 automatic gate warning devices (GO 75- D § 6).

(End of Appendix A)