



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

**FILED**  
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Order Instituting Rulemaking Regarding Whether  
To Adopt, Amend, or Repeal Regulations  
Governing Safety Standards for the Use of  
25 kV Electric Lines to Power High Speed Trains

R. 13-03-009

**JOINT MOTION TO AMEND FINAL SCOPING RULING**

Pursuant to Rule 11.1 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, the California High-Speed Rail Authority (“Authority”) and Union Pacific Railroad Company (“Union Pacific”) submit this request for amendment of the Assigned Commissioner’s July 18, 2014 Final Scoping Ruling (“Final Scoping Ruling”) to clarify that the scope of the proceeding and the scope of the new General Order will be limited to the 25 kV electrification systems constructed in the State of California serving a high-speed rail passenger system capable of operating at speeds of 150 miles per hour or higher, located in dedicated rights-of-way with no public highway-rail at-grade crossings and in which freight operations do not occur (“HSR Systems”).

**I. Introduction**

As currently proposed, the new General Order pending in this proceeding would establish rules applicable to “the design, installation, operation and maintenance of the electrification systems within a High Speed Rail Right-of-Way.”<sup>1</sup> The term “High Speed Rail Right-of-Way” is defined as “a railroad right-of-way, including main tracks and all related station, siding, lead

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<sup>1</sup> Technical Panel Report, Appendix A (Draft General Order Updated December 30, 2013), Section 1.2 (Application).

and yard tracks, dedicated solely to passenger use with no public highway-rail grade crossings, in which no freight operations occur at any time.”<sup>2</sup>

In the course of the technical panel workshops and in subsequent comments parties have discussed the scope and applicability of the new General Order generally, including the question of whether to expressly state that the General Order applies specifically to HSR Systems. Union Pacific expressed concern that the petition for rulemaking filed by the Authority leading to this proceeding contains language that could be read to define the scope of the rulemaking more broadly. To remedy that problem the stipulating parties discussed amending the original petition. However, recognizing that the petition docket is closed and has been superseded by the instant one, the parties have concluded that the appropriate remedy is to clarify the scoping order here. To that end, in order to provide additional clarity for the benefit of all participating parties and the Commission, and to avoid litigation over this question, the Authority and Union Pacific have agreed to jointly submit this motion seeking an amendment of the Final Scoping Ruling clarifying that the scope of this proceeding is limited to consideration of a General Order that is applicable only to HSR Systems.

## **II. Request for Amendment**

The Authority and Union Pacific respectfully request that the Commission amend the Final Scoping Ruling (at page 3) as follows:

Therefore, the Preliminary Scoping Ruling is modified as follows:

1. Issue 1 of the Preliminary Scoping Ruling is resolved in favor of the issuance of a new GO that will apply to the 25 kV electrification systems constructed in the State of California serving a high-speed rail passenger system capable of operating at speeds of 150 miles per hour or higher, located in dedicated rights-of-way with no public highway-rail at-grade crossings and in which freight operations do not occur.

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<sup>2</sup> Id., Section 2.22.

- ...
4. Issue 4 of the Preliminary Scoping Ruling<sup>3</sup> will be narrowed as to subpart (a) as follows: How should the high speed rail system be designed, constructed, installed, operated and maintained adjacent or in close proximity to (a) existing freight rail systems and right-of-ways, and...

The Authority and Union Pacific encourage the Commission to grant this motion. It will provide clarification regarding the scope of issues during the remainder of the pendency of the proceeding, and enable parties to focus on the General Order with a common understanding of its scope and application. Because this joint motion is made in the context of settlement discussions between the Authority and Union Pacific, granting this motion is also consistent with the Commission's established policies encouraging the resolution of issues through settlement, and therefore in the public interest.

### **III. Conclusion**

For the reasons discussed above, the Authority and Union Pacific request that the Final Scoping Ruling be amended to add the clarifications described herein.

Dated: October 31, 2014

Respectfully submitted:

By: \_\_\_\_\_/s/\_\_\_\_\_

By: \_\_\_\_\_/s/\_\_\_\_\_

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<sup>3</sup> Issue 4 in the Preliminary Scoping Order was incorporated by reference in the Final Scoping Order as an issue to be resolved in this proceeding.