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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California High-Speed Rail Authority for Approval to Construct Two New Grade Separated Crossings Over the Proposed High-Speed Rail Tracks Operated by California High-Speed Rail Authority at Elkhorn Avenue (MP 210.2) and Fowler Avenue (MP 210.7) Located in the County of Fresno, State of California.

Application 17-09-017

ADMINISTRATIVE LAW JUDGE'S RULING AMENDING REQUIREMENT TO MEET AND CONFER AND FILE A JOINT STATEMENT

Summary

This ruling amends the *Administrative Law Judge's Ruling Requiring Parties to Meet and Confer and File a Joint Statement Within 30 Days*, dated February 14, 2018. Parties are no longer required to meet and confer and file a joint statement. Rather, parties are directed to file separate responses to requests for information detailed in the ordering paragraphs by April 16, 2018.

1. Background

On September 22, 2017, the California High-Speed Rail Authority (CHSRA) filed an application requesting authority to construct two new, grade-separated railroad crossings; at California High Speed Train Rail System, Sierra Subdivision (CHSTRS) mileposts (MPs) 210.18 and 210.73, in the City of Fresno, Fresno County (Application). The California Public Utilities Commission (Commission) Safety and Enforcement Division, Rail Crossing and Enforcement Branch (SED) provided a response to the Application on October 26, 2017. No other parties protested or responded to the Application. The assigned Administrative Law Judge (ALJ) held a telephonic prehearing conference on November 27, 2017 in San Francisco. The assigned Commissioner issued

a Scoping Memo and Ruling on November 30, 2017. On February 14, 2018, the assigned ALJ issued a ruling requiring the parties to meet and confer and file a joint statement on information requested in the ruling. On March 2, 2018, CHSRA requested a 30 day extension of time to respond to the February 14, 2018 ruling. On March 5, 2018, the assigned ALJ granted CHSRA's request for the aforementioned extension by email ruling.

2. Discussion

Following review of the submitted materials, the Commission finds the Application and SED's response to the Application insufficient to establish CHSRA met applicable requirements to merit approval of the Application. In order to properly consider this Application, the Commission must fully understand the how CHSRA meets the Commission's requirements for the proposed railroad crossings at CHSRTS MPs 210.18 and 210.73 under Commission Rule of Practice and Procedure 3.7 and Commission General Orders 26-D, 95, 128 and 176; and under the California Environmental Quality Act.

Accordingly, CHSRA and SED shall respond to the questions in the ordering paragraphs, below. CHSRA and SED may request an extension of time to file their respective responses prior to the April 16, 2018 deadline. Failure to provide the requested information may result in dismissal of the Application for failure to prosecute. The filing must be titled "Response to Administrative Law Judge Inquiry," otherwise a new protest period may be triggered. If there are questions regarding the required information, CHSRA and SED may contact ALJ Zita Kline at Zita.Kline@cpuc.ca.gov by e-mail, cc-ing the service list on all communications.

Therefore, **IT IS RULED** that:

1. By April 16, 2018, the California High Speed Rail Authority shall identify, including specific page references, the environmental impacts and mitigation specifically associated with the portion of the project in the *Final Environmental Impact Report/Environmental Impact Statement for the Fresno to Bakersfield Section of the*

California High-Speed Train Project, dated April 2014, related to the proposed railroad crossings at California High Speed Rail Train System, Sierra Subdivision mileposts 210.18 and 210.73.

2. By April 16, 2018, the California High Speed Rail Authority and the California Public Utilities Commission, Safety and Enforcement Division shall identify the requirements under California Public Utilities Commission Rules of Practice and Procedure 3.7 and General Orders 26-D, 95, 128 and 176 (and any other applicable rules or orders) applicable to the proposed railroad crossings at California High Speed Rail Train System, Sierra Subdivision mileposts 210.18 and 210.73; and indicate how the proposed railroad crossings meet the aforementioned requirements.

3. By April 16, 2018, the California Public Utilities Commission, Safety and Enforcement Division shall provide language for any specific ordering paragraphs requested by the California Public Utilities Commissions Safety and Enforcement Division for a proposed decision on Application 17-09-017, for monitoring and enforcement purposes.

Dated March 12, 2018 at San Francisco, California.

/s/ ZITA KLINE
Zita Kline
Administrative Law Judge