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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California High-Speed Rail Authority to construct proposed high-speed tracks and underpass grade separations at SR99 (MP 195.74) and SR99 Ramp (MP 195.83) within the City of Fresno, California.

Application 17-08-019

**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 12, 2018. Parties shall no longer meet and confer and file a joint statement. Rather, parties are directed to file separate responses to the requests for information detailed in the ordering paragraphs by April 16, 2018.

1. Background

On August 23, 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 (CHSTRS) mileposts (MPs) 195.74 and 195.83, in the City of Fresno, Fresno County (Application). The California Public Utilities Commission's (Commission) Safety and Enforcement Division, Rail Crossing and Engineering Branch (SED) provided a response to the Application on September 28, 2017. No other parties protested or responded to the Application. The assigned Administrative Law Judge (ALJ) held a prehearing conference on October 20, 2017 in San Francisco. The assigned Commissioner issued a scoping memo on

November 3, 2017. The assigned ALJ issued the *ALJ's Ruling Requiring Parties to Meet and Confer and File a Joint Statement Within Thirty Days* on February 12, 2018.

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 California Public Utilities Commission (Commission) must fully understand how CHSRA meets the Commission's requirements for the proposed railroad crossings at CHSRTS MPs 195.74 and 195.83 under Commission Rule of Practice and Procedure 3.9 and Commission General Orders 26-D, 95, 128 and 176.

Accordingly, the Commission directs CHSRA and SED to respond to the amended ALJ request for additional information, as detailed in the ordering paragraphs below by April 16, 2018. Parties may request an extension of time to file their respective response prior to April 16, 2018. 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, copying the service list on all communications.

Therefore, **IT IS RULED** that:

1. By April 16, 2018, the California High Speed Rail Authority and the California Public Utilities Commission's (Commission) Safety and Enforcement Division shall each identify the requirements under Commission Rules of Practice and Procedure 3.9 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 195.74 and 195.83; and indicate how the proposed railroad crossings meet the Commission's requirements.

2. By April 16, 2018, the California Public Utilities Commission's Safety and Enforcement Division (SED) shall provide language for any specific ordering paragraphs requested by the Commission's SED for a proposed decision on Application 17-08-019, for monitoring and enforcement purposes.

Dated March 12, 2018, at San Francisco, California.

/s/ ZITA KLINE

Zita Kline
Administrative Law Judge