



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of the California High-Speed Rail Authority for Approval to Construct Three New Grade Separated Crossings Over the Proposed High-Speed Rail Tracks Operated by California High-Speed Rail Authority at Excelsior Avenue (MP 218.87), Flint Avenue (MP 220.86), and Fargo Avenue (MP 221.88) Located in the County of Kings, State of California.

A.18-02-018
(Filed February 23, 2018)

**RESPONSE OF THE SAFETY AND ENFORCEMENT DIVISION
TO APPLICATION OF THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY
TO CONSTRUCT THREE GRADE-SEPARATED HIGHWAY-RAIL
CROSSINGS IN THE COUNTY OF KINGS**

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April 11, 2017

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I. INTRODUCTION

Pursuant to Rule 2.6(a) of the California Public Utilities Commission’s (“Commission’s”) Rules of Practice and Procedure (“Rules”), the Commission’s Safety and Enforcement Division (“SED”) files its response to Application (“A.”) 18-02-018.

In A.18-02-018, the California High-Speed Rail Authority (“CHSRA”) requests the Commission’s authorization to construct three new grade-separated highway-rail crossings (“crossings”) over the proposed high-speed rail tracks at Excelsior Avenue at CHSRA’s milepost (“MP”) 218.87, Flint Avenue at MP 220.86, and Fargo Avenue at MP 221.88 in an unincorporated area of the County of Kings as part of the California High-Speed Train System (“CHSTS”) Project Construction Package 2-3 (“CP2-3 Project”).

In response to the CHSRA’s request for authority to construct three new crossings, SED wishes to apprise the Commission of relevant information on this project, including information on SED’s past site visits and the type and locations of the crossings. SED’s Rail Crossings and Engineering Branch evaluates the safety of all requested rail crossings, including the crossings at issue here. The “check-list,” included here as

Attachment A, documents SED's safety review of the proposed construction of the high-speed rail tracks and overpass grade separations, and is important information to include on the record to ensure that a thorough review of CHSRA's requested crossings occur.

II. SED'S SAFETY REVIEW OF THE PROPOSED CROSSINGS

CHSRA will construct three grade-separated crossings over the proposed high-speed rail tracks at Excelsior Avenue, Flint Avenue, and Fargo Avenue as part of the CHSTS CP2-3 Project.

These grade-separated crossings are inherently safer than at-grade crossings, as train and vehicular traffic will be separated.

SED conducted a site visit to the proposed crossings on August 10, 2017, and has thoroughly reviewed the application for compliance with the Commission's Rules and the applicable General Order. As set forth in SED's checklist, SED concludes that the proposed crossing conforms with the applicable Rules of Practice and Procedure and with the safety and engineering requirements of General Order 26-D. SED has found no safety or other issues with A.18-02-018 and has no objections to the Application.

III. PROPOSED COMMISSION AUTHORIZATION TIME PERIOD

SED supports CHSRA's request for a three year authorization time period from the date of the Commission Order within which to complete construction of the crossing.

IV. PROPOSED SCOPE OF PROCEEDING

SED proposes the following list of issues as constituting the scope of the proceeding:

1. Whether the Application meets all of the Commission's requirements – including Rule 3.11 – such that the Commission should grant the CHSRA's Application to construct three grade-separated highway-rail crossings.
2. Whether the Applicant has complied with the California Environmental Quality Act ("CEQA").

3. Whether the Commission should grant the Applicant a period of three (3) years from the Application approval date to complete the proposed project.

V. PROPOSED ORDERING PARAGRAPHS

Additionally, SED recommends that – should the Commission adopt a decision approving the crossing – the Commission include the following language in the decision’s Ordering Paragraphs:

1. The California High-Speed Authority is authorized to construct three new grade-separated highway-crossings over the proposed high-speed rail tracks at Excelsior Avenue, Flint Avenue, and Fargo Avenue in unincorporated area of the County of Kings.
2. The grade-separated highway-rail crossings shall be identified as CPUC No.135S-218.87-A and US DOT No. 973180L for Excelsior Avenue, CPUC No.135S-220.86-A and US DOT No. 973181T for Flint Avenue, and, CPUC No.135S-221.88-A and US DOT No. 973182A for Fargo Avenue.
3. The grade-separated highway-rail crossings shall have the configuration specified in the application and its attachments.
4. The California High-Speed Rail Authority shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.
5. The California High-Speed Rail Authority shall notify the Commission’s Rail Crossings and Engineering Branch of the Safety Enforcement Division at least 30 days prior to the opening of the crossings. Notification should be made by e-mail to rceb@cpuc.ca.gov.
6. Within 30 days after completion of the work authorized by this decision, the California High-Speed Rail Authority shall notify the Commission’s Rail Crossings and Engineering Branch of the Safety Enforcement Division, in writing, that the authorized work is completed by submitting a Commission Standard Form G, Report of Changes at Highway Grade Crossing and Separations. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/Crossings>. The completed report must be submitted via email to rceb@cpuc.ca.gov.

7. Within 30 days after completion of the work under this order, the California High-Speed Rail Authority shall notify the Federal Railroad Administration of the existence of the public, grade separated, highway-rail crossings by submitting United States Department of Transportation CROSSING INVENTORY FORMs, form FRA F6180.71 for the crossings. Concurrently California High-Speed Rail Authority shall provide a copy of the inventory forms to the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch. The copies of the form may be submitted electronically to rceb@cpuc.ca.gov.
8. 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.
9. A request for extension of the three-year authorization must be submitted to the Commission's Rail Crossings and Engineering Branch of the Safety Enforcement Division at least 30 days before the expiration of that period.

SED provides the recommended Ordering Paragraph language suggested above in order to ensure that the crossings are properly identified in the decision with Commission and Department of Transportation ("DOT") crossing numbers, and that the California High-Speed Rail Authority is required to notify SED prior to the crossing opening, as well as to keep SED informed as to any need for an extension of the authorized time-frame for completing the crossing. SED's suggested language is not intended to be exhaustive of the Ordering Paragraphs that may be included in a decision approving the crossing.

VI. PROPOSED PROCEEDING SCHEDULE

SED proposes the following schedule for this proceeding:

May, 2018: Pre-Hearing Conference Held
June, 2018: Scoping Ruling Issued
3rd Quarter, 2018: Proposed Decision Released.

VII. THE PRE-HEARING CONFERENCE SHOULD BE HELD TELEPHONICALLY

Finally, SED requests that the Pre-Hearing Conference for this proceeding be held telephonically. The applicant for this proceeding is located in Sacramento. Moreover, Commission rail-staff assigned to this proceeding are located in Sacramento and Los Angeles. This is an uncontested application in which a telephonic Pre-Hearing Conference would be the most feasible and economical for all the parties involved.

VIII. CONCLUSION

SED has thoroughly reviewed the requested crossing and has found no safety issues. SED agrees that the crossings comply with all applicable regulatory and safety requirements and that the Application material meets the requirements set forth in the Commission’s Rules of Practice and Procedure. The Commission should approve these crossings.

Respectfully submitted,

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April 11, 2017

ATTACHMENT A

**Safety and Enforcement
Division, Rail Crossings and
Engineering Branch Highway
Rail Crossing Application
Check List**

Application: A.18-02-018

Filed: February 23, 2018

Applicant: California High Speed Rail Authority (CHSRA)

Railroads / Transit Agencies: California High Speed Rail Authority

Crossing Location (Roadway, City, and County): An overpass grade separation at Excelsior Avenue at CHSRA's milepost (MP) 218.87, Flint Avenue at MP 220.86, and Fargo Avenue at MP 221.88 over two high-speed rail tracks in unincorporated area of the County of Kings.

Crossing Type (Grade Type, Roadway, Bike Path, or Pedestrian): Overpass grade separations (roadway over) of high-speed rail tracks at Excelsior, Flint, and Fargo Avenues at MPs noted above.

Proposed Crossing Numbers (CPUC/DOT): For Excelsior Avenue: CPUC No.135S-218.87-A and US DOT No. 973180L, for Flint Avenue: CPUC No. 135S-220.86-A and US DOT No. 973181T, and for Fargo Avenue: CPUC No. 135S-221.88-A and US DOT No. 973182A.

Number and Type of Tracks: Two high-speed rail tracks

Diagnostic Review / Site Visit Date: On August 10, 2017, Rail Crossings and Engineering Branch (RCEB) staff attended a diagnostic meeting at the proposed locations of the overpass grade separations. At the meeting, RCEB staff, CHSRA and its contractors, and the County of Kings Department of Public Works (County) reviewed the project design and discussed any concerns.

Compliance with the Commission's Rules of Practice and Procedure:

Rules of Practice and Procedure, Rule 3.11 and 3.7:

(a)Milepost and Legal Location: The proposed crossing milepost for Excelsior Avenue is 218.87, Flint Avenue is 220.86, and Fargo Avenue is 221.88, consistent with the mile posting system. The proposed crossings are located at geographic coordinates with

Latitude, Longitude: Excelsior Avenue 36.401400, -119.596063, Flint Avenue 36.371743, -119.595033, Fargo Avenue 36.357124, -119.595617.

(b)The crossing identification numbers of the nearest existing public crossings are: Excelsior Avenue CPUC No. 002-973.20, DOT No. 028432F, Flint Avenue CPUC No. 002-971.20, DOT No. 028430S, and Fargo Avenue CPUC No. 002-970.20, DOT No. 028429X.

Although not required for the current Application, prior to starting rail service along the track, CHSRA should provide a full list of any changes to mileposts at rail crossings along this line.

(c)Rule 3.7(c) is not directly applicable because the proposed crossing is not an at-grade crossing.

(d)A map in compliance with Rule 3.7(d) is included as Exhibits C-1, C-2, and C-3.

(e)A map in compliance with Rule 3.7(e) is included as Exhibits B-1, B-2, and B-3.

(f)A profile in compliance with Rule 3.7(f) is included in Exhibits D-1, D-2, and D-3.

Applicable Safety and Regulatory Requirements:

General Order 26-D: As overpass crossings (roadways are above the tracks), the crossings are in compliance with General Order 26-D, Section 2.1 as the minimum overhead vertical clearances above the tracks is 27 feet.

Crossing Issues: RCEB has no outstanding issues regarding the construction of the high-speed rail tracks and overpass structures. The projects meet the requirements for vertical and horizontal clearances as required by the Commission's General Order (GO) 26-D, and project design clearance requirements as required by the CHSRA. RCEB staff is in agreement with these projects, including overall design.

Application Review Date: March 12, 2018

Results of Application Review: The application meets the requirements of RCEB staff, applicable Commission GOs, and the CPUC Rules of Practice and Procedure, Rule 3.7. RCEB staff recommends the Commission grants CHSRA authorization for this application.

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