



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

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Application of the San Diego Association of Governments for an order authorizing construction of two light-rail vehicle tracks grade separated above realigned Campus Point Drive, in the City of San Diego, San Diego County, California

Application 18-04-005

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This scoping memo and ruling sets forth the category, issues to be addressed, and schedule of the proceeding pursuant to Public Utilities Code (Pub. Util. Code) § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.

**Procedural Background**

On April 2, 2018, the San Diego Association of Governments (SANDAG) applied for authorization from the California Public Utilities Commission (CPUC) to construct two light-rail vehicle (LRV) tracks grade separated above the realigned Campus Point Drive in San Diego, California. The CPUC's Safety and Enforcement Division (SED) filed a response to SANDAG's application on May 16, 2018. A prehearing conference (PHC) was held on June 19, 2018 to discuss the issues of law and fact and determine the need for hearing and schedule for resolving the matter. After considering the application, response, and discussion at the PHC, the issues and schedule of the proceeding are as set forth in this scoping memo.

**1. Issues**

The issues to be determined are:

1. Whether the application meets all of the CPUC's requirements, including Rule 3.11, General Order 26-D, and other CPUC safety rules, procedures, and guidelines, such that the CPUC should grant SANDAG's application to construct the requested grade-separated LRV crossing.
2. What are the significant environmental impacts of the portion of the project before the CPUC?
3. What are the mitigation measures/alternatives that will eliminate or lessen the impacts of the part of the project before the CPUC?
4. Are any of the mitigation measures infeasible for specific economic, legal, social, technological, or other considerations?
5. Are there any additional feasible mitigation measures within the CPUC's powers that would lessen or avoid the identified impacts?
6. Are there specific overriding considerations that merit approval notwithstanding the unavoidable environmental impacts of the portion of the project before the CPUC?
7. Has the Commission reviewed and considered the relevant portions of the Mid-Coast Final Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report, and the Interstate 5 North Coast Corridor Project Final Environmental Impact Report/Environmental Impact Statement?
8. Whether it is in the public interest to have a grade-separated crossing at the realigned Campus Point Drive in San Diego, California.
9. Whether the CPUC should grant SANDAG a period of five years to complete the project from the date a final decision in this proceeding is issued.

**2. Need for Evidentiary Hearing**

There are no issues of material disputed fact. Accordingly, we change the preliminary determination in Resolution ALJ-176-3415 and find that an evidentiary hearing is not needed on these issues.

**3. Schedule**

As the application of SANDAG is unopposed, this matter is considered submitted. The proposed decision shall be filed no later than 90 days from today for public review and comment pursuant to Pub. Util. Code § 311(d) except that, if it grants the uncontested requested relief, public review and comment shall be waived pursuant to Rule 14.6(c)(2).

**4. Category of Proceeding/*Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination that this is a ratesetting proceeding in Resolution ALJ 176- 3415. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

**5. Oral Argument**

Unless comment is waived pursuant to Rule 14.6(c)(2) for granting the uncontested relief requested, motion for oral argument shall be by no later than the time for filing comment on the proposed decision.

**6. Public Outreach**

Pursuant to Pub. Util. Code § 1711(a), the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on communities and businesses that subscribe to it and posted on the Commission's website.

**7. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TYT), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

**8. Service of Documents on Commissioners and Their Personal Advisors**

Rule 1.10 requires only electronic service on any person on the official service list, other than the administrative law judge (ALJ).

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must NOT send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

**9. Assignment of Proceeding**

Carla J. Peterman is the assigned commissioner and Patrick Doherty is the assigned ALJ for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above.
2. The schedule of this proceeding is as set forth above.
3. Evidentiary hearings are not needed.

4. The category of the proceeding is Ratesetting.

Dated July 11, 2018, at San Francisco, California.

/s/ CARLA J. PETERMAN

Carla J. Peterman  
Assigned Commissioner