



FILED
09/14/18
10:00 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Orange County Transportation Authority for an order authorizing construction of thirty-five (35) at-grade crossings in the Cities of Garden Grove and Santa Ana in Orange County, California.

Application 18-04-009

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 Pub. Util. Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.¹

1. Procedural Background

Pursuant to Public Utilities (Pub. Util.) Code §§ 1201 to 1205 and in accordance with Rule 3.11, on April 6, 2018 the Orange County Transportation Authority (OCTA or Applicant) filed an application for authority to construct thirty-five (35) at-grade crossings in the Cities of Garden Grove and Santa Ana in Orange County, California. The proposed light-rail crossings would be at-grade crossings in a street running configuration along Santa Ana Blvd., 4th Street, and Mortimer Street.

¹ California Code of Regulations, Title 20, Division 1, Chapter 1; hereinafter, Rule or Rules.

On May 22, 2018, the California Public Utilities Commission's (Commission) Safety and Enforcement Division, Rail Crossings and Engineering Branch (SED) filed a response to the Application. Amongst other comments, SED pointed out that OCTA had requested authority to construct thirty-five (35) at-grade crossings.

On June 29, 2018, Assigned Administrative Law Judge (ALJ) Cathleen A. Fogel issued a ruling requesting additional information (June 29 Ruling).

A prehearing conference (PHC) was held on August 7, 2018 where the Applicant, SED, and the assigned ALJ discussed the issues presented by the Application, the schedule and other relevant procedural matters. At the PHC, OCTA moved to conform the caption to this proceeding to reflect that OCTA had applied for thirty-five (35) not thirty-four rail crossings. The assigned ALJ granted the motion, and the caption for this proceeding has been updated to reflect this change. The assigned ALJ also granted OCTA authority to file a late response to her June 29 Ruling.

On August 21, 2018, OCTA filed an Amendment to the Application (as per Rule 1.12). This amendment deleted OCTA's request for Authorization to install Directional Shrouds on Audible Warning Devices at Sasscer Park Pedestrian/Bike Crossing.

OCTA filed a response to the ALJ's June 29 ruling on August 24, 2018.

2. Issues in Scope

Based the Application, SED's response and the discussion at the PHC, the following issues are within the scope of this proceeding:

1. Whether the application meets all of the Commission's requirements, including Rule 3.11-- such that the Commission should grant OCTA's application to construct thirty-two at-grade highway-light rail

crossings and three at-grade pedestrian-light 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 years from the Application approval date to complete the proposed project?

3. Need for Evidentiary Hearing

There are no issues of material disputed fact. Accordingly, the preliminary determination in Resolution ALJ-176-3415 is revised. No evidentiary hearing is needed.

4. Schedule

This Application is complete and the matter is 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).

5. Category of Proceeding/*Ex Parte* Restrictions

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

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 1-866-849-8390 or 415-703-2074 or 1-866-836-7825 (TTY), or send an e-mail to 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 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

Liane M. Randolph is the Assigned Commissioner and Cathleen A. Fogel 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 this proceeding is Ratesetting.

Dated September 14, 2018, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner