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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Petaluma for an Order Authorizing the Permanent Relocation of One At-Grade Crossing of the Tracks of the Sonoma Marin Area Rail Transit District.

Application 12-03-027
(Filed March 30, 2012)

EXAMINER'S RULING TO SUSPEND APPLICATION, DIRECTING FILING OF AN AMENDMENT TO COMPLY WITH RULE 3.7, AND DELAYING FILING OF PROTESTS

On March 30, 2012, the City of Petaluma filed this application which seeks to make permanent the at-grade highway rail crossing at Caulfield Lane, CPUC Crossing No. 005-37.80, in the City of Petaluma, Sonoma County. In Decision 06 02-036, the Commission granted the City of Petaluma the authority to build the crossing but required a new application within 90 days of Sonoma Marin Area Rail Transit announcing operation in order to assure that the safety of the crossing was re-evaluated for high-speed, high-frequency passenger service as opposed to slower and less frequent freight service. Decision 06-02-036 was modified by Decision 09-06-007, which gave the City of Petaluma until December 31, 2011 to file the new application. On December 22, 2011, the City of Petaluma filed for and was granted a 90-day extension to file, making March 30, 2012 the deadline.

On February 2, 2012, a diagnostic review that included representatives of Commission Staff, the City of Petaluma, Sonoma Marin Area Rail Transit and the Northwestern Pacific Railroad (freight operator) was held to determine if

upgrades to the crossing were required prior to Sonoma Marin Area Rail Transit beginning rail operations. Consensus at the meeting was that upgrades would be required for the crossing to be considered adequate for high-speed passenger trains. This application (A.12-03-027) does not include provisions for upgrading the crossing. As part of its start-up project, Sonoma Marin Area Rail Transit will be designing upgrades for the Caulfield Lane crossing in summer 2012.

Because this is an at-grade rail crossing over a public road, Rule 3.7 of the Commission's Rules of Practice and Procedure apply. Rule 3.7 requires that the City of Petaluma provide a statement showing the signs, signals, or other crossing warning devices which were recommended at the proposed crossing.

Because the City of Petaluma's application merely alludes to needed improvements and suggests they occur at some unspecified point in the future, and does not include final design drawings or plans for construction for the recommended upgrades, a necessary requirement under Decision 06-02-036, I direct the City of Petaluma to amend its application to comply with Rule 3.7 of the Commission's Rules of Practice and Procedure. The amended application shall be filed no later than October 1, 2012.

For the same reasons, I find that protests to the application are premature. Pursuant to Rule 2.6, protests are normally due 30 days after notice of an application first appears on the Commission's Daily Calendar (in this case, April 19, 2012). By this ruling, I am notifying potential protestants that the 30-day clock for such filings will not be triggered until the Amended Application appears in the Commission's Daily Calendar.

Therefore, **IT IS RULED** that protests or responses to Application 12- 03- 027 are due 30 days after the City of Petaluma's Amended Application including final design drawings and plans for construction appears

in the Commission's Daily Calendar. The deadline for the City of Petaluma's filing its Amended Application is October 1, 2012.

Dated May 21, 2012, at San Francisco, California.

/s/ MICHELLE COOKE for

Emory J. Hagan, III
Examiner