



**FILED**  
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04:59 PM

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

A1705014

Application of the California High-Speed Rail Authority to construct proposed high-speed tracks and rail-rail grade separation (MP 195.15) over BNSF's existing spur track (MP 994.4) in Fresno County, California.

Application No. \_\_\_\_\_

**APPLICATION**

The California High-Speed Rail Authority (CHSRA or Applicant) hereby respectfully requests authority from the California Public Utilities Commission (CPUC or Commission) to construct, as part of the proposed California High-Speed Train System (CHSTS), proposed tracks and a rail-rail viaduct grade separation at the BNSF Railway Company's existing spur track in the County of Fresno, California.

In support of this application the Applicant asserts that:

1. The Applicant's exact legal name is California High-Speed Rail Authority and CHSRA is a public agency formed pursuant to the California High-Speed Rail Act (California Public Utilities Code § 185000 *et seq.*).
2. The Applicant's principal place of business is California High-Speed Rail Authority, 770 L Street, Suite 620; Sacramento, CA 95814. The main telephone number is (916) 324-1541.
3. All correspondence, communication, notices, orders and other papers relative to this application should be addressed to: Bruce W. Armistead, Director of

Operations and Maintenance, at the above address and at the following e-mail address: [Bruce.Armistead@hsr.ca.gov](mailto:Bruce.Armistead@hsr.ca.gov). Mr. Armistead is an employee of CHSRA and the Applicant's authorized agent.

4. The proposed rail-rail crossing is a part of the California High-Speed Train Project Construction Package 1 (CP1 Project), which is the first construction package of the CHSTS. CHSRA is working cooperatively with the stakeholders along the corridor, which include government agencies and railroads.

The CP1 Project limits begin in Madera County in the north and extend south through the City of Fresno, into unincorporated Fresno County. The CP1 Project length is approximately thirty miles and consists of two CHSTS mainline tracks, generally aligned in a north-south direction.

Grade separations allow for the safe and simultaneous movement of highway and rail modes of travel. With that consideration, the proposed highway-rail and rail-rail crossings of the CP1 Project include nineteen (19) new grade separations, modification of thirteen (13) existing at-grade crossings to grade separations, and modification of six (6) existing grade separations. Eight (8) existing public at-grade crossings and one (1) grade separated crossing are proposed to be closed. No new at-grade crossings are proposed for the CP1 Project.

For the protection of the general public and CHSTS passengers, the CHSTS will be a closed corridor. Unauthorized access to CHSRA right-of-way will be protected with the use of a continuous Access Restricted (AR) fence or barrier. The typical AR fence consists of an eight foot (8 ft) welded wire mesh, which is more resistant to climbing and forced entry than chain link fence. When required by CHSRA criteria, expanded metal mesh fence or barrier walls will be used. In addition to the AR fence or barrier walls, intrusion monitoring and detection is proposed. CHSRA will employ security services to enforce right-of-way access restrictions.

The overhead contact system, which will supply energy to the rail vehicles, is consistent with the requirements of General Orders 26-D, 95, 128 and 176.

5. This application and relief sought herein is filed pursuant to Sections 1201 through 1205, inclusive, of the Public Utilities Code and in accordance with Rule 3.10 of the Commission's Rules of Practice and Procedure.
6. The CHSRA, in cooperation with the BNSF Railway Company (BNSF), proposes to construct two CHSTS mainline tracks on the Downtown Fresno Viaduct structure over BNSF's track. The proposed crossing is located between S. Golden State Boulevard and E. Hardy Avenue. The viaduct is an aerial structure that carries the proposed tracks over various roads including State Route 99, as well as the BNSF's existing spur track at mile post 994.4 on its California Division, Fresno Industry Park Subdivision, and Track 180 Line. Along the viaduct at the rail-rail crossing, the proposed track roadbed is supported on a series of columns above the existing BNSF track. The centerline column spacing at the BNSF's spur track, which is between Bents 3 and 4, is 94'-0". The total length of viaduct aerial structure is 3941'-8 1/2".

The existing BNSF spur track will remain at-grade and will be protected in-place. Space for a future BNSF track is accommodated between Bents 2 and 3, however, the potential future crossing is not a part of this application.

7. At the proposed crossing, the CHSTS mile post is 195.15 along its Sierra Subdivision, the proposed CPUC crossing number is 135S-195.15-T. No DOT number is assigned as they are not required for rail-rail crossings.
8. The legal description for the location of the proposed CHSTS grade separation above the BNSF track (Rule 3.10 (a)) is provided in Exhibit A, attached hereto and made a part hereof.
9. The crossing identification numbers of the nearest existing public crossings on each side of the proposed crossing are as follows: to the east is S. Cedar Avenue and the BNSF's spur track in the City of Fresno, with CPUC No. 002-994.6-C and DOT No. 028466A; and to the west is S. Orange Avenue and the BNSF's spur track in the City of Fresno, with CPUC No. 002-995.15-C and DOT No. 028473K.
10. CP1 Project design drawings showing the general vicinity, proposed horizontal alignment and profile for the two CHSTS tracks in relation to the existing track

and local features, and typical cross sections (Rules 3.10 (b), (c), and (d)) are provided in Exhibit B, attached hereto and made a part hereof.

As shown on the design drawings and as summarized in the following table, the minimum permanent and temporary clearances meet or exceed the clearances required by General Order 26-D. A temporary clearance exception is requested for the minimum vertical clearance of 21'-6" to accommodate falsework. No temporary horizontal clearance exception is requested.

<b>Clearances</b>	<b>Minimum Vertical</b>	<b>Minimum Horizontal</b>
<b>CHSRA Permanent</b>	N/A	>10' to OCS Pole
<b>CHSRA Temporary</b>	N/A	N/A
<b>BNSF Permanent</b>	37'-0"	29'-10" to Bent 3
<b>BNSF Temporary</b>	21'-6"	30' total (15' each side of track centerline)

11. In support of the proposed Downtown Fresno Viaduct grade separation, a letter of concurrence from BNSF is provided in Exhibits C (Rule 3.10 (e)), attached hereto and made a part hereof.
12. The CHSRA, as the lead agency under the provisions of the California Environmental Quality Act (CEQA), prepared the *Final Environmental Impact Report/ Environmental Impact Statement (Final EIR/EIS) for the Fresno to Bakersfield Section* of the California High-Speed Train Project. The Federal Railroad Administration (FRA) was the lead agency under the National Environmental Policy Act (NEPA). The Notice of Determination (NOD) for the *Final EIR/EIS* was certified on May 7, 2014 (State Clearinghouse No. 2009091126), and the Record of Decision (ROD) was dated June 27, 2014. The *Final EIR/EIS for the Fresno to Bakersfield Section* of the California High-Speed Train Project was provided to the Commission (Rule 2.4) on archival and standard CD-ROM/DVD as Exhibit D. A Notice of Availability for the *Final EIR/EIS* and Certificate of Service are filed with this application.
13. Attached hereto as Exhibit E is the Scoping Memo for this application.
14. Attached hereto as Exhibit F is the Verification for this application.

WHEREFORE, the Applicant respectfully requests:

1. That the Public Utilities Commission of the State of California issue an Order authorizing construction of the rail-rail grade separation of CHSTS tracks and BNSF track pursuant to the provisions of Sections 1201-1205, inclusive, of California Public Utilities Code.
2. That the Order provides seventy-two (72) months from the date of such an Order within which to complete the work requested. This extended period of time is requested due to the complexity, size and unique nature of the CP1 Project.

The CP1 Project scope includes the design and construction of the structures and track roadbed, encompassing nearly 50 crossings. To complete construction at the three subject crossings and all of the crossings along the length of the CP1 Project, CHSRA anticipates issuing a separate contract within several years for construction of the proposed tracks and overhead contact system. The construction of the CP1 Project and the future track work contract will not be complete within the standard 36-month authorization period but is likely to be completed within 72 months. In addition, since the proposed crossings are grade separations, the clearances and crossing configurations are well defined and not subject to the variability common for at-grade crossings. Given the number of new CHSTS crossing requests that will be submitted to the CPUC in the coming months and years, authorizing the extended period for this crossing will relieve both the CP1 Project and CPUC staff of preparing and processing numerous crossing extensions that will result with a 36-month Order.

Signed



Bruce W. Armistead  
Director of Operations and Maintenance  
California High-Speed Rail Authority  
770 L Street, Suite 620  
Sacramento, CA 95814  
Tel: (916) 324-1541  
E-Mail: [Bruce.Armistead@hsr.ca.gov](mailto:Bruce.Armistead@hsr.ca.gov)

# List of Application Exhibits

- |                  |   |
|------------------|---|
| <b>Exhibit A</b> | <b>Crossing Legal Description</b>   |
| <b>Exhibit B</b> | <b>Project Drawings</b><br>B1 – Vicinity Map<br>B2 – Structure Drawings<br>B3 – Guideway Drawings     |
| <b>Exhibit C</b> | <b>Local Project Support</b><br>BNSF Concurrence  |
| <b>Exhibit D</b> | <b>Final EIR/EIS for the Fresno to Bakersfield<br/>Section of California High-Speed Train Project</b> |
| <b>Exhibit E</b> | <b>Scoping Memo</b>   |
| <b>Exhibit F</b> | <b>Verification</b>   |

## Supporting Documentation

### **Notice of Availability**

Final EIR/EIS for Fresno to Bakersfield Section of the  
California High-Speed Train Project

### **Certificate of Service**

# **Exhibit A**

## **Crossing Legal Description**



NUMBER: FB-10-9094

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL FB-10-9094 (AERIAL EASEMENT at BNSF Railroad Track 5217 Spur)

An aerial easement over and across that portion of land situated in the City of Fresno, County of Fresno, State of California, being a portion of the Southeast Quarter of Section 23, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, said portion described as follows;

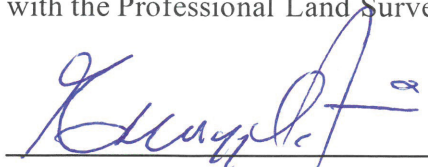
**COMMENCING** at the southwesterly corner of that certain parcel of land described in Document No. 2001- 0184537, recorded December 12, 2001, Official Records of said County; thence along the southerly line of said parcel, South  $40^{\circ}05'25''$  East, 264.82 feet to the southwesterly outside edge of bridge deck and the **POINT OF BEGINNING**, said point also being the beginning of a non-tangent curve concave southwesterly, to which point a radial line bears North  $63^{\circ}30'00''$  East;

Thence northwesterly along said curve, and along the outside of edge of said deck, having a radius of 21275.25 feet, through a central angle of  $00^{\circ}05'45''$ , and arc length of 35.53 feet to the northwesterly corner of said deck; thence leaving said curve, along the outside edge of said deck, North  $63^{\circ}23'52''$  East, 43.00 feet to the northeasterly corner of said deck, said point being the beginning of a non-tangent curve concave southwesterly, to which point a radial line bears North  $63^{\circ}24'16''$  East; thence southeasterly along said curve, and along the outside of edge of said deck, having a radius of 21318.25 feet, through a central angle of  $00^{\circ}48'22''$ , and arc length of 299.92 feet to the southeasterly corner of said deck; thence leaving said curve, along the outside edge of said deck, South  $64^{\circ}12'38''$  West, 43.00 feet to the southwesterly corner of said deck, said point being the beginning of a non-tangent curve concave southwesterly, to which point a radial line bears North  $64^{\circ}12'38''$  East; thence northwesterly along said curve, and along the outside of edge of said deck, having a radius of 21275.25 feet, through a central angle of  $00^{\circ}42'37''$ , and arc length of 263.78 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System 1983, Zone 4, as shown on Record of Survey, Book 58, pages 71 to 72, Epoch 2007.00. Multiply distances shown above by 1.000066514 to obtain ground level distances.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.



Gregory L. Rice  
Licensed Land Surveyor  
California No. 8201



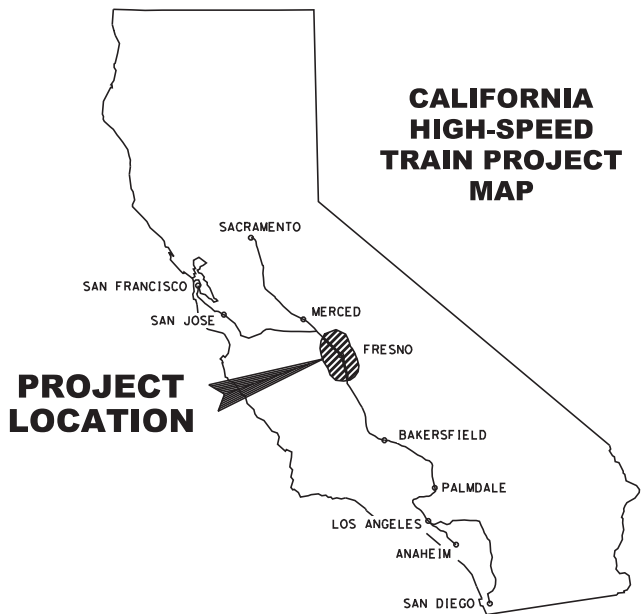
10/4/16  
Date



# **Exhibit B**

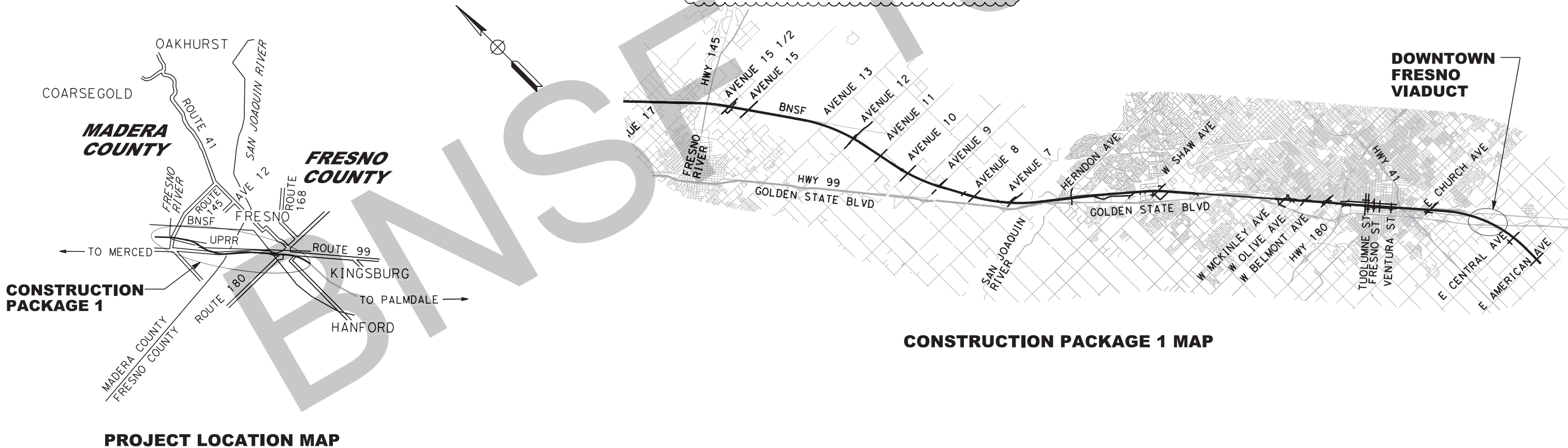
## **Project Drawings**

- Exhibit B1 – Vicinity Map**
- Exhibit B2 – Structure Drawings**
- Exhibit B3 –Guideway Drawings**



90% DESIGN SUBMITTAL  
CALIFORNIA HIGH-SPEED TRAIN PROJECT  
CONSTRUCTION PACKAGE 1  
DOWNTOWN FRESNO VIADUCT

△ [cloud symbol] DENOTES REVISION

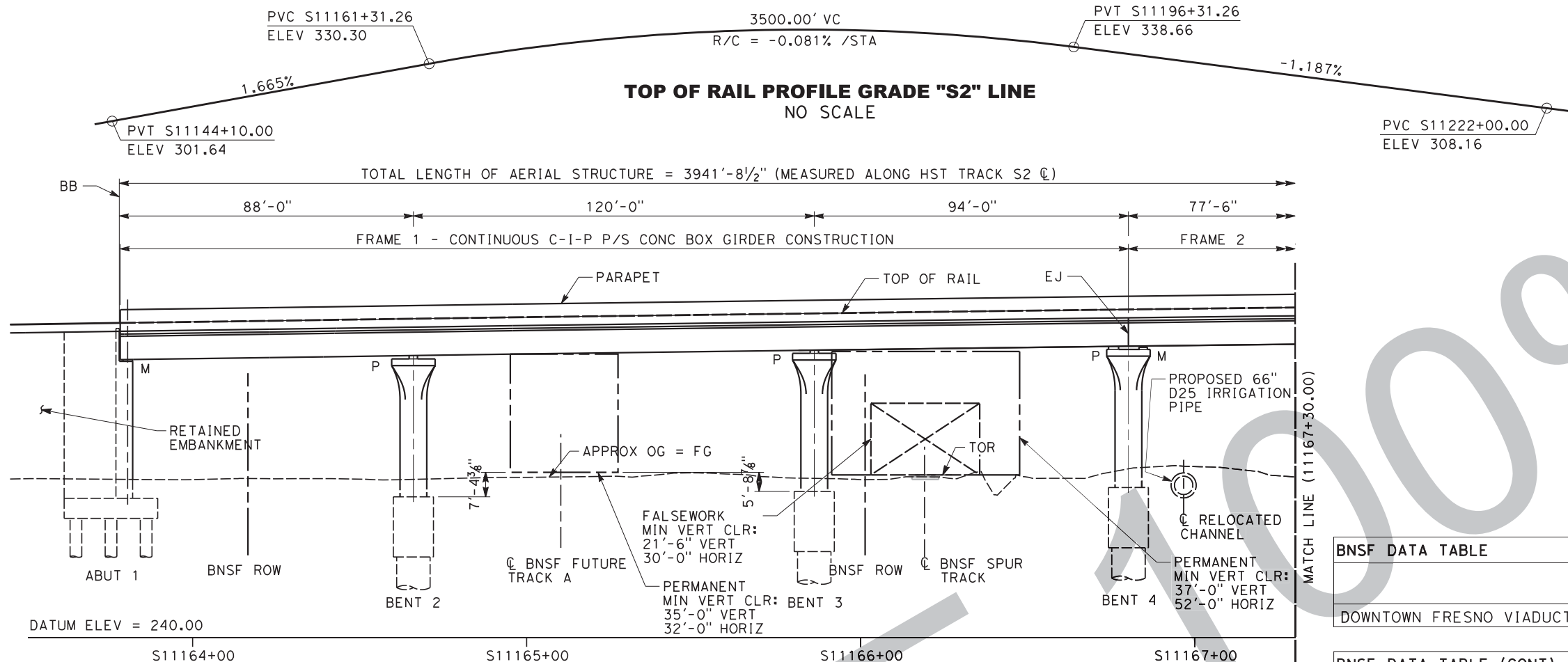


CONSTRUCTION PACKAGE 1 MAP

PROJECT LOCATION MAP

FID: S-AS-195.1

CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO. HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2 APPROVED  SIGNED _____ DATE _____	C	09/14/16				90% DESIGN SUBMITTAL	DESIGNED BY D. GETTER	  	CONTRACT NO. HSR13-06
	c	08/05/16	DG	DJ	DJ	ESOC-003 - COLUMN FLARES, BEARINGS & ABUTMENTS	DRAWN BY J. GILMORE		DRAWING NO. ST-J0002-DFV
	b	04/08/16	DG	DJ	DJ	ESOC-002 - BENT FOUNDATIONS & COLUMNS	CHECKED BY D. JONES		SCALE NO SCALE
	a	11/13/15	SD	FN	SD	ESOC - 001 - FOUNDATIONS ONLY	IN CHARGE D. JONES		SHEET NO.
	B	08/15/15				60% DESIGN SUBMITTAL	DATE 09/14/2016		
	REV	DATE	BY	CHK	APP	DESCRIPTION			

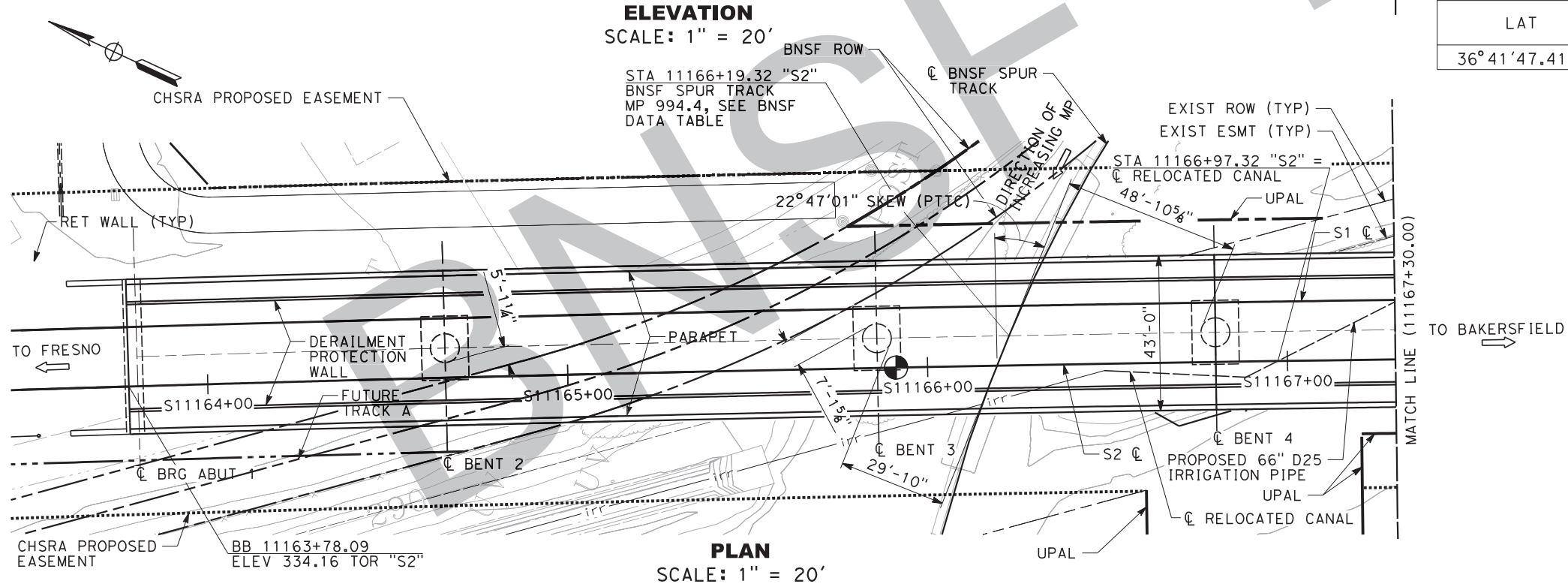


- NOTES:**
1. THE PROFILE ELEVATIONS SHOWN ARE EQUAL TO TOP OF RAIL.
  2. FOR TRACK ALIGNMENT DATA, SEE DRAWING ST-J4100-DFV.
  3. FOR UTILITY INFORMATION, SEE COMPOSITE UTILITY PLANS.
  4. RESTORE FG TO ORIGINAL CONDITIONS AROUND FOUNDATIONS INCLUDING PAVEMENT WHERE APPLICABLE.

- LEGEND:**
- ⊕ POINT OF MINIMUM VERTICAL CLEARANCE
  - ➡ INDICATES DIRECTION OF TRAFFIC
  - P PINNED CONNECTION
  - M FREE SLIDING BEARING (LONGITUDINALLY)
  - PTTC PERPENDICULAR TO TANGENT OF CURVE

BNSF DATA TABLE				
	BNSF MILEPOST	TIMETABLE NORTH	TIMETABLE SOUTH	DOT #
DOWNTOWN FRESNO VIADUCT	994.4	CALWA	BAKERSFIELD	TBD

BNSF DATA TABLE (CONT)		
LAT	LONG	SUBDIVISION
36°41'47.41"N	-119°45'29.74"W	BAKERSFIELD

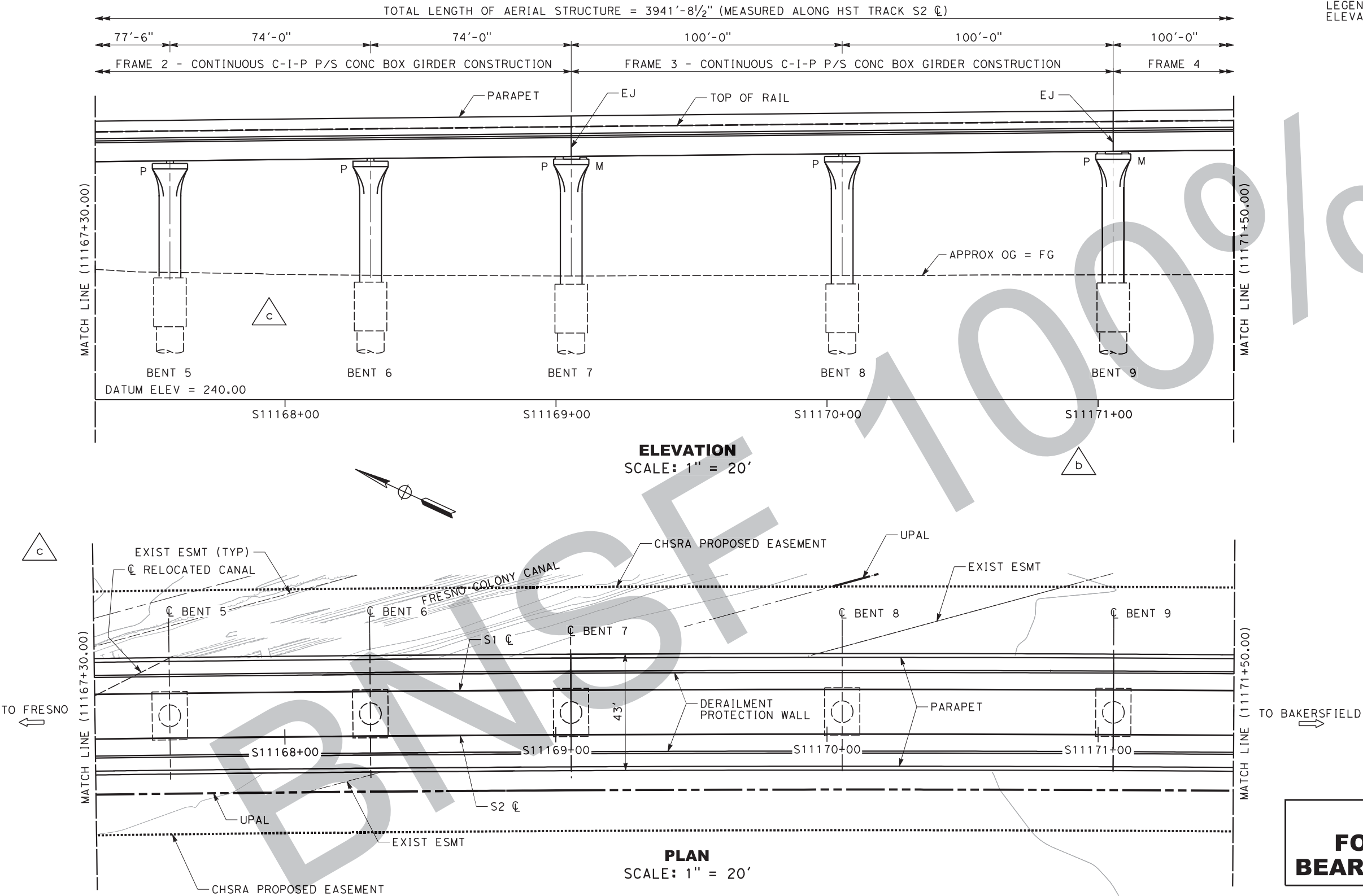


**ESOC-003  
FOR COLUMN FLARES,  
BEARINGS AND ABUTMENTS**

**FID: S-AS-195.1**

F	09/14/16				90% DESIGN SUBMITTAL	DESIGNED BY D. GETTER	<b>NOT FOR CONSTRUCTION</b>	CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO.4 HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2 APPROVED SIGNED _____ DATE _____	   A joint venture		<b>CALIFORNIA HIGH-SPEED TRAIN PROJECT CONSTRUCTION PACKAGE 1</b>  DOWNTOWN FRESNO VIADUCT GENERAL PLAN AND ELEVATION SHEET 1 OF 12	CONTRACT NO. HSR13-06 DRAWING NO. ST-J1100-DFV SCALE 1" = 20' SHEET NO.
	08/05/16	DG	DJ	DJ	ESOC-003 - COLUMN FLARES, BEARINGS & ABUTMENTS	DRAWN BY J. GILMORE						
	04/08/16	DG	DJ	DJ	ESOC-002 - BENT FOUNDATIONS & COLUMNS	CHECKED BY D. JONES						
	11/13/15	SD	FN	SD	ESOC-001 - FOUNDATIONS ONLY	IN CHARGE D. JONES						
	08/15/15				60% DESIGN SUBMITTAL	DATE 09/14/2016						
REV	DATE	BY	CHK	APP	DESCRIPTION							

NOTE:  
1. FOR NOTES, TOP OF RAIL PROFILE, AND LEGEND, SEE "GENERAL PLAN AND ELEVATION SHEET 1 OF 12" SHEET.



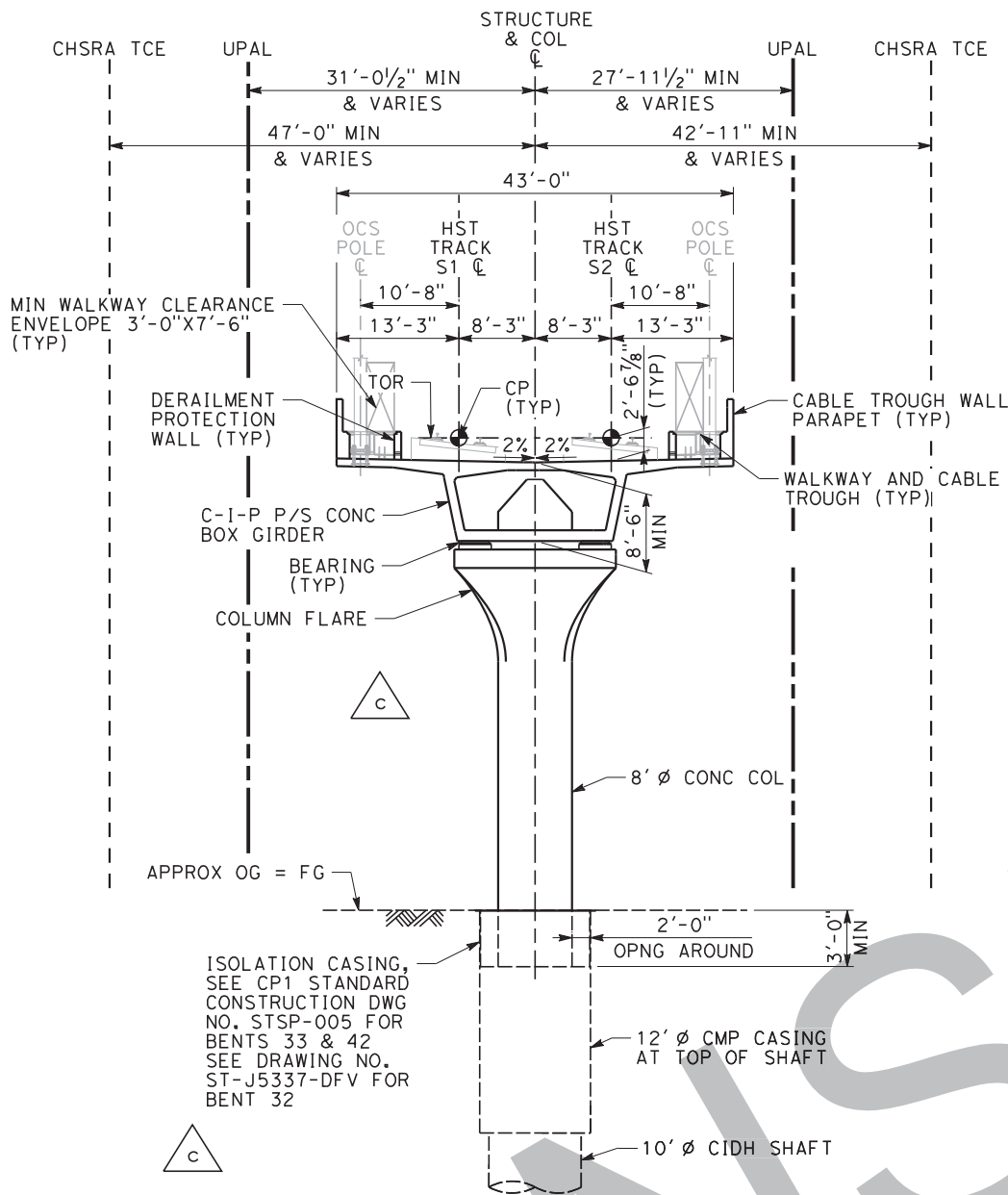
**ESOC-003  
FOR COLUMN FLARES,  
BEARINGS AND ABUTMENTS**

FID: S-AS-195.1

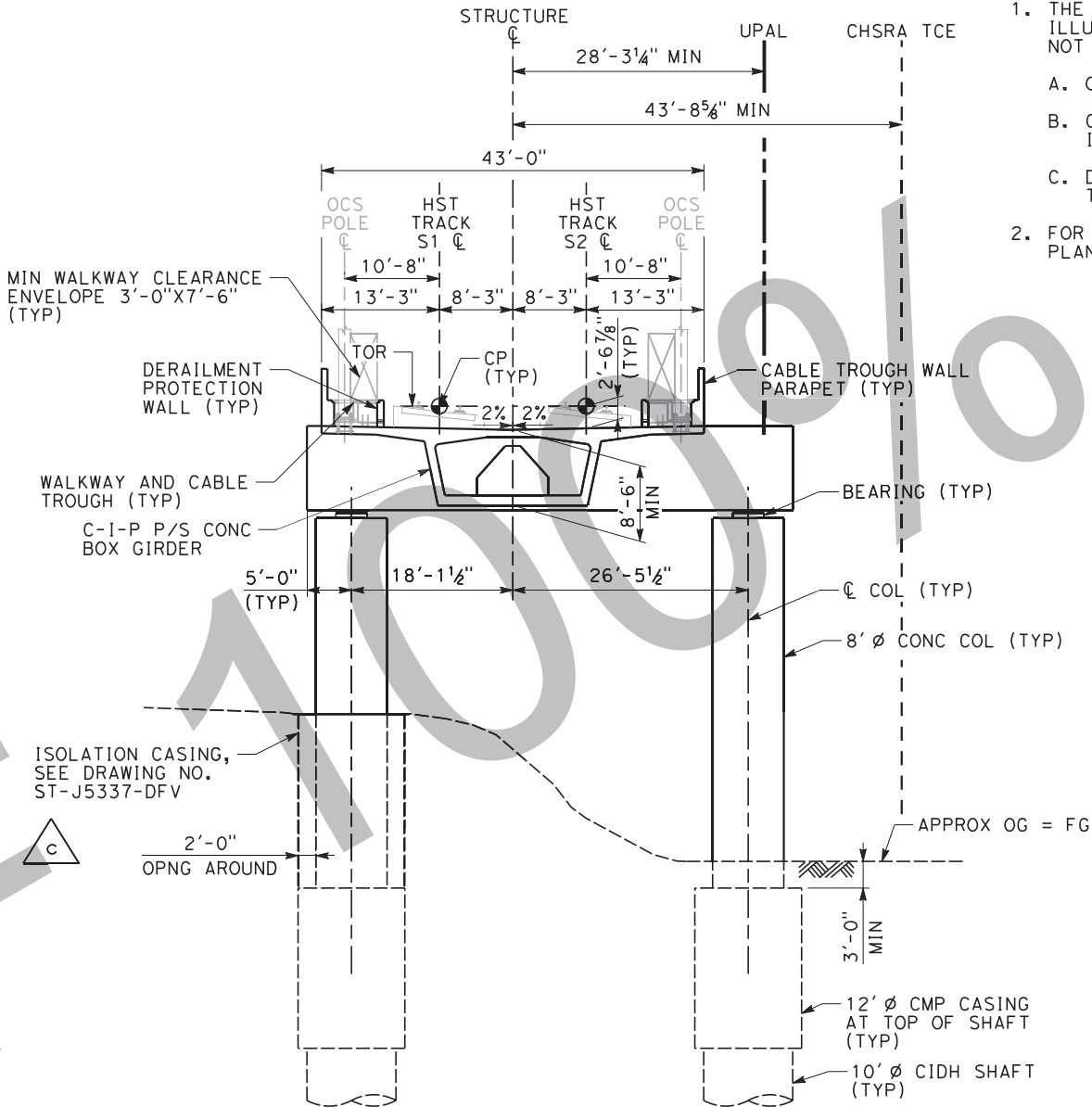
36671	F	09/14/16				90% DESIGN SUBMITTAL	DESIGNED BY D. GETTER	NOT FOR CONSTRUCTION	CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO.4 HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2  APPROVED  SIGNED _____ DATE _____	   <i>A joint venture</i>	 <b>CALIFORNIA</b> HIGH-SPEED RAIL AUTHORITY	<b>CALIFORNIA HIGH-SPEED TRAIN PROJECT CONSTRUCTION PACKAGE 1</b>  DOWNTOWN FRESNO VIADUCT GENERAL PLAN AND ELEVATION SHEET 2 OF 12	CONTRACT NO. HSR13-06
	c	08/05/16	DG	SB	DJ	ESOC-003 - COLUMN FLARES, BEARINGS & ABUTMENTS	DRAWN BY J. GILMORE						DRAWING NO. ST-J1101-DFV
	b	04/08/16	DG	DJ	DJ	ESOC-002 - BENT FOUNDATIONS & COLUMNS	CHECKED BY S. BAJZEK						SCALE 1" = 20'
	a	11/13/15	SD	FN	SD	ESOC-001 - FOUNDATIONS ONLY	IN CHARGE D. JONES						SHEET NO.
	E	08/15/15				60% DESIGN SUBMITTAL	DATE 09/14/2016						
	REV	DATE	BY	CHK	APP	DESCRIPTION							



- NOTE:
1. THE FOLLOWING ITEMS ARE SHOWN FOR ILLUSTRATION PURPOSES ONLY AND ARE NOT INCLUDED IN THE CONTRACT:  
A. OCS POLES, BASE PLATES AND GROUT PAD.  
B. CABLE TROUGH PRE-CAST COVERS, INTERMEDIATE WALLS AND BASE SLABS.  
C. DIRECT FIXATION RAIL SYSTEM AND TRACK SLAB.
  2. FOR OTHER NOTES AND LEGEND, SEE "GENERAL PLAN AND ELEVATION SHEET 1 OF 12" SHEET.



SECTION AT TYPICAL VIADUCT BENT  
SCALE: 1" = 10'



SECTION AT BENT 30  
SCALE: 1" = 10'

**ESOC-003  
FOR COLUMN FLARES,  
BEARINGS AND ABUTMENTS**

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F	09/14/16				90% DESIGN SUBMITTAL
c	08/05/16	DG	SB	DJ	ESOC-003 - COLUMN FLARES, BEARINGS & ABUTMENTS
b	04/08/16	DG	DJ	DJ	ESOC-002 - BENT FOUNDATIONS & COLUMNS
a	11/13/15	SD	FN	SD	ESOC-001 - FOUNDATIONS ONLY
E	08/15/15				60% DESIGN SUBMITTAL
REV	DATE	BY	CHK	APP	DESCRIPTION

DESIGNED BY D. GETTER
DRAWN BY J. GILMORE
CHECKED BY S. BAJZEK
IN CHARGE D. JONES
DATE 09/14/2016

NOT FOR  
CONSTRUCTION

CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO.4 HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2
APPROVED
SIGNED _____
DATE _____



**CALIFORNIA HIGH-SPEED TRAIN PROJECT  
CONSTRUCTION PACKAGE 1**

DOWNTOWN FRESNO VIADUCT  
GENERAL PLAN AND ELEVATION  
SHEET 10 OF 12

FID: S-AS-195.1

CONTRACT NO. HSR13-06
DRAWING NO. ST-J1109-DFV
SCALE 1" = 10'
SHEET NO.

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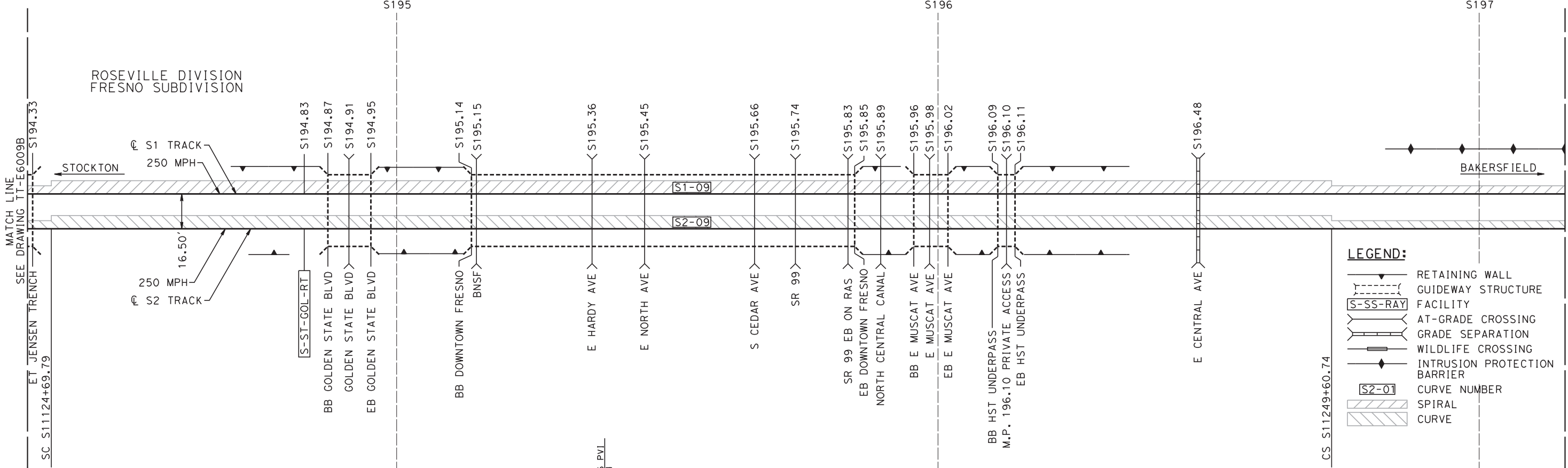
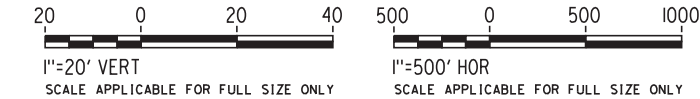
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CITY OF FRESNO

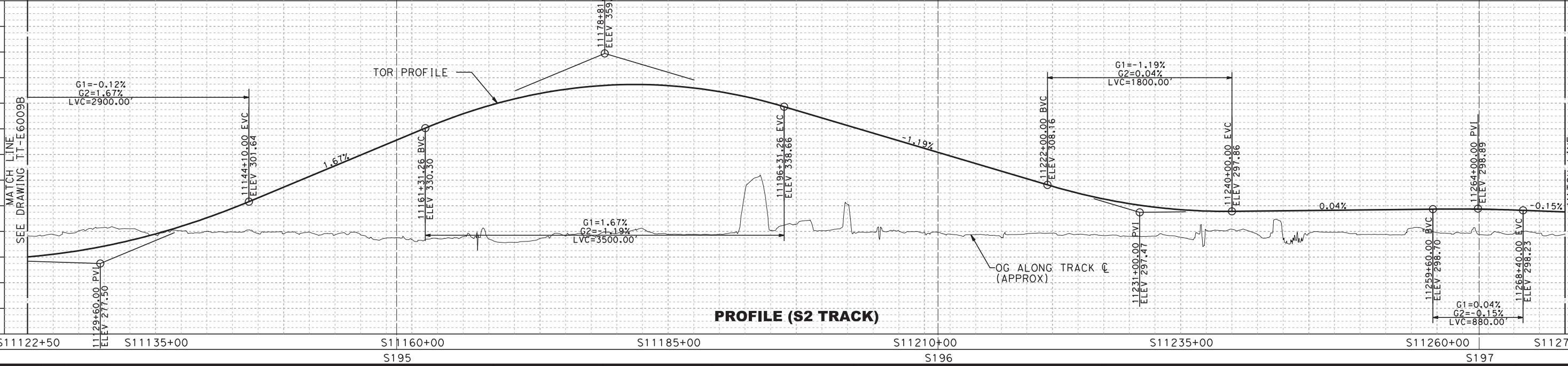
ALIGNMENT

NOTE:

INFORMATION SHOWN ON TRACK CHART OTHER THAN TRACKWORK SHALL BE USED AS GUIDANCE, AND IS FOR INFORMATION ONLY.



- LEGEND:**
- RETAINING WALL
  - GUIDEWAY STRUCTURE
  - FACILITY
  - AT-GRADE CROSSING
  - GRADE SEPARATION
  - WILDLIFE CROSSING
  - INTRUSION PROTECTION BARRIER
  - CURVE NUMBER
  - SPIRAL
  - CURVE



REV	DATE	BY	CHK	APP	DESCRIPTION
B	11/28/16				90% GUIDEWAY STA 11030+00.00 TO 11299+98.90
A	10/09/15				60% GUIDEWAY STA 11030+00.00 TO 11299+98.90

DESIGNED BY <b>S. WILSON</b>
DRAWN BY <b>R. PATEL</b>
CHECKED BY <b>A. FERNANDEZ</b>
IN CHARGE <b>C. CUSHNIE</b>
DATE <b>11/28/2016</b>

90% SUBMITTAL
NOT FOR CONSTRUCTION

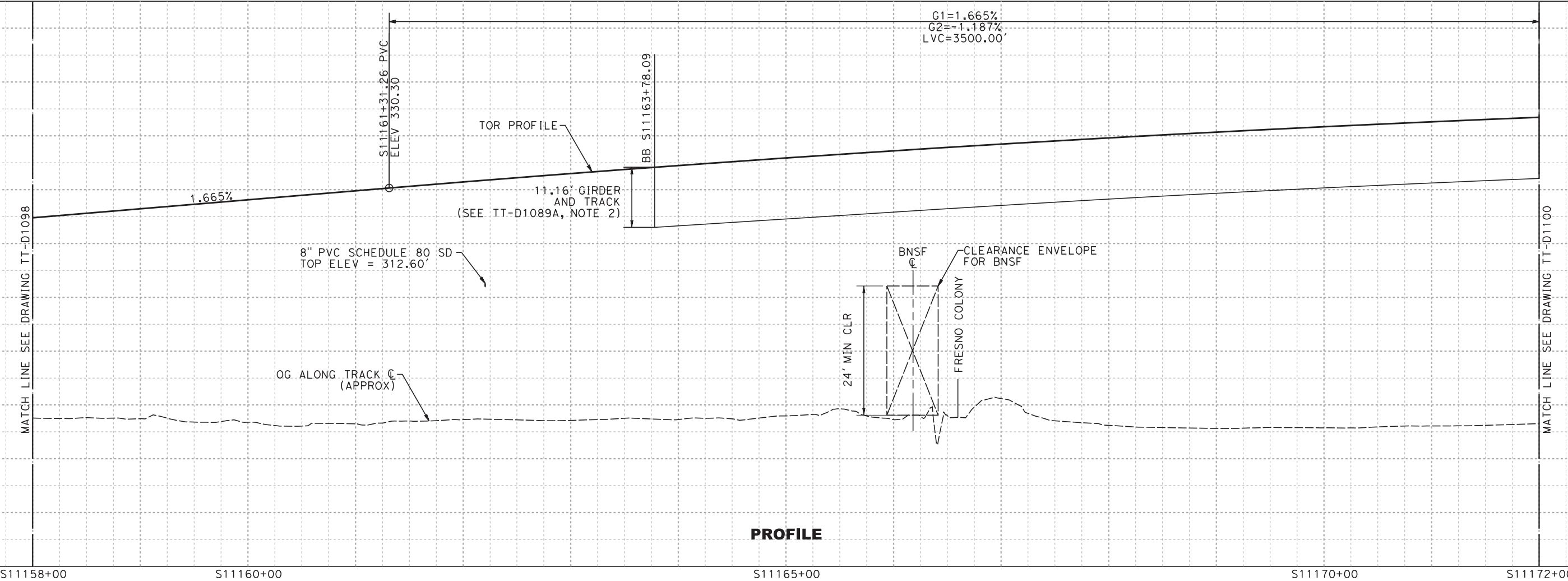
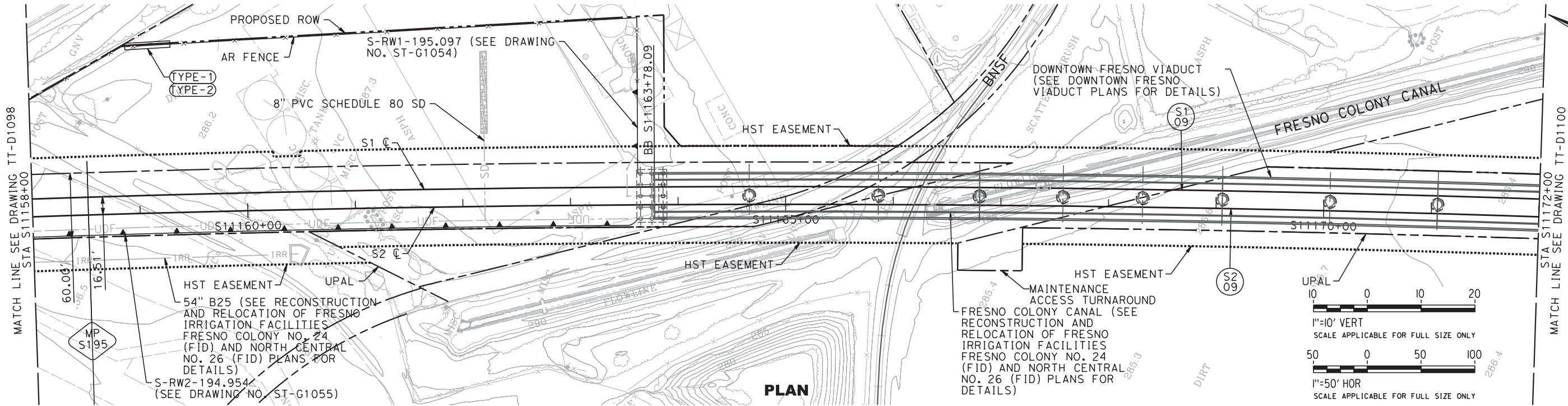
CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO.4 HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2
APPROVED
SIGNED _____
DATE _____

A joint venture



<b>CALIFORNIA HIGH-SPEED TRAIN PROJECT CONSTRUCTION PACKAGE 1</b>	
TRACK CHART SHEET 2 OF 3	
CONTRACT NO. HSR13-06	DRAWING NO. TT-E6010
SCALE AS SHOWN	SHEET NO.

CITY OF FRESNO



REV	DATE	BY	CHK	APP	DESCRIPTION
D	11/28/16				90% GUIDEWAY STA 11030+00.00 TO 11299+98.90
C	10/09/15				60% GUIDEWAY STA 11030+00.00 TO 11299+98.90
B	07/02/15				DESIGN BASELINE REPORT PART 4 REV 1
A	01/30/15				DESIGN BASELINE REPORT PART 4 REV 0

DESIGNED BY R. PATEL
DRAWN BY R. OYEWOLE
CHECKED BY E. CASTELINO
IN CHARGE C. CUSHNIE
DATE 11/28/2016

90% SUBMITTAL

NOT FOR  
CONSTRUCTION

CALIFORNIA HIGH-SPEED TRAIN PROJECT CP-1 AGREEMENT NO. 4 HSR13-06 SUBMITTAL REVIEW IN ACCORDANCE WITH BOOK 2, PART B - GENERAL PROVISIONS - SECTION 61.2
APPROVED
SIGNED _____
DATE _____



CALIFORNIA HIGH-SPEED TRAIN PROJECT  
CONSTRUCTION PACKAGE 1

TRACK GUIDEWAY  
STA S11158+00 TO S11172+00  
PLAN AND PROFILE

CONTRACT NO. HSR13-06
DRAWING NO. TT-D1099
SCALE AS SHOWN
SHEET NO.



# **Exhibit C**

## Local Project Support

### BNSF Concurrence



**Taylor Smith**

*Manager Public Projects*

**BNSF Railway Company**

2454 Occidental Ave S, Ste. 2D  
Seattle, WA 98134  
(206) 625-6396 (office)  
(206) 625-6356 (fax)

[taylor.smith@bnsf.com](mailto:taylor.smith@bnsf.com)

April 19, 2017

Marvin Kennix  
Utilities Engineer  
California Public Utilities Commission  
Safety and Enforcement Division  
Rail Crossings Engineering Branch  
180 Promenade Circle, Suite 115  
Sacramento, CA 95834-2939

**SUBJECT: CHSR CP1 New Rail to Rail Overhead Structure, Fresno, CA  
Fresno Industry Park Subdivision, MP 994.4**

Dear Mr. Kennix,

BNSF Railway ("BNSF") is in concurrence with the proposed rail to rail grade separation which is part of the Downtown Fresno Viaduct Overcrossing proposed by the California High-Speed Rail Authority and located in the general vicinity of milepost 994.4 on BNSF's Fresno Industry Park Subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Smith". The signature is fluid and cursive, with the first name "T" and last name "Smith" clearly distinguishable.

Taylor Smith  
Manager Public Projects  
BNSF Railway Company

**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 rail-rail grade separation (MP 195.15) over BNSF's existing spur track (MP 994.4) in Fresno County, California.

Application No. \_\_\_\_\_

**FINAL ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT  
STATEMENT FOR THE FRESNO TO BAKERSFIELD SECTION OF THE  
CALIFORNIA HIGH-SPEED TRAIN PROJECT**

**EXHIBIT D**

EXHIBIT D IS SUBMITTED IN DISC FORM BECAUSE ITS SIZE EXCEEDS THE  
LIMITATION OF RULE 1.13(b)(1)(ii)

**California High-Speed Rail Authority**

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# Exhibit E

## Scoping Memo

### Scoping Memo Information for Applications

#### A. Category (Check the category that is most appropriate)

☐ **Adjudicatory** - “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as **formal rough crossing complaints** (maximum 12 month process if hearings are required).

☒ **Ratesetting** - “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as **railroad crossing applications** (maximum 18 month process if hearings are required).

☐ **Quasi-legislative** - “Quasi-legislative” proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

#### B. Are hearings necessary?

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Yes

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No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

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Are public witness hearings necessary? ☐ Yes ☒ No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

**C. Issues** - List here the specific issues that need to be addressed in the proceeding.  
None

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**D. Schedule (Even if you checked “No” in B above)** Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

<u>May 18, 2017</u>	Filing Date
<u>June 19, 2017</u>	Comment Period
<u>September 15, 2017</u>	Proposed Decision (4 months from filing)
<u>November 14, 2017</u>	Final Decision (6 months from filing)

If hearings unexpectedly become necessary:

<u>November 14, 2017</u>	Prehearing conference
<u>February 14, 2018</u>	Hearings
<u>May 14, 2018</u>	Briefs due
<u>June 14, 2018</u>	Submission
<u>September 14, 2018</u>	Proposed decision (90 days after submission)
<u>November 14, 2018</u>	Final decision (60 days after proposed decision is mailed)

## Exhibit F Verification

I am an officer of the California High-Speed Rail Authority, Applicant herein, and am authorized to make this verification on its behalf. The contents of this document are true of my own knowledge, except as matters that are stated on information or belief, and as to those matters, I believe them to be true.

Dated this 15 day of May, 2017 at Sacramento, California.

Signed

  
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