

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



FILED

04/11/25

04:59 PM

A2404006

Application of the City of Goleta to construct
a proposed Multipurpose Pedestrian/Bike Path
under UPRR Santa Barbara Subdivision MP
359.679 with the City of Goleta, California.

A.24-04-006

**OPENING BRIEF OF
UNION PACIFIC RAILROAD COMPANY**

Jeremy A. Meier
GREENBERG TRAUIG, LLP
400 Capitol Mall
Suite 2400
Sacramento, California 95814
(916) 442-1111
meierj@gtlaw.com

Attorney for
Union Pacific Railroad Company

April 11, 2025

TABLE OF CONTENTS

TABLE OF AUTHORITIES..... ii

I. INTRODUCTION.....1

II. FACTUAL AND PROCEDURAL HISTORY2

III. LEGAL STANDARD3

 A. Governing Law For Commission Approval of the Application.....3

IV. ARGUMENT4

 A. Governing Law For Commission Approval of the Application.....4

 i. The Application’s Project Plans Are Flawed and Lack Necessary Detail5

 ii. Union Pacific’s Recommended Changes are Based on Serious Safety Risks
 That Should Not Be Dismissed6

 B. Union Pacific’s Recommended Plan Changes Are Well Focused And There is No
 Reason Not To Include Them7

 i. City Has Indicated its Willingness to Update its Design Plans to Include Bridge
 Deck Closure and Add a Cantilever Canopy.....7

 ii. City has Agreed to Make Changes to City Trail Closure Plan (Which is
 Otherwise Vague and Inadequate)9

 C. RSD’s Review Was Done in Good Faith but Fails to Recognize Union Pacific’s
 Concerns10

V. WELL-TAILORED CONDITIONS SHOULD BE INCLUDED IN ANY
COMMISSION DECISION APPROVING THE APPLICATION.....12

 A. The Risks Clearly Outweigh Providing Blanket Approval of the Application Plans
 as Presented12

VI. CONCLUSION13

TABLE OF AUTHORITIES

	Page(s)
Statutes	
Assigned Administrative Law	1
California Public Utilities Code sections 309.7, 765.5, 7665.2, 7711	4
California Public Utilities Code sections 1201-1205	2
California Public Utilities Code §1202 (c).....	4
Governing Law.....	3
Public Utilities Act of 1912.....	3
Public Utilities Code sections.....	4
Public Utilities Code section 1201, et seq.	4
Other Authorities	
72-B (as adopted 1973 and amended)	4
California Constitution.....	3
City's Application Ex. F “Multi-Use Trail Closure Procedure”	9
CPUC Rail Crossing Design References: https://www.cpuc.ca.gov/industries-and-topics/rail-safety/rail-crossings-and-engineering/rail-crossing-design-references	4
: https://oli.org/track-statistics/collisions-fatalities-state	5
: https://www.cpuc.ca.gov/industries-and-topics/rail-safety/railroad-operations-and-safety	3
Rule 3.7	2, 4
Rule 3.7 (d).....	5
Rule 13.12	1

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

Application of the City of Goleta to construct a proposed Multipurpose Pedestrian/Bike Path under UPRR Santa Barbara Subdivision MP 359.679 within the City of Goleta, California.

A.24-04-006

**OPENING BRIEF OF
UNION PACIFIC RAILROAD COMPANY**

Pursuant to Rule 13.12 of the California Public Utilities Commission’s (“CPUC” or “Commission”) Rules of Practice and Procedure (“Rules”) and the Assigned Administrative Law Judge (“ALJ”) Jonathan Lakey’s April 3, 2025 Ruling Granting Joint Motion of City of Goleta and Union Pacific Railroad Company for Extension to File Opening Briefs, Union Pacific Railroad Company (“Union Pacific”) respectfully provides this opening brief regarding Union Pacific’s opposition to the City of Goleta’s (“City”) Application to Construct a Proposed Pedestrian/Bike Path under UPRR Santa Barbara Subdivision MP 359.679 within the City of Goleta (“Application”).

I. INTRODUCTION

At this stage of the proceeding, this dispute is not overly complicated as only a few remaining concept design and planning issues need to be resolved between the opposing parties.

Despite City’s characterizations of the project’s history, its Application continues to present certain critical and unnecessary safety risks to Union Pacific and others. As evidenced by the testimony, filings, and conferences in this proceeding, Union Pacific has worked cooperatively with City (and the Commission’s Rail Safety Division (“RSD”)) for years to ensure that its legitimate

safety and operational concerns would be adequately addressed. This cooperation aimed to allow the proposed project to progress smoothly without the need for protracted Commission proceedings.

This is undoubtedly a significant project involving numerous rail and pedestrian modifications for cyclists, pedestrians, and others. The project will impact rail facilities and operations, railroad personnel, and public safety. Union Pacific's goal continues to be ensuring that pedestrians and others are adequately protected from the safety risks associated with this trail path construction. However, City proceeded prematurely with the Application, prompting Union Pacific to object while continuing to collaborate with City and the Rail Safety Division (RSD) to mitigate and resolve the remaining conceptual plan issues. At this point, Union Pacific still opposes the Application unless specific identified project plans are revised. Union Pacific remains confident City's design and concept plans can and will be adjusted by City (and that improvements to these plans will be acceptable to RSD). In the meantime, and in the absence of sufficient time to finalize a resolution and withdraw its objections, Union Pacific presents the following argument in opposition to the Application.

II. FACTUAL AND PROCEDURAL HISTORY

On April 4, 2024, City filed its Application. The Application requests an order authorizing construction of the pedestrian/bike path (the "Project") pursuant to California Public Utilities Code sections 1201-1205 and seeks 36 months in which to complete the construction of work requested. On May 9, 2024 RSD filed its Response to the Application ("RSD Response").

As noted in its May 28, 2024 Request for Party Status, Union Pacific was not served with City's Application. (Rule 3.7), either formally or informally. This occurred despite the fact that City and Union Pacific had discussed the proposed Project for several years, only for City to allow the matter to lapse, then renew discussions starting in or about November 2021 to secure Union Pacific's agreement on the plans for the proposed trail encroachment on Union Pacific's property. Discussions held before the filing of the Application were intended to mitigate Union Pacific operational, maintenance, engineering, and construction issues in the Project's concept phase and

adequately address water mitigation to avoid protracted Commission hearings or other oppositional proceedings.

City nonetheless proceeded to file its Application, and Union Pacific only learned of the proceeding when it discovered a Pre-Hearing Conference (“PHC”) had been set May 21, 2024¹ (and absent service of the Application) in the Commission’s daily General Notifications. Union Pacific moved for and was granted party status on May 28, 2024. It included written opposition and protest to the Application in the timely filed June 12, 2024 Joint Prehearing Conference Statement,² and attended the PHC and again stated its opposition.³ The Assigned Commissioner’s Scoping Memo and Ruling was issued on August 15, 2024, and City and Union Pacific have continued to meet and confer to try to resolve various safety and engineering concerns. Pursuant to extensions sought and granted by the assigned ALJ, Union Pacific and City served (and submitted) Opening Testimony on March 24, 2025 and Rebuttal Testimony on March 31, 2025.⁴

Union Pacific and City have made substantial progress on updated concept design plans to address public and rail safety and operational and maintenance concerns, and are continuing to pursue resolution of the remaining specific project issues.

III. LEGAL STANDARD

A. Governing Law For Commission Approval of the Application.

The Commission has constitutional and statutory authority to regulate utilities, including railroads.⁵ As stated by the Commission, “The Railroad Operations and Safety Branch (ROSB) is responsible for ensuring that California communities and railroad employees are protected from unsafe practices on freight and passenger railroads by enforcing state and federal rail safety rules,

¹ Administrative Law Judge’s Ruling Setting Prehearing Conference and Directing Parties to Meet and Confer, and File a Joint Prehearing Conference Statement, setting a prehearing conference for the above-captioned proceeding for Wednesday, June 5, 2024, 2:00 p.m.

² June 12, 2024 Joint Pre-Hearing Conference Statement, pgs. 5-7.

³ June 25, 2024 Prehearing Conference (Virtual), August 20, 2024 Transcript, 7::4-8.

⁴ City served and submitted its Rebuttal Testimony on April 1, 2025 due to the legal holiday March 31, 2025.

⁵ California Constitution, as amended 1911, Article XII; the Public Utilities Act of 1912.

regulations, and inspection efforts; and by carrying out proactive assessments of potential risks before they create dangerous conditions.”⁶

Public Utilities Code sections require the Commission to work to ensure rail safety standards for the good of the public and users. California Public Utilities Code sections 309.7, 765.5, 7665.2, 7711. In cases of railroad crossings specifically, the Legislature has similarly tasked the Commission with certain oversight responsibilities. Public Utilities Code section 1201, et seq.

CPUC Rule 3.7 guides the Application process for approval to construct across a railroad. It requires certain applicant filings, along with service of the application on the affected railroad.

Commission rules provide the minimum standards. See, General Orders (“GO”) 26-D (as adopted 1948 and amended) and 72-B (as adopted 1973 and amended). The Commission also recognizes that railroads publish “plans” for design and safety that “assist in the development of rail crossing projects.”⁷

IV. ARGUMENT

A. The Commission Should Ensure Pedestrians, Bicyclists, Union Pacific employees, and Others’ Safety is Not At Risk.

CPUC Rule 3.7 lists several application requirements. The August 15, 2025 Scoping Memo and Ruling (“Scoping Memo”) sets forth four formal “Issues,” the first of which remains subject to dispute at this stage, namely:

“Does the Application meet all of the Commission’s requirements – including Rule 3.7 – such that the Commission should grant City of Goleta’s Application to construct a grade-separated crossing for the San Jose Creek multi-purpose pedestrian/bike path?”⁸

In conjunction with its review of the Application under Rule 3.7, the Commission has the power to prescribe the terms and manner of grade separations. California Public Utilities Code

⁶ See CPUC public website: <https://www.cpuc.ca.gov/industries-and-topics/rail-safety/railroad-operations-and-safety>.

⁷ See CPUC Rail Crossing Design References: <https://www.cpuc.ca.gov/industries-and-topics/rail-safety/rail-crossings-and-engineering/rail-crossing-design-references>.

⁸ Assigned Commissioner’s August 15, 2024 Scoping Memo, pg. 2, Section 2 Issues, Par. 1.

§1202 (c). Union Pacific's continued objections to the Application are based on City's flawed and inadequate design and trail closure plans. This project will change the face of the heretofore undeveloped trail and creek area, including the land below and around the Union Pacific's bridge.

It is critical that the Commission scrutinize City's designs and consider all the important issues presented to ensure safety for all stakeholders. California ranks second among states in rail collisions as of April 1, 2025. In 2024, there were 185 collisions in California, with 50 deaths and 47 injuries. The next closest state, Texas, had half as many deaths according to Federal Railroad Administration (FRA) statistics.⁹

In short, the proposed design continues to pose serious safety issues for the public, Union Pacific, and its employees. Simple adjustments to the design could remedy the design issues and address safety issues. As currently designed, City's project would make it easier for members of the public to access Union Pacific's rail structure on the existing bridge, where they could potentially cause damage to the structure or compromise the safety of people passing below. City's current proposed design does not protect hydraulic capabilities and rail infrastructure needs. The proposed Project is within a regulatory floodway and will adversely affect/alter the water flow of the creek adjacent to and below the railroad bridge. And the proposed design does not include appropriate mitigation features for trespassers, dumping, and fire protection, and does not consider other important issues such as control of drift, debris, and railroad maintenance.

As discussed below, the Application is lacking in meeting safety and operational requirements.

i. The Application's Project Plans Are Flawed and Lack Necessary Detail.

City's structure design drawings remain facially inadequate. Rule 3.7 (d). The proposed crossings are grade separations that lack clear definition and are subject to variability. The concept designs included in its Exhibit B to the Application are flawed, particularly concerning the rail bridge and path beneath it.

⁹ See, e.g.: <https://oli.org/track-statistics/collisions-fatalities-state>.

As explained in the **March 24, 2025 Richard Koerner Opening Direct Testimony on Behalf of Union Pacific, Exhibit Number Pending** (“Koerner Opening Testimony”):

“In particular, the proposed canopy structure in the Application is supported by six (6) beams adjacent to the floodway, which have the ability to collect debris during a flood event and endanger the structural stability of the existing bridge. Further, the proposed canopy is placed within a foot horizontally and due to the canopy height, 11 feet, blocks direct access to the existing bridge abutment and roughly 40 feet of the existing bridge structure which interferes with the routine and FRA-mandated inspections. Additional concerns as to Ex. B are as follows:

1. The beams supporting the canopy are likely to become gathering spots for trespassers near the bridge abutment.
2. The construction techniques for the foundations of the proposed canopy structure and retaining walls are not clearly defined. Given their close proximity to the existing bridge abutment, there is a potential risk to the abutment’s stability.
3. It is unclear whether the scour of the existing Union Pacific bridge, proposed retaining walls, and canopy structure has been evaluated. This factor must be considered in the design.”¹⁰

Since filing its Application, City has agreed to certain design changes, and City and Union Pacific are nearing a resolution on the final concept issues identified in this Opening Brief. Many issues have been resolved between the parties, with the remaining Union Pacific engineering objections focusing on City's concept design changes intended to address safety concerns. These changes include the addition of deck tie closures and a cantilever canopy to protect pedestrians and others, which are necessary for safety, operational, and maintenance requirements. Furthermore, City's Application Exhibit F ("Multi-Use Trail Closure Procedure") must be updated to meet public safety needs in accordance with the parties' discussions and agreements.

ii. Union Pacific’s Recommended Changes are Based on Serious Safety Risks That Should Not Be Dismissed.

Union Pacific's requested changes are not based on trivial concerns. To ensure the safety of the public who would use the trail, trains traversing the bridge, and Union Pacific personnel, the

¹⁰ Koerner Opening Testimony, 7:6-19.

Commission must approve a project design plan that mitigates risks and ensures the highest reasonable level of safety.

Union Pacific's Public Projects Manual ("Manual") and the Union Pacific Railroad-BNSF Railway Guidelines for Railroad Grade Separation Projects ("Guidelines") are consistent with industry standards, Commission rules and orders, and state and federal regulations.¹¹ As mentioned, City has agreed to revise its concept plans to address Union Pacific's concerns, and these parties may soon reach a consensus on the final design plans.

B. Union Pacific's Recommended Plan Changes Are Well Focused And There is No Reason Not To Include Them.

i. City Has Indicated its Willingness to Update its Design Plans to Include Bridge Deck Closure and Add a Cantilever Canopy.

As explained by Union Pacific's Project Manager Richard Koerner with respect to the initial canopy:

"...[the City's] initial designs included a canopy which would impede Union Pacific's ability to perform bridge maintenance and inspection. The initial proposed canopy structure designs can accumulate debris during a flood event, potentially compromising the structural stability of the existing bridge. Additionally, the construction methods for the foundations of the proposed canopy structure and retaining walls are not clearly specified. Due to their close proximity to the existing bridge abutment, there is a potential risk to the abutment's stability."¹²

See Application Ex. B, pgs. 7-11 (labeled "EXHIBIT B2-6 ---- B2-10").

Union Pacific's position is clear and consistent regarding the need for a closed deck and the cantilever canopy. The canopy shown in City's Application Exhibit E design does not adequately address Union Pacific's safety concerns. City is apparently now ready to include the deck and cantilever canopy changes. The remaining issues for Union Pacific involve aligning the cantilever canopy with the Union Pacific bridge to ensure safe access for maintenance and addressing 100-year water level concerns to prevent flooding.

¹¹ Koerner Opening Testimony, Attachments B and C.

¹² March 31, 2025 **Richard Koerner Rebuttal Testimony on behalf of Union Pacific, Exhibit No. Pending** ("Koerner Rebuttal Testimony"), 5:13-19.

The existing rail bridge has an open deck design. The requested addition of ties reduces the risk of debris falling beneath the bridge but does not offer protection beyond the immediate area of the bridge.

As explained by Mr. Koerner:

“The existing bridge is an open deck design. By installing ties, the space between the existing ties can be removed, with the intention of preventing debris from falling directly underneath the existing bridge structure. The installation of additional ties eliminates the need for City to install a canopy with a removable hatch to allow for bridge maintenance and inspection directly underneath the existing bridge; however, the Guidelines still require the installation of a canopy extending out on each side of the bridge.”¹³

An enhanced deck design is necessary to protect pedestrians and others below from falling objects. The concept of alternative fencing also remains inadequate.

“A fence on this bridge would be easily damaged by railroad operations and susceptible to vandalism, creating additional maintenance burdens for Union Pacific personnel who would need to continuously monitor and repair it.

The fencing examples provided by Goleta were fencing on a pedestrian bridge and decorative fencing on another bridge, neither of which serve the purpose needed here. Further, train operations and maintenance on this bridge make fencing infeasible, as it could be easily damaged by either and it would require continuous inspection and repair by Union Pacific or City personnel. Additionally, an appropriately designed cantilever canopy would be less expensive to install.”¹⁴

City suggests that Union Pacific’s own Guidelines for Rail Separation do not require both a deck closure and a canopy.¹⁵ However, City is mistaken. Union Pacific’s Guidelines are designed to ensure safety and are consistent with Commission rules, decisions, and orders. Therefore, City misunderstands Union Pacific’s position in this regard. As explained, this is an open deck bridge without a continuous surface beneath the track, ties, and girders. The Guidelines prohibit underpass trail crossings which also serve to convey water, and in order to have a pedestrian and bicycle trail below the bridge the deck should be closed, which it currently is not. The parties have agreed to

¹³ Koerner Rebuttal Testimony, 4:3-8.

¹⁴ Koerner Opening Testimony, 9:11-20.

¹⁵ March 24, 2025 Opening Testimony of Teresa Lopes on Behalf of City of Goleta (“Lopes Opening Testimony”), 23:24-27, 25:90-11.

install additional ties; however, a cantilever canopy is still needed to ensure safety below the open deck bridge.¹⁶

*As acknowledged, however, by City's testimony, City is prepared to address Union Pacific's concerns as the parties discussed in their March 12, 2025 call, including adding a cantilever canopy that addresses the water level issues and mitigation of floating debris interfering with the bridge, as redesigning the wall and reducing width of canopy structure and adding a cantilever canopy allows for necessary Union Pacific maintenance.*¹⁷

Further, City has testified it would serve its revised design drawings by April 1, 2025 and remains set to submit same to Union Pacific and RSD as of the time of this filing.

ii. City has Agreed to Make Changes to City Trail Closure Plan (Which is Otherwise Vague and Inadequate).

City's proposed Application Ex. F Trail Closure plan lacks sufficient detail on the procedures for safeguarding individuals and infrastructure during a flood event. The signage and closure procedures outlined in Ex. F are inadequate. City committed to Union Pacific on January 13, 2023, that City:

“...will coordinate with Union Pacific during the development of the plans, specifications and estimates (“PS&E”) to create and provide a summary of proposed procedures for maintaining, closing, and reopening the trail during a flood event, as requested. City agreed that “the trail closure plan will be developed during the preparation of the final design and coordinated as part of the right of way process after conceptual approval has been granted.”¹⁸

City's Application Ex. F "Multi-Use Trail Closure Procedure" is fundamentally inadequate and lacks specificity. For instance, page 3 of Application Ex. F offers only a brief overview of "Hydraulic Related Information," providing a general description of the bike path without detailing any construction plans beyond stating that they "will be evaluated and mitigated." Similarly, the "Path Closure Plan" mentioned in the second paragraph at the bottom of page 3 of Application Ex.

¹⁶ Koerner Rebuttal Testimony, 5:24 – 6:7.

¹⁷ Lopes Opening Testimony 26:12- 27:2.

¹⁸ Koerner Rebuttal Testimony, 8:11-19, Attachment F, Comment 8, Designer's Response.

F vaguely references using "the same protocol" as City employs for the Maria Ygnacio Creek, without offering any specific details.

Union Pacific would accept trail closures as outlined in Koerner Rebuttal Testimony, Attachment E (which is an example of a trail closure plan with greater detail and enhanced closure procedures).¹⁹ This plan is superior because it includes a comprehensive summary of the proposed procedures for maintaining, closing, and re-opening the trail in flood events. Union Pacific's Attachment E offers a more thorough outline of events that would necessitate closure, the required coordination and communication with Union Pacific, and the procedures for inspecting and clearing debris after flood events.²⁰

Certainly, there is no downside in ordering that the parties' agreed and revised Trail Closure Plan be included in any Commission approval (or otherwise formulated and utilized) rather than relying on the nonspecific processes outlined in Application Ex. F.

C. RSD's Review Was Done in Good Faith but Fails to Recognize Union Pacific's Concerns.

City has now testified that RSD supports its initial proposed design and believes the proposed undercrossing "is fundamentally safe."²¹ With due respect, "fundamentally safe" is neither the appropriate standard nor sufficient in this case to ensure safety. While the project may meet RSD's safety threshold, RSD does not own facilities and operations that would be impacted. Union Pacific does, and its project guidelines and requirements are to ensure that public projects do not adversely impact railroad facilities and operations, which in turn can impact rail passengers, the safety of the public and railroad personnel.

RSD has not submitted testimony in this proceeding. Its Response states RSD "conducted its diagnostic review and site visit ... and found no safety or other issues with the proposed crossing. A grade-separated crossing is inherently safer than an at-grade crossing, as the movements of the

¹⁹ Koerner Rebuttal Testimony, 8:1-5, Attachment E (CV Link Closure and Reopening Maintenance Plan for Union Pacific Railroad Bridge Undercrossing (MP608.93-CPUC 001B-608.91-BD)).

²⁰ Koerner Rebuttal Testimony, 8:23-9:4, Attachment E.

²¹ Lopes Opening Testimony, 27:26, 19:22-26.

trains and pedestrians will be separated.”²² Union Pacific does not necessarily disagree that a grade separation is likely “inherently” safer but its concern is that having a grade separation alone does not solve all safety and operational issues. It is essential to examine the project’s specifics more closely. There will still be pedestrian and employee safety dangers, as well as other risks (as identified herein) that must be addressed by City.

Indeed, approximately thirteen (13) trains cross this bridge daily, most of which are passenger trains.²³ Thus, *the stakes are significant given* the volume of train traffic over the bridge and pedestrian and bicycle traffic that would traverse the trail beneath the bridge.

Union Pacific disagrees with RSD’s requests for certain language to be “include[d]” in “the decision’s Ordering Paragraphs”.²⁴ Specifically, Union Pacific objects to RSD’s request that the Commission’s decision mandate that “[t]he grade-separated multipurpose pedestrian/bike path-rail crossing shall have the configuration specified in the application and its attachments,”²⁵ especially to the extent such ordering paragraph would be inconsistent with or, at minimum, fail to address and incorporate Union Pacific’s safety concerns related to the open deck, cantilever canopy, and trail closure.

Union Pacific also objects to RSD’s request to include an Ordering Paragraph stating that “[t]he City of Goleta shall operate and maintain the crossing as specified in attachment ‘Multi-Use Trail Closure Procedure.’”²⁶ Again, Application Ex. E is very general and, while it may be a start for the necessary trail closure plan, it is inherently incomplete and lacks specificity. Moreover, it is contrary to the commitments made by City to Union Pacific. Union Pacific’s concerns regarding pedestrian safety, operational integrity, risks, and liability are genuine and stem from its extensive industry knowledge and leadership in rail safety.

In summary, City’s concept plans require more detail and specificity for the reasons described above.

²² RSD Response, pg. 2 at Par. 2.

²³ Koerner Direct Testimony, 7:4.

²⁴ RSD Response, pg. 3 V.

²⁵ RSD Response, pg. 3, Par. V .3.

²⁶ RSD Response, pg. 3, V. 4.

V. WELL-TAILORED CONDITIONS SHOULD BE INCLUDED IN ANY COMMISSION DECISION APPROVING THE APPLICATION

A. The Risks Clearly Outweigh Providing Blanket Approval of the Application Plans as Presented.

This Application was clearly filed prematurely, as the parties are still working together to refine and improve the concept designs as described above. The remaining specific design plan issues can likely be resolved by the time the Commission issues its Decision. If that is the case, the parties should be granted additional time to submit the final concept plans to the Commission, at which point Union Pacific would withdraw its objections to the Application.

Alternatively, the Commission should reject or condition its Decision on approval of a cantilever canopy and decking that meets Union Pacific's safety and operational needs and is subject to RSD approval. This includes having the cantilever canopy that protects trail users from falling debris, incorporates a design to mitigate against water levels rising and flooding the rail bridge from the creek below and next to the trail, and facilitates bridge inspection and maintenance.

At a minimum, any Commission Application approval should include conditional ordering language requiring:

1. Providing for tie blocking and a revised walkway, which both parties have agreed upon.
2. Installation of a cantilevered canopy at approximately the same height as the low chord of the existing railroad bridge structure. This canopy should enable inspection and maintenance while safeguarding trail users from falling debris. The cantilevered structure should be positioned close to the existing bridge abutment to avoid affecting the water surface elevation during flood events and should be designed to break away to prevent debris accumulation during flooding.
3. Reduction of the trail width so that the canopy width can also be minimized, and updating the trail closure plan as agreed.

4. Conducting further modeling to reassess the impact of the canopy on the water surface elevation.

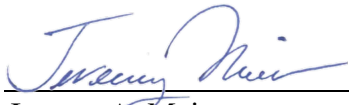
5. Evaluation and implementation of additional necessary safety measures to mitigate potential pedestrian safety issues and impacts on Union Pacific operations and property.²⁷

VI. CONCLUSION.

Union Pacific takes the Commission's rules and its obligations as a regulated entity in California seriously. It raises its objections and arguments to ensure the well-being of all, including not just Union Pacific but its customers, passengers, and employees and especially the public. City must address the closed decking and ties as City has already agreed, incorporate the cantilever canopy as discussed, and update and adjust its trail and trail closure plans as outlined above.

²⁷ Koerner Opening Testimony, 10:3-18.

Respectfully submitted on behalf of Union Pacific Railroad Company,



Jeremy A. Meier
GREENBERG TRAURIG, LLP

400 Capitol Mall
Suite 2400
Sacramento, California 95814
(916) 442-1111
meierj@gtlaw.com

Attorney for
Union Pacific Railroad Company

April 11, 2025