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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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A2507011

Application of County of Orange to Construct One (1) Grade-Separated Bikeway Crossing in the City of La Mirada within the County of Los Angeles (CPUC No. 001BK-502.912-AD, DOT No. 450397D) and Two (2) Grade Separated Bikeway Crossings in the City of Buena Park within the County of Orange (CPUC #002-160.370-BCD, DOT No. 982878R) (CPUC No. 002-160.330-AD, DOT No. 982877J)

Application 25-07-011

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This Scoping Memo and Ruling (Scoping Memo) sets forth the category, issues to be addressed, and schedule of the above captioned proceeding pursuant to Public Utilities Code section 1701.1 and Article 7 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure (Rules).¹

1. Factual and Procedural Background

Pursuant to Public Utilities (Pub. Util.) Code Sections 1201-1205 and Commission Rules 3.7, on July 22, 2025, the County of Orange, California (Orange Co.) filed Application (A.) 25-07-011 with its incorporated Exhibits A

¹ California Code of Regulations, Title 20, Div. 1, Ch. 1.

through G,² seeking authority to construct three (3) grade-separated Coyote Creek bikeway-rail crossings more fully described as:

- a. Coyote Creek Trail 1: One (1) overpass in the City of La Mirada, County of Los Angeles over the Union Pacific Railroad Santa Ana Industrial Lead Track;
- b. Coyote Creek Trail 2: One (1) underpass in the City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision; and
- c. Coyote Creek Trail 3: One (1) overpass in City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision.³

Commissioner John Reynolds and Administrative Law Judge (ALJ) Andrea D. McGary were assigned to this A.25-07-011 proceeding on August 14, 2025.

The Commission's Rail Safety Division (RSD) filed a Response to the Application on August 22, 2025.⁴

On September 10, 2025, *Administrative Law Judge's Ruling Setting Remote Prehearing Conference & Prehearing Conference Statement Deadline* was issued setting a prehearing conference (PHC) for September 29, 2025 and a joint PHC Statement deadline of September 22, 2025.

² A.25-07-011 at Exhibits A1-A3 (*Crossing Legal Description(s)*), Exhibits B1-B4 (*Project Drawings*), Exhibits C1-C5 (*CEQA/NEPA Documentation*), Exhibit D (*Environmental Social Justice Memo*), Exhibit E (*Scoping Memo*), Exhibit F (*Certificate of Service*), and Exhibit G (*Verification*).

³ A.25-07-011 at 2-5, Exhibit A1 (*Coyote Creek Bikeway Trail over UPRR Santa Ana Industrial Lead Track*), Exhibit A2 (*Coyote Creek Bikeway Trail under BNSF Lead Track 7600-6670 San Bernardino Subdivision*), and Exhibit A3 (*Coyote Creek Bikeway Trail over BNSF Line Segment 7600 San Bernardino Subdivision*).

⁴ *Response of The Rail Safety Division To The Application of County of Orange To Construct Three Grade-Separated Bikeway-Rail Crossings* (August 22, 2025 RSD Response).

A PHC was held on September 29, 2025 before Administrative Law Judge (ALJ) Andrea D. McGary, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and to address other matters as necessary. During the PHC, the assigned ALJ ordered Applicant Orange Co. to supplement the proceeding record on or before November 3, 2025 with information regarding 1) the period of time needed to complete construction of the proposed crossings and 2) properly mark and identify all exhibits Applicant would like the Commission to review and consider in issuing a decision granting or denying the requested construction authority. Applicant Orange Co. timely supplemented the proceeding record on October 28, 2025.⁵

After considering the Application and the proceeding record, the Commission has determined the issues and schedule of the proceeding to be as set forth in this Scoping Memo.

2. Issues

The issues to be determined or otherwise considered are:

1. Does the Application meet all of the Commission's requirements, including Rule 3.7, to grant the County of Orange authority to construct three (3) grade-separated Coyote Creek bikeway-rail crossings at:
 - a. Coyote Creek Trail 1: One (1) overpass in the City of La Mirada, County of Los Angeles over the Union Pacific Railroad Santa Ana Industrial Lead Track;
 - b. Coyote Creek Trail 2: One (1) underpass in the City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Lead Track 7600-6670 San Bernardino Subdivision; and

⁵ See *Response to ALJ Inquiry* at 1 and Exhibit C4 (*NEPA Categorical Exclusion Part 1 of 3*), Exhibit C4 (*NEPA Categorical Exclusion Part 2 of 3*), Exhibit C4 (*NEPA Categorical Exclusion Part 3 of 3*), and Exhibit C5 (*NEPA Re-validation No. 1*) (October 28, 2025).

- c. Coyote Creek Trail 3: One (1) overpass in City of Buena Park, County of Orange crossing Burlington Northern Santa Fe Railway Line Segment 7600 San Bernardino Subdivision.
2. Has the Applicant complied with the California Environmental Quality Act?
3. Should the Commission grant the authority requested in A.25-07-011?
4. Should the Commission grant the Applicant a period of three (3) years or five (5) years from the Application approval date to complete the proposed project?
5. Does the Application align with or promote the achievement of the nine goals of the Commission's Environmental and Social Justice Action Plan?

3. Need for Evidentiary Hearing

Based on review of the record, A.25-07-011 is unopposed and there are no material disputed facts. Applicant Orange Co. and Respondent RSD agree that there are no known issues of material disputed fact requiring an evidentiary hearing.⁶ Accordingly, no evidentiary hearing is needed.

4. Schedule

The proceeding will stand submitted upon consideration of the environmental document(s) for the underlying project and determination that no further information or evidence is needed to adequately inform and evaluate the issues in the instant proceeding. At such time, the ALJ will issue a ruling closing the record of the proceeding. The ALJ may adjust the proceeding schedule and may require further evidence or argument if necessary. Based on the projected

⁶ See *Joint Pre-Hearing Conference Statement of the Rail Safety Division and the County of Orange* (September 22, 2025).

schedule, the proceeding is expected to be resolved within eighteen (18) months as required by Public Utilities Code section 1701.5.

**5. Category of Proceeding and
Ex Parte Restrictions**

This A.25-07-011 proceeding was preliminarily categorized as ratesetting.⁷ No objections to the category were made at the September 29, 2025 PHC. This ruling confirms the Commission's preliminary determination that this is a ratesetting proceeding. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Rules.

6. Public Outreach

Pursuant to Public Utilities Code Section 1711(a), where feasible and appropriate, before determining the scope of the proceeding, the Commission sought the participation of those likely to be affected, including those likely to derive benefit from, and those potentially subject to, a decision in this proceeding. This matter was noticed on the Commission's daily calendar. Where feasible and appropriate, this matter was incorporated into engagements conducted by the Commission's External Affairs Division with local governments and other interested parties.

7. Intervenor Compensation

Pursuant to Pub. Util. Code Section 1804(a)(1), an intervenor who intended to seek an award of compensation was required to file and serve a notice of intent to claim compensation by October 29, 2025, or 30 days after the prehearing conference.

⁷ Resolution ALJ-176-3567 (August 14, 2025).

8. Response to Public Comments

Parties may, but are not required to, respond to written comments received from the public.⁸ Parties may do so by posting such response using the “Add Public Comment” button on the “Public Comment” tab of the online docket card for the proceeding.

9. 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 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

10. Filing, Service, and Service List

The official Service List has been created and is on the Commission’s website. Parties should confirm that their information on the Service List is correct and serve notice of any errors on the Commission’s Process office, the Service List, and the ALJ. Persons may become a party pursuant to Rule 1.4⁹.

When serving any document, each party must ensure that it is using the current official Service List on the Commission’s website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the

⁸ Pub. Util Code Section 1701.1(g).

⁹ The form to request additions and changes to the Service List may be found at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents.

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.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the “Information Only” category of the official Service List pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the Service List to consider the Commission’s subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

11. Receiving Electronic Service from the Commission

Parties and other persons on the Service List are advised that it is the responsibility of each person or entity on the Service List for Commission proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

12. Assignment of Proceeding

Commissioner John Reynolds is the assigned Commissioner and Andrea D. McGary is the assigned Administrative Law Judge.

IT IS RULED that:

1. The scope of the proceeding for Application (A.) 25-07-011 is described above and is adopted.
2. The schedule of A. 25-07-011 is set forth above and is adopted.
3. Evidentiary hearings are not needed.
4. The category of A. 25-07-011 is ratesetting.
5. The presiding officer is Administrative Law Judge Andrea D. McGary.
6. The assigned Commissioner or assigned Administrative Law Judge may modify the schedule, as required, to promote efficient and fair resolution of the proceeding.

This order is effective today.

Dated November 12, 2025, at San Francisco, California.

/s/ JOHN REYNOLDS

John Reynolds
Assigned Commissioner