COM/GSH/mln/smt **PROPOSED DECISION** Agenda ID #19529

 Quasi-legislative

Decision \_\_\_\_\_\_\_\_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Investigation for the Purpose of Establishing a List for the Fiscal Years 2020-2021 and 2021-2022 of Existing Crossings at Grade of City Streets, County Roads or State Highways in need of separation, or Existing Separations in need of Alterations or Reconstruction in Accordance with Section 2452 of the California Streets and Highways Code. | Investigation 19-06-013 |

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline of this proceeding until August 31, 2021.

1. **Background**

Public Utilities Code (Pub. Util. Code) § 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a quasi‑legislative proceeding within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met and issues an order extending that deadline. In this proceeding, the statutory deadline for resolving this application is June 30, 2021.

On June 27, 2019, the Commission filed this order instituting investigation (OII) to establish the California Grade Separation Fund Priority List for Fiscal Year (FY) 2020-2021 and 2021-2022, as required by California Streets and Highways Code § 2452. California Streets and Highways Code § 2452 requires the California Public Utilities Commission (Commission) to establish annual California Grade Separation Program priority lists (Priority Lists) for certain rail crossing projects including projects to construct new grade separations to replace existing at-grade crossings, or projects to alter or reconstruct existing grade separations to improve safety for California residents.

By design, an OII to establish the California Grade Separation Fund Priority List for two FYs requires two decisions. The first decision (an interim decision) establishes the list for priority grade separation projects and is adopted for the first of the two FYs. The second decision thereafter revises that list adopted in the interim decision to account for projects that are completed or underway to establish and adopt the final list for priority grade separation projects for the second of the two FYs.

A prehearing conference (PHC) was held on August 27, 2019, to discuss the issues of law and fact and to determine the need for a hearing and the schedule for resolving this proceeding. A Scoping Ruling was issued on October 29, 2019 and a status conference was held on April 6, 2020.

Interim Decision (D.) 20-06-030 establishing the California Grade Separation Fund Priority List for Fiscal Year 2020-2021, was issued on June 25, 2020. On December 17, 2020, D.20-12-049 extended the statutory deadline to June 30, 2021.

A proposed second decision to establish and adopt the final list for priority grade separation projects and closing this proceeding should be finalized and released shortly. A further extension beyond the statutory deadline of June 30, 2021, is appropriate to ensure adequate time for the Commission to consider the record, consider the anticipated proposed decision and resolve this proceeding. This decision therefore extends the deadline in this proceeding to August 31, 2021.

# Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission’s Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of the proposed decisions extending the deadline for resolving quasi-legislative proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

# Assignment of Proceeding

Genevieve Shiroma is the assigned Commissioner and Hazlyn Fortune is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This OII was issued by the Commission on June 27, 2019.
2. A PHC was held on August 27, 2019.
3. On October 29, 2019, the scoping memo and ruling was issued.
4. A status conference was conducted on April 6, 2020.
5. On June 25, 2020, Interim D.20-06-030 was issued to establish the California Grade Separation Fund Priority List for Fiscal Year 2020-2021.
6. On December 17, 2020, D.20-12-049 extended the statutory deadline to
June 30, 2021.
7. A further extension of the statutory deadline is necessary to ensure adequate time for the Commission to consider the record, consider the anticipated proposed decision and resolve the proceeding.

# Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline for this proceeding should be extended to August 31, 2021.

**IT IS ORDERED** that the statutory deadline for this proceeding is extended until August 31, 2021.

This order is effective today.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at San Francisco, California.