

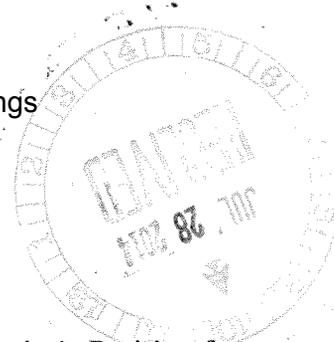
MICHAEL E. LASALLE

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July 22, 2014

The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings Part of
Surface Transportation Board
395 E Street, SW, Room 100
Washington, DC 20423-0001

236363
ENTERED
Office of Proceedings
July 28, 2014
Public Record



Re: Finance Docket No. 35724-1, California High-Speed Rail Authority's Petition for Exemption for its Fresno to Bakersfield section.

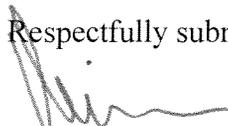
Dear Ms. Brown:

On May 29, 2014, I sent you a letter regarding the above-referenced sub-docket matter. One of the topics I addressed had to do with how the Union Pacific Railroad and the BNSF were engaged in proceedings before the California Public Utilities Commission (CPUC). Both railroads were concerned about the possible adverse effect that the "electrical systems" of the California High-Speed Rail Authority's HST project might have on their "nearby freight railroad signal systems." To make sure your Board was aware of this matter, I enclosed in my letter a copy of the January, 2014 document that was jointly submitted by the two railroads to the CPUC.

It has recently come to our attention that the Assigned Commissioner of the CPUC has just adopted a series of rulings in this matter. Since I am uncertain whether the California High-Speed Rail Authority or either of the two railroads has brought these rulings to your Board's attention, I enclose a copy of the same herewith. Please note that the Assigned Commissioner has established testimony deadlines, evidentiary hearings and briefing schedules.

As I expressed in my May 29 letter, these issues are "of major import, an overriding safety concern that needs careful study and resolution by the experts." The CPUC seems to think so as well - in strong enough terms that it is insisting on protracted study and analysis. As I also said in my earlier letter, "Any decisions made by the Board prior to these determinations by the CPUC would seem imprudent and premature." I think the same reasoning still applies, and I encourage the Board to wait until these CPUC proceedings have fully run their course before the Board decides whether the Authority's HST project should be exempted from Board oversight.

Respectfully submitted,


Michael E. LaSalle

cc:

Office of Environmental Analysis (w/ enclosure)
Union Pacific Railroad Company (w/o enclosures)
BNSF Railroad Company (w/o enclosures)



FILED
7-18-14
01:30 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding
Whether to Adopt, Amend, or Repeal
Regulations Governing Safety Standards
for the Use of 25 kV Electric Lines to
Power High Speed Trains.

Rulemaking 13-03-009
(Filed March 21, 2013)

ASSIGNED COMMISSIONER'S FINAL SCOPING RULING

Background

Pursuant to the schedule contained in the Preliminary Scoping Ruling issued by Commissioner Ferron in August 2013, the Commission's Energy Division convened a series of technical panels that considered and resolved many of the issues raised by the proposed high speed rail construction and operation. The technical panels concluded their work in late 2013 and in February 2014, parties submitted comments and reply comments on the Technical Panel report and the draft of a proposed General Order (GO) that accompanied the report. The comments identified areas in which the participants in the technical panels had been unable to reach agreement, including:

- a. The definition of "agency" in the draft GO.
- b. Whether or not natural gas pipelines that parallel or cross the right-of-way of the high speed rail train need to be encased.

- c. Whether lower voltage lines that cross over the high speed rail lines have to be routed through a separate solid structure.
- d. How overhead and underground crossings may intersect with the high speed rail line.
- e. To what extent may the earth be used as a return path for residual current.
- f. What training rules should be adopted for operators of the high speed rail system.
- g. How to harmonize the proposed new GO with existing GOs 126, 52 and 26-D.

Each of these general topics includes certain specific areas of disagreement.

For example, in connection with the use of the earth as a return path for residual current, the freight railways express concern that using the earth as a return path may interfere with the operation of Positive Train Control systems in use on their trains operating in close proximity to the high speed rail.

On February 12, 2014, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company, East Bay Municipal Utility District, Sacramento Municipal Utility District, and Los Angeles Department of Water and Power (Joint Utilities) filed a motion for evidentiary hearings (EH). On February 13, 2014, Union Pacific Railroad Company (UPRR) filed a similar motion. The motions of Joint Utilities and UPRR are hereafter referred to as "the Motions." On February 27, 2014, California High Speed Rail Authority (CSHRA) filed a response in opposition to the Motions (Response). On March 10, 2014, pursuant to authorization granted by the presiding Administrative Law Judge (ALJ), Joint Utilities filed a reply to the CSHRA Response (Reply).

On April 14, 2014, the presiding ALJ denied the Motions but preserved the right of the Joint Utilities to renew the Motions at the conclusion of the workshop process.

Discussion

In the Preliminary Scoping Ruling it was contemplated that questions left unresolved by the Technical Panels would be addressed in facilitated workshops that would follow the Technical Panels and perhaps eliminate the need for EH. Examination of the comments and reply comments on the Technical Panel report makes it evident that the remaining disagreements among CSHRA, the Joint Utilities, and the freight railways are unlikely to be resolved via workshops. As a result, I have determined to eliminate the workshop phase of this Rulemaking and proceed directly to EH on the remaining disputed issues.

Therefore, the Preliminary Scoping Ruling is modified as follows:

1. Issue 1 of the Preliminary Scoping Ruling is resolved in favor of the issuance of a new GO.
2. Issue 2 of Preliminary Scoping Ruling is resolved by adoption of the safety standards contained in the new GO.
3. Issue 3 of the Preliminary Scoping Ruling is resolved by eliminating from this proceeding consideration of direct costs resulting from the new GO and costs that may be imposed on California's gas and electric utilities by construction of the high speed rail system.
4. Issue 4 of the Preliminary Scoping Ruling, as outlined in more detail in the prior section of this Final Scoping Ruling, will be resolved via evidentiary hearings.

Schedule

The schedule for the remainder of this proceeding is as follows:

| EVENT | DATE |
|---|----------------------|
| Discovery Commences | September 8, 2014 |
| CHSRA's Direct Testimony | September 26, 2014 |
| Respondents' and Intervenors' Answering Testimony | October 17, 2014 |
| CHSRA's Rebuttal Testimony | November 7, 2014 |
| Final Discovery Requests | November 14, 2014 |
| Evidentiary Hearings 10:00 a.m. Commission Courtroom State Office Building 505 Van Ness Avenue San Francisco, CA 94102 | December 15-19, 2014 |
| Opening Briefs | February 6, 2015 |
| Reply Briefs | February 27, 2015 |
| Proposed Decision | May 1, 2015 |
| Commission Decision | June 11, 2015 |

IT IS SO ORDERED.

Dated July 18, 2014, at San Francisco, California.

/s/ MICHAEL PICKER

Michael Picker
Assigned Commissioner