

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



December 13, 2012

John Hope
Environmental Planner
California Energy Commission
1516 Ninth Street, MS 40
Sacramento, CA 95814-5504

California Energy Commission

DOCKETED
08-AFC-8A

TN # 68923

DEC. 18 2012

Re: Proposed Rail Line Alignment – California Energy Commission – West of Bakersfield near Tupman, Kern County

Dear Mr. Hope:

Thank you for informing us about the proposed rail line alignment for your planned power plant near the Community of Tupman in Kern County. The California Public Utilities Commission (CPUC or Commission) appreciates the opportunity to provide the following comments:

The project is subject to a number of rules and regulations involving the CPUC. These may include: Sections 1201 et al, and 99152 of State of California Public Utilities Code, which requires Commission authority to construct rail lines over existing streets. The design criteria of the proposed rail line project must comply with CPUC General Orders (GOs), such as GO 26-D, Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings; GO 72-B, Rules Governing the Construction and Maintenance of Crossings at Grade of Railroads with Public Streets, Roads and Highways; GO 75-D, Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossings; GO 118, Construction, Reconstruction and Maintenance of Walkways and Control, of Vegetation Adjacent to Railroad Tracks; GO 135, Blocking of Crossings, and GO 145, Railroad Crossings to be Classified Exempt From The Mandatory Stop Requirements of Section 22452 of the Vehicle Code.

As part of its mission to reduce hazards associated with at-grade crossings, the Commission's policy is to reduce the number of at-grade crossings on rail corridors.

In acquiring Commission approval for construction of at-grade rail crossings, the California Energy Commission (CEC) should file formal applications, in accordance with the Commission's Rules of Practice and Procedure, for new crossing locations, including grade separation structures.

The rail line alignment, as shown in your email attachments, passes through a primarily agricultural area, which will lead to a high amount of slow moving agricultural vehicles at the crossings. Constructing tracks on the proposed right-of-way is likely to result in trespassing issues and pedestrian conflicts similar to those currently experienced along other San Joaquin Valley Railroad corridors in the Bakersfield area. Elevating or lowering the tracks would mitigate this concern.

While we understand the cost of grade separating a highway-rail at-grade crossing makes for a perceived detriment to your project, the CPUC normally does not take cost alone into its consideration of the practicability of grade separating a crossing.

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Before we provide specific project concerns for the proposed rail line alignment identified in your email, Commission's Rail Crossing Engineering Section recommends scheduling a field diagnostic meeting at each proposed at-grade rail crossing.

We understand that this may be a complex and challenging project with funding, design and environmental approval. It is imperative that the CPUC be involved with the details of this project *from its inception in order to be informed and to be of greater assistance in the future.*

The CPUC will need to provide applicable regulatory oversight for all phases of the proposed rail line. This will require early consultation with not only the CEC personnel but contracted consultants as *well in order* to provide early consultation on all preliminary design and engineering of the anticipated rail line crossings.

This will assist with any jurisdictional issues, permit issuance, and compliance review of the project by the CPUC, since we are a responsible agency under CEQA section 15381 with regard to this project and in complying with any and all General Order requirements as they apply to the proposed rail line as a result of the planned power plant.

Thank you very much for the opportunity to review and comment on your proposed project. Commission staff is available to meet with you and discuss our concerns.

We look forward to working with the CEC on this project. Should you have any questions, please contact Sergio Licon at (213) 576 – 7085 or email at sal@cpuc.ca.gov.

Sincerely,



Anton Garabetian, P.E.
Program and Project Supervisor
Rail Crossings Engineering Section
Consumer Protection and Safety Division

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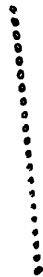


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