Supplemental Responses to CEC Data Requests Set Two: Nos. A155 and A156

Amended Application for Certification for HYDROGEN ENERGY CALIFORNIA (08-AFC-8A)
Kern County, California
RESPONSE TO DATA REQUEST A155 and A156
FROM CALIFORNIA ENERGY COMMISSION (CEC)

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ATTACHMENTS
Attachment A155-1 Field Diagnostic Meeting Notes of February 7, 2013

LIST OF ACRONYMS AND ABBREVIATIONS USED IN RESPONSES

AFC Application for Certification
CEC California Energy Commission
CPUC California Public Utilities Commission
HECA Hydrogen Energy California
BACKGROUND

As identified in Table 5.10-12 of the revised AFC, the California Public Utilities Commission (CPUC) administers numerous requirements for design and operation of a railroad. Table 5.10-12 also lists number “9” as the agency contact for these CPUC requirements and refers the reader to Table 5.10-13 which does not list a number “9” or the CPUC as an agency contact. It is noted that the footnote at the end of Table 5.10-12 incorrectly refers the reader to Table 5.10-11.

DATA REQUEST

A155. Please provide the name(s) of the individuals contacted at the CPUC

RESPONSE

As indicated in the previous response to Data Request A155, the Applicant believes that any required California Public Utilities Commission (CPUC) approvals related to the railroad spur crossings of public roads would be subsumed within the CEC’s exclusive jurisdiction over the HECA Project and related facilities. However, in order to respond to a December 13, 2012 letter from the CPUC to the California Energy Commission and in response to CEC Data Requests, the Applicant conducted a field diagnostic with the CPUC on February 7, 2013 to identify CPUC comments on the proposed HECA rail spur. Attachment A155-1 provides CPUC’s comments made during the field diagnostic.
Meeting Date/Time: February 7, 2013
10:30 a.m.

Meeting Location: HECA Information Center
189 E. Front Street, Buttonwillow, CA, 93206

Subject: CPUC Field Diagnostic of Public Crossings
HECA Proposed Railroad Spur

Attendees: Sergio Licon, CPUC
Chi Cheung To, CPUC
Sal Gomez, Kern County Roads Department
Kenneth Tom, UPRR
Paul Marcinko, UPRR
Frank Beard, UPRR
Larry Gomez, SJVR
Ed Western, HECA
Kathy Rushmore, URS
Noel Casil, URS
Freddy Cheung, HDR

Purpose:
The purpose of the field meeting was to conduct the California Public Utilities Commission (CPUC) field diagnostic requested in the CPUC’s December 13, 2012 letter to the California Energy Commission (CEC). The field diagnostic was conducted on the following two public at-grade crossings required for the proposed HECA industrial rail spur:

- Public Crossing #1 (Stockdale Highway)
- Public Crossing #2 (Adohr Road)

Private at-grade crossings were also observed for interested attendees.

HECA Industrial Rail Spur Safety Devices:
The following rail safety devices are proposed by HECA for each public at-grade crossing:

- Crossing materials will consist of precast concrete panels
- Automatic warning devices, including two CPUC Standard No. 9s, three advance warning signs (two W10-1s and one W10-4)
- Required MUTCD pavement markings
The following rail safety devices are proposed by HECA for each private at-grade crossing:

- Warning devices including CPUC standard No. 1-X private crossing sign
- Roadway surface across track will be concrete

**CPUC Comments:**

During the field diagnostic, Mr. Sergio Licon of the CPUC/RCES indicated that the rail safety devices proposed by HECA at each public at-grade crossing appeared appropriate. He recommended that illumination (i.e., street lamps or similar) be provided at each of the public at-grade crossings in case rail trips occur at night.

Mr. Licon stated that authority to construct a new public rail crossing is typically granted by the CPUC through the "formal application" which will take approximately 8 to 12 months and needs to be approved prior to construction of the rail spur. Once a draft application is submitted, the CPUC will provide more detailed comments on the public at-grade crossings. It was then discussed that the California Energy Commission has exclusive authority to license the HECA Project, including appurtenant facilities such as the rail spur, and that this license typically takes the place of other local or state permits. However the California Public Utilities Commission has exclusive jurisdiction over all rail road crossings in the state of California, per CPUC code section 1201-1205. Further discussion between the Applicant, CEC and CPUC is required to clarify permitting jurisdiction. The CEC will incorporate CPUC's input and any concerns CPUC has into their environmental documents. It was agreed that these field meeting notes would be prepared and agreed upon as a mechanism to convey CPUC's initial feedback to the CEC regarding the new rail spur crossings. CPUC may provide more detailed comments once engineering details are provided and prior to construction of the rail spur.
DATA REQUEST

A156. Please provide a record of conversation(s) with staff of the CPUC.

RESPONSE

See response to Data Request A155.
AMENDED APPLICATION FOR CERTIFICATION
FOR THE HYDROGEN ENERGY
CALIFORNIA PROJECT

Docket No. 08-AFC-08A
PROOF OF SERVICE
(Revised 2/11/13)

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DECLARATION OF SERVICE

I, Dale Shileikis, declare that on February 26, 2013, I served and filed copies of the attached Supplemental Responses to CEC Data Requests Set Two: Nos. A155 and A156, dated February, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: http://www.energy.ca.gov/sitingcases/hydrogen_energy/.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: 2/26/13