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Decision No. 89905 JAN 30 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
 own motion into the methods of )  
 implementing AB 884 (Chapter 1200, )  
 Statutes 1977). )

OII No. 22  
 (Filed July 25, 1978)

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 Attorneys at Law, for Pacific Gas and Electric Company;  
John Fick, Attorney at Law, for Southern California  
 Gas Company; H. Clinton Tinker, Attorney at Law, for  
 Southern California Edison Company; Bonnie B. Packer,  
 Attorney at Law, for The Pacific Telephone and Telegraph  
 Company; Manning W. Puette, Attorney at Law, for San  
 Diego Gas & Electric Company; and Susan L. Jacobson,  
 Attorney at Law, for Sierra Pacific Power Company;  
 respondents.

J. L. Evans, for United Transportation Union, and J. C.  
 Kaspar, for California Trucking Association; interested  
 parties.

Edward W. O'Neill, Attorney at Law, and Robert E. Penny,  
 for the Commission staff.

### O P I N I O N

Assembly Bill 884 (AB 884) (Chapter 1200, Statutes of 1977)  
 amended the California Environmental Quality Act of 1970 (CEQA) in  
 several major respects. AB 884 was enacted to reduce regulatory  
 delays in processing applications for development projects. It  
 establishes an entirely new procedure for the processing of  
 applications for development projects. Among its provisions are  
 specific time limits for different steps in the project evaluation  
 process and a mandate to all state agencies to specify in advance  
 the information which will be required in each type of project  
 application the agency may receive. This information must be  
 made available to the public in "information and criteria lists".

OII 22 was instituted for the purpose of adopting rules implementing the provisions of AB 884. The OII is directed to the determination of:

1. Necessary and appropriate amendments to the Commission's Rules of Practice and Procedure; and
2. The scope and content of application information requirements to be published in a Commission Information and Criteria List.

All public utilities with the exception of highway common carriers, cement carriers, petroleum irregular route carriers, water carriers, passenger stage corporations, warehousemen, freight forwarders, express companies, wharfingers, and radiotelephone utilities were made respondents.

Copies of the Information and Criteria List and amendments to the Rules of Practice and Procedure proposed by the Commission staff to implement AB 884 were furnished to respondents and interested parties under a transmittal letter dated August 2, 1978.

The proposed Information and Criteria List restate the application requirements presently contained in the Commission's Rules of Practice and Procedure and General Orders, and in addition contain environmental information requirements designed to accommodate small projects with little or no significant impact as well as large projects with numerous impacts of significance. Proposed amendments to the Rules of Practice and Procedure include:

1. Incorporation of time periods required by AB 884 for specific steps in the evaluation process.
2. Revision of the application procedure to integrate the use of the Information and Criteria List.

3. The provision for expedited public hearings on environmental issues where necessary for agency compliance with the time constraints imposed by AB 884.
4. Reduction of the notice period for motions under Rules of Practice and Procedure 17.1 from 30 days to 10 days.
5. Reduction of the time period for public review of Draft Environmental Impact Reports (EIRs) from 60 days to 45 days.
6. Elimination of the provision for the filing of exceptions and replies to exceptions for Negative Declarations and Final EIRs.
7. Adoption of the development project review procedures of AB 884 and the Permit Guidelines promulgated by the Office of Planning and Research.

In addition to these amendments proposed in order to implement AB 884, the staff proposes a number of additional changes to the rules which it feels are desirable and appropriate. These include:

1. Elimination of those portions of Rule 17.1 which merely reiterate portions of CEQA and/or the EIR Guidelines.
2. Incorporation by reference of the CEQA and EIR Guideline procedures for the preparation of environmental documents.
3. The addition of a provision requiring direct mail notification to affected land owners.

Comments in writing were requested by September 8, 1978.

Several comments were received. A prehearing conference was held in San Francisco on September 18, 1978. At that conference it was agreed that:

1. OII 22 is a rule-making proceeding not requiring the formal submission of evidence;
2. The proceeding may be submitted upon receipt of written comments on the staff proposal;
3. The staff would revise its proposals and furnish them to respondents and interested parties by September 25, 1978; and

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4. Comments on the revised staff proposals were due on October 22, 1978, upon which date the matter could be submitted.

The Commission concurs in the procedures adopted at the prehearing conference. OII 22 was submitted on November 1, 1978 upon final receipt of all comments. Comments were received from Southern California Gas Company (SoCal Gas), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), The Pacific Telephone and Telegraph Company (PT&T), The California State Lands Commission (Lands Commission), and the Utilities Division of this Commission (Utilities Division) and the Legal Division of this Commission (Legal Division).

Detailed discussions of issues and findings and conclusions are not necessary in a rule-making proceeding of this type. We have carefully considered the staff proposal and the comments thereon. Certain of the comments were directed to the failure of the staff to address how the adoption of amendments to Rule 17.1 will be coordinated with revision of General Order No. 131 (Rules Relating to the Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Lines). Amendments ✓

which have recently been proposed to General Order No. 131 will be incorporated into the environmental review process through amendments to the Commission Information and Criteria List. The List will be amended as necessary to reflect changes in procedure in order that it accurately reflect existing application requirements. Since Rule 17.1 paragraph (d)(1) incorporates the informational requirements of the Information and Criteria List, revising the List will also revise in like fashion Rule 17.1. Through this procedure it is anticipated that the Commission can maintain consistent procedures and current notice of existing informational requirements at all times.

Several respondents requested that this proceeding be consolidated with the proposed proceeding involving the revision of General Order No. 131. That proposed proceeding has been delayed in order to substantially revise staff proposals. The California State Resources Agency adopted amendments to its guidelines for EIRs effective March 4, 1978 to conform those guidelines to AB 884. That agency advised other public

agencies within the State that such agencies were required to bring their implementing procedures into conformity with the amended guidelines by June 30, 1978. Inasmuch as that date has passed, we will not delay the adoption of our revised rules to conform to AB 884 in order to concurrently revise General Order No. 131.

Assembly Bill 2825 (AB 2825) (Statutes of 1978, Chapter 1113) was signed by the Governor after the proposed rules to implement AB 884 ✓ and comments thereon were circulated; that bill is a clean-up bill, modifying the amendments to CEQA adopted in AB 884 (1977). The principal changes in the Government Code with respect to activities of this Commission are the following:

1. Prevents an agency from requiring an application to contain the same information as a Draft EIR. (Section 65941.)
2. Prevents an agency from requiring an applicant to submit with his application all the information that the agency would finally need to make a decision on the permit. The agency would be required to inform the applicant of the general kinds of information the agency would need later. (Section 65944.)
3. Provides that failure of the applicant to submit adequate information when requested would be a reason for disapproval of the application. (Section 65956(b).)
4. Requires that CEQA and permit time periods begin at the same time. (Section 65950.)
5. Requires that where a development project requires more than one approval for a single project, the agency must take final action on all the approvals within one year. (Section 65957.1.)

The provisions of AB 2825 are incorporated by reference in Rule 17.1 and in the separate Information and Criteria List adopted herein. However, some of the changes resulting from AB 2825 are discussed as they have bearing on the comments made to specific

proposed rule changes. Paragraph 2 of Section 69541<sup>1/</sup> provides that the lead agency under CEQA shall not require an applicant for approval of a development project to submit with its application

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1/ Sections 69541 and 69544 of the Government Code were amended to read as follows:

"65941. The information compiled pursuant to Section 65940 shall also indicate the criteria which such agency will apply in order to determine the completeness of any application submitted to it for a development project.

"In the event that a public agency is a lead agency for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code, such criteria shall not require the applicant to submit the informational equivalent of an environmental impact report as part of a complete application; provided, however, that such criteria may require sufficient information to permit the agency to make the determination required by Section 21080.1 of the Public Resources Code."

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"65944. (a) After a public agency accepts an application as complete, such agency shall not subsequently request of an applicant any new or additional information which, with respect to a state agency, was not specified in the list prepared pursuant to Section 65940, or, with respect to a local agency, was not required as part of the application. Such agency, may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

"(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his initial application the entirety of the information which a public agency may require in order to take final action on such application. Prior to accepting an application, each state agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently

(Continued)

the informational equivalent of an EIR, but the agency may require sufficient information to permit it to make a determination as to whether an EIR or a Negative Declaration is necessary. In practice this Commission has required that applicants submit with their application for approval of new utility projects environmental documentation essentially equivalent to a Draft EIR. In the future we will require all such applicants to provide with their applications only that information required by applicable sections of the Commission's Information and Criteria List. In many cases this information will be very brief; in others it will be extensive. In general, however, it will permit the Commission to promptly determine whether an EIR or Negative Declaration should be prepared without requiring applicants to provide the detail that was some time required in the past.

Subsection(b) of Section 65944 of the Government Code (see Footnote 1) requires that prior to accepting an application, the state agency shall inform an applicant of any information included in the agency's Information and Criteria List which will subsequently be required in order to complete final action on the application.

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1/ (Continued)

be required from the applicant in order to complete final action on such application. Similarly, each local agency, prior to accepting an application, shall inform the applicant of any information which will subsequently be required from the applicant in order to complete final action on such application.

"(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code."



This apparently is to prevent an agency from accepting an application, and then requiring an applicant to periodically furnish additional data that the applicant may not have believed was required to be furnished. Subsection(c), however, permits the agency to obtain all the information required to comply with CEQA. A careful review of each application will be made by our staff in the future to insure that we will obtain sufficient data to meet CEQA requirements. We will also inform each applicant of any additional informational needs in our notice either rejecting the application as incomplete, or accepting it as complete.

With the foregoing explanation of our intended procedures, only minor changes are required in the proposed revision of Rule 17.1 and the proposed Information and Criteria List in order for them to conform to the requirements established by AB 2825. That explanation also should serve to settle questions raised in comments to the staff proposal.

We have carefully considered the proposed revisions to the Commission's Rules of Practice and Procedure and the proposed Information and Criteria List, together with the comments and replies to comments of respondents and interested parties. We find that the proposed amended Rule 17.1 and the additional Rules 17.2 and 17.3 of the Commission's Rules of Practice and Procedure, and the Information and Criteria List are the rules and provisions reasonably required to implement the provisions of AB 884. We conclude that these rules should be adopted as provided in the order which follows, and OII 22 should be discontinued. Since it is important for the revised rules to be implemented as soon as possible the following order should be effective the date of signature.

O R D E R

IT IS ORDERED that:

1. The Commission's Rules of Practice and Procedure are amended by incorporating therein Revised Rule 17.1 and additional Rules 17.2 and 17.3 attached hereto as Appendix A and made a part hereof.
2. The Information and Criteria List attached hereto as Appendix B and made a part hereof is adopted.
3. OII 22 is discontinued.
4. Copies of this order and the attachments shall be served on all respondents to OII 22.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of JANUARY, 1979.

Commissioner Leonard M. Grimes, Jr.  
Present but not participating.

Robert A. Hooper  
President

Vernon L. Sturgeon

Clair J. DeLoach

John E. Guy

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Commissioners

STATE OF CALIFORNIA  
PUBLIC UTILITIES COMMISSION  
AMENDED RULES OF PRACTICE AND PROCEDURE

17.1. (Rule 17.1) Special Procedure for Implementation of the California Environmental Quality Act of 1970. (Preparation and Submission of Environmental Impact Reports.)

(a) GENERAL. This rule has been developed and adopted pursuant to the California Environmental Quality Act of 1970, Public Resources Code Sections 21000 et seq. (CEQA), and the guidelines for implementation of CEQA promulgated by the Office of the Secretary for Resources, California Administrative Code Sections 15000 et seq. (EIR Guidelines.) The Commission hereby adopts and shall adhere to the principles, objectives, definitions, criteria and procedures of CEQA, the EIR Guidelines, and the additional provisions of this rule.

(b) OBJECTIVES. (1) To carry out the legislative intent expressed in CEQA, Public Resources Code Sections 21000 and 21001, and specifically:

(2) To ensure that environmental issues are thoroughly, expertly, and objectively considered within a reasonable period of time, so that environmental costs and benefits will assume their proper and co-equal place beside the economic, social, and technological issues before the Commission, and so that there will not be undue delays in the Commission's decision-making process.

(3) To assess in detail, as early as possible, the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced, to the fullest extent possible.

(4) To achieve an appropriate accommodation between these procedures and the Commission's existing planning, review and decision-making process.

(c) APPLICABILITY. This rule shall apply to CEQA for which Commission approval is required by law, except projects for which an application must be filed with the California Energy Resources Conservation and Development Commission pursuant to Public Resources Code, Section 25500.

(d) PROPONENT'S ENVIRONMENTAL ASSESSMENT. The proponent of any project subject to this rule shall include with the application for such project an environmental assessment which shall be referred to as the Proponent's Environmental Assessment (PEA). The PEA shall be employed by the Commission to quickly focus on any impacts of the project which may be of concern, and may be used as an aid in preparing the Commission's Initial Study to determine whether to prepare a Negative Declaration or an Environmental Impact Report. Where it is found that CEQA requires such analysis and documentation the PEA may be employed in the preparation thereof.

(1) FORM AND CONTENT. If it can be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, the project PEA should be limited to a statement of this conclusion and any additional explanation or information which may be necessary for an independent assessment of such issue by the Commission. If it cannot be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, then the PEA shall include all information and studies required by the Commission Information and Criteria List applicable to the project, and shall be submitted in the format specified in such list.

(2) FILING. The PEA shall be filed as a separate exhibit accompanying the application or pleading. It need not be physically attached thereto. The proponent shall file an original, twelve conformed copies and such additional copies of its PEA as may be required by the Commission for the review process.

(3) COMMISSION INFORMATION AND CRITERIA LISTS. The Commission shall adopt and revise as necessary a list specifying in detail the information and studies which will be required from proponents of projects subject to this rule. These information lists shall also contain criteria which the Commission will apply in order to determine the completeness of PEAs. These lists shall be contained within the Commission's Information and Criteria List adopted pursuant to Chapter 1200 of the Statutes of 1977 (Government Code Sections 65940 through 65942), and shall be made available to the public upon request from California Public Utilities Commission Environmental Impact Branch, 350 McAllister Street, San Francisco, California 94102.

(e) MOTIONS. Appropriate motions may be made in any proceeding subject to this rule.

(1) Such Motions include but are not limited to:

- (A) Motion for determination of whether the Commission is the Lead Agency for purposes of CEQA and this rule;
- (B) Motion for determination of who is the proponent of the project at issue;
- (C) Motion for a public hearing under section (g); ✓
- (D) Motion for an expedited hearing under section (g) (2); ✓
- (E) Motion for the determination of the reasonableness of the deposit or fee required under section (j).

(2) A motion for determination of whether the proceeding involves a project subject to or exempt from CEQA and this rule may be made pursuant to Rule 17.2.

(3) A motion made under section (e) filed in a proceeding seeking ex parte action or prior to hearing in other proceedings shall be served upon all parties upon which service of the application, complaint, order instituting investigation, or other order was made or required to be made. If a motion is made during the course of a hearing, it shall be served on all parties of record.

(4) The Commission staff and all other parties upon whom the motion is required to be served shall have 10 calendar days in which to respond unless the presiding officer or Administrative Law Judge for good cause shown otherwise orders.

(f) PREPARATION OF ENVIRONMENTAL DOCUMENTS. The procedures for preparation of environmental documents required under CEQA and the EIR Guidelines shall be as prescribed in CEQA, the EIR Guidelines, and the additional provisions of this rule.

(1) NEGATIVE DECLARATIONS. (A) Notice of the preparation of a Negative Declaration shall be given by direct mail to all organizations and individuals having previously requested such notice, and to owners of land, under, or on which the project may be located, and owners of land adjacent thereto. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the project will be located.

(B) Negative Declarations shall be completed and adopted within 105 days of the date on which the project application is accepted as complete.

(C) Negative Declarations shall be available for public comment not less than 30 days prior to project approval should the project be approved.

(2) DRAFT EIRS. (A) The proponent's PEA reviewed, corrected, amended and independently evaluated and analyzed by the staff may become the Commission's Draft EIR.

(B) Notice of Completion of the Draft EIR shall be given by direct mail to the county and municipal planning commissions and the county and municipal legislative bodies for each county or city affected by the project, the state highway engineer, other organizations and individuals having previously requested notification, and to owners of land under, or on which the project may be located, and owners of land adjacent thereto. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the project will be located.

(3) FINAL EIRS. (A) Final EIRs shall be completed and certified within one year of the date on which the project application is accepted as complete.

(B) Copies of the Final EIR shall be served upon all parties to the proceeding.

(4) PUBLIC AVAILABILITY OF ENVIRONMENTAL DOCUMENTS. Copies of PEAs, Initial Studies, Negative Declarations, Draft EIRs, Final EIRs, and any other public environmental documents shall be available to members of the public who may be charged their actual cost of reproduction and handling.

(5) EXTENSIONS OF TIME. Consistent with the intent and purposes of CEQA, and Chapter 1200 Statutes 1977 (Government Code Sections 65920 et seq.), and to the extent permitted by CEQA, Chapter 1200, and the EIR Guidelines, reasonable extensions of time periods specified in CEQA, Chapter 1200, the EIR Guidelines, and in this rule may be granted. Such extensions include extensions of the time periods specified in sections (f) (1) (B) and (f) (3) of this rule.

(g) HEARINGS. Unless the Commission, presiding officer or Administrative Law Judge by order otherwise provides, public hearings shall be held upon each Negative Declaration and each Draft EIR for which a protest or motion under section (c)(1)(C) or (c)(1)(D) of this rule is received.

(1) EX PARTE PROCEEDINGS. If no protest or motion under section (c) is received within 30 days following the notice of completion of the Draft EIR or the notice of preparation of the Negative Declaration, the Final EIR or Negative Declaration may be completed and certified or completed and adopted without public hearing.

(2) EXPEDITED HEARINGS ON ENVIRONMENTAL ISSUES. Any public hearing held concerning environmental issues may by order of the Commission, the presiding officer, or Administrative Law Judge be expedited for the purpose of facilitating agency compliance with the time constraints imposed upon Commission application processing by Chapter 1200 Statutes 1977 (Government Code Sections 65950, 65951, and 65952) and rules 17.1 (f) (1) (B) and (f) (3) through the implementation of such procedures as may in the discretion of the Commission, the presiding officer or Administrative Law Judge be found necessary and appropriate. Such procedures may include but need not be limited to any, or any combination of the following:

- (A) Limitations on the time allotted to each party;
- (B) Limitations upon the scope of the issues and testimony;
- (C) Limitation or elimination of cross-examination.

(3) NOTICE. Any public hearing held shall be held not less than 45 calendar days after the Draft EIR has been made available for public inspection and comment, and not less than 21 calendar days after the Negative Declaration has been made available.

(4) EVIDENCE. Evidence in support of the project based upon the proponent's PEA shall be presented by the proponent at any hearing ordered by the Commission. All other parties may offer evidence in support of their environmental positions. Comments received through the consultation process shall be made a part of the record in the proceeding and shall be utilized to the maximum extent permissible under the Commission rules.

(h) CATEGORICAL EXEMPTIONS. (1) The following specific projects are within the classes of projects which the Secretary for Resources has exempted from the EIR requirements of CEQA:

(A) CLASS 1 EXEMPTIONS.

1. Restoration and repair of existing structures when they have deteriorated or are damaged, in order to meet current standards of public health and safety under the rules of the Commission or other public authority, where the damage is not substantial and did not result from an environmental hazard.
2. The operation, repair, maintenance, or minor alteration of existing facilities used to convey or distribute electric power, natural gas, water, or other substance.
3. The maintenance of landscaping around utility facilities.
4. The maintenance of native growth around utility facilities.
5. Alteration in railroad crossing protection.
6. Minor railroad crossing alterations as described in Guidelines Section 15101 (c) and (f), including, but not limited to filings under General Order No. 88.
7. Installation of new railroad-highway signals or signs.
8. Abandonment, removal, or replacement of the following railroad facilities: (a) stock corrals, (b) tracks, or (c) platforms.
9. Deviation requests filed under General Orders Nos. 26-b and 118 as to clearances and walkways.

(B) CLASS 2 EXEMPTIONS

1. The replacement or reconstruction, including reconductoring of existing utility structures and facilities where the new structure or facility will be located on the same site as the replaced structure or facility and will have substantially the same purpose and capacity as the structure replaced.
2. Minor reconstruction or repair of railroad crossings or separations.

(C) CLASS 3 EXEMPTIONS.

1. Stores and offices for utility purposes if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures.

2. Water main, sewage, electrical, gas, and other utility extensions of reasonable length to serve such construction.

3. Accessory (appurtenant) structures to utility structures including garages, carports, patios, and fences.

(D) CLASS 4 EXEMPTIONS. New gardening or landscaping in conjunction with utility facilities or structures not to include the removal of mature, scenic trees, the filling of earth into previously excavated land, with material compatible with the natural features of the site, and minor temporary uses of land having negligible or no permanent effect on the environment.

(E) CLASS 5 EXEMPTIONS. Projects which require the issuance of street opening permits to permit minor alterations in land use limitations.

(F) CLASS 6 EXEMPTIONS. The preparation and filing of basic data, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This includes the filing of informational reports with the Commission.

(G) CLASS 7 EXEMPTIONS. Commission decision-making activities which are intended to assure the maintenance, restoration, or enhancement of a natural resource, where procedures for the protection of the environment have been included.

(H) CLASS 8 EXEMPTIONS. Commission decision-making activities if they consist of action taken to assure the maintenance, restoration, enhancement, or protection of the environment, such as, in connection with the issuance of instructions or orders having to do with existing utility facilities, where procedures for the protection of the environment have been included. Construction activities are not included in this exemption.

(I) CLASS 21 EXEMPTIONS. Commission activities which consist of enforcing or revoking a lease, permit, certificate or other entitlement which activities do not ordinarily involve significant effects on the environment.

(1) LEAD AGENCY DETERMINATIONS. (1) The following are determinations of when the Commission is or is not the lead agency for the preparation of an EIR or Negative Declaration.

(A) NONTRANSPORTATION UTILITY PROJECTS. The Commission is the lead agency for the following projects:



## APPENDIX A

1. Electric generation projects covered by General Order No. 131-A and for which the State Energy Resources Conservation and Development Commission does not have jurisdiction.
2. Electric transmission line projects covered by General Order No. 131-A.
3. Gas storage projects.
4. Major gas transmission projects.
5. New and non-contiguous utility facility projects (independent of subdivision projects).
6. Radiotelephone utility projects.
7. Telephone service area expansion projects.
8. Applications for exemptions from undergrounding requirements.
9. Proceedings directly relating to new construction of utility facilities.

(B) TRANSPORTATION UTILITY PROJECTS. 1. Grade Separations. If the grade separation is part of a project to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other grade separation projects.

2. New Street Crossings. If the new street crossing is part of a project to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other new street crossings.

3. New Railroad Track Crossing. If the new railroad track crossing is part of a project to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other such projects.

4. Railroad Crossing Relocations. If the project is to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other such projects.

5. Railroad Crossing Widenings. If the project is to be carried out by a public agency, state or local, the Commission would not be the lead agency. The Commission would be the lead agency as to all other such projects.

## APPENDIX A

6. Certification Proceedings. The Commission would be the lead agency in the following proceedings:

- (a) Air--common carrier certification.
- (b) Bus--common carrier certification.
- (c) Bus--Class B charter certification.
- (d) Rail--common carrier certification.
- (e) Truck--common carrier certification.
- (f) Vessel--common carrier certification.

(j) FEES FOR RECOVERY OF COSTS INCURRED IN PREPARING EIRs.

(1) For any project where the Commission is the lead agency responsible for preparing the EIR or Negative Declaration the proponent shall be charged a fee to recover the actual costs of the Commission in preparing the EIR or Negative Declaration. A deposit shall be charged the proponent as set forth below:

A deposit of thirty dollars (\$30) for each one thousand dollars (\$1,000) of the estimated capital cost of the project up to one hundred thousand dollars (\$100,000), ten dollars (\$10) for each one thousand dollars (\$1,000) over one hundred thousand dollars (\$100,000) and up to one million dollars (\$1,000,000), five dollars (\$5) for each one thousand dollars (\$1,000) over one million dollars (\$1,000,000) and up to five million dollars (\$5,000,000), two dollars (\$2) for each one thousand dollars (\$1,000) over five million dollars (\$5,000,000) and up to ten million dollars (\$10,000,000), one dollar (\$1) for each one thousand dollars (\$1,000) over ten million dollars (\$10,000,000) and up to one hundred million dollars (\$100,000,000), and fifty cents (\$0.50) for each one thousand dollars (\$1,000) over one hundred million dollars (\$100,000,000). A minimum deposit of five hundred dollars (\$500) shall be charged for projects with an estimated capital cost of sixteen thousand dollars (\$16,000) or less.

If a project lacks a capital cost basis, the Commission, presiding officer, or Administrative Law Judge shall determine, as early as possible, the deposit to be charged.

(2) The deposit shall be collected whenever an EIR or Negative Declaration is requested or required. The costs of preparing the EIR or Negative Declaration shall be paid from such deposits.

(3) Proponent shall pay the applicable deposit in progressive payments due as follows: One-third of the deposit at the time the application or pleading is filed, an additional one-third no later than 120 days after the time the application or pleading is filed, and the remaining one-third no later than 180 days after the time the application or pleading is filed. Failure to remit full payment of the deposit no later than 180 days after the time the application or pleading is filed may subject the proponent to a fine not exceeding 10 percent of the outstanding amount due. If the costs exceed such deposit the proponent shall pay for such excess costs within 20 days of the date stated on the Commission's bill for any excess costs. If the costs are less than the deposit paid by the proponent, the excess shall be refunded to the proponent.

17.2 (Rule 17.2) MOTION FOR DETERMINATION OF APPLICABILITY OF CEQA. Any party may file in any proceeding before the Commission a motion for determination of whether the proceeding involves a project subject to or exempt from the California Environmental Quality Act of 1970, Public Resources Code, Sections 21000 et seq., and Rule 17.1.

17.3 (Rule 17.3) REVIEW AND APPROVAL OF DEVELOPMENT PROJECTS Review of development projects within the meaning of Chapter 1200 of the Statutes of 1977 (Government Code Sections 65920 et seq.) ✓ shall be in accord with the procedures and requirements of that chapter, the Permit Guidelines promulgated by the Office of Planning and Research for implementation thereof (State Administrative Manual Sections 1070 et seq.), and applicable rules and procedures of the Commission. Commission Information and Criteria Lists for applications subject to Chapter 1200, Statutes 1977 shall be available from: California Public Utilities Commission, Environmental Impact Branch, 350 McAllister Street, San Francisco, California 94102, (415) 557-0443.

STATE OF CALIFORNIA  
PUBLIC UTILITIES COMMISSION  
INFORMATION AND CRITERIA LIST

The California Public Utilities Commission has adopted this "Information and Criteria List" in order to determine whether applications for projects are complete. This list specifies the information required from any applicant for a project subject to the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21000 through 21176, or for a development project subject to Cal. Gov. Code §65920 through 65957. Submission of this information is necessary before an application can be determined to be complete.

Within 30 days after receiving an application, the Commission will advise the applicant in writing whether the application is complete. If an application is deemed incomplete, the Commission will notify the applicant of what additional information needs to be provided. Upon resubmission of an application, a new 30-day review period will begin. All applicants are subject to all requirements of this "Information and Criteria List" regardless of whether all information listed has been provided or included in the application accepted as complete. Any time prior to final approval or disapproval of the project, the Commission may require the applicant to clarify, amplify or correct the information provided in the application, or supplement such information with additional information, explanation, analysis, data or studies required by the applicable information and criteria list.

Many of the informational requirements included in this list are also required by the Commission's Rules of Practice and Procedure. Such requirements have been included with appropriate citation for ease of reference.

I. GENERAL APPLICATION REQUIREMENTS. All applications and pleadings are subject to the following general requirements.

1. FORM AND SIZE. (Rule 2)

Pleadings and briefs shall be typewritten or printed upon paper 8 1/2" wide and 11" long, and exhibits annexed thereto shall be folded to the same size. Unless printed, the impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Pleadings shall be bound on the left side. Reproductions may be by any process, provided all copies are clear and permanently legible. (See Rule 75.)

2. TITLE AND DOCKET NUMBER. (Rule 3)

All documents presented for filing shall show the caption for the proceeding, the docket number, and the title of the document, and leave sufficient space in the upper right-hand corner for a time and date stamp.

Documents initiating new proceedings shall leave a space for the docket number.

## 3. SIGNATURES. (Rule 4)

The original of each application, petition, complaint, answer, or amendment shall be signed in ink by each party thereto. If such party is a corporation or association, the pleading may be signed by an officer thereof. Any attorney for or representative of a party shall also sign such pleading, and show his address and telephone number.

Motions, notices, briefs, and petitions for rehearing may be signed by an attorney or representative.

## 4. VERIFICATION. (Rules 5 &amp; 6)

Applications or amendments thereto shall be verified by each applicant. Complaints or amendments thereto shall be verified by at least one complainant. Answers shall be verified by at least one of the defendants filing the same. If the party filing the pleading is a corporation or association, the pleading may be verified by an officer thereof.

Verification may be made before a notary public or by certification or declaration under the penalty of perjury.

Except in transfer proceedings (see Rule 35), the attorney for a party may sign and verify a pleading if such party is absent from the county where the attorney has his office, or for some cause is unable to sign and verify such pleading. When a pleading is signed and verified by the attorney, he shall set forth in the affidavit the reasons why the verification is not made by such party.

## 5. COPIES. (Rule 7)

Unless otherwise required by the Commission, and except as to complaints (see Rule 11), there shall be filed with the Commission an original and twelve conformed copies of each pleading, or amendment thereof, and the original and twelve copies of each brief or petition for rehearing or petition for leave to intervene.

## 6. CONTENTS. (Rule 15)

All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of applications (see Rules 18 through 41), shall state the following:

(a) The exact legal name of each applicant and the location of principal place of business, and if an applicant is a corporation, trust, association, or other organized group, the State under the laws of which such applicant was created or organized.

(b) The name, title, address and telephone number of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Such additional information as may be required by the Commission in a particular proceeding.

(d) Applications for ex parte action shall set forth the basis for such request, and those seeking the granting of relief pending full hearing shall set forth the necessity for such relief.

#### 7. ARTICLES OF INCORPORATION. (Rule 16)

If applicant is a corporation, a copy of its articles of incorporation, certified by the Secretary of State, shall be annexed to the original of the application, but need not be annexed to copies thereof. If current articles have already been filed, the application need only make specific reference to such filings.

#### 8. FINANCIAL STATEMENT. (Rule 17)

Wherever these lists provide that a financial statement shall be annexed to the application, such statement, unless otherwise provided herein, shall be prepared as of the latest available date, and shall show the following information:

(a) Amount and kinds of stock authorized by articles of incorporation and amount outstanding.

(b) Terms of preference of preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

(c) Brief description of each security agreement, mortgage and deed of trust upon applicant's property, showing date of execution, debtor and secured party, mortgagor and mortgagee and trustor and beneficiary, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured, together with any sinking fund provisions.

(d) Amount of bonds authorized and issued, giving name of the public utility which issued same, describing each class separately, and giving date of issue, par value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(e) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.

(f) Other indebtedness, giving same by class and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by any person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(g) Rate and amount of dividends paid during the five previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(h) A balance sheet as of the latest available date, together with an income statement covering period from close of last year for which an annual report has been filed with the Commission to the date of the balance sheet attached to the application.

## II. APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

### 1. CONSTRUCTION OR EXTENSION OF UTILITY FACILITIES. (Rule 16)

(Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) This rule applies to applications, under Section 1001 of the Public Utilities Code, by any new public utility for a certificate to begin the construction of its plant or system, or by an existing public utility to begin construction of an extension of such a character as to require certification under Section 1001 of the Public Utilities Code. (See Rule 37.) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) A full description of the proposed construction or extension, and the manner in which the same will be constructed.

(b) The names and addresses of all utilities, corporations, persons or other entities, whether publicly or privately operated, with which the proposed construction is likely to compete, and of the cities or counties within which service will be rendered in the exercise of the requested certificate. Whenever a public utility applies to the Commission to extend or establish its water service within a county water district, or any area served by such district, such district shall also be named, if it furnishes a like service. The application shall contain a certification that a copy of the application has been served upon or mailed to each such party named.

(c) A map of suitable scale showing the location or route of the proposed construction or extension, and its relation to other public utilities, corporations, persons, or entities with which the same is likely to compete.

(d) A statement identifying the franchises and such health and safety permits as the appropriate public authorities have required or may require for the proposed construction or extension.

(e) Facts showing that public convenience and necessity require, or will require, the proposed construction or extension, and its operation.

(f) A statement detailing the estimated cost of the proposed construction or extension and the estimated annual costs, both fixed and operating, associated therewith. In the case of a utility which has not yet commenced service or which has been rendering service for less than twelve months, the applicant shall file as a part of the application supporting statements or exhibits showing that the proposed construction is in the public interest and whether it is economically feasible.

(g) Statements or exhibits showing the financial ability of the applicant to render the proposed service together with information regarding the manner in which applicant proposes to finance the cost of the proposed construction or extension.

(h) A statement of the proposed rates to be charged for service to be rendered by means of such construction or extension. If any increase in rates is proposed, comply with Rule 23.

(i) A statement corresponding to the statement required by Section 2 of General Order No. 104-A, as to all known matters which both (a) are designated by said section for inclusion in the annual report but occurred or were proposed subsequent to the period covered by the last previous annual report filed by the applicant and (b) are, or will be, connected with the construction or extension proposed in the application; or, if no such matters are known to have so occurred or are then known to be proposed, a statement to that effect; provided, that an applicant whose capital stock, or that of its parent company, is listed on a "national securities exchange," as defined in the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.), in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company if not previously filed with the Commission, provided, further, that an applicant whose capital stock, or that of its parent company, is registered with the Securities and Exchange Commission (S.E.C.) pursuant to the provisions of Section 12(g) of said Securities Exchange Act of 1934, in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company containing the information required by the rules of the S.E.C. if not previously filed with the Commission.



(j) In the case of a telephone utility, the estimated number of customers and their requirements for the first and fifth years in the future.

(k) In the case of a gas utility seeking authority to construct a pipeline:

(1) Regarding the volumes of gas to be transported:

(A) A statement of the volumes to be transported via the proposed pipeline including information on the quality of gas and the maximum daily and annual average daily delivery rates.

(B) A statement that copies of summaries of all contracts for delivery and receipt of gas to be transported via the proposed pipeline and information on the reserves and delivery life pertaining thereto will be made available for inspection on a confidential basis by the Commission or any authorized employee thereof. The terms and provisions of individual contracts for gas supply and data as to reserves or delivery life of individual gas suppliers shall not be required to be stated in the application or in the record of the proceedings, and if disclosed to the Commission or to any officer or employee of the Commission on a confidential basis as herein provided, shall not be made public or be open to public inspection.

(2) A summary of the economic feasibility, the market requirements and other information showing the need for the new pipeline and supply.

(3) Where the gas to be transported through the pipeline is to be purchased by the applicant from, or transported by the applicant for, an out-of-state supplier:

(A) A copy of the proposed tariff under which the gas will be purchased or transported.

(B) A statement that the out-of-state pipeline supplier has agreed: (1) to file with this Commission copies of annual reports which it files with the Federal Energy Regulatory Commission; (2) to file with this Commission monthly statements of its revenues, expenses and rate base components; (3) to file with this Commission copies of its tariffs as filed from time to time with the Federal Energy Regulatory Commission; and (4) at all times to permit this Commission or its staff reasonable opportunity for field inspection of facilities and examination of books and records, plus assurance that reasonable requests for operating information otherwise prepared in the course of business will be supplied in connection with any proceeding before the Federal Energy Regulatory Commission.

(1) In the case of an electric utility proposing to construct an electric generating plant :

(1) Load and resource data setting forth recorded and estimated loads (energy and demands), available capacity and energy, and margins for two years actual and three years estimated, on an average year basis.

(2) Existing rated and effective operating capacity of generating plants and the planned additions for a three-year period.

(3) Estimated capital and operating costs of power to be generated by the proposed plant for all competitive fuels which may be used under legislative restrictions in the proposed plant.

(4) For any nuclear plant, a statement indicating that the requisite safety and other license approvals have been obtained or will be applied for.

(5) Electric utilities proposing to build electric generation facilities in excess of 50 mw capacity shall provide in addition to the data required by the Rules of Practice and Procedure listed above, the following information required by General Order 131-A:

(A) A statement of the reasons why and the date when completion and operation of the proposed facility will be necessary to promote the safety, health, comfort and convenience of the public.

(B) A copy of the report of loads and resources the utility is required to submit to the Energy Resources Conservation and Development Commission in accordance with Section 25300 of the Public Resources Code.

(C) Safety and reliability information including planned provisions for emergency operation and shutdowns.

(D) Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kwhr (1) at plant, and (2) including related transmission and comparative costs of other alternatives considered.

(E) A schedule showing the program for design, material acquisition, construction and testing and operating dates.

(F) Available site information (including maps and description, present, proposed and ultimate development) and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected. This information may be provided in the Proponent's Environmental Assessment (PEA) prepared pursuant to Section V.

(G) Preliminary design information, including description of facilities, plant efficiencies, electrical connections to system, and description of control systems.

(H) Description of provisions, including devices and operations, for mitigation of the effect of the proposed plant operation on air and water quality, for waste disposal, and for noise abatement. Established standards, including but not limited to, all state, regional, district or county standards shall be indicated and records and estimates of past and future performance shall be provided as well as information on other environmental aspects. This information may be provided in the PEA prepared pursuant to Section V.

(I) Architectural concept indicating compatibility of facilities with environment. This information may be provided in the PEA prepared pursuant to Section V.

(J) A listing of federal, state, regional, county, district or municipal agencies from which approvals either have been obtained or will be sought covering various aspects of the proposed facility, and the planned schedule for obtaining those approvals not yet received.

(m) In the case of a water utility:

(1) An estimate of the number of customers and the requirements for water for the first and fifth years in the future, and the ultimate future development anticipated by applicant, together with a description of the proposed normal, and emergency standby, water facilities for production, storage and pressure to serve the area for which the certificate is sought.

(2) A statement of the estimated operating revenues and estimated expenses, by major classes, including taxes and depreciation, for the first and fifth years in the future attributable to operations in the proposed area.

(3) If the applicant has operated as a water utility elsewhere in the State of California for a period in excess of one year prior to filing the application, a general statement of the operating plans for the proposed area, including a statement whether a new area will be served by existing personnel or will constitute a separate district to be served by new personnel. If the applicant has not operated as a water utility elsewhere in the State of California for a period in excess of one year prior to filing the application, a description of the operating plans for the proposed area, including, to the extent available, but not necessarily limited to, such items as qualifications of management and operating personnel, proposed operating pressures for the system, plans for water treatment, availability of utility personnel to customers, billing procedures, emergency operation plans and provision for handling customer complaints.

(n) In the case of an application by a water utility in which the facilities have already been constructed, extended or installed:

(1) A detailed statement of the amount and basis of the original cost (estimated if not known) of all plant and of the depreciation reserve applicable thereto.

(2) If the facilities have been rendering service in the area for which the certificate is sought, and

(A) The rates proposed are the same as the tariff rates in the district which includes the area to be certificated, the application shall also include a summary of earnings on a depreciated rate base with respect to such area for the test period or periods upon which applicant bases its justification for the rates to be applied in such area; otherwise

(B) The application shall also comply with Rule 23, including the furnishing of the information specified in subsections (e) and (f) thereof but made applicable to the proposed rates; provided, however, the information required by subsections (b) and (c) thereof need be furnished only when increases are proposed.

(o) In the case of an electric utility desiring to build transmission line facilities for immediate or eventual operation in excess of 200 kv, in addition to the data required by the Rules of Practice and Procedure listed above, the following information required by General Order 131-A shall be provided in the application, pleading, or PEA prepared pursuant to Section V:

(1) A statement of the reasons why and the date when completion and operation of the proposed transmission line will be necessary to promote the safety, health, comfort and convenience of the public.

(2) A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.

(3) Proposed transmission line description and estimated cost covering tower design and appearance, heights, conductor sizes, initial and ultimate voltages and capacities, compatibility with environment.

(4) Reasons for adoption of the route selected including comparison with alternative routes.

(5) A schedule showing the program of right-of-way acquisition and construction.

(6) A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.

(p) Such additional information and data as may be necessary to a full understanding of the project.

## 2. EXERCISE OF FRANCHISE RIGHTS. (Rule 19)

(Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications under Sections 1002 and 1005 of the Public Utilities Code for a certificate that public convenience and necessity require exercise of a right or privilege granted to applicant under a franchise or permit, shall contain the following data, either in the body of the application or in exhibits attached thereto.

(a) Facts showing that public convenience and necessity require or will require the exercise of the right or privilege granted by the franchise or permit.

(b) A copy of the franchise or permit containing the right or privilege which applicant desires to exercise.

(c) If there are utilities, corporations, persons, or other entities, whether publicly or privately operated, with which applicant is likely to compete, then a map of suitable scale showing the territory in which it is proposed to exercise such franchise or permit, and the relation to such entities.

3. EXERCISE OF FRANCHISE RIGHTS NOT YET GRANTED. (Rule 20)

(Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) Applications under Sections 1003-1005 of the Public Utilities Code, for an order preliminary to the issue of a certificate, if a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, shall comply with Rule 19, except subsection (b) thereof. The Commission, in its discretion, may make an order declaring that it will, after applicant has obtained the contemplated franchise or permit, issue a certificate upon such terms and conditions as it may designate. Attached to the supplemental application for such certificate shall be a copy of the franchise or permit obtained by applicant.

4. COMMON CARRIER CERTIFICATES. (Rule 21)

Carrier by Vessel, P. U. Code, Secs. 1007-1009  
 Express Corporation, P. U. Code, Sec. 1010  
 Freight Forwarder, P. U. Code Sec. 1010  
 Passenger State Corporation, P. U. Code, Secs. 1031-1036  
 Highway Common Carrier, P. U. Code, Secs. 1063-1064  
 Petroleum Irregular Route Carrier, P. U. Code,  
 Secs. 1063-1064, 1067-1069  
 Cement Carrier, P. U. Code, Secs. 1063-1064, 1067  
 Passenger Air Carrier, P. U. Code, Secs. 2740-2765

In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications for certificates under any of the above sections of the Public Utilities Code shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) The type of service being performed by applicant, a general description thereof, and a reference to the authority under which existing service is performed.

(b) The specific authority requested and the particular statutory provision under which the certificate is requested.

(c) If a carrier of property, a description of specified commodities proposed to be transported, and, if general commodities with exceptions are proposed to be transported, a statement specifying such exceptions.

(d) The geographical scope of the proposed operation, including the termini and other points proposed to be served, and a concise narrative description of the proposed route.

(e) A map or sketch of the route and points to be served, drawn to suitable indicated scale, and showing present and proposed operation by distinctive coloring or marking.

(f) The names of all common carriers with which the proposed service is likely to compete, and a certification that a copy of the application has been served upon or mailed to each such carrier named. Applications shall also name all other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

Applicants for highway common carrier authority may deviate from this subsection by satisfying the following alternative requirements:

Within ten days following the filing of an application, applicant shall notify by mail all common carriers with whom the proposed service is likely to compete that an application has been filed with the Commission. The notice shall include the number of the application assigned to it by the Commission, the date of the filing, a description of the authority requested and a description of the existing highway common carrier authority, if any.

Applicant shall file a certification with the Commission within five days of such mailing that copies of the notice have been mailed to the parties identified in the certification. Applicant shall also mail a copy of the full application to any of the parties so notified, if requested, or to any other parties designated by the Commission.

(g) Applications to inaugurate new passenger stage service shall name any state or local authorities located in the area or areas to be served, upon whom service of said application is hereby required to be made, and shall name any other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(h) A statement of the rates or fares proposed to be charged and rules governing service. Applications for certificates need not contain tariffs, but shall indicate the level and nature of proposed rates and rules and may refer to tariffs on file with or issued by the Commission.

(i) A statement indicating the frequency of the proposed service. If "on call" service is proposed, the application shall set forth conditions under which such service would be performed.

(j) The kind and approximate number of units of equipment to be employed in the proposed service.

(k) A statement of financial ability to render the proposed service.

(l) Facts showing that the proposed operation is required by public convenience and necessity.

## 5. WAREHOUSES. (Rule 22)

(P. U. Code, Sec. 1051) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications for a certificate authorizing the operation of a warehouse or enlargement of warehouse operations shall contain the following:

(a) A description of existing warehouse facilities operated by applicant.

(b) A statement of the service proposed, including a description of the building and the storage capacity to be used, and the classes of merchandise to be stored.

(c) Facts showing public convenience and necessity, and financial ability to render the proposed service.

## III. APPLICATIONS TO CONSTRUCT, ALTER, OR ABOLISH RAILROAD CROSSINGS.

## 1. TO CONSTRUCT A PUBLIC HIGHWAY ACROSS A RAILROAD. (Rule 38)

Applications to construct a public road, highway, or street across a railroad must be made by the municipal, county, state, or other governmental authority which proposes the construction, and shall contain the following data:

(a) A legal description of the location of the proposed crossing.

(b) Crossing numbers of the nearest existing public crossing on each side of the proposed crossing. (Numbers may be obtained from the crossing sign at the crossing, or from the office of the railroad.)

(c) A statement showing the public need to be served by the proposed crossing.

(d) If the proposed crossing is at grade, a statement showing why a separation of grades is not practicable.

(e) A statement showing the signs, signals, or other protection which applicant recommends be provided at the proposed crossing.

(f) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view for a distance of at least 400 feet along the railroad and 200 feet along the highway in each direction from the proposed crossing. Such map shall show the character of surface or pavement and width of same, either existing or proposed, on the street or road adjacent to the proposed crossing and on each side thereof.

(g) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.

(h) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.



## 2. TO WIDEN OR RELOCATE AN EXISTING CROSSING. (Rule 39)

When the political subdivision or governmental authority having jurisdiction desires to widen, relocate, or otherwise alter an existing crossing, the application shall show the information required by Rule 38, supra, except that the crossing number of the crossing proposed to be altered shall be stated, instead of the information required by Rule 38(b).

3. TO CONSTRUCT A RAILROAD TRACK ACROSS A PUBLIC HIGHWAY.  
(Rule 40)

When a railroad desires to construct a track across a public road, highway or street, it shall mail a copy of its application to the municipal, county, state or other governmental authority having jurisdiction and control over the highway or charged with its construction and maintenance. The original thereof shall contain a certification of such mailing. Such application shall comply with Rule 38(a), (c), (d), (e), (f), (g), and (h), and shall also contain the following information:

(a) There shall be attached to the original application a certified copy of the franchise or permit, if any be requisite, from the authority having jurisdiction, which gives to the railroad the right to cross the highway involved, and a copy thereof shall be attached to each copy of the application. If such franchise or permit has already been filed, the application need only make specific reference to such filing.

(b) The proposed crossing number shall be stated.

(c) The map referred to in Rule 38(f) shall also show, by distinct colorings or lines, all new tracks or changes in existing tracks, within the limits of the drawing, which are to be made in connection with the construction of the proposed crossing.

## 4. TO CONSTRUCT A RAILROAD OR STREET RAILROAD ACROSS A RAILROAD OR STREET RAILROAD. (Rule 41)

Applications to construct a railroad track across a railroad or street railroad shall also contain the following:

(a) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view in the immediate vicinity.

(b) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing railroads in the general vicinity.

(c) A profile showing the ground line and grade line of approaches on all railroads affected.

(d) A true copy of the contract executed by the parties, or other evidence that the carrier to be crossed is willing that the crossing be installed.

## IV. OTHER APPLICATIONS AND PETITIONS.

Applications and petitions relating to projects not specifically mentioned in these lists shall comply with the requirements of Sections I and V, and all applicable Commission Rules, General Orders, and Decisions.

## V. ENVIRONMENTAL INFORMATION REQUIREMENTS.

This section shall apply to all projects subject to CEQA for which Commission approval is required by law, except projects for which an application must be filed with the California Energy Resources Conservation and Development Commission pursuant to Public Resources Code, Section 25500.

## 1. PEA REQUIREMENT.

The proponent of any project subject to this section shall include with the application for such project an environmental assessment which shall be referred to as the Proponent's Environmental Assessment (PEA).

## 2. PURPOSE.

The PEA is intended to be the means by which the Commission can quickly focus upon any environmental impacts of a project. Where the Commission is the Lead Agency under CEQA it may be used as an aid in preparing the Commission's Initial Study to determine whether to prepare a Negative Declaration or an Environmental Impact Report. The PEA reviewed, corrected, amended and independently evaluated and analyzed by the Commission staff may become the Commission's Draft EIR.

## 3. CONTENT.

If it can be seen with certainty that there is no possibility that the project in question may have a significant adverse effect on the environment, the PEA for the project should be limited to a statement of this conclusion and any additional explanation or information which may be necessary for an independent evaluation of such assertion by the Commission. If it cannot be seen with certainty that there is no possibility that the project in question may have a significant adverse impact on the environment, then the PEA shall include all information and studies required by Sections V, 7 through V, 13.

## APPENDIX B

The PEA should succinctly describe the environment of the area or areas which will be or may be affected by the project and project alternatives under consideration. The description shall be no longer than is necessary to understand the potential impacts.

The PEA shall analyze in depth all and only those impacts which are significant or potentially significant. It shall identify and eliminate from detailed study impacts which are not significant. Effort and attention shall be devoted to important issues rather than verbose descriptions of the project itself or the environmental setting. The Environmental Impact Assessment Summary form, a copy of which is attached, shall be employed to more accurately define the required scope and detail of PEAs for particular projects.

## APPENDIX B

## 4. SIGNIFICANCE.

There is no strict criteria for determining the significance of an impact. The determination ultimately requires the exercise of reasoned judgment taking into account the nature of the project and environmental setting. Opinions may differ, but where there is, or can be anticipated to be, a substantial body of opinion that considers or will consider the impact to be significant it shall be considered significant and discussed in detail in accord with Section V, 13.

In evaluating significance both primary or direct and secondary or indirect effects shall be considered. Primary effects are those immediately related to the project. Secondary effects are consequences associated more closely with the primary effects than to the project itself. New suburban growth may be a primary effect of an electric transmission line extension for example, whereas possible effects, such as traffic congestion and consequent air pollution, would be secondary effects.

Impacts of a project may be both adverse and beneficial. All significant adverse effects shall be discussed in detail in accord with Section V, 13, even though the proponent may be of the opinion that on balance the beneficial effects outweigh the adverse impacts.

Temporary effects are not necessarily insignificant, although the duration of the effect is relevant to the issue of significance.

A project must be considered to entail a significant effect on the environment if:

(a) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. As used in the subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

#### 5. INCORPORATION BY REFERENCE.

The PEA may incorporate material by reference when to do so would reduce bulk without impeding agency or public review. Any such incorporation shall, however, include a summary of the matter to which reference is made and an explanation of its relevance to the project. No material may be incorporated by reference unless it is reasonably available, or is made reasonably available for inspection by the Commission and potentially interested members of the public. All or any part of any Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or any EIR or Master Environmental Assessment prepared pursuant to CEQA, may be submitted in lieu of all or any part of the PEA required by this rule, provided the requirements of all applicable sections of these Information and Criteria Lists are fully satisfied. The PEA on a project for which the Commission is a Responsible Agency under CEQA shall, whenever possible, incorporate by reference the Lead Agency's Initial Study and Negative Declaration or Environmental Impact Report.

#### 6. FILING REQUIREMENTS.

The PEA shall be filed as a separate exhibit accompanying the application or pleading. It need not be physically attached thereto. The proponent shall file an original, twelve conformed copies, and such additional copies as may be required by the Commission to process the application.

#### 7. FORMAT.

The following standard format for a PEA should be followed for all projects for which it cannot be seen with certainty that there is no possibility that the project may have a significant adverse impact on the environment:

- (a) Cover sheet
- (b) Table of Contents
- (c) PEA Summary
- (d) Project Purpose and Need
- (e) Project Description
- (f) Environmental Setting
- (g) Environmental Impact Assessment Summary
- (h) Detailed Discussion of Significant Impacts
- (i) Appendices (if any)

8. COVER SHEET.

The cover sheet shall consist of a single sheet containing the title "Proponent's Environmental Assessment," the caption of the proceeding for which the PEA has been prepared, the docket number of the proceeding, and the name, address, and telephone number of the project proponent.

9. PEA SUMMARY.

Each PEA shall contain a summary which shall briefly state the major conclusions, areas of controversy, and major issues which must be resolved (including the choice among reasonably feasible alternatives and mitigation measures, if any). The summary should normally be two to ten pages in length, but may be shorter or longer depending upon the complexity of the project and the number and significance of the project's impacts.

## APPENDIX B

## 10. PROJECT PURPOSE AND NEED.

All PEAs shall contain an explanation of the objective or objectives of the project. This shall be accompanied by an analysis of the reason why attainment of these objectives is necessary or desirable. The analysis should normally not exceed a page or two in length except where significant or potentially significant project impacts have been identified in the Environmental Impact Assessment Summary required by Section V, 13. Where such impacts have been identified, the analysis of project purpose and need must be sufficiently detailed to permit the Commission to independently evaluate the project need and benefits in order to accurately consider them in light of the potential environmental costs. This requirement may be satisfied by reference to specific portions of the project application which address this issue.

## 11. PROJECT DESCRIPTION.

The description of the project shall contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the project shall be shown on a detailed map, preferably topographic. The location shall also be shown on a regional map.

(b) A general description of the project's technical, economic, and environmental characteristics considering the principal engineering proposals and supporting public service facilities.

The requirements of this section may be satisfied by reference to specific portions of the project application which address these issues and include this information.

## 12. ENVIRONMENTAL SETTING.

The PEA must include a description of the environment in the vicinity of the project and within the potential range of impact as it exists before commencement of the project. Both local (site-specific) and regional perspectives must be provided. The description should include some discussion of the topography, land use patterns, and general biological environment. Detailed descriptions should be limited to those elements of the environment which may be subject to a potentially significant impact. The setting must, however, be sufficiently described to permit an independent evaluation by the Commission of elements which could be impacted by the project.

All elements of the environmental setting necessary to fully understand impacts identified as significant or potentially significant in the Environmental Impact Assessment Summary required by Section V, 13 shall be described in detail.

## 13. ENVIRONMENTAL IMPACT ASSESSMENT SUMMARY.

Every PEA shall contain an Environmental Impact Assessment Summary in the form attached. This summary shall be employed as an aid in determining the scope and detail of the environmental setting and impact analyses.

All impacts identified as significant or potentially significant must be explained in detail in accord with the criteria stated in Section V, 14. All elements of the environmental setting necessary to fully understand such impacts shall be described in detail in accord with Section V, 12. All other answers provided on the form should be briefly explained in the space provided or on additional sheets attached to the Summary as necessary. These brief explanations should contain no detailed studies, research, or analysis.

Each enumerated question shall be answered "yes," "no," "potential," or "unknown" in column 1 labeled "IMPACT" to indicate whether the project involved will result either directly or indirectly in any impact of the type identified. If it is felt that there will or may be an impact of the type listed, an attempt to quantify the impact must be made by the proponent and indicated in column 2 labeled "SIGNIFICANCE." If it can be seen with certainty that the impact or potential impact will be significant the answer "significant" shall be given. If the impact or potential impact is difficult to quantify but a substantial body of opinion can be expected to consider the impact to be significant, the answer "potentially significant" shall be given. If despite good faith efforts the proponent is unable to provide any reasonable estimate of the significance of the impact the answer "unquantified" shall be given. If it can be seen with certainty that the impact or potential impact under consideration will not be significant the answer "insignificant" shall be given.

## 14. DETAILED DISCUSSION OF SIGNIFICANT IMPACTS.

The PEA shall include a detailed discussion of all project impacts and potential impacts of significance. The cumulative effect of the project's impacts shall also be discussed in detail where such cumulative effect is significant. Impacts should be discussed in the order of importance or significance. Any data and analyses shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or incorporated by reference in accord with Section V, 5. Distinctions between factual findings and assumptions or subjective judgments should be made clear.

In addition to the analyses of individual project impacts, the PEA for all projects which may have a significant effect on the environment shall address the following:



(a) Mitigation Measures Proposed to Minimize the Significant Effects. Describe significant, avoidable, adverse impacts, including inefficient and unnecessary consumption of energy, and measures to minimize these impacts. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts. This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.

(b) Alternatives to the Proposed Action. Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they are rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. The discussion of alternatives shall include alternatives capable of substantially reducing or eliminating any significant environmental effects, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.

(c) The Growth-Inducing Impact of the Proposed Action. Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

(d) Organizations and Persons Consulted. The PEA shall include a list of persons and their qualifications responsible for compiling the detailed information for each area of environmental concern, and a discussion of the methods used to produce such information.

#### 15. AFFECTED PROPERTY OWNERS.

Where the Commission is the Lead Agency under CEQA the names and mailing addresses of all owners of land over, under or on which the project, or any part of the project may be located, and owners of land adjacent thereto, shall be listed in an appendix to the PEA.

## ENVIRONMENTAL IMPACT ASSESSMENT SUMMARY

	<u>Impact</u>	<u>Significance</u>
LAND-USE IMPACTS.		
Will the project either directly or indirectly:		
1.	Conflict with the present land use of the area in which it will be located?	
2.	Conflict with any elements of adopted environmental plans, policies, or goals of the communities affected?	
3.	Conflict with established recreational, educational, religious or scientific uses of the area?	
4.	Occupy or affect any prime farmland?	



- |   | <u>Impact</u> | <u>Significance</u> |
|---|---------------|---------------------|
| 9. Alter or modify any unique geologic or physical features such as beaches, marshes or tidelands?  |               |                     |
| 10. Contribute to the erosion potential of the site?  |               |                     |
| 11. Cause or result in unstable earth or exposure of people or property to seismic or geologic hazards such as earthquakes, landslides, mudslides, or ground failure? |               |                     |
| 12. Affect soil productivity?   |               |                     |



17. Change prevailing air circulation patterns, moisture, temperature, or any other climatic condition?

18. Cause objectionable odors?

HYDROLOGIC IMPACTS.

Will the project either directly or indirectly:

19. Violate or cause a violation of any federal, state or local water quality standard?

20. Result in the release of substantial effluent?

Impact | Significance

21. Affect existing water quality conditions?

22. Affect any public water supply?

23. Affect the quantity or quality of ground waters?

24. Alter or affect existing drainage patterns?

25. Alter or affect any ocean, lake, river or stream or any bed, channel, or shore?

26. Affect any flood-prone area?

27. Affect any water oriented recreation area?

BIOLOGICAL IMPACTS.

Will the project either directly or indirectly:

28. Affect any rare or endangered species or habitat thereof?



- |   | <u>Impact</u> | <u>Significance</u> |
|---|---------------|---------------------|
| 29. Alter the diversity of species, or numbers of any species of plant or animal?                                   |               |                     |
| 30. Create or remove a barrier to the migration or movement of any fish or wildlife species?                        |               |                     |
| 31. Affect any highly productive habitat of wildlife species of sport, spectator, commercial, or educational value? |               |                     |
| 32. Affect any relatively undisturbed or unique vegetation communities?   |               |                     |

33. Affect any areas of low revegetation potential?

34. Reduce the acreage of any agricultural crop?

35. Cause the removal of any mature trees from urban locations?

SONIC IMPACTS.

Will the project either directly or indirectly:

36. Violate or cause a violation of any federal, state or local noise standard?

37. Increase existing noise levels in the area?

VISUAL IMPACTS.

Will the project either directly or indirectly:

38. Affect any resources of unique scenic value, or result in the obstruction of any scenic vista?
39. Affect the view from any public recreation areas, parklands, or residential areas?
40. Affect the setting of any feature of unusual architectural significance?

## SOCIOECONOMIC IMPACTS.

Will the project either directly or indirectly:

41. Divide or disrupt present population patterns?

42. Alter migrational trends, including migrational trends of different socio-economic groups into and out of the area?

43. Affect neighborhood character or stability?

44. Affect property values or the local tax base?

45. Affect local industry or commerce?

46. Affect existing housing or housing demand?

47. Affect any community facilities such as medical, educational, scientific, or recreational?

48. Affect community services such as police, fire, emergency, etc.?

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49. Affect other utility services?

50. Affect existing transportation systems?

51. Alter present patterns of circulation for movement of people or goods?

52. Generate additional traffic?

53. Increase traffic hazards to motor vehicles, bicyclists or pedestrians?

54. Increase or promote the use of off-the-road vehicles?

55. Increase or decrease access to areas?

PUBLIC HEALTH AND SAFETY IMPACTS.

Will the project either directly or indirectly:

56. Affect public health or expose people to potential health hazards?

57. Increase any public safety risks?