

PUBLIC UTILITIES COMMISSION

320 W. 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

May 16, 2016

File Number: XREQ 2013110002 RESCIND
8th Street
National City, San Diego CountySharon Humphreys
Senior Transportation Engineer
San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101**SENT VIA E-MAIL****Re: General Order 88-B Request for Authority to Modify the 8th Street At-Grade Highway-Rail Crossing, Identified as CPUC Crossing No. 002-272.10 and DOT No. 026899Y, in National City, San Diego County.**

Dear Ms. Humphreys:

This is in regard to the letter from BNSF Railway (BNSF) dated April 29, 2016, received by us on May 4, 2016, stating that BNSF is not in concurrence with the proposed 8th Street at-grade highway-rail crossing (crossing) modification project in National City (City), San Diego County. The crossing is identified as CPUC Crossing No. 002-272.10 and DOT No. 026899Y. The California Public Utilities Commission (CPUC/Commission) authorized the crossing modification through Commission General Order (GO) 88-B file number XREQ 2013110002 dated December 16, 2013. The Commission GO 88-B letter provided authorization to the San Diego Association of Governments (SANDAG) to modify the crossing.

On October 14, 2013, BNSF provided written evidence of agreement to the 8th Street crossing project. Commission provided GO 88-B authorization, dated December 16, 2013, with the understanding that SANDAG and BNSF were in agreement as to the design and apportionments of the cost for the project. Since that time, BNSF has raised significant disagreement regarding the design. In their letter dated April 29, 2016, BNSF provided written withdrawal of their concurrence.

The Commission's Rail Crossings and Engineering Branch (RCEB) is hereby rescinding the 8th Street crossing Commission GO 88-B authorization, XREQ 2013110002. A key requirement of a Commission GO 88-B is evidence of agreement between the parties. Commission GO 88-B Section 5.8 states that the request shall include:

“5.8 Evidence of agreement between the parties relative to the proposed alteration(s).”

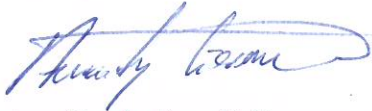
We encourage SANDAG and BNSF involve RCEB staff in future meetings regarding the design details of this project. If agreement on the project is reached, please submit a new Commission GO 88-B request. If an agreement cannot be reached, SANDAG can file a formal application with the

Commission pursuant to the Commission's Rules of Practice and Procedure, Rule 3.8: Alter or Relocate Existing Railroad Crossing, as provided under Commission GO 88-B Section 6, titled "APPLICATION REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT", which states:

"Where the parties, including the Commission staff, are not in agreement as to the necessity for or extent of the alteration or apportionment of cost of a proposed change in an existing highway-rail crossing, or the proposed alteration is beyond the scope of this General Order, the party desiring the change shall apply to the Commission for authority to make the alteration. The application shall comply with the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20)."

If you have any questions, please contact Kevin Schumacher at kevin.schumacher@cpuc.ca.gov or by phone at 415-310-9807.

Sincerely,



Anton Garabetian, P. E.
Program and Project Supervisor
Rail Crossings and Engineering Branch
Safety and Enforcement Division

cc: **(SENT VIA E-MAIL)**
Jason Sanchez, BNSF Railway
Steve Manganiello, National City
Leilani Navarro, Naval Base San Diego