

STATE OF CALIFORNIA

GRAY DAVIS, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



May 8, 2003

Gary Peterson  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street, Suite 800  
Los Angeles, CA 90017

**Subject:** Surface Transportation Board March 4, 2003 letter from Victoria Rutson regarding proposed crossing serving Quebecor World Inc. in Merced, CA.

Dear Mr. Peterson:

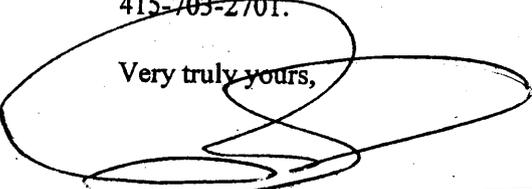
This is in response to Victoria Rutson's request for comments about the proposed rail crossing serving Quebecor World Inc. in Merced, California. On March 19, 2003, Marvin Kennix of the Rail Crossings Engineering Section met with representatives from Quebecor World Incorporated (Quebecor) and Burlington Northern and Santa Fe Railway Company (BNSF) to discuss the proposed Santa Fe Avenue crossing. At this meeting, Mr. Kennix informed the attendees that under California Public Utilities Code, the California Public Utilities Commission (CPUC) has authority over all highway-rail crossings in California. CPUC must give permission prior to constructing a public road across railroad tracks. BNSF's representative stated that he would prepare the CPUC application for this crossing.

Ms. Rutson stated that her organization would assess the environmental impacts of the proposed project. She asked for the CPUC's assistance in determining whether any resources of concern to the CPUC might be affected by the proposed project. CPUC is a responsible agency for this project under the California Environmental Quality Act of 1970 (CEQA). CEQA requires that the CPUC consider the environmental consequences of a project that is subject to its discretionary approval. CPUC must consider the lead agency's Environmental Impact Report (EIR) or Negative Declaration prior to acting upon or approving the project. We cannot comment on the environmental impact of the proposed project until BNSF files the application and submits the required documentation assessing the environmental effects of the proposed rail line construction and operation.

CPUC will also determine the type of warning devices required at the new crossing. An on-site diagnostic review meeting with interested parties will be held at a later date. Agenda items for this meeting will include the CPUC's application process, required warning devices at the new crossing, and the joint use of the existing Union Pacific loop track.

If you have questions, please contact Haji Jameel, Supervisor of the Rail Crossings Engineering Section, at 415-703-2701.

Very truly yours,

  
Richard Clark, Director  
Consumer Protection & Safety Division