

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



August 12, 2008

Mr. John H. Williams
President
Northwestern Pacific Railroad Company (NWP Co.)
385 Sherman Avenue, Ste. 1
Palo Alto, CA 94306

RE: Proposed Bike/Pedestrian Trail Projects Along the NWP Co. Right-of-Way

Dear Mr. Williams:

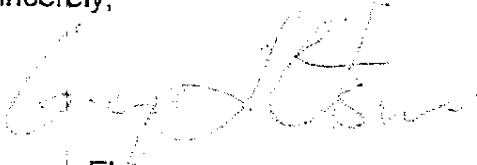
I appreciated the opportunity to meet with you on July 24, 2008 and review NWP Co.'s proposed "*Design, Construction, Safety Operations, and Maintenance Guidelines*" for trail projects on the NWP Line. As you know, railroads operating in California are subject to the Commission's safety jurisdiction in accordance with the rail safety provisions of the California Public Utility Code. The Commission is authorized to take such actions as may be appropriate where an unsafe condition or practice in railroad operations may involve a hazard of accident, personal injury or death. The proposed *Guidelines* are, therefore, of interest to the Commission.

Certain aspects of the proposed *Guidelines* are beyond the scope of the Commission's responsibilities, but the Commission will be concerned in particular with the application of the design standards in Paragraph 4.0. Specifically, the Commission will scrutinize carefully all impacts of a trail project on rail-highway grade crossings, the setback clearance between a trail and the centerline of the nearest railroad track, and the type and dimensions of the fences and barriers proposed to separate a trail and its users from railroad operations on the right-of-way.

Although the Commission has no minimum setback clearance standards, having considered the type, speed, and frequency of passenger and freight trains proposed to be operated over the NWP Line, it is staff's opinion that the setback clearances you have proposed are adequate. However, and particularly when train speeds exceed 50mph, staff questions whether the 60' dimensional limitation of the right-of-way itself will support the minimum setback clearance you propose. A reduced setback may create a safety hazard depending on the type of fencing, barrier or other mitigation, and will necessarily be subject to a full and complete case-by-case review by the Commission. Consequently, Rail Operations Safety Branch staff shares your concerns with respect to the proximity of the pedestrian and bike trails as proposed by SMART.

Please let me know if I can be of further assistance.

Sincerely,



George Elsmore
Program Manager
Rail Operations & Safety Branch

Cc: Richard Clark CPUC
Paul King CPUC
Julie Halligan CPUC
Daren Gilbert CPUC
Georgetta Gregory CPUC