

Decision 88 06 050 JUN 17 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose)
of establishing a list for the)
fiscal years 1988-89 and 1989-90)
of existing and proposed crossings)
at grade of city streets, county)
roads, or state highways most)
urgently in need of separation, or)
projects effecting the elimination)
of grade crossings by removal or)
relocation of streets or railroad)
tracks, or existing separations in)
need of alteration or reconstruc-)
tion as contemplated by Section)
2452 of the Streets and Highways)
Code.)

Mailed

JUN 20 1988

I.87-10-033
(Filed October 28, 1987)

(See Appendix A for appearances.)

INTERIM OPINION

This is an investigation required by Streets and Highways (S&H) Code § 2452 to establish a Railroad-Highway Grade Separation Priority List (priority list) for the fiscal years 1988-89 and 1989-90. Copies of the Commission's order instituting investigation (OII) were served upon each city, county, and city and county in which there is a railroad, every railroad corporation, the California Department of Transportation (Caltrans), the California Transportation Commission (CTC), the League of California Cities, the County Supervisors Association, and other persons who might have an interest in the proceeding. The OII invited public agencies and railroad corporations desiring to have particular grade separation projects considered for inclusion on the 1988-89 and 1988-90 priority lists to submit their nominations of those projects to the Commission on or before December 28, 1987.

Detailed procedures and forms for nominations were included in the OII. Each nominating body was required to furnish copies of its nomination(s) to Caltrans and the appropriate railroad, and was informed of the requirement to appear at the scheduled public hearings in either San Francisco or Los Angeles to present evidence concerning the nominations. A limitation of one witness per project was established by the OII to expedite the proceeding. Parties were informed of the opportunity to submit verification of supplemental data in support of nominations to the Commission's Transportation Division (staff) not later than one week following the last scheduled date of hearings.

More than 100 nominations were timely filed. Public hearings were subsequently held on April 5, 6, 12, and 13 before Commissioner Ohanian and Administrative Law Judge Wetzell, and the investigation was submitted May 4, 1988 upon receipt of the transcript and staff's late-filed Exhibit 19.

Background

S&H Code § 2452 requires the Commission to establish, prior to July 1 of each year, a priority list of projects which the Commission determines to be most urgently in need of separation or alteration. The list contains projects on city streets, county roads, and state highways (other than freeways) which eliminate existing or proposed grade crossings, eliminate grade crossings by removal or relocation of streets or railroad tracks, or alter or reconstruct existing grade separations.

Funding for projects included on each annual priority list is provided through S&H Code § 190. The types and percentages of costs deemed eligible for an allocation, as well as the steps required to secure an allocation, are described in Chapter 10, §§ 2450-2461 of Division 3 of the S&H Code.

The Commission is responsible for establishing criteria to be used in determining the priority of projects most urgently in need of separation or alteration. The Commission staff assists the

Commission in determining criteria and comparing the projects nominated leading to the establishment of a priority list of those crossings most urgently in need of separation.

These criteria have been continually refined in previous priority list proceedings. The principal element has been a formula which weighs vehicular and train traffic volumes at a project location along with project costs, and which also measures a variety of conditions such as accident history at the location. Application of the formula to data for a particular project results in the assignment of a "Priority Index Number" (points) to that project. Priority list rankings are based primarily on the assigned points. Secondary criteria have been established to rank projects with the same point value.

The OII provided that commencing with the 1988-89 fiscal year, the annual priority lists would be established under a two-year program. Nominations will be submitted and hearings will be held every other year. In each year in which hearings are held, the former procedures will be observed. In the following year, the Commission will establish a priority list which has been revised to delete those projects actually funded for the fiscal year during which hearings are held.

Proposed Priority List Formula

For the purpose of determining the 1988-89 and 1989-90 priority lists, the staff proposed the following formula:

$$P = \frac{V \times T}{C \times F} + SCF$$

Where:

- P = Priority Index Number
- V = Average 24-Hour Vehicular Volume
- C = Total Cost of Separation Project
(In Thousands of Dollars)
- T = Average 24-Hour Train Volume
- F = Cost Inflation Factor (Use F = 11 for
1988-89 & 1989-90 F.Y. Priority List based
on the Current Construction Cost Index)
- SCF = Special Conditions Factor

For Existing or Proposed Crossings Nominated for Separation or Elimination

$$SCF = G1 + G2 + G3 + G4 + G5 + G6 + G7$$

Where:	<u>Points Possible</u>
G1 = Vehicular Speed Limit	0- 5
G2 = Railroad Prevailing Maximum Speed	0- 5
G3 = Crossing Geometrics	0- 5
G4 = Crossing Blocking Delay	0-10
G5 = Alternate Route Availability	0- 5
G6 = Accident History	0-20
G7 = Irreducibles	<u>0-20</u>
Total Possible	0-70

For Existing Separations Nominated for Alteration or Reconstruction

$$SCF = S1 + S2 + S3 + S4 + S5 + S6$$

Where:	<u>Points Possible</u>
S1 = Width Clearance	0-10
S2 = Height Clearance	0-10
S3 = Speed Reduction or Slow Order	0- 5
S4 = Load Limit	0- 5
S5 = Accidents At or Near Structure	0-10
S6 = Probability of Failure and Irreducibles	<u>0-10</u>
Total Possible	0-50

Points in each category are assigned according to the following schedule:

Existing or Proposed Grade Crossings

G1 = Vehicular Speed Limit

<u>MPH</u>	<u>Points</u>
0-30	0
31-35	1
36-40	2
41-45	3
46-50	4
51-55	5

G2 = Railroad Maximum Speed

<u>MPH</u>	<u>Points</u>
0-25	0
26-35	1
36-45	2
46-55	3
56-65	4
66 +	5

G3 = Crossing Geometrics

0-5 points based on relative severity of physical conditions.

G4 = Crossing Blocking Delay, Total Minutes per Day

<u>Minutes</u>	<u>Points</u>
0-20	0
21-40	1
41-60	2
61-80	3
81-100	4
101-120	5
121-140	6
141-160	7
161-180	8
181-200	9
201 +	10

G5 = Alternate Route Availability

<u>Distance (feet)</u>	<u>Points</u>
0-1,000	0
1,001-2,000	1
2,001-3,000	2
3,001-4,000	3
4,001-5,000	4
5,001 +	5

G6 = Accident History (10 years)

Each reportable train-involved accident

$$\text{Points} = (1 + 2 \times \text{No. Killed} + \text{No. Injured}) \times \text{PF}^*$$

*PF = Protection Factor for:

- Std. #9 = 1.0
- Std. #8 = 0.4
- Std. #3 = 0.2
- Std. #1 = 0.1

Note 1. No more than three points shall be allowed for each accident prior to modification by the protection factor.

Note 2. Each accident shall be rated separately and modified by a factor appropriate to the protection in existence at the time of the accident.

G7 = Irreducibles

0-20 points based on:

- (a) Secondary Accidents
- (b) Emergency Vehicle Usage
- (c) Accident Potential
- (d) Passenger Trains

<u>Number of Trains Per Day</u>	<u>Points</u>
1-2	1
3-5	2
6-20	3
21-49	4
50 +	5

Existing Separations

S1 - Width Clearance

<u>Width (feet)</u>	<u>Points</u>
16' + 12(N)	0
12' but less than 16' + 12(N)	2
8' but less than 12' + 12(N)	4
0' but less than 8' + 12(N)	6
11(N) but less than 12(N)	8
Less than 11(N)	10

N = Number of Traffic Lanes

S2 - Separation Height Clearance

Underpass

<u>Height (feet)</u>	<u>Points</u>
15' and above	0
14' but less than 15'	4
13' but less than 14'	8
Less than 13'	10

Overpass

<u>Height (feet)</u>	<u>Points</u>
22-1/2' and above	0
20' but less than 22-1/2'	4
18' but less than 20'	8
Less than 18'	10

S3 - Speed Reduction or Slow Order

	<u>Points</u>
None	0
Moderate	2
Severe	5

S4 - Load Limit

	<u>Points</u>
None	0
Moderate	2
Severe	5

S5 - Accidents At or Near Structure (10 Years)

<u>Number</u>	<u>Points</u>
0- 10	0
11- 20	1
21- 30	2
31- 40	3
41- 50	4
51- 60	5
61- 70	6
71- 80	7
81- 90	8
91-100	9
101 +	10

S6 - Irreducibles

0-10 points based on:

- (a) Probability of Failure
- (b) Accident Potential
- (c) Delay Effects

Staff notes that its proposed formula is substantially the same as that used in the 1987-88 priority list proceeding (Decision 87-06-016). The Cost Inflation Factor, based on the current construction cost index, was modified to reflect current index values.

Multiple-Crossing Projects

Projects involving the closure of multiple crossings were evaluated by the staff in the same manner as single crossing projects with two major exceptions involving the Accident History and Crossing Blocking Delay Factors. For a multiple crossing project, the Accident History points for each crossing were added and that cumulative total is reflected in Appendix C for G6 - Accident History.

Crossing Blocking Delay was considered on an individual project basis. For single street crossings of two railroads, the delays at each crossing were simply added; at multiple street crossings of a single railroad, the delay points awarded depended

on the street configuration. For the vast majority of these projects, delay points were awarded based on a weighted average taking into account the delay and the number of vehicles at each crossing in the project.

Secondary Criteria

For situations where two or more projects have the same point value as computed under the formula, staff initially recommended applying secondary tie-breaking criteria under which projects involving existing grade crossings or separations would be prioritized as in past proceedings. With respect to these, first consideration would be given to projects which separate or eliminate existing grade crossings. Lower ranking would be given to projects for the alteration or reconstruction of existing separations. Within each of these categories, first consideration would be given to the lower cost project in order that the maximum number of projects may be accomplished with the available funds.

Projects for the elimination of proposed grade crossings, for which cities and counties are effectively required to contribute 50% of the project cost, would be given greater priority. Staff explained by noting the 1986 amendments to S&H Code § 2452 (effective January 1, 1987). Subdivision (b) of that section requires that until July 1, 1991, as to projects of otherwise equal priority, greater priority shall be given to grade separation projects for which a city or county contributes at least 50% of the project cost.

To fully implement S&H Code § 2452 staff proposed that the CTC and Caltrans utilize the priority list to give greater priority to grade separation projects of otherwise equal priority for which the the amount contributed by a city or county is equal to or greater than 50% of the cost of the project. Should there be more than one such project with the same point value, first

priority would be given to projects which eliminate or alter existing crossings and last consideration would be given to projects which eliminate proposed grade crossings.

Exhibit 2

After applying the formula and secondary criteria to the information contained in the nominations, the staff compiled a tentative priority list which was mailed to all interested parties on March 25, 1988. Included in the mailing was a list of all project nominations received on or before December 28, 1987, the criteria proposed to be used in assigning the rankings, and a preliminary list of point values and rankings assigned to each nomination. Staff invited parties to comment on and offer alternatives to its tie-breaking proposal at the hearings. This mailing was later admitted into evidence at the hearing as Exhibit 2.

Eligibility of Light Rail Projects

At the hearings the question of whether certain separation projects involving light rail transit systems should be considered eligible for funding under Chapter 10, §§ 2450-2461 of

Division 3 of the S&H Code (and therefore eligible to be included on the priority list) arose as a material issue.¹ This was occasioned by San Diego Metropolitan Transit Development Board's (MTDB) nomination of 14 projects which involved the light rail operations of San Diego Trolley, Inc. These projects dominated the top rankings of the staff's preliminary priority list (Exhibit 2), which was mailed to parties shortly before the hearings commenced. Some parties were concerned that since only a limited number of high-ranking projects are actually funded each year, the MTDB light rail system would virtually monopolize the available funds.

The eligibility issue focused on grade separation projects which exclusively involve light rail transit. Although it was argued in general that direct public ownership of tracks renders projects involving those tracks ineligible, no party directly addressed the eligibility of project nominations which involve conventional railroad operations, conducted under a separate contractual arrangement, on the same tracks as light rail operations. The 14 MTDB projects nominated were divided equally between these two categories.

1 The term "light rail" was not defined by parties at the hearings. Other terms used in discussions of the issue included "mass transit", "commute service", "true transit service", "passenger trains", and "formal transit operations". They were generally distinguished from such terms as "railroad corporation", "freight trains", "conventional railroads", and "mainline railroads".

We take notice of our General Order 143, which establishes rules for the design, construction and operation of light rail transit systems including streetcar operations. Light rail transit is defined in those rules as "[a] mode of urban transportation utilizing predominantly reserved but not necessarily grade-separated rights-of-way. Electrically propelled rail vehicles operate singly or in trains." A light rail vehicle is defined as "[a]n electrically propelled passenger carrying rail vehicle capable of operating on [exclusive, semi-exclusive and non-exclusive alignments]." Non-exclusive alignments refer to surface streets and pedestrian malls.

After the completion of hearings and filing of briefs, MTDB withdrew all of its nominations of projects which involved only the separation of light rail operations.² The remaining seven MTDB nominations involve tracks over which both light rail and freight operations are conducted. Staff's late-filed Exhibit 19 reflects the withdrawal of the seven disputed nominations. Accordingly, it is not necessary for us to address the eligibility of other light rail and related projects at this time.

Although we decide not to resolve the eligibility issue of these other projects at this time, we are aware of the potential for this and related issues to arise in future priority list proceedings, particularly with the growing importance of public transit systems as alternatives to the the private automobile. As we discuss later, we believe these issues can be resolved more effectively and equitably, with the full participation of all interested parties, than can be accomplished in this proceeding at this time.

² The Administrative Law Judge issued a ruling, served on all parties, allowing briefs on the eligibility issue and the related issue of train counts discussed below. Briefs were to be filed, in accordance with our Rules of Practice and Procedure, not later than April 27, 1988. Properly filed briefs were received from the City of West Sacramento and the County of Fresno.

Although not in appearance, the Greater Bakersfield Separation of Grade District submitted a brief. We accept this filing because the witness appearing for both the City of Bakersfield and the County of Kern testified that he was directly retained by the the District, which in turn has agreements with the City and the County for his services.

Similarly, we accept the brief of MTDB although it was filed with our Docket Office after the April 27 deadline. Our records show it was tendered for filing on a timely basis with the required copies and service on parties, substantially in compliance with our rules and the ALJ's ruling.

Formula Amendments

The OII announced that the staff proposed to use evaluation criteria similar to those adopted in the previous priority list proceeding. During the hearings, several parties argued there are biases or deficiencies built into the basic formula, and urged a review of the criteria. However, the only specific proposal for a change in the criteria was to exclude light rail trains from the train volume component of the basic formula. For the reasons discussed below, we acknowledge that a full review of the criteria should be made, but there is no basis before us at this time for ordering a change. We adopt the proposal of the staff.

County of Sacramento urged adoption of changes to accomplish the following:

1. Better reflect actual conditions at individual crossings.
2. Better reflect offsite conditions at problem crossings.
3. Give less weight to vehicular and train counts and more weight to safety hazards, traffic delays and crossing geometry.

The County noted that the train volume component of the current formula gives equal weight to a 54-car freight train and a two-car light rail train even though the problems created by the two trains are completely different. The Special Conditions Factor component of the formula does consider other factors but, according to the County, carries insufficient weight. Also noted was the formula's failure to take into full account the effects of long crossing delays on regional traffic circulation patterns due to diversion of traffic away from the crossing. In a similar vein, the City of Los Angeles, noting that the formula measures crossing

blocking delays uniformly, pointed out there is a significant difference between delays during peak hours of traffic and delays during off-peak hours.

By far the most significant issue involving the formula was whether the train counts should include light rail trains. Typically, mass transit passenger operations, such as those conducted on the tracks of the Southern Pacific Transportation Co. (SPTC) on the San Francisco peninsula, or those of the MTDB light rail system involve much higher train volumes than on lines which include only freight or intercity passenger trains. For example, the highest ranking nomination (Fresno Track Consolidation) shows a volume of 20 trains per day. By comparison, nominations for projects along the San Francisco peninsula (Redwood City, San Carlos, San Mateo, San Bruno and South San Francisco) show train volumes ranging from 54 to 58 per day. The great majority of these are Caltrain peninsula commuter trains. Similarly, volumes at the MTDB project locations range from 97 to 146 trains per day. All but one or two of these are light rail trains.

These high train counts significantly affect the number of points awarded and the project rankings, particularly in the case of the MTDB nominations. Several parties argue that even though projects involving both freight and light rail operations are eligible to be included on the list, only the freight train volumes should be included in calculating the priority. We disagree. S&H Code § 2452 requires that we evaluate eligible projects in accordance with criteria we establish, and rank those projects according to the criteria. We find no basis in the statutes or in our prior decisions for eliminating consideration of certain kinds of trains operated at a crossing location, because of their weight or motive power.

We do find a basis in the legislative intent of S&H Code Division 3, Chapter 10 for including light rail train counts. Chapter 1153, Statutes of 1973 enacted revisions to the grade

separation program. In so doing, the Legislature found and declared, in Section 1(a):

"Concern for public safety and convenience makes it desirable that an expanded program be undertaken that places the highest priority on eliminating the most hazardous railroad grade crossings that continue to take the lives of people of this state."

We read from this a clear intent that we base our criteria on both safety and convenience, but with the highest priority given to safety. With this priority on safety, we cannot ignore the potential for accidents posed by a hundred or more light rail train passages a day at a crossing location. This is consistent with our past practice. In the past, as noted by staff, we have placed two light rail transit projects on priority lists (Coronado Avenue and Jackson Drive in San Diego). No argument was made in these proceedings regarding their eligibility or the method in which the criteria was applied.

In general, it may be that more effective and equitable refinements of the criteria can be developed, and we invite the staff and all other parties to explore such refinements for future proceedings. For example, one party suggested that we should factor in such variables as the relative braking abilities of long freight trains and light rail vehicles, but we were presented with no basis with which to do so. Worthy and constructive criticisms have been advanced, but staff's criteria have not been shown to be unreasonable. Except for train counts, specific proposals for change have yet to be advanced. For the purposes of the 1988-89 and 1989-90 priority lists, we find the existing criteria, as proposed by the staff, to be reasonable.

City of Los Angeles Roscoe Boulevard Project

The City of Los Angeles' Roscoe Boulevard nomination proposes a separation of Roscoe Boulevard from the tracks of SPTC's Coast Line. This project is located in the San Fernando Valley

area of Los Angeles, adjacent to the Van Nuys Airport. The airport is a municipally owned facility of the city.

Included in the total estimated project cost of \$10,037,500 is an estimate for right-of-way allowance of \$2,244,500. The nomination shows that "all required right-of-way is owned by the L. A. City Department of Airports." SPTC stated it would object to any requirement that it contribute to that portion of the cost of the project for the city's acquisition of property from its own airport department.

The effect of the additional \$2.2 million for right-of-way allowance is to lower the number of points awarded and therefore the project's ranking. At this time, we will rely on the city's estimate of cost for the purpose of establishing the priority list. In so doing, we make no findings on whether the railroad would be required in any future proceeding to contribute to the contested right-of-way cost.

County of Los Angeles Del Amo Boulevard Project

The County of Los Angeles nominated a project for the separation of Del Amo Boulevard and an SPTC branch line in and near the City of Carson. The tracks would be raised 21 feet above Del Amo Boulevard. The nomination states that the Los Angeles County Transportation Commission proposes to place a transit station in the vicinity (on Del Amo Boulevard) to serve passengers on its Long Beach-Los Angeles light rail system.

At the hearings, SPTC moved to strike the Del Amo Project from consideration in this proceeding on the basis of inadequate project cost data. The motion was taken under advisement with the understanding that the County and SPTC would engage in further discussions on the details of project construction, prior to the deadline for submitting supplemental data to the staff. Based on these discussions, SPTC is now satisfied with the estimates, and has withdrawn the motion.

City of Montclair Monte Vista Avenue Project

The City of Montclair requested that additional priority consideration be given to its Monte Vista Avenue project nomination due to a series of mishaps involving its application to Caltrans for project funding. According to the city, based on its high placement (ranking number 10) on the 1987-88 priority list, it diligently pursued the necessary steps, including obtaining a grant of Commission authority (Decision 88-03-074), for submitting a funding application before Caltrans' April 1, 1988 deadline. As of April 1, it lacked only a signed Construction & Maintenance agreement with the Santa Fe Railroad. The fully executed agreement was received from the railroad several days later.

Based on Exhibit 2, Montclair anticipated receiving a lower priority ranking on the 1988-89 and 1989-90 lists, and that it would be unlikely to qualify for funding based on the new lists. If a higher priority ranking is not accorded, years of effort to build the separation will be nullified. Staff's late-filed Exhibit 19 shows a recommended ranking of 31.

Montclair directs our attention to prior decisions where we awarded higher rankings, in part, because of unique circumstances involving a project's placement on a list. We distinguish those cases from this one. In this case, even if we were disposed to depart from the established objective criteria, we have no rational basis on which to judge by how much to raise the priority. We note that Montclair asks only to be "reachable". We cannot know at this time what level of priority ranking will result in "reachable" status.

We are sympathetic to the city's plight, but find no basis for elevating the priority of the Monte Vista Avenue project for future lists. The ranking of 10 on the 1987-88 priority list was based on the relative importance of the project to all other projects on that list, based on information available and conditions existing at that time. The project's current standing

in relation to all other current projects nominated this year, based on currently available information, is what we are required to assess in this investigation.

Exhibit 19

Staff's late-filed Exhibit 19 reflects the effect of additional information received by staff since preparation of Exhibit 2. Consideration was given to testimony and evidence presented at the hearings, as well as additional correspondence and exhibits received from public agencies, concerning data submitted on the nominations. Changes were made in the number of points awarded to projects as a result of changes in factual data and further explanation and reevaluation of data already submitted. Staff intends that the project listings and rankings in the tables in Exhibit 19 supersede those in Exhibit 2.

S&H Code § 2454(g), as amended, establishes a maximum amount of funds available for a single project. For the 1988-89 fiscal year, the amount for a single project shall not exceed \$9,386,000 or an amount equal to one-third of the total funds appropriated for grade separation projects, whichever amount is less.

At the hearings, staff clarified its proposal for secondary tie-breaking criteria. Its final recommendations for implementation of S&H Code § 2452(b), which section requires that greater priority be given to projects of otherwise equal priority for which a city or county contributes at least 50% of the cost are described below.

It is proposed that priorities for projects with the same Priority Index Number be determined as noted below:

	<u>Projects for Which a City or County Contributes at Least 50% of the Cost</u>	<u>Projects Not Involving a 50% Contribution by a City or County</u>
Projects which separate or eliminate existing grade crossings	1	4
Projects for the alteration or reconstruction of grade separations	2	5
Projects for the construction of new grade separations	3	6

Within each of the six categories above, first consideration shall be given to the lowest cost project in order that the maximum number of projects may be accomplished with the available funds.

Projects showing a 50% public agency contribution will be so noted on the priority list. If an agency making application to Caltrans for an allocation of funds later chooses not to contribute at least 50% of the project cost, then project priority will revert to the position which it would have received had the offer to contribute not been made.

The appendixes included in this decision reflect the staff's recommendations described above for implementation of S&H Code § 2452(b).

Tables set forth in Exhibit 19 represent revisions in Exhibit 2 as follows:

1. Projects with points revised because of changes in factual data, a further explanation of previously submitted information, or staff reevaluation:

<u>Agency</u>	<u>Crossing Name</u>	<u>Affected Category</u>
Bakersfield	Coffee Rd. P-Q-S Sts.	Train Volume Blocking Delay Train Volume Blocking Delay
Caltrans	58-San Bernardino (2-780.3&2-753.2) 68-Monterey 166-Santa Barbara 238-Alameda	Train Volume Blocking Delay Train Volume Vehicle Speed Vehicle Volume Project Cost
Camarillo	Adolfo Rd. Los Posas Rd.	Train Volume Train Speed Train Volume Train Speed
Coachella	Avenue 50	Vehicle Volume Project Cost Train Speed Blocking Delay
Emeryville	Yerba Buena Avenue	Train Volume
Fontana	Fontana CNL Sierra Avenue	Train Volume Train Volume
Fremont	Washington Blvd.	Vehicle Volume Train Volume Blocking Delay Irreducibles
Irvine	Sand Canyon Road	Vehicle Volume Vehicle Speed
Kern Co.	Fairfax Road Morning Drive Oswell Street	Vehicle Volume Train Volume Train Volume Train Volume
Loma Linda	Mtn. View Avenue	Train Volume

<u>Agency</u>	<u>Crossing Name</u>	<u>Affected Category</u>
Los Angeles Co.	Del Amo Blvd. El Segundo Blvd. Florence Ave. (BBH-488.4) Slausen Ave. (BBH-487.4)	Irreducibles Irreducibles Irreducibles Irreducibles
Manteca	Center Street	Vehicle Speed
Monrovia	Myrtle Avenue	Train Volume
Montclair	Monte Vista Avenue	Vehicle Speed
Ontario	Archibald Ave. (B-523.4)	Vehicle Speed Train Volume Irreducibles
	Archibald Ave. (3-41.2) Grove Avenue	Vehicle Speed Irreducibles Vehicle Speed Alternate Route Irreducibles
Paramount	Alondra Blvd.	Irreducibles
Rancho Cucamonga	Milliken Avenue	Train Volume
Roseville	Harding Blvd.	Project Cost
Sacramento Co.	Antelope Road	Train Volume Vehicle Volume Project Cost Irreducibles
San Carlos	Howard Avenue	Vehicle Volume Project Cost Vehicle Speed Alternate Route Irreducibles
San Mateo	9th Ave.-Mt. Diablo	Vehicle Volume

2. Redwood City has revised and consolidated its nominations into projects which can be constructed separately. This has reduced Redwood City's nominations from the original seven to the four noted below:

Whipple/Hopkins	E-24.8/E-24.97
Brewster	E-25.12
Broadway/Jefferson	E-25.34/E-25.6
Maple/Main	E-25.7/E-25.75

3. The following projects have been eliminated from the priority list by agency request or for the reason shown:

<u>Agency</u>	<u>Crossing Name</u>	<u>Reason</u>
Anaheim	Lincoln Avenue	Funded
Caltrans	236 - Santa Clara	
El Monte	Ramona Blvd.	Did not appear
Morgan Hill	Dunne Avenue	
Morgan Hill	Tennant Avenue	
Oceanside	6th - Wisconsin Str.	
Riverside	Arlington Avenue	Did not appear
San Diego MTDB	Ash Street	
San Diego MTDB	Bradley Avenue	
San Diego MTDB	Grape Street	
San Diego MTDB	Hawthorne Street	
San Diego MTDB	Laurel Street	
San Diego MTDB	Taylor Street	
San Diego MTDB	Washington Street	
San Luis Obispo	Orcutt Road	Did not appear
San Mateo	Laurie Meadows	Funded
Santa Barbara Co.	Hollister Avenue	Did not appear
Solano Beach	Lomas Santa Fe	Did not appear

4. Projects for which nominating agencies indicated at the hearing an intent to contribute at least 50% of the project cost are identified in Appendix E under the heading "50% CONTR."

I.87-10-033 required that agencies anticipating the need for an allocation above \$5 million should be prepared to present evidence at the hearing to justify the additional award. Such evidence was received concerning the following projects:

Projects Justified for an Allocation in Excess of \$5 MillionA. Projects Resulting in Multiple Crossing Closures or Alterations

<u>Agency</u>	<u>Crossing Name</u>
Fresno	Shaw Av. (2-1004.2)
Fresno	Track CNL
Los Angeles Co.	Grand Ave.
Los Angeles Co.	Bandini Bl.
Dixon	W. "A" St. LWR
Los Angeles Co.	Slauson Ave. BBH-487.3
San Mateo	9th Av. - Mt. Diablo

B. Projects Achieving Major Changes/Improvements in Traffic Safety and Circulation by Completion or Realignment of Major Arterials or Realignment of Complex Adjacent Street Intersections

<u>Agency</u>	<u>Crossing Name</u>
Carson	Del Amo Bl.
Compton	Alondra Bl.
Compton	Compton Bl.
El Segundo	Rosecrans Av.
Emeryville	Yerba Buena Av.
Fremont	Washington Bl.
Los Angeles	Desoto Ave.
Los Angeles	N. Spring St.
Los Angeles	Roscoe Bl.
Los Angeles Co.	El Segundo Bl.
Los Angeles Co.	Florence Av. BG-488.3
Los Angeles Co.	Florence Av. BBH-488.4
Los Angeles Co.	Slauson Av. BG-487.4
Ontario	Archibald Av. B-523.4
Ontario	Grove Av.
Richmond	23rd St.
Richmond	Cutting Bl.
San Bruno	San Bruno Av.
So. San Francisco	Oyster Point Bl.

Final Priority List

We adopt the staff's recommendations as reflected in Exhibit 19. This decision continues prioritizing projects with the same priority index numbers as was done in the past with regard to projects involving existing grade crossings or separations, as further set forth below. The attached priority list gives greater

priority to projects for the elimination of proposed grade crossings as cities and counties are required to contribute 50% of the cost of such projects. In the appendixes, projects for elimination of proposed crossings are identified by the letter "P" in the column headed "PROP."

With regard to projects having the same priority index number, consideration shall first be given to projects which separate or eliminate existing grade crossings and then to projects for the alteration or reconstruction of grade separations. Within each of these categories, first consideration shall be given to the lowest cost project in order that the maximum number of projects may be accomplished with the available funds.

Appendix B is an alphabetical list of projects we include on the 1988-89 priority list. Included in the table, in addition to information identifying each project, are the vehicular and train volume, project cost and the $\frac{V \times T}{C \times F}$ calculation associated with each project.

Appendix C is a list of point values awarded in each Special Conditions Factor category to existing or proposed crossings nominated for separation or elimination.

Appendix D is a list of point values awarded in each Special Conditions Factor category to existing grade separations nominated for alteration or reconstruction.

Appendix E is a listing of the projects included on the 1988-89 priority list ranked according to their Priority Index Number, and, for projects with the same number, according to the secondary criteria we adopt. These rankings will remain the same in the 1989-90 priority list, which will be revised only to delete those projects actually funded in a prior fiscal year.

LEGEND

(Explanation of terms and abbreviations in Appendixes B, C, D & E)

RR

- 1 - Southern Pacific Transportation Company
- 2 - The Atchison, Topeka and Santa Fe Railway Company
- 3 - Union Pacific Railroad Company
- 4 - Union Pacific Railroad Company, Western District
(formerly The Western Pacific Railroad Company)
- 36 - San Diego and Imperial Valley Railroad

BR

Railroad Branch

MILEPOST

Identifying Railroad Milepost

SUF

Suffix applied to separations nominated for alteration or reconstruction.

A - Highway Overpass

B - Highway Underpass

Suffix applied to existing crossing of spur tracks

C

PROP

P - Proposed Crossing

**TYPE
PROJ**

Type of Project

1. Existing grade crossing nominated for separation.
- 2A. Proposed crossing nominated for separation - Grade crossing practical and feasible.
3. Grade crossing nominated for elimination by removal or relocation of streets or tracks.
4. Grade separation nominated for alteration or reconstruction.

50% CONTR.

Projects for which nominating agencies indicated an intent to contribute at least 50% of the project cost.

Future Proceedings.

Staff advised in its late-filed Exhibit 19 that it believes further analysis of the light rail transit issues raised in this investigation is warranted. It intends to initiate a legal review of the issue and a public review of the criteria which will involve the full participation of railroads, state, local and transit agencies. As we discussed earlier, we concur in the need for such a review. In the competition for the limited funds available, we foresee an increasing potential for conflicts between light rail systems and other forms of public transportation on the one hand and the more traditional freight railroad projects on the other hand.

While we want to avoid or minimize such future conflicts, we are constrained from taking direct action at this time. We have historically conducted annual priority list investigations which, in most years, involve relatively few major issues. For a number of years only minor refinements have been made to our evaluation criteria. It is likely that many parties have come to rely on this past practice in deciding whether to participate in these

investigations; those who do not have eligible projects at the time of a proceeding may elect not to participate based on their expectation that no major program or policy changes will result from the proceeding.

We believe a more orderly review of the program can be accomplished as our staff proposes. The conversion we have ordered to a two-year program should help the staff's review process, allowing ample time before any proceedings for establishing the 1990-91 and future priority lists are begun. Staff should conduct an informal workshop as part of this review, which should not be limited exclusively to light rail issues, with a view towards ensuring maximum participation of all parties. Following completion of this program review, staff may initiate before us any formal investigation or rulemaking proceedings that may be necessary or appropriate.

Proposed Decision

The ALJ's proposed decision was filed and mailed to appearances on May 18, 1988, pursuant to Public Utilities Code § 311 and Rule 77.1 of the Rules of Practice and Procedure. Rules 77.2, 77.3, and 77.4 provide for comments on legal, factual, or technical errors in proposed decisions. Such comments shall be served on all parties and filed with the Docket Office within 20 days of the mailing date of the proposed decision, shall present or rely on no new factual information, shall not reargue positions taken in briefs, and shall include supporting findings of fact and conclusions of law for any specific changes proposed. Comments were submitted to the administrative law judge, but no properly filed comments have been received by the Commission. We have accordingly adopted the proposed decision, except for changes on pages 11, 12, and 14 to clarify the discussions of light rail project eligibility and formula amendments, and on page 27 to clarify that the staff's review process should include an informal workshop.

Findings of Fact

1. Appendix B is a list of projects timely nominated and eligible to be included on the priority list in accordance with the procedures established in the OII.

2. The criteria set forth in Appendixes B, C, D, and E, having been found reasonable in past decisions and not having been shown to be unreasonable in this proceeding, are reasonable and should be used to establish the 1988-89 and 1989-90 priority lists.

3. With regard to projects having the same priority index number, consideration should first be given to projects which separate or eliminate existing grade crossings, then to projects which alter or reconstruct existing grade separations, and finally to projects to construct new grade separations. Within each of these categories, first consideration should be given to the lowest cost project so that the maximum number of projects may be accomplished with the available funds.

4. Greater priority shall be given to grade separation projects of otherwise equal priority for which the amount contributed by a city or county is equal to or greater than 50% of the cost of the project.

Conclusions of Law

1. The list set out in Appendix E should be established as the 1988-89 priority list.

2. This investigation should remain open for the purpose of establishing the 1989-90 priority list.

3. As the statute requires issuance of our order by July 1, the effective date of this order should be date of signing.

INTERIM ORDER

IT IS ORDERED that:

1. The list of projects appearing in Appendix E is established as required by the California Streets and Highways Code

§ 2452 as the 1988-89 list, in order of priority, of projects which the Commission determines to be most urgently in need of separation or alteration.

2. With regard to projects having the same priority index number, consideration shall first be given to projects which separate or eliminate existing grade crossings, then to projects which alter or reconstruct existing grade separations, and finally to projects to construct new grade separations. Within each of these categories, first consideration shall be given to the lowest cost project so that the maximum number of projects may be accomplished with the available funds.

3. Greater priority shall be given to grade separation projects of otherwise equal priority for which the amount contributed by a city or county is equal to or greater than 50% of the cost of the project.

4. The Executive Director shall furnish a certified copy of this opinion and order to the California Department of Transportation and the California Transportation Commission prior to July 1, 1988.

5. This investigation remains open for the purpose of establishing the 1989-90 priority list.

This order is effective today.

Dated JUN 17 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
C. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Victor Weisser
Victor Weisser, Executive Director

APPENDIX A

List of Appearances

Respondents: Robert G. Bezzant, for City of San Mateo; CH2M Hill by Steve Castleberry, for City of Roseville; R. Gordon Elliott, for City of South San Francisco; Larry S. Gossett, for City of West Sacramento; Keith Higgins, for City of Morgan Hill; Wally Kolb, for City of Emeryville; Julie Ann MacDonald, P.E., for City of Dixon; Leslie C. Marquoit, for City of Hayward; Ron Miller, for City of Stockton; Pat O'Halloran, for City of Manteca; James C. Ray, for County of Sacramento; Michael W. Sattel, for City of San Bruno; Allen E. Sprague, Attorney at Law, for City of Fremont; Roger Young, for City of San Carlos; Eugene C. Bonnstetter, Attorney at Law, and Frank Hiyama, for State of California Department of Transportation; CH2M Hill, by James A. Kellner, for City of Pittsburg; Adam P. Gee, for City of Redwood City; DeLeuw Cather & Company, by Robert M. Barton, P.E., for Cities of Bakersfield, Richmond, Banning, Fontana, Rancho Cucamonga, Montclair, Monrovia, and Carson and Kern County; Erwin Ohannesian, for County of Fresno, Public Works and Development Services Department; Anthony J. Telesco, for City of Fresno; Luisito D. Jugo, for City of Los Angeles; Ronald Ondrozek, for County of Los Angeles; William M. Glickman, for City of El Segundo; Donald W. Dey, for City of Anaheim; Dan Clinton, for City of Coachella; Willdan Associates, by Gary P. Dvsart, for City of Camarillo; Willdan Associates, by Victor Martinez, for City of Paramount; Shirley Land, for City of Irvine; Schiermeyer Consulting Services, by Carl H. Schiermeyer, for City of Santa Ana; Loren A. Tuthill, for City of Buena Park; Angel Espiritu, for City of Compton; CG Engineering, by Noel L. Christensen, for City of Loma Linda; Michael A. Curtin, P.E., for City of Ontario; and Rick Thorpe, for Metropolitan Transit Development Board.

Interested Parties: Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Co.; Moffat & Nichol Engineers, by H. Richard Neill, for himself; and Robert M. White, Attorney at Law, for Union Pacific Railroad Company.

Transportation Division: Robert W. Stich.

(END OF APPENDIX A)

APPENDIX B
Page 1TABLE 1
ALPHABETICAL LIST OF PROJECTS
BY NOMINATING AGENCYCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	TYPE PROJ	VEH VOLUME	TRAIN VOLUME	PROJECT COST	V+T/C+F
BAKERSFIELD	COFFEE RD	2		891.6			1	19,877	27	3,400,000	14
BAKERSFIELD	P-0-S STS	2		886.7			1	6,500	34	4,600,000	4
BANNING	HIGHLAND SPRG AV	1	B	564.2			1	2,000	33	3,329,000	2
BUENA PARK	DALE ST	2		101.3			1	12,500	49	4,609,000	12
CALTRANS	58-SAN BERNARDINO	2		780.3			1	8,200	18	3,959,000	3
CALTRANS	58-SAN BERNARDINO	2		753.2			1	5,594	18	2,857,000	3
CALTRANS	68-MONTEREY	1	E	119.3			1	17,700	18	4,374,000	7
CALTRANS	79-RIVERSIDE	1	B	562.4			1	11,000	45	5,741,000	8
CALTRANS	166-SANTA BARBARA	1	E	276.8			1	6,000	19	3,650,000	3
CALTRANS	238-ALAMEDA	4		30.4	B		4	23,000	18	1,470,000	26
CALTRANS	238-ALAMEDA	4	B	1.4	B		4	33,000	6	2,394,000	8
CAMARILLO	ADOLFO RD	1	E	417.9		P	2A	21,046	10	5,502,000	3
CAMARILLO	LAS POSAS RD	1	E	419.0			1	490	10	4,856,000	0
CARSON	DEL AMO BL	1	B6	497.2			1	23,180	31	7,970,000	8
COACHELLA	AVENUE 50	1	B	614.2			1	16,200	31	4,810,000	9
COMPTON	ALONDRA BL	1	B6	494.3			1	33,000	4	12,170,000	1
COMPTON	COMPTON BL	1	B6	493.8			1	26,000	4	12,730,000	1
DIXON	W. "A" ST. LWR	1	A	67.4			1	19,340	19	17,244,000	2
EL SEGUNDO	ROSECRANS AV	2	H	15.5	B		4	93,500	4	6,576,000	5
EMERYVILLE	YERBA BNA AV	1	A	6.5		P	2A	17,000	28	11,210,000	4
FONTANA	FONTANA CNL ALT 1	2		88.7			1	28,602	19	3,385,000	13

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ALPHABETICAL LIST OF PROJECTS
BY NOMINATING AGENCYCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	TYPE PROJ	VEH VOLUME	TRAIN VOLUME	PROJECT COST	VOT/CoF
FONTANA	SIERRA AV ALT 2	2		88.7			1	25,500	18	2,697,000	15
FREMONT	NEWARK BL	1	L	28.5			1	10,429	28	2,080,000	13
FREMONT	WASHINGTON BL	4	G	3.2			1	28,811	16	11,570,000	4
FRESNO	HERNDON AV	1	B	195.8			1	13,200	22	5,248,000	5
FRESNO	SHAW AV	1	B	198.5			1	24,200	20	4,477,000	10
FRESNO	SHAW AV ALT	2		1004.2			1	59,200	20	6,805,000	10
FRESNO	TRACK CNL	1	B	198.5			1	235,946	20	16,033,000	27
FRESNO CO	CHESTNUT AV	1	B	210.3			1	8,500	24	4,559,000	4
FRESNO CO	CLOVIS AV	1	B	213.3			1	11,300	24	4,114,000	6
HAYWARD	A ST	4		20.2			1	27,200	9	9,511,000	2
HAYWARD	HARDER RD	1	D	21.6			1	27,000	12	3,695,000	8
HAYWARD	TENNYSON RD	1	D	23.0			1	27,000	12	3,792,000	8
IRVINE	SAND CANYON AV	2		182.9			1	20,000	19	5,525,000	6
KERN CO	FAIRFAX RD	1	B	316.5			1	17,475	65	4,700,000	22
KERN CO	MORNING DR	1	B	317.5			1	9,533	63	4,300,000	15
KERN CO	OSWELL ST	1	B	315.4			1	10,900	65	4,600,000	14
LONA LINDA	MTN VIEW AV	1	B	545.6	A		4	16,600	34	1,699,000	30
LOS ANGELES	DESOTO AV	1	E	446.8			1	46,000	12	9,460,000	5
LOS ANGELES	N. SPRING ST	3	B	1.7	A		4	15,900	34	7,161,000	11
LOS ANGELES	ROSCOE BL	1	E	452.3			1	43,800	12	10,038,000	5
LOS ANGELES CO	BANDINI BL	3	A	3.4			1	24,300	21	14,455,000	3
LOS ANGELES CO	DEL AMO BL	1	BBH	497.6			1	33,700	1	5,816,000	1

APPENDIX B
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ALPHABETICAL LIST OF PROJECTS
BY NOMINATING AGENCYCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR BR	MILE POST	SUF	PROP	TYPE PROJ	VEH VOLUME	TRAIN VOLUME	PROJECT COST	V+T/C+R	
LOS ANGELES CO	DOUGLAS ST	2	H	15.0		P	2A	22,000	5	6,570,000	2
LOS ANGELES CO	EL SEGUNDO BL	1	BBH	492.6			1	22,100	20	9,295,000	4
LOS ANGELES CO	FLORENCE AV	1	BBH	488.4			1	36,100	20	11,733,000	6
LOS ANGELES CO	FLORENCE AV	1	BE	488.3			1	37,900	2	11,628,000	1
LOS ANGELES CO	GRAND AV	1	B	508.5		P	2A	16,000	53	10,087,000	8
LOS ANGELES CO	SLAUSON AV	1	BBH	487.4			1	34,100	9	12,903,000	2
LOS ANGELES CO	SLAUSON AV	1	BE	487.3			1	33,100	18	8,071,000	7
LOS ANGELES CO	TELEGRAPH RD	2		148.8	B		4	14,200	85	5,858,000	19
MANTECA	CENTER ST	1	B	96.5			1	7,147	20	4,983,000	3
MONROVIA	MYRTLE AV	2		122.4			1	21,500	15	2,915,000	10
MONTCLAIR	MONT VISTA AV	2		103.7		P	2A	25,000	15	1,462,000	23
ONTARIO	ARCHIBALD AV	1	B	523.4			1	6,400	35	11,500,000	2
ONTARIO	ARCHIBALD AV	3		41.2			1	11,300	20	5,492,000	4
ONTARIO	GROVE AV	3		39.0			1	27,800	20	7,768,000	7
ONTARIO	HAVEN AV	3		42.3		P	2A	20,100	20	5,462,000	7
PARAMOUNT	ALONDRA BL	3	A	12.3			1	32,566	18	5,195,000	10
PITTSBURG	HARBOR ST	1	B	49.3	B		4	14,200	12	773,000	20
RANCHO CUCAMONGA	MILLIKEN	2		95.6		P	2A	19,500	25	4,326,000	10
REDWOOD CITY	BREWSTER AV	1	E	25.2			1	10,711	58	5,000,000	11
REDWOOD CITY	BROADWAY/JEFFERSON	1	E	25.4			1	31,650	58	10,000,000	17
REDWOOD CITY	MAPLE/MAIN AVS	1	E	25.7			1	11,696	58	10,050,000	6

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ALPHABETICAL LIST OF PROJECTS
BY NOMINATING AGENCYCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	TYPE PROJ	VEH VOLUME	TRAIN VOLUME	PROJECT COST	V+T/C+F
REDWOOD CITY	WHIPPLE/HOPKINS AVS	1	E	24.8			1	29,537	58	9,750,000	16
RICHMOND	23RD ST	1	A	14.5			1	21,000	26	6,990,000	7
RICHMOND	CUTTING BL	1	A	13.8			1	28,500	26	6,562,000	10
ROSEVILLE	HARDING BL	1	A	107.7		P	2A	25,300	25	2,702,000	21
SACRAMENTO CO	ANTELOPE RD	1	A	102.5			1	10,900	64	3,560,000	18
SAN BRUNO	SAN BRUNO AV	1	E	11.0			1	25,000	54	26,000,000	5
SAN CARLOS	HOWARD AV	1	E	24.1			1	12,500	54	7,992,000	8
SAN DIEGO MTDB	28TH ST	36		2.8			1	17,000	146	4,460,000	51
SAN DIEGO MTDB	32ND ST	36		3.4			1	25,000	146	4,955,000	67
SAN DIEGO MTDB	EUCLID AV	36	D	5.7		P	1	19,000	98	4,935,000	34
SAN DIEGO MTDB	FLETCHER PKY	36	D	17.8		C	P	1	33,100	6,315,000	46
SAN DIEGO MTDB	MAIN ST	36	D	16.9		C	P	1	29,000	5,335,000	48
SAN DIEGO MTDB	MAIN ST	36		10.3		B	4	21,000	146	5,335,000	52
SAN DIEGO MTDB	MARSHALL AV	36	D	17.4		P	1	23,000	98	5,275,000	39
SAN MATEO	25TH AV	1	E	19.7			1	11,000	56	5,225,000	11
SAN MATEO	9TH AV - MONT DI	1	E	17.7			1	42,750	56	65,000,000	5
SAN MATEO	MONTE DIABLO AV	1	E	17.4		B	4	1,277	58	2,145,000	3
SAN MATEO	POPLAR AV	1	E	17.2		B	4	10,061	58	2,145,000	25
SAN MATEO	SANTA INEZ AV	1	E	17.3		B	4	972	58	2,145,000	2
SAN MATEO	TILTON AV	1	E	17.5		B	4	4,522	58	2,145,000	11
SANTA ANA	GRAND AV	2		176.2			1	31,700	19	6,100,000	9
SOUTH SAN FRANCISCO	OYSTER PT BL	1	E	8.4			1	32,651	58	12,584,000	14

APPENDIX B
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ALPHABETICAL LIST OF PROJECTS
BY NOMINATING AGENCYCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	TYPE PROJ	VEH VOLUME	TRAIN VOLUME	PROJECT COST	V+T/C+F
STOCKTON	HAMMER LN			98.5			1	42,500	15	8,814,000	7
WEST SACRAMENTO	HARBOR BL	1	A	86.4			1	11,000	18	2,400,000	8

(END OF APPENDIX B)

APPENDIX C
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SPECIAL CONDITIONS FACTOR FOR
GRADE CROSSINGS NOMINATED FOR
SEPARATION OR ELIMINATIONCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF PROP	VEH SPD	TRAIN	XING	BLKNG	ALT.	ACC	TOTAL	
						LIMIT 61	SPEED 62	GEOM 63	DELAY 64	RTE 65	HIST 66	IRR 67	SCF
BAKERSFIELD	COFFEE RD	2		891.6		3	5	2	2	5	1	4	22
BAKERSFIELD	P-8-S STS	2		886.7		1	0	2	4	1	4	2	14
BANNING	HIGHLAND SPRG AV	1	B	564.2		2	3	2	5	5	2	9	28
BUENA PARK	DALE ST	2		161.3		1	5	2	3	4	1	7	23
CALTRANS	58-SAN BERNARDINO	2		780.3		5	5	3	1	5	3	8	30
CALTRANS	58-SAN BERNARDINO	2		753.2		5	5	3	1	5	1	8	28
CALTRANS	68-MONTEREY	1	E	119.3		1	0	2	1	1	2	9	16
CALTRANS	79-RIVERSIDE	1	B	562.4		1	3	2	10	1	8	13	38
CALTRANS	166-SANTA BARBARA	1	E	276.8		5	3	2	2	4	0	8	24
CAMARILLO	ADOLFO RD	1	E	417.9	P	2	5	1	1	5	0	6	20
CAMARILLO	LAS POSAS RD	1	E	419.0		0	5	3	1	5	0	7	21
CARSON	DEL AMO BL	1	B6	497.2		4	0	5	6	5	0	10	30
COACHELLA	AVENUE 50	1	B	614.2		1	5	2	6	5	2	5	26
COMPTON	ALONDRA BL	1	B6	494.3		1	0	3	1	5	5	9	24
COMPTON	COMPTON BL	1	B6	493.8		1	0	3	1	5	5	9	24
DIXON	W. "A" ST. LWR	1	A	67.4		0	4	2	3	5	1	12	27
EMERYVILLE	YERBA BNA AV	1	A	6.5	P	1	2	0	5	4	0	5	17
FONTANA	FONTANA CNL ALT 1	2		88.7		0	3	5	1	1	8	16	34
FONTANA	SIERRA AV ALT 2	2		88.7		0	3	2	1	1	3	6	16
FREMONT	NEWARK BL	1	L	28.5		3	3	3	2	5	0	10	26
FREMONT	WASHINGTON BL	4	G	3.2		0	2	3	1	3	3	4	16

APPENDIX C
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SPECIAL CONDITIONS FACTOR FOR
GRADE CROSSINGS NOMINATED FOR
SEPARATION OR ELIMINATIONCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	VEH SPD	TRAIN	XING	BLKNG	ALT	ACC	TOTAL	
							LIMIT	SPEED	GEOM	DELAY	RTE	HIST		IRR
							61	62	63	64	65	66	67	
FRESNO	HERNDON AV	1	B	195.8			5	5	2	2	5	6	5	30
FRESNO	SHAW AV	1	B	198.5			1	5	2	3	5	0	7	25
FRESNO	SHAW AV ALT	2		1004.2			2	5	4	4	5	7	14	41
FRESNO	TRACK CNL	1	B	198.5			2	5	5	7	5	25	16	65
FRESNO CO	CHESTNUT AV	1	B	210.3			2	4	2	3	1	8	7	27
FRESNO CO	CLOVIS AV	1	B	213.3			4	5	3	2	2	5	9	30
HAYWARD	A ST	4		20.2			0	4	4	0	1	1	6	16
HAYWARD	HARDER RD	1	D	21.6			1	2	4	1	3	0	9	20
HAYWARD	TENNYSON RD	1	D	23.0			0	2	3	1	4	1	5	16
IRVINE	SAND CANYON AV	2		182.9			5	5	2	0	4	0	7	25
KERN CO	FAIRFAX RD	1	B	316.5			3	4	3	10	5	3	7	33
KERN CO	MORNING DR	1	B	317.5			3	4	2	10	5	0	6	30
KERN CO	OSWELL ST	1	B	315.4			2	4	3	10	5	2	5	31
LOS ANGELES	DESOTO AV	1	E	446.8			2	4	2	1	5	0	7	21
LOS ANGELES	ROSCOE BL	1	E	452.3			1	4	2	1	2	4	13	27
LOS ANGELES CO	BANDINI BL	3	A	3.4			1	0	3	3	1	3	12	23
LOS ANGELES CO	DEL AMO BL	1	BBH	497.6			3	0	1	0	5	2	11	22
LOS ANGELES CO	DOUGLAS ST	2	H	15.0		P	2	0	0	0	2	0	5	9
LOS ANGELES CO	EL SEGUNDO BL	1	BBH	492.6			1	0	2	3	0	0	11	17
LOS ANGELES CO	FLORENCE AV	1	BBH	488.4			1	0	2	10	2	6	12	33
LOS ANGELES CO	FLORENCE AV	1	B6	488.3			1	0	3	2	2	2	7	17

APPENDIX C
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SPECIAL CONDITIONS FACTOR FOR
GRADE CROSSINGS NOMINATED FOR
SEPARATION OR ELIMINATIONCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF PROP	VEH SPD	TRAIN	XING	BLKNG	ALT	ACC	IRR	TOTAL
						LIMIT 61	SPEED 62	GEOM 63	DELAY 64	RTE 65	HIST 66		SCF 67
LOS ANGELES CO	GRAND AV	1	B	508.5	P	3	5	0	5	0	0	7	20
LOS ANGELES CO	SLAUSON AV	1	B6	487.2		1	0	3	1	1	1	10	17
LOS ANGELES CO	SLAUSON AV	1	BBH	487.4		1	0	3	8	1	3	12	29
MANTECA	CENTER ST	1	B	96.5		1	4	4	2	1	0	8	20
MONROVIA	MYRTLE AV	2		122.4		1	4	2	1	1	1	7	17
MONTECLAIR	MONTE VISTA AV	2		102.7	P	3	4	0	1	0	0	6	14
ONTARIO	ARCHIBALD AV	3		41.2		5	4	4	3	2	0	9	27
ONTARIO	ARCHIBALD AV	1	B	523.4		3	5	3	4	5	0	7	27
ONTARIO	GROVE AV	3		39.0		1	4	2	3	2	10	8	30
ONTARIO	HAVEN AV	3		42.3	P	3	4	0	3	3	0	5	20
PARAMOUNT	ALONDRA BL	3	A	12.3		1	0	2	4	3	3	10	23
RANCHO CUCAMONGA	MILLIKEN	2		93.6	P	3	4	3	2	3	0	6	21
REDWOOD CITY	BREMSTER AV	1	E	25.2		0	3	2	4	0	3	10	22
REDWOOD CITY	BROADWAY/JEFFERSON	1	E	25.4		0	3	2	6	0	1	10	22
REDWOOD CITY	MAPLE/MAIN AVS	1	E	25.7		0	3	3	4	1	3	9	23
REDWOOD CITY	WHIPPLE/HOPKINS AVS	1	E	24.8		0	3	2	4	0	1	12	22
RICHMOND	23RD ST	1	A	14.5		0	4	5	2	1	11	16	39
RICHMOND	CUTTING BL	1	A	13.8		1	4	4	2	3	4	12	30
ROSEVILLE	HARDING BL	1	A	107.7	P	1	1	3	1	2	0	5	13
SACRAMENTO CO	ANTELOPE RD	1	A	102.3		3	1	5	10	3	2	13	39
SAN BRUNO	SAN BRUNO AV	1	E	11.0		0	1	3	6	1	3	13	27

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TABLE 2A
SPECIAL CONDITIONS FACTOR FOR
GRADE CROSSINGS NOMINATED FOR
SEPARATION OR ELIMINATION

CALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	VEH SPD	TRAIN	XING	BLKNG	ALT	ACC	TOTAL	
							LIMIT	SPEED	GEOM	DELAY	RTE	HIST		IRR
							61	62	63	64	65	66	67	
SAN CARLOS	HOWARD AV	1	E	24.1			0	5	2	2	4	0	11	24
SAN DIEGO MTDB	28TH ST	36		2.8			0	0	2	6	3	0	10	21
SAN DIEGO MTDB	32ND ST	36		3.4			0	0	2	6	3	0	13	24
SAN DIEGO MTDB	EUCLID AV	36	D	5.7		P	1	1	3	4	2	0	12	23
SAN DIEGO MTDB	FLETCHER PKY	36	D	17.8	C	P	2	1	2	4	3	0	13	25
SAN DIEGO MTDB	MAIN ST	36	D	16.9	C	P	1	1	3	4	2	0	12	23
SAN DIEGO MTDB	MARSHALL AV	36	D	17.4		P	2	1	3	4	2	0	11	23
SAN MATEO	25TH AV	1	E	19.7			0	5	2	3	3	1	9	23
SAN MATEO	9TH AV - MONT DI	1	E	17.7			0	5	5	3	0	3	16	32
SANTA ANA	GRAND AV	2		176.2			2	5	3	1	2	5	12	30
SOUTH SAN FRANCISCO	OYSTER PT BL	1	E	8.4			1	4	5	2	3	1	17	33
STOCKTON	HAMNER LN	4		98.5			1	4	2	1	5	7	5	25
WEST SACRAMENTO	HARBOR BL	1	A	86.4			1	4	4	4	5	4	9	31

(END OF APPENDIX C)

APPENDIX D

TABLE 2B
SPECIAL CONDITIONS FACTOR FOR
SEPARATIONS NOMINATED FOR
ALTERATIONS OR RECONSTRUCTIONS

CALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	WIDTH CLEAR S1	HEIGHT CLEAR S2	SPEED REDUC S3	LOAD LIMIT S4	ACC STRUC S5	IRR S6	TOTAL SCF
CALTRANS	238-ALAMEDA	4	G	1.4	B	8	4	0	0	0	5	17
CALTRANS	238-ALAMEDA	4		30.4	B	10	0	0	0	0	5	15
EL SEGUNDO	ROSECRANS AV	2	H	15.5	B	0	0	0	0	10	8	18
LOMA LINDA	MTN VIEW AV	1	B	543.6	A	0	0	0	0	0	4	4
LOS ANGELES	N. SPRING ST	3	B	1.7	A	10	0	2	0	2	8	22
LOS ANGELES CO	TELEGRAPH RD	2		148.8	B	6	4	0	0	3	8	21
PITTSBURG	HARBOR ST	1	B	49.3	B	8	4	0	0	1	6	19
SAN DIEGO MTDB	MAIN ST	36		10.3	B	2	0	0	2	0	5	9
SAN MATEO	MONTE DIABLO AV	1	E	17.4	B	6	10	5	0	0	9	30
SAN MATEO	POPLAR AV	1	E	17.2	B	6	8	0	0	0	8	22
SAN MATEO	SANTA INEZ AV	1	E	17.3	B	4	10	0	0	0	8	22
SAN MATEO	TILTON AV	1	E	17.5	B	6	10	5	0	2	10	33

(END OF APPENDIX D)

APPENDIX E
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PROJECTS NOMINATED BY
PRIORITY INDEX NUMBERCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	V*T/C*F	SCF	PRIORITY INDEX NO.	50% CONTR.	PRIORITY NUMBER
FRESNO	TRACK CNL	1	B	198.5			27	65	92	NO	1
SAN DIEGO MTDB	32ND ST	36		3.4			67	24	91	NO	2
SAN DIEGO MTDB	28TH ST	36		2.8			51	21	72	NO	3
SAN DIEGO MTDB	MAIN ST	36	D	16.9	C	P	48	25	71	NO	4
SAN DIEGO MTDB	FLETCHER PKY	36	D	17.8	C	P	46	25	71	NO	5
SAN DIEGO MTDB	MARSHALL AV	36	D	17.4		P	39	23	62	NO	6
SAN DIEGO MTDB	MAIN ST	36		10.3	B		52	9	61	NO	7
SACRAMENTO CO	ANTELOPE RD	1	A	102.5			18	39	57	NO	8
KERN CO	FAIRFAX RD	1	B	316.5			22	33	57	NO	9
SAN DIEGO MTDB	EUCLID AV	36	D	5.7		P	34	23	57	NO	10
FRESNO	SHAW AV ALT	2		1004.2			10	41	51	NO	11
FONTANA	FONTANA CNL ALT 1	2		88.7			15	34	49	NO	12
SOUTH SAN FRANCISCO	OYSTER PT BL	1	E	8.4			14	33	47	YES	13
SAN MATEO	POPLAR AV	1	E	17.2	B		25	22	47	NO	14
CALTRANS	79-RIVERSIDE	1	B	562.4			8	38	46	NO	15
RICHMOND	25RD ST	1	A	14.5			7	39	46	NO	16
KERN CO	OSWELL ST	1	B	315.4			14	31	45	NO	17
SAN MATEO	TILTON AV	1	E	17.5	B		11	33	44	NO	18
KERN CO	MORNING DR	1	B	317.5			13	30	43	NO	19
CALTRANS	238-ALAMEDA	4		30.4	B		26	15	41	YES	20
RICHMOND	CUTTING BL	1	A	13.8			10	30	40	NO	21

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PROJECTS NOMINATED BY
PRIORITY INDEX NUMBERCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	V+Y/C+P	SCF	PRIORITY INDEX NO.	50% CONTR.	PRIORITY NUMBER
LOS ANGELES CO	TELEGRAPH RD	2		148.8	B		19	21	40	NO	22
REDWOOD CITY	BROADWAY/JEFFERSON	1	E	25.4			17	22	39	YES	23
FREMONT	NEWARK BL	1	L	28.5			13	26	39	NO	24
WEST SACRAMENTO	HARBOR BL	1	A	86.4			8	31	39	NO	25
SANTA ANA	GRAND AV	2		176.2			9	30	39	NO	26
LOS ANGELES CO	FLORENCE AV	1	BBM	488.4			6	33	39	NO	27
PITTSBURG	HARBOR ST	1	B	49.3	B		20	19	39	NO	28
REDWOOD CITY	WHIPPLE/HOPKINS AVS	1	E	24.8			16	22	38	YES	29
CARSON	DEL AMO BL	1	B6	497.2			8	30	38	NO	30
MONTCLAIR	MONT VISTA AV	2		103.7		P	23	14	37	YES	31
ONTARIO	GROVE AV	3		39.0			7	30	37	YES	32
BAKERSFIELD	COFFEE RD	2		891.6			14	22	36	NO	33
FRESNO CO	CLOVIS AV	1	B	213.3			6	30	36	NO	34
BUENA PARK	DALE ST	2		161.3			12	23	35	NO	35
COACHELLA	AVENUE 50	1	B	614.2			9	26	35	NO	36
FRESNO	HERNDON AV	1	B	195.8			5	30	35	NO	37
SAN MATEO	9TH AV - MONT DI	1	E	17.7			3	32	35	NO	38
ROSEVILLE	HARDING BL	1	A	107.7		P	21	13	34	YES	39
SAN MATEO	25TH AV	1	E	19.7			11	23	34	NO	40
LOMA LINDA	MTN VIEW AV	1	B	543.6	A		30	4	34	YES	41
REDWOOD CITY	BREWSTER AV	1	E	25.2			11	22	33	YES	42
CALTRANS	58-SAN BERNARDINO	2		780.3			3	30	33	NO	43

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PROJECTS NOMINATED BY
PRIORITY INDEX NUMBERCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	V+T/C+F	SCF	PRIORITY INDEX NO.	50% CONTR.	PRIORITY NUMBER
FRESNO	SHAW AV	1	B	198.5			10	23	33	NO	44
PARAMOUNT	ALONDRA BL	3	A	12.3			10	23	33	NO	45
SAN MATEO	MONTE DIABLO AV	1	E	17.4	B		3	30	33	NO	46
LOS ANGELES	N. SPRING ST	3	B	1.7	A		11	22	33	NO	47
SAN CARLOS	HOWARD AV	1	E	24.1			8	24	32	YES	48
STOCKTON	HAMMER LN	4		98.5			7	25	32	NO	49
LOS ANGELES	ROSCOE BL	1	E	452.3			5	27	32	NO	50
SAN BRUNO	SAN BRUNO AV	1	E	11.0			5	27	32	NO	51
RANCHO CUCAMONGA	MILLIKEN	2		95.6		P	10	21	31	YES	52
FONTANA	SIERRA AV ALT 2	2		88.7			15	16	31	NO	53
CALTRANS	58-SAN BERNARDINO	2		753.2			3	28	31	NO	54
FRESNO CO	CHESTNUT AV	1	B	210.3			4	27	31	NO	55
ONTARIO	ARCHIBALD AV	3		41.2			4	27	31	NO	56
BANNING	HIGHLAND SPRG AV	1	B	564.2			2	28	30	NO	57
LOS ANGELES CO	SLAUSON AV	1	BBH	487.4			2	28	30	NO	58
REDWOOD CITY	MAPLE/MAIN AVS	1	E	25.7			6	25	29	YES	59
ONTARIO	ARCHIBALD AV	1	B	523.4			2	27	29	YES	60
DIXON	W. "A" ST. LWR	1	A	67.4			2	27	29	YES	61
IRVINE	SAND CANYON AV	2		182.9			6	23	29	NO	62
LOS ANGELES CO	GRAND AV	1	B	308.5		P	8	20	28	YES	63
MAYNARD	HARDER RD	1	D	21.6			8	20	28	NO	64

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PROJECTS NOMINATED BY
PRIORITY INDEX NUMBERCALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	V+T/C+P	SCF	PRIORITY INDEX NO.	50% CONTR.	PRIORITY NUMBER
ONTARIO	HAVEN AV	3		42.3		P	7	20	27	YES	65
MONROVIA	MYRTLE AV	2		122.4			10	17	27	NO	66
CALTRANS	160-SANTA BARBARA	1	E	276.8			3	24	27	NO	67
LOS ANGELES	DESOTO AV	1	E	446.8			5	21	26	NO	68
LOS ANGELES CO	BANDINI BL	3	A	3.4			3	23	26	NO	69
COMPTON	ALONDRA BL	1	B6	494.3			1	24	25	NO	70
COMPTON	COMPTON BL	1	B6	493.8			1	24	25	NO	71
CALTRANS	238-ALAMEDA	4	G	1.4	B		8	17	25	NO	72
HAYWARD	TENNYSON RD	1	D	23.0			8	16	24	NO	73
LOS ANGELES CO	SLAUSON AV	1	B6	487.3			7	17	24	NO	74
SAN MATEO	SANTA INEZ AV	1	E	17.3	B		2	22	24	NO	75
CALTRANS	68-MONTEREY	1	E	119.3			7	16	23	NO	76
MANTECA	CENTER ST	1	B	96.5			3	20	23	NO	77
CAMARILLO	ADOLFO RD	1	E	417.9		P	3	20	23	NO	78
LOS ANGELES CO	DEL AMO BL	1	BBM	497.6			1	22	23	NO	79
EL SEGUNDO	ROSECRANS AV	2	H	15.5	B		5	18	23	YES	80
EMERYVILLE	YERBA BNA AV	1	A	6.5		P	4	17	21	YES	81
CAMARILLO	LAS POSAS RD	1	E	419.0			0	21	21	NO	82
LOS ANGELES CO	EL SEGUNDO BL	1	BBM	492.6			4	17	21	NO	83
FREMONT	WASHINGTON BL	4	G	3.2			4	16	20	NO	84
BAKERSFIELD	P-8-5 STS	2		886.7			4	14	18	NO	85
HAYWARD	A ST	4		20.2			2	16	18	NO	86

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TABLE 3
PROJECTS NOMINATED BY
PRIORITY INDEX NUMBER

CALIFORNIA PUBLIC UTILITIES COMMISSION
TRANSPORTATION DIVISION
RR GRADE CROSSING AND SEPARATION NOMINATIONS

AGENCY	CROSSING NAME	RR	BR	MILE POST	SUF	PROP	V+T/C+F	SCF	PRIORITY INDEX NO.	50% CONTR.	PRIORITY NUMBER
LOS ANGELES CO	FLORENCE AV	1	B6	488.3			1	17	18	NO	87
LOS ANGELES CO	DOUGLAS ST	2	H	15.0		P	2	9	11	YES	88

(END OF APPENDIX E)

Division 3 of the S&H Code (and therefore eligible to be included on the priority list) arose as a material issue.¹ This was occasioned by San Diego Metropolitan Transit Development Board's (MTDB) nomination of 14 projects which involved the light rail operations of San Diego Trolley, Inc. These projects dominated the top rankings of the staff's preliminary priority list (Exhibit 2), which was mailed to parties shortly before the hearings commenced. Some parties were concerned that since only a limited number of high-ranking projects are actually funded each year, the MTDB light rail system would virtually monopolize the available funds.

The eligibility issue focused on grade separation projects which exclusively involve light rail transit. No party seriously questioned the eligibility of light rail project nominations which also involve conventional railroad operations (although, as discussed later, a related issue of train-count criteria was raised with respect to this category). The 14 MTDB projects nominated were divided equally between these two categories.

1 The term "light rail" was not defined by parties at the hearings. Other terms used in discussions of the issue included "mass transit", "commute service", "true transit service", "passenger trains", and "formal transit operations". They were generally distinguished from such terms as "railroad corporation", "freight trains", "conventional railroads", and "mainline railroads".

We take notice of our General Order 143, which establishes rules for the design, construction and operation of light rail transit systems including streetcar operations. Light rail transit is defined in those rules as "[a] mode of urban transportation utilizing predominantly reserved but not necessarily grade-separated rights-of-way. Electrically propelled rail vehicles operate singly or in trains." A light rail vehicle is defined as "[a]n electrically propelled passenger carrying rail vehicle capable of operating on [exclusive, semi-exclusive and non-exclusive alignments]." Non-exclusive alignments refer to surface streets and pedestrian malls.

After the completion of hearings and filing of briefs, MTDB withdrew all of its nominations of projects which involved only the separation of light rail operations.² The remaining seven MTDB nominations involve tracks over which both light rail and freight operations are conducted. Staff's late-filed Exhibit 19 reflects the withdrawal of the seven disputed nominations. Accordingly, it is not necessary for us to address the eligibility of other light rail and related projects at this time.

Although we decide not to resolve the light rail eligibility issue at this time, we are aware of the potential for this and related issues to arise in future priority list proceedings, particularly with the growing importance of public transit systems as alternatives to the the private automobile. As we discuss later, we believe these issues can be resolved more effectively and equitably, with the full participation of all interested parties, than can be accomplished in this proceeding at this time.

² The Administrative Law Judge issued a ruling, served on all parties, allowing briefs on the eligibility issue and the related issue of train counts discussed below. Briefs were to be filed, in accordance with our Rules of Practice and Procedure, not later than April 27, 1988. Properly filed briefs were received from the City of West Sacramento and the County of Fresno.

Although not in appearance, the Greater Bakersfield Separation of Grade District submitted a brief. We accept this filing because the witness appearing for both the City of Bakersfield and the County of Kern testified that he was directly retained by the the District, which in turn has agreements with the City and the County for his services.

Similarly, we accept the brief of MTDB although it was filed with our Docket Office after the April 27 deadline. Our records show it was tendered for filing on a timely basis with the required copies and service on parties, substantially in compliance with our rules and the ALJ's ruling.

blocking delays uniformly, pointed out there is a significant difference between delays during peak hours of traffic and delays during off-peak hours.

By far the most significant issue involving the formula was whether the train counts should include light rail trains. Typically, mass transit passenger operations, such as those conducted on the tracks of the Southern Pacific Transportation Co. (SPTC) on the San Francisco peninsula, or those of the MTDB light rail system involve much higher train volumes than on lines which include only freight or intercity passenger trains. For example, the highest ranking nomination (Fresno Track Consolidation) shows a volume of 20 trains per day. By comparison, nominations for projects along the San Francisco peninsula (Redwood City, San Carlos, San Mateo, San Bruno and South San Francisco) show train volumes ranging from 54 to 58 per day. The great majority of these are Caltrain peninsula commuter trains. Similarly, volumes at the MTDB project locations range from 97 to 146 trains per day. All but one or two of these are light rail trains.

These high train counts significantly affect the number of points awarded and the project rankings, particularly in the case of the MTDB nominations. Several parties argue that even though projects involving both freight and light rail operations are eligible to be included on the list, only the freight train volumes should be included in calculating the priority. We disagree. S&H Code § 2452 requires that we evaluate eligible projects in accordance with criteria we establish, and rank those projects according to the criteria. We find no basis in the statutes or in our prior decisions for requiring the segregation of eligible projects according to the kind of trains that operated at a crossing location.

We do find a basis in the legislative intent of S&H Code Division 3, Chapter 10 for including light rail train counts. Chapter 1153, Statutes of 1973 enacted revisions to the grade

investigations; those who do not have eligible projects at the time of a proceeding may elect not to participate based on their expectation that no major program or policy changes will result from the proceeding.

We believe a more orderly review of the program can be accomplished as our staff proposes. The conversion we have ordered to a two-year program should help the staff's review process, allowing ample time before any proceedings for establishing the 1990-91 and future priority lists are begun. Staff should conduct this review, which should not be limited exclusively to light rail issues, with a view towards ensuring maximum participation of all parties. Following completion of this program review, staff may initiate before us any formal investigation or rulemaking proceedings that may be necessary or appropriate.

Findings of Fact

1. Appendix B is a list of projects timely nominated and eligible to be included on the priority list in accordance with the procedures established in the OII.
2. The criteria set forth in Appendixes B, C, D, and E, having been found reasonable in past decisions and not having been shown to be unreasonable in this proceeding, are reasonable and should be used to establish the 1988-89 and 1989-90 priority lists.
3. With regard to projects having the same priority index number, consideration should first be given to projects which separate or eliminate existing grade crossings, then to projects which alter or reconstruct existing grade separations, and finally to projects to construct new grade separations. Within each of these categories, first consideration should be given to the lowest cost project so that the maximum number of projects may be accomplished with the available funds.

4. Greater priority shall be given to grade separation projects of otherwise equal priority for which the amount contributed by a city or county is equal to or greater than 50% of the cost of the project.

Conclusions of Law

1. The list set out in Appendix E should be established as the 1988-89 priority list.

2. This investigation should remain open for the purpose of establishing the 1989-90 priority list.

3. As the statute requires issuance of our order by July 1, the effective date of this order should be date of signing.

INTERIM ORDER

IT IS ORDERED that:

1. The list of projects appearing in Appendix E is established as required by the California Streets and Highways Code § 2452 as the 1988-89 list, in order of priority, of projects which the Commission determines to be most urgently in need of separation or alteration.

2. With regard to projects having the same priority index number, consideration shall first be given to projects which separate or eliminate existing grade crossings, then to projects which alter or reconstruct existing grade separations, and finally to projects to construct new grade separations. Within each of these categories, first consideration shall be given to the lowest cost project so that the maximum number of projects may be accomplished with the available funds.

3. Greater priority shall be given to grade separation projects of otherwise equal priority for which the amount contributed by a city or county is equal to or greater than 50% of the cost of the project.

4. The Executive Director shall furnish a certified copy of this opinion and order to the California Department of Transportation and the California Transportation Commission prior to July 1, 1988.

5. This investigation remains open for the purpose of establishing the 1989-90 priority list.

This order is effective today.

Dated _____, at San Francisco, California.