

JUN 11 1997

Decision 97-06-051 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of )  
 establishing a list for the fiscal )  
 years 1996-97 and 1997-98 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 elimi- )  
 nation of grade crossings by )  
 removal or relocation of streets )  
 or railroad tracks, or existing )  
 separations in need of alteration )  
 or reconstruction as contemplated )  
 by Section 2452 of the Streets )  
 and Highways Code. )

ORIGINAL

I.95-07-003  
(Filed July 19, 1995)

(See Decision 96-06-041 for appearances.)

FINAL OPINION

Summary

Interim Decision (D.) 96-06-041 in this proceeding established the priority list of projects eligible for funding under the Grade Separation Program for fiscal year 1996-1997. That priority list expires June 30, 1997. We held this proceeding open to issue a final decision prior to July 1, 1997, which would establish the priority list for the second fiscal year, 1997-98. This final decision accomplishes that objective as required by § 2452 of the Streets and Highways (S&H) Code.

Background

S&H Code § 2452 requires the Public Utilities Commission to establish, before July 1, a priority list of railroad crossings of city streets, county roads, or state highways which are most urgently in need of separation or alteration. Alteration includes the elimination of existing or proposed grade crossings, the

elimination of grade crossings by removal or relocation of streets or railroad tracks, and existing grade separations most urgently in need of reconstruction. The list, based on criteria established by the Commission, is for projects on city streets, county roads, and state highways which are not freeways as defined in S&H Code § 257.

Accordingly, on July 19, 1995, the Commission issued an Order Instituting Investigation 95-07-003 (OII) to establish Priority Lists for fiscal years 1996-97 and 1997-98. Notice of the OII was served upon every city or county, every railroad, every railroad corporation, the California Department of Transportation (Caltrans), the California Transportation Commission, the League of California Cities, the County Supervisors Association, and other persons who might have an interest in the proceeding. The notice stated that the Priority List would be established for two fiscal years, 1996-97 and 1997-98.

Hearings were held April 16 through 18 and April 22 through 24, 1996.

On June 19, 1996, the Commission issued D.96-06-041, which established the Priority List for fiscal year 1996-97. This order revises the list to delete the projects which have already been funded, and establishes the Priority List for fiscal year 1997-98.

Projects Funded in 1996-97

Caltrans has notified the Railroad Safety Branch of the Commission's Rail Safety/Carriers Division (RS/C) that the projects in Appendix A were funded during fiscal year 1996-97.

RS/C prepared a new project list (attached as Appendix B) by deleting the projects in Appendix A from Appendix D of D.96-06-041. RS/C recommends that we issue a final order adopting Appendix B as the priority list for fiscal year 1997-98.

The recommended priority list is in conformance with the project ranking procedures we established in D.96-06-041. We will adopt Appendix B as the Priority List for fiscal year 1997-98.

Findings of Fact

1. The projects in Appendix A have been funded during fiscal year 1996-97.

2. The list of projects appearing in Appendix B reflects the deletion of the projects listed in Finding 1 from the 1996-97 Priority List, and was prepared in conformance with the OII and D.96-06-041.

3. Appendix B lists, in order of priority, projects most urgently in need of separation or alteration.

Conclusions of Law

1. Appendix B should be established as the 1997-98 Priority List.

2. The ranking criteria established by D.96-06-041 for consideration of projects with the same priority index number, and projects of otherwise equal priority where a city or county contributes at least 50% of the cost, should be applied to the 1997-98 priority list.

3. This proceeding should be closed.

4. As the statute requires establishment of the priority list by July 1, the effective date of this order should be the date of signing.

FINAL ORDER

IT IS ORDERED that:

1. The list of projects appearing in Appendix B is established as required by the California Streets and Highways Code § 2452 as the 1997-98 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, 1997.

5. This proceeding is closed.

This order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners

HJV 05-21-97

O.J.J. 1.95-07-003  
EXHIBIT \_\_\_\_\_

SUMMARY OF GRADE SEPARATION PROGRAM

1996-97 FISCAL YEAR  
( Status as of 5-21-97 )

O.J.J. 1.95-07-003  
1996-7 & 1997-98

PRIORITY	NUMBER	NAME OF PROJECT	LOCAL AGENCY	RR	TOTAL COST	STATE'S SHARE	ALLOC. & ENC. DATE	DIST.
Bal.	(1)	Shaw Avenue Overhead	Fresno (City)	SPT Co.	\$5,647,000.00	\$1,911,578.29	8-5-96	06
	(2)	Miramar Road		ATSFE	\$1,009,769.00	\$327,815.00	8-5-96	11
1	(4)	Kansas-Needham OH	Modesto (City)	SPT Co.	\$12,500,000.00	\$5,000,000.00		10
18	(3)	Calloway Dr.	Kern County	BNSF	\$5,160,000.00	\$3,760,000.00		06
16	(3)	P&Q Street UP	Bakersfield (City)	BNSF	\$6,080,000.00	\$4,000,608.71		08
TOTAL OF ALLOCATIONS (PROPOSED)						\$15,000,000.00		
Amount Available July 1, 1996						\$15,000,000.00		
Less Allocation made to date for 1996-97 Fiscal Year						\$2,239,391.29		
Balance Remaining As Of 5-23-97						\$12,760,608.71		
(3)		Monte Vista Ave. UP	Montclair (City)	AT&SF	1,534,656			
(3)		Morning Drive OH	Bakersfield (City)	SPT Co.	7,335,000			
(3)		Chestnut Ave. UP	Grade Separation District					
			Fresno (County)	SPT Co.	5,123,000			

LEGEND

- (1) Balance Allocation
- (2) Supplemental Allocations
- (3) Projects eligible to receive an allocation in accordance with the Young Bill (which added Section 2480.7 of the S&H Code), but insufficient funds remained to make an allocation.
- (4) Projects approved in accordance with Section 2454(h) of The Streets & Highways Code.

HJV 05-21-97

I.95-07-003 ALJ/VDR/sng

Appendix A





