

Decision 98-06-072 June 18, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the fiscal years 1998-99 and 1999-2000 of existing and proposed crossings at grade of city streets, county roads, or state highways 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 alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

ORIGINAL

1.97-07-014
(Filed July 16, 1997)

(See Appendix A for appearances.)

INTERIM OPINION

Summary

We instituted this investigation on July 16, 1997 in order to establish a priority list of projects eligible for funding under the Grade Separation Program for fiscal years 1998-99 and 1999-2000. The current priority list, established by Decision (D.) 97-06-051 for fiscal year 1997-98, expires on June 30, 1998. As in past years, this investigation is a two-year proceeding, with evidentiary hearings being held only during the first year. In the second year, we revise the priority list to delete those projects actually funded in the preceding year. Therefore, this interim opinion establishes the priority list for the first fiscal year of the two-year period, 1998-99, and we will hold this proceeding open for one more year to issue a final decision establishing the priority list for the 1999-2000 fiscal year.

Background

Section 2450 et seq. of the California Streets and Highways (S&H) Code establishes the Grade Separation Program to fund projects throughout the state which will eliminate hazardous grade crossings. Each year, the California Transportation Commission (CTC) distributes a total of \$15 million to eligible projects (S&H Code § 190). Prior to July 1 of each year, the Public Utilities Commission is required to establish a priority list of eligible separation projects throughout the state most urgently in need of construction (S&H Code 2452). The list may contain projects for the construction of new grade crossings, alteration of existing separations, or projects which eliminate crossings by removing or relocating streets or railroad tracks.

In 1988, we concluded that a two-year proceeding would best accomplish our task of creating a priority list (D.88-06-050). We established procedures under which nominations are submitted, hearings are held, and a list of projects in rank order is established during the first year. In the second year, projects which were funded the first year are deleted from the list, establishing the list for the second year.

We mailed a notice of the issuance of our Order Instituting Investigation (OII) for this year's proceeding to each city and county, as well as other interested parties. The OII was served upon each city and county that responded to the notice, and upon every affected railroad corporation, the California Department of Transportation (Caltrans), the CTC, the League of California Cities, and the County Supervisors Association. Those agencies interested in submitting a nomination were furnished nomination forms and instructions. In addition, we provided notice of this investigation on the Commission's Daily Calendar.

The OII required nominations to be submitted to us on or before October 1, 1997. Each nominating body was required to furnish a copy of its nomination(s)

to Caltrans and the railroad involved in the propose project. Each nominating body was informed that it must send a representative to participate in evidentiary hearings by presenting evidence and answering questions about its nomination. Proponents were also informed that additional information could be presented in verified form at the hearing.

In response to our order, we received 44 nominations. One of the 44 nominations was made by Rail Safety Carriers Division (RSCD) staff. The Commission's RSCD evaluated the nominations and inspected proposed project sites. It allocated points to each project based on formulae included in the OII. Projects were then ranked according to total points. At the evidentiary hearing, RSCD distributed its preliminary recommended priority list (Exhibit 1). The list was modified on the basis of new and revised information furnished by the nominating agencies before the submission date.

Evidentiary hearings were held in San Francisco, on March 4 and 5, 1998, and in Los Angeles, on March 11 and 12, 1998. The proceeding was submitted on April 10, 1998.

All parties sponsoring nominations, except the City of Livermore and the County of Santa Barbara, provided testimony in support of their nominations. Because the City of Livermore and the County of Santa Barbara did not appear at the hearings, their nominations will not be considered for the priority list in this proceeding.¹

Based on the evidence provided at the hearings, RSCD prepared a revised priority list which is attached to this order as Appendix B.

¹ Ordering Paragraph 8 of 1.97-07-003 requires nominating parties to appear at the evidentiary hearings.

Administrative Law Judge's Proposed Decision

This order is the proposed decision of the assigned administrative law judge (ALJ). Parties may file comments on the proposed decision in accordance with Rule 77 et seq. of the Commission's Rules of Practice and Procedure.

The Commission will adopt the final priority list for 1998-99 after considering the comments filed by parties.

The priority list attached as Appendix B includes the priority of projects eligible for Grade Separation Program funds for the 1998-99 fiscal year. Table 1 of Appendix B lists 41 projects which were initially proposed with a total cost for these projects approaching \$600 million. Although the Commission is not involved with allocating the actual Grade Separation Program funds, the Commission notes that the \$15 million Grade Separation Fund has not been increased since 1972. With so many projects proposed for grade separation, the Commission considers the fund in desperate need of an increase to keep pace with inflation and to adequately fund grade separations at locations with potential safety hazards. The Commission notes this need for an increase given its constitutional duty to protect the public safety and statutory obligation to reduce dangers caused by unsafe railroad conditions in the state.

Comments on ALJ's Proposed Decision

ALJ's proposed decision was filed and mailed to the parties on May 6, 1998. Caltrans and the County of Fresno filed comments on the proposed decision. The City of Fresno has filed reply comments to address the issues raised by the County of Fresno.

Caltrans points out that two of the projects included in the priority list, Project Nos. 13 and 14,² have been awarded allocations from the grade separation fund from the current priority list for the 1997-1998 fiscal year. We have verified Caltrans' assertion and have deleted those projects from the revised priority list contained in Appendix B.

Caltrans also requests recognition of the contribution made by the late Mr. Frank Hiyama,³ an engineer with Caltrans, who has made invaluable contributions to the Grade Separation Program from its inception in 1957. After having participated in this proceeding during the prehearing conference, Mr. Hiyama passed away on February 28, 1998, just before the beginning of the evidentiary hearing on March 4, 1998.

We join Caltrans in paying tribute to Mr. Hiyama for his contribution to the Grade Separation Program. We also take this opportunity to express our gratitude and thanks to Mr. Hiyama for his contribution.

The County of Fresno raises issues which should have been addressed during the evidentiary hearing and were not addressed. The issues were also not discussed in the proposed decision. We will not consider the issues that are not part of the record in this proceeding.

Other than the changes discussed above, we are issuing the decision as proposed after correcting certain errors from the proposed decision.

² Project No. 13 was the March Lane and Holliday Drive grade separation in Stockton and Project No. 14 was the Grove Avenue grade separation in Ontario.

³ Tribute to Mr. Hiyama was paid on the first day of hearing. (Tr., Vol. 1, p. 8.)

Findings of Fact

1. Appendix B contains a list of projects timely nominated, eligible, and in accordance with the criteria previously established by this Commission for projects funded in this proceeding.

2. Notice of the availability of the OII, as furnished in this proceeding, coupled with publication in the Commission's Daily Calendar, was adequate to afford actual notice of the nomination procedure to all interested persons.

3. No party challenged the formulas used to calculate points for ranking projects nominated in this proceeding.

Conclusions of Law

1. The priority list attached as Appendix B includes the priority of projects eligible for Grade Separation Program funds and should be established as the 1998-99 Grade Separation Priority List.

2. This order should be effective on the date signed so that our statutory deadline of issuing an order by July 1 may be met.

3. This proceeding should remain open for the purpose of establishing the 1999-2000 priority list.

INTERIM ORDER

IT IS ORDERED that:

1. Pursuant to California Streets and Highways Code § 2452, the Grade Separation Priority List attached as Appendix B is established for fiscal year 1998-1999 as the list, in order of priority, of projects which the Commission determines to be most urgently in need of separation or alteration.
2. The Executive Director shall furnish a certified copy of this decision to the California Department of Transportation and the California Transportation Commission prior to July 1, 1998.
3. This investigation remains open for the purpose of establishing the priority list for 1999-2000.

This order is effective today.

Dated June 18, 1998, at San Francisco, California.

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

I will file a written concurrence.

/s/ **JESSIE J. KNIGHT, JR.**
Commissioner

APPENDIX A

Respondents: Deleuw, Cather & Associates, by Robert Barton, Attorney at Law, for the City of Bakersfield, Kern County, the City of Fremont and the City of Fresno; Erwin Ohannesian, for the County of Fresno; Chris Mathys, and Jim Patterson, for the City of Fresno; Charles Clouse, for the City of Tulare; Keith Halvorson, for San Joaquin County; Ron Morris, for the City of Burbank; Daniel J. V. Greeley, for the City of Camarillo; Joanne Itagaki, for the City of Downey; William Winter, for the County of Los Angeles; Arsen Mangarasian, for the City of Los Angeles, Department of Transportation; Dale E. Wintergerst, for the City of Indio, City of Coachella, and Riverside County; Roy Null, for the Riverside County; Richard Perkins, for the City of Torrance; Douglas Mays, for the City of Ontario; Mohammed Rowther and Fernando Saldivar for the City of Yorba Linda; and Mario Montes, for the City of San Buena Ventura.

Interested Parties: O. J. Solander, Attorney at Law, for Caltrans; Louis Cluster, for Southern California Regional Rail Authority, and Paul Bartlett, for himself.

Rail Safety and Compliance Division: Tom Enderle, James I. Esparza, and Jesus Escamilla.

(END OF APPENDIX A)

APPENDIX B
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California Public Utilities Commission
Rail Safety & Carriers Division
Special Projects

SEPARATION OF RAILROAD/HIGHWAY GRADES PRIORITY STUDY
as required by
the California Streets and Highways Code Section 2452
for Fiscal Years 1998-99 & 1999-2000

(SUPPLEMENTAL)

by James Espárza
Transportation Engineer

1.97-07-014

San Francisco, California
April 10, 1998

Tom Enderle, P.E.
Senior Transportation Engineer
Project Manager

June 10, 1998

Exhibit No. 1 - REV. A

TABLE 1: PRIORITY BY RANK - AFTER HEARINGS

Item Number	Agency	Crossing Location	County	PUC ID No.	R.R. Co.	Project Type	Cost	PRIORITY NUMBER	RANK
1	Fresno	Shaw-Marks & Others	Fresno	2-1004.28	BNSF	C	\$15,000,000	547.57	1
2	Bakersfield	Beal-Baker-Trudun	Kern	2-885.6	BNSF	C	\$17,000,000	163.68	2
3	L.A. County	Nogales St	Los Angeles	3-22.4	UP	U	\$12,300,000	157.45	3
4	CPUC	W. Santa Ana Branch	Los Angeles	BBL496.19 to 507.43	UP	C	\$4,696,000	142.15	4
5	Los Angeles	Valley Blvd.	Los Angeles	B-485.8	UP	O	\$29,000,000	121.93	5
6	Monclair	Ramona Ave.	San Bernardino	516.90 & 34.5	UP	O	\$6,180,000	117.16	6
7	CALTRANS	SR 58	San Bernardino	2-780.3	BNSF	U	\$5,647,000	105.01	7
8	Fremont	Washington Blvd -Cons	Alameda	DA29.98	UP	C	\$14,700,000	96.11	8
9	IndiaCoachella & Riv. Co.	Dillon Rd.	Riverside	B-613.0	SP (UP)	U	\$4,221,000	92.62	9
10	Yorba Linda	SR-90 Imperial Highway	Orange	2B-38.4	BNSF	OU	\$32,400,000	87.24	10
11	L.A. County	Fairway Dr	Los Angeles	3-23.4	UP	U	\$12,000,000	87.21	11
12	San Joaquin County	West Lane	San Joaquin	D-92.8	SP	O	\$6,954,549	86.87	12
13	Kern County	Morning Dr.	Kern	B-317.5	UP	O	\$8,604,000	69.81	13
14	Redding	South St.	Shasta	C-258.0	UP	U	\$4,390,000	69.38	14
15	L.A. County	Slauson Ave	Los Angeles	BBH-487.42	UP	C	\$17,390,000	68.83	15
16	L.A. County	Bandini	Los Angeles	3A-3.4, 2-147.1c	UP	O	\$31,550,000	58.73	16
17	L.A. County	Firesone Blvd.	Los Angeles	3A-7.8	UP	U	\$24,700,000	58.16	17
18	L.A. County	Turnbull Cyn	Los Angeles	3-17.2	UP	U	\$13,845,000	57.61	18
19	Fresno County	Chestnut	Fresno	B-210.3	UP	U	\$5,123,000	57.50	19
20	L.A. County	Norwalk	Los Angeles	BBJ-497.28	UP	C	\$21,680,000	53.85	20
21	City of Burbank	Buena Vista St.	Los Angeles	101 VY-12.77	SCRRA	U	\$22,157,100	53.74	21
22	Los Angeles	North Spring St.	Los Angeles	101 VY - 1.36	ATSF & UP	EU	\$9,201,712	52.42	22
23	San Buenaventura	Johnson Dr	Ventura	E404.2	UP	O	\$6,891,000	51.73	23
24	City of Camarillo	Las Posas / Upland Rd	Ventura	E-419	UP	U	\$6,212,760	49.98	24
25	City of Camarillo	Adolfo Rd	Ventura	E-417.9	UP	U	\$7,231,200	47.28	25
26	Torrance	Del Amo	Los Angeles	2H-20.1	BNSF	U	\$17,550,000	45.39	26
27	Fremont (ALTERNATE)	Washington Blvd -ALTERNATE	Alameda	DA32.8	UP	C	\$14,700,000	44.12	27
28	Kern County	Seventh Standard Rd	Kern	B305.9	UP	O	\$7,906,000	42.02	28
29	Bakersfield	"Q" Street	Kern	B-311.8	UP	U	\$6,870,000	40.37	29
30	Kern County	Olive Dr.	Kern	B308.9	UP	O	\$6,795,000	38.43	30
31	San Mateo (City)	25th Ave and Hillsdale Blvd.	San Mateo	E-19.65	PCJPB	O	\$16,500,000	38.02	31
32	Hayward	Tennyson Rd.	Alameda	D23.0	UP	O	\$8,846,000	33.09	32
33	L.A. County	El Segundo	Los Angeles	BBH-492.6	UP/MTA	O	\$22,590,000	31.94	33
34	Los Angeles	North Main St.	Los Angeles	101 VY - 1.17	ATSF & UP	O	\$51,373,870	30.60	34
35	Tulare	Bardsley Ave	Tulare	B-250.7	UP	U	\$6,900,000	28.39	35
36	CGTA	Franklin Cyn Rd. at Christie Rd	Contra Costa	2-1176.2.8	BNSF	EU	\$18,800,000	26.99	36
37	Riverside County	San Timoteo Cyn Rd.	Riverside	B554.9	SP	U	\$3,600,000	23.37	37
38	Downey	Brookshire Ave	Los Angeles	BK495.4	UP	O	\$8,105,000	22.72	38
39	Sanja Cruz County	Buena Vista Drive	Sanja Cruz	EC-107.1	UP	U	\$2,465,000	20.21	39
40	CALTRANS	SR 29 at Trancas St.	Napa	AB 71.70	NWWT	O	\$49,389,000	19.49	40
41	L.A. County	Flores St.	Los Angeles	NEW	UP	U	\$8,170,000	14.84	41

APPENDIX B
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June 10, 1990

TABLE 2: PRIORITY BY AGENCY - AFTER HEARINGS

Item Number	Agency	Crossing Location	City	County	PUC ID No.	Vehicle Points	Traffic Points	LRT Points	Cost Points	T Factor	Trans Veh Acctd Pts	BO Points	Total SCF Points	PRIORITY NUMBER	REV. A RANK
1	Bakersfield	Q Street	Bakersfield	Kern	B-3118	7050	18	0	6870	8.66	8	138	25	4037	28
2	Bakersfield	Beal Baker-Trudun	Bakersfield	Kern	2-8658	27030	42	0	17000	8.66	12	320	46	16368	2
3	CALTRANS	SR 29 at Trancas St	Napa	Napa	AB 7179	34500	3	0	49389	8.66	0	821	19	1949	40
4	CALTRANS	SR 56	San Bernardino County	San Bernardino	2-7809	10000	45	0	5647	8.66	3	500	32	10501	7
5	OCTA	Franklin Cyn Rd at Christie Rd	Contra Costa County	Contra Costa	2-117828	39000	25	0	18900	8.66	0		21	2699	36
6	CPUC	W. Santa Ana Branch	Various	Los Angeles	BGL 496 19 to 507.4	601000	1	0	4696	8.66	5	105	40	14215	4
7	City of Burbank	Buena Vista St	Burbank	Los Angeles	101 VY-1277	20600	26	0	22157	8.66	5	143	33	5374	21
8	City of Camarillo	Adolfo Rd	Camarillo	Ventura	E-4178	17000	24	0	7231	8.66	1	198	28	4728	25
9	City of Camarillo	Las Posas / Upland Rd	Camarillo	Ventura	E-419	14000	24	0	8213	8.66	1	196	31	4896	24
10	Downey	Brookshire Ave	Downey	Los Angeles	BK4964	10130	5	0	8105	8.66	0	100	22	2272	38
11	Fremont	Washington Blvd Cons	Fremont	Alameda	DA2998	75850	16	0	14700	8.66	0	227	54	9611	8
12	Fremont (ALTERNATE)	Washington Blvd ALTERNATE	Fremont	Alameda	DA328	58241	16	0	14700	8.66	0	227	26	4412	27
13	Fresno	Shaw Marks & Others	Fresno	Fresno	2-100428	58758	37	0	15008	8.66	28	233	60	54757	1
14	Fresno County	Chestnut	Fresno County	Fresno	B-2103	11000	18	0	5123	8.66	3	410	26	5750	19
15	Hayward	Tennyson Rd	Hayward	Alameda	D230	27502	12	0	8848	8.66	0	056	31	3309	32
16	Indio/Coachella & Riv. Co.	Olson Rd	Indio/Coachella	Riverside	B-6130	12117	36	0	4221	8.66	2	346	27	9262	9
17	Kern County	Morning Dr.	County	Kern	B-3117.5	11500	49	0	8664	8.66	3	230	30	6931	13
18	Kern County	Oliva Dr	County	Kern	B3088	15900	25	0	8795	8.66	0	224	24	3843	30
19	Kern County	Seventh Standard Rd	County	Kern	B3058	10500	24	0	7906	8.66	2	215	27	4202	28
20	L.A. County	Bancini	Vernon	Los Angeles	3A-34, 2-147.1c	26981	43	0	31550	8.66	2	300	36	5473	16
21	L.A. County	El Segundo	Los Angeles	Los Angeles	B8H-4928	14782	2	19	22590	8.66	0	084	31	3194	33
22	L.A. County	Fairway Dr	Industry	Los Angeles	3-234	33108	44	0	12000	8.66	2	169	35	8721	11
23	L.A. County	Firestone Blvd	South Gate	Los Angeles	3A-78	65648	32	0	24700	8.66	0	327	28	5618	17
24	L.A. County	Flores St	Downey	Los Angeles	NEW	10850	32	0	8170	8.66	0	282	1	1484	41
25	L.A. County	Hogates St	Industry	Los Angeles	3-224	42767	44	0	12300	8.66	5	174	36	15745	3
26	L.A. County	Nonwalk	Santa Fe Springs	Los Angeles	B8J-49728	22997	71	0	21680	8.66	0	235	33	5385	20
27	L.A. County	Stauson Ave	Los Angeles	Los Angeles	B8H-48742	34590	30	0	17390	8.66	2	286	35	6883	15
28	L.A. County	Turnbull Cyn	Los Angeles	Los Angeles	3-172	16925	44	0	13845	8.66	0	384	34	5761	12
29	Los Angeles	North Main St	Los Angeles	Los Angeles	101 VY-117, 10	13400	102	0	51374	8.66	0	278	22	3080	25
30	Los Angeles	North Spring St	Los Angeles	Los Angeles	101 VY-136, 101	21044	100	0	9202	8.66			28	5242	22
31	Los Angeles	Valley Blvd	Los Angeles	Los Angeles	B-4858	28924	66	0	29000	8.66	9	320	29	12193	10
32	Monclair	Ramona Ave	Monclair	San Bernardino	51690 & 345	10700	80	0	6180	8.66	2	363	27	11716	14
33	Redding	South St	Redding	Shasta	C-2580	12330	52	0	4090	8.66	0	284	21	6936	23
34	Riverside County	San Timoteo Cyn Rd	Morano Valley	Riverside	B5548	850	36	0	3600	8.66	4	068	19	2337	37
35	San Buenaventura	Johnson Dr	Ventura	Ventura	E4042	9077	31	0	6891	8.66	2	248	31	5173	21
36	San Joaquin County	West Lane	Stockton	San Joaquin	D-928	20752	24	0	6955	8.66	4	331	28	8687	12
37	San Mateo (City)	25th Ave and Hillsdale Blvd	San Mateo	San Mateo	E-1965	12291	68	0	16500	8.66	0	082	33	3802	31
38	Santa Cruz County	Buena Vista Drive	Watsonville	Santa Cruz	EC-1071	2247	1	0	2465	8.66	0	160	20	2021	39
39	Torrance	Del Amo	Torrance	Los Angeles	21-201	20600	29	0	17550	8.66	0	900	10	4539	26
40	Tulare	Bardsley Ave	Tulare	Tulare	B-2507	10600	18	0	6900	8.66	0	250	20	2839	35
41	Yorba Linda	SR 90 Imperial Highway	Anaheim	Orange	28-384	46500	52	0	32400	8.66	4	208	35	8724	10

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APPENDIX B

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ATTACHMENT A

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SUPPLEMENTAL REPORT

SEPARATION OF RAILROAD/HIGHWAY GRADES PRIORITY STUDY

The following are revisions to projects because of changes in factual data, a further explanation of previously submitted information or staff evaluation:

Nominating Agency	Crossing Location	PUC ID	Affected Category and Changes
Bakersfield	Beale-Truxtun-Baker	2-885.6 & Others	T increased to 42 C increased to \$17 million
Bakersfield	"Q St."	B-311.8	T increased to 18 CG increased to 12.6 EV increased to 200 SB increased to 12.5
CALTRANS	SR29 at Trancas St.	AB-71.7	No Changes
CALTRANS	SR58	B-38.4	No Changes
CCTA	Franklin Rd.	2-1176.2-B	C increased to \$18.8 million WC pts increased to 6
CPUC	W. Santa Ana Branch	BBL496.19 & Others	No Changes
City of Burbank	Buena Vista St.	101 VY 12.77	T increased to 28 AH increased to 5 pts
City of Camarillo	Adolfo Rd.	E 417.9	T increased to 24
City of Camarillo	Las Posas / Upland Rd.	E 419.0	T increased to 24
Downey	Brookshire Ave.	BK-495.4	No Changes
Fremont	Washinton Blvd. Cons.	DA 30.5 & Others	No Changes
Fremont	Washington Blvd. ALT	DA30.5 & Others	Added ALT Proposal
Fresno	Shaw-Marks and Others	2-1004.2-B & Others	T increased to 37 PT increased to 10
Fresno County	Chestnut Ave.	B-210.3	V increased to 11000 AH increased to 3 pts
Hayward	Tennyson Rd.	D 23.0	V decreased to 27502
Indio/Coachella	Dillon Rd.	B-613.0	No Changes

APPENDIX B

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ATTACHMENT A

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SUPPLEMENTAL REPORT

SEPARATION OF RAILROAD/HIGHWAY GRADES PRIORITY STUDY

Nominating Agency	Crossing Location	PUC ID	Affected Category and Changes
Kern County	Morning Dr.	B-317.5	V increased to 11500 T increased to 49
Kern County	Olive Dr.	B-308.9	T increased to 24.5
Kern County	Seventh Standard Rd.	B-305.9	No Changes
L.A. County	Bandini Blvd.	3A-3.4, 2-147.1C	T decreased to 43
L.A. County	El Segundo	BBH-492.6	T decreased to 2
L.A. County	Fairway Dr.	3-23.4	T increased to 44 BD decreased to 1.69 RS decreased to 70mph
L.A. County	Firestone Blvd.	3A-7.8	T increased to 32 BD increased to 3.27
L.A. County	Flores St.	New	T increased to 32 BD increased to 2.82
L.A. County	Nogales St.	3-22.4	T increased to 44 BD decreased to 1.74
L.A. County	Norwalk	BBJ 497.28 & 2-153.1	T increased to 71
L.A. County	Stauson Ave.	BBH 487.42 2H2.83	T increased to 30 BD decreased to 2.86
L.A. County	Tunbull Cyn.	3-17.2	T increased to 44 BD increased to 3.84
Los Angeles	North Main St.	3B1.42	T increased to 102
Los Angeles	North Spring St.	3B1.7A	T increased to 100
Los Angeles	Valley Blvd.	B-485.8	T increased to 66 BD decreased to 3.2
Montclair	Ramona Ave.	B-516.9	T increased to 80 C increased to \$6.18 million
Ontario	Grove Ave.	B-521.4B	Funded - not on list

APPENDIX B

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ATTACHMENT A

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SUPPLEMENTAL REPORT

SEPARATION OF RAILROAD/HIGHWAY GRADES PRIORITY STUDY

Nominating Agency	Crossing Location	PUC ID	Affected Category and Changes
Redding	South St.	C-258.0	No Changes
Riverside Co.	San Timoteo Cyn Rd.	B-554.9	No Changes
San Buenaventura	Johnson Dr.	E-404.2	V increased to 9077 T increased to 31
San Joaquin Co.	West Lane	D-92.8	C decreased to \$6.955 million
San Mateo	25 th Ave. & Hillsdale	E-19.65	AR increased to 3330 ft.
Santa Cruz Co.	Buena Vista Dr.	EC-107.1	No Changes
Stockton	March Lane & Holiday Dr.	4-97.1	Funded - not on list
Torrance	Del Amo	2H-20.1	No Changes
Tulare	Bardsley Ave	D-250.7	No Changes
Yorba Linda	SR-90 Imperial Hwy.	B-38.4	LRT decreased to 0 V increased to 46500 T increased to 52 PT increased to 13 SA increased to 79 EV increased to 29

LEGEND:

AH - Accident History points	PT - Number of Passenger Trains
AR - Alternate Route Availability	RS - Railroad Maximum Speed Limit
AS - Accidents at or Near Structure	SA - Secondary Accidents
AP - Accident Potential	SB - Number of School Buses
BD - Blocking Delay points	SCF - Special Conditions Factor
C - Total project Cost	SR - Speed reduction or Slow Order
CG - Crossing Geometrics points	T - Average 24 hour Train volume
CI - Community Impact	V - Average 24 hour Vehicular volume
DE - Delay Effects	VS - Vehicular Speed Limit
EV - Number of Emergency Vehicles	WC - Width Clearance
HM - Number of Hazardous Materials Trains/Trucks	
HC - Height Clearance	
LL - Load Limit	
LRT - Average 24 hour Light Rail Train Volume	
OF - Other Factors	
PB - Number of Passenger Buses	
PF - Probability of Failure	

(END OF APPENDIX B)

1.97-07-014
D.98-06-072

Commissioner Jessie J. Knight, Jr., Concurring:

I hereby declare that I support this item as it has been amended to include a statement regarding the many aspects of the Grade Separation Program that have troubled me for a long time. It is my hope that the issues contained herein will serve to be an incentive for my colleagues, who will continue to serve after my term comes to an end at the close of 1998, to seek and win fundamental changes to the program. They must continue the necessary work to deliver a desperately needed overhaul of this program to further the public good and adequately fund grade separations at hazardous railroad crossings.

As I have stated from the dais in the past, I continue to have a hard time tacitly going along with this Commission's participation in what I consider to be a flawed regulatory program. I have no disagreement with the Rail Safety Staff or Administrative Law Judge Andy Garde, who both diligently processed the obligatory duties of this order. They have done fine work to present this complex item in a timely manner, and to fulfill the Commission's safety oversight role, given the unfortunate handcuffs placed upon them that keep them from truly solving critical safety problems that exist because of a flawed regulatory structure and lack of financial resources. My displeasure for the circumstance that this Commission finds itself revolves around the endless futility of this Commission's role in ranking projects that will, for the most part, never see one cent of funding. The fund level of \$15 million is ridiculously low in today's dollars, considering that so many hazardous crossings have been identified. In fact, staff informs me that the 41 crossings reviewed in this proceeding have seen 65 accidents in the last 10 years, costing 7 precious lives and 78 injuries. Playing the sad role of Solomon, we have the potential to save X number of human lives, but can only divvy enough money to benefit a number less than that. For this reason, I believe this Commission, with legislative support, must attempt to maximize its impact to guarantee safety to the greatest extent possible.

With these thoughts in mind, I asked President Richard Bilas as the assigned commissioner to amend the order. He kindly agreed with my request to add a paragraph to the order noting that the fund is in desperate need of an increase to keep pace with inflation. I consider it this Commission's duty to note this serious program flaw, as part of our constitutional and statutory mandate to protect and ensure public safety.

It is an affront to good governance for this Commission and all the parties involved to expend such vast effort and resources to rank projects based on the futile

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hope they will glean a smidgen of this ridiculously tiny pot of \$15 million. There are over 40 projects proposed annually and to fund all these projects would cost almost \$600 million. To dole \$15 million to only a handful of worthy projects is troubling, especially since the \$15 million level was set over 25 years ago and has not kept pace with inflation. At least \$10 million or more is needed today to have the same purchasing power as the \$15 million fund had when it was established in 1972. Each year, the fund's impact heads toward having zero impact, yet the number of people placed in jeopardy at these hazardous crossings only grows. For the first time in years, California has a monetary surplus, now well over \$4 billion. I cannot sit in the chair as commissioner in good conscience and rank projects which will have to share \$15 million when such surplus flows from state coffers. I surmise that the future will hold no better an opportunity to correct this tragic situation. This Commission cannot complete its role as the independent safety arbiter for the relative value of these projects, without also insisting that the program receive increased funds as well to do the job.

Furthermore, I consider it a dereliction of duty for the amalgam of state agencies and institutions involved with this program, who are charged with guarding the public safety, to sit idly and continue this program at its current level, rather than appeal for the necessary funds to meaningfully impact the hazards on this list. Because this program is fragmented over so many agencies, no one agency has taken the lead to remedy the current situation. True leadership is now required of all agencies involved.

I have argued before and I will argue again, that if this Commission cannot impact this program to fund all projects shown as worthy or cost-effective, the Commission should abdicate its involvement with this program and pass the responsibility back to the California Transportation Commission and have them rectify the problem or at least have them communicate with local governments who apply for these funds to inform them that they alone must find the resources to accomplish the task of protecting lives 100% on their own.

Dated this June 18, 1998 at San Francisco, California.



Jessie J. Knight, Jr.
Commissioner