

Decision 99-06-035 June 10, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation for the purpose of establishing a list for the fiscal years 1998-1999 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.

Investigation 97-07-014  
(Filed July 16, 1997)

(See Decision 98-06-072 for Appearances.)

**FINAL OPINION ESTABLISHING PRIORITY LIST FOR 1999-2000****Summary**

Interim Decision (D.) 98-06-072 in this proceeding established the priority list projects eligible for funding under the Grade Separation Program for fiscal year 1998-1999. That priority list expires June 30, 1999. We held this proceeding open to issue a final decision prior to July 1, 1999, which would establish the priority list for the second fiscal year, 1999-2000. 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 (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.

In 1988 we concluded that a two-year proceeding would best accomplish the task of creating a priority list. This decision was based upon statutory deadlines for applications for funding, the need to await approval of applications by the California Department of Transportation (Caltrans) each year and anticipated hearings throughout the state regarding nominated projects. In the first year we receive Caltrans' list of qualified applicants, our staff ranks the priority of projects based upon previously ordered criteria. We hold hearings for parties who challenge the ranking of projects. At the end of the first year, all projects are ranked. Therefore, the second year, we need only remove projects which were completely funded the first year, as indicated by Caltrans. The remaining projects retain the same ranking and form the list for the second year.

Accordingly, on July 16, 1997, the Commission issued an Order Instituting Investigation (OII) to establish Priority Lists for fiscal years 1998-1999 and 1999-2000. Notice of the OII was served on every city, every county, every railroad, every railroad corporation, Caltrans, the California Transportation Commission, the League of California Cities, the County of Supervisors Association, and other persons who might have an interest in the proceeding. Hearings were held March 4<sup>th</sup> & 5<sup>th</sup> and March 11<sup>th</sup> & 12<sup>th</sup>, 1998. On June 18, 1998, the Commission issued Interim D.98-06-072 in this proceeding to establish the Priority List for fiscal year 1998-1999, attached as Appendix A.

Effective January 1, 1998, Commission Rules of Practice and Procedure were revised to comply with various new rules in SB 960. However, this proceeding was processed under prior caselaw implementing a two-year process. This procedures under the two-year process adhere to the content of SB 960 by identifying the scope of the proceeding, specifying the issues, hearing testimony on disputed issues and processing the case expeditiously. Therefore, failure to label this case as one subject to SB 960 pursuant to Rule 4(b)(2) because no prehearing conference was held in 1997 is immaterial. In future years, the Commission may desire to open a new docket for each year and adhere to SB 960 requirements and deadlines or it may in the decision for first year certify the priority list for the first year, as well as certify the removal of completed projects and revision of the list for the second year. However, the statutory deadline of S&H Code § 2542 to certify a priority list for each year on or before July 1 must also be met.

The final order in this proceeding herein revises the Priority List for fiscal year 1998-1999 to delete the projects which have been funded, and establishes the Priority List for fiscal year 1999-2000.

#### **Projects Funded in 1999-2000**

Caltrans has notified the Railroad Crossings Projects Section (formerly the Railroad Safety Branch) of the Commission's Rail Safety and Carriers Division (RSCD) that the projects in attached Appendix A were funded during fiscal year 1998-1999.

RSCD prepared a new project list (attached as Appendix B) by deleting the funded project from the 1998-1999 list of D.98-06-072. RSCD recommends that we issue a final order adopting Appendix B of this order as the priority list for fiscal year 1999-2000.

The recommended priority list is in conformance with the project ranking procedures we established in D.98-06-072. We will adopt Appendix B as the Priority List for fiscal year 1999-2000.

### **30-Day Notice of Priority List for 1999-2000**

A copy of the 1999-2000 list was sent April 5, 1999 to all parties of record in D.98-06-072 and they were given until Wednesday, May 5, 1999 to submit comments in writing. The City of San Buenaventura requested to change its total estimated project cost from \$6,891,000 to \$9,723,000. The City was instructed to mail its request to all parties. No comments or protests were filed by any of the interested parties. Therefore, this change is made in Appendix B.

### **Comments on Draft Decision**

The draft decision of Administrative Law Judge Patricia A. Bennett in this matter in this proceeding was mailed in accordance with Rule 77.1 of the Rules of Practice and Procedure and Pub. Util. Code § 311(g). No comments were filed.

### **Findings of Fact**

1. One project in Appendix A has been funded during fiscal year 1998-1999.
2. The list of projects appearing in Appendix B reflects the deletion of the project listed in Finding 1 from the 1998-1999 Priority List, and was prepared in conformance with the OII and Decision 98-06-041.
3. Appendix B lists, in order of priority, projects most urgently in need of separation or alteration.
4. No comments or protests were filed concerning this proceeding.

### **Conclusions of Law**

1. Appendix B should be established as the 1999-2000 Priority List.

2. The ranking criteria established by D.98-06-072 for consideration of projects with the same priority index number, and projects of otherwise equal priority where the city or county contributes 50% of the cost, should be applied to the 1999-2000 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 & Highways Code § 2452 as the 1999-2000 list, in order of priority, as the list of projects which the Public Utilities 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 be first 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 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 by July 1, 1999.

5. This proceeding is closed.

This order is effective today.

Dated June 10, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

Commissioners

I abstain.

/s/ JOEL Z. HYATT

Commissioner

**APPENDIX A**

1998-1999  
FUNDED PROJECTS

PRIORITY NUMBER	PROJECT NAME	LOCAL AGENCY	RAILROAD	TOTAL COST	STATE'S SHARE
1	Shaw-Marks & Others	City of Fresno	BNSF	\$15,008,000	\$5,000,000
Various	Supplemental Filings	Various	Various	Various	\$9,810,000

Total Funds Available for Fiscal Year 1998-1999.....\$15,000,000

Total Allocations as of March 26, 1999.....\$14,810,000

Balance Remaining as of March 26, 1999.....\$190,000

**(END OF APPENDIX A)**

**APPENDIX B**  
**1999-2000 GRADE SEPARATION PROJECTS**  
**PRIORITY BY RANK**  
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Rank	Agency	Crossing Location	County	PUC ID#	RR	Project	Cost (\$000)	Priority #
1	Bakersfield	Beal-Baker-Truxtun	Kern	2-885.6	BNSF	C	17,000	163.68
2	L.A. County	Nogales St.	L.A.	3-22.4	UP	U	12,300	157.45
3	CPUC	W. Santa Ana Branch	L.A.	BBL 496.19 to 507.43	UP	C	4,696	142.15
4	Los Angeles	Valley Blvd.	L.A.	B-485.8	UP	O	29,000	121.93
5	Montclair	Ramona Ave.	Sn Bdo.	516.90 & 34.5	UP	O	6,180	117.16
6	CALTRANS	SR 58	Sn Bdo.	2-780.3	BNSF	U	5,647	105.01
7	Fremont	Washington Blvd. Cons.	Alameda	DA29.9B	UP	C	14,700	96.11
8	Riverside Co.	Dillon Rd.	Riv.	B613.0	SP(UP)	U	4,221	92.62
9	Yorba Linda	SR 90 Imperial Hwy.	Orange	2B38.4	BNSF	O/U	32,400	87.24
10	L.A. County	Fairway Dr.	L.A.	3-23.4	UP	U	12,000	87.21
11	San Joaquin Co.	West Lane	Sn Jqn	D-92.8	SP	O	6,955	86.87
12	Kern County	Morning Drive	Kern	B-317.5	UP	O	8,604	69.81
13	Redding	South St.	Shasta	C-258.0	UP	U	4,390	69.38



## APPENDIX B

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Rank	Agency	Crossing Location	County	PUC ID#	RR	Project	Cost (\$000)	Priority #
14	L.A. County	Slauson Ave.	L.A.	BBH-487.42	UP	C	17,390	68.83
15	L.A. County	Bandini Blvd.	L.A.	3A-3.4, 2-147.1c	UP	O	31,550	58.73
16	L.A. County	Firestone Blvd.	L.A.	3A-7.8	UP	U	24,700	58.16
17	L.A. County	Turnbull Cyn.	L.A.	3-17.2	UP	U	13,845	57.61
18	Fresno County	Chestnut	Fresno	B-210.3	UP	U	5,123	57.50
19	L.A. County	Norwalk	L.A.	BBJ-497.28	UP	C	21,680	53.85
20	Burbank	Buena Vista St.	L.A.	101VY-12.77	SCRRA	U	22,157	53.74
21	Los Angeles	North Spring St.	L.A.	101VY-1.36	ATSF & UP	EU	9,202	52.42
22	Camarillo	Las Posas /Upland	Ventura	E-419	UP	U	6,213	48.96
23	Camarillo	Adolfo Rd.	Ventura	E-417.9	UP	U	7,231	47.28
24	San Buenaventura	Johnson Dr.	Ventura	E-404.2	UP	O	9,723	45.55
25	Torrance	Del Amo	L.A.	2H-20.1	BNSF	U	17,550	45.39
26	Fremont (Alt)	Washington Blvd	Alameda	DA32.8	UP	C	14,700	44.12
27	Kern County	Seventh Standard Rd	Kern	B-305.9	UP	O	7,906	42.02

## APPENDIX B

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Rank	Agency	Crossing Location	County	PUC ID#	RR	Project	Cost (\$000)	Priority #
28	Bakersfield	"Q" Street	Kern	B-311.8	UP	U	6,870	40.37
29	Kern County	Olive Dr.	Kern	B-308.9	UP	O	6,795	38.43
30	San Mateo	25 <sup>th</sup> Ave. & Hillsdale Blvd.	San Mateo	E-19.65	PCJPB	O	16,500	38.02
31	Hayward	Tennyson Rd.	Alameda	D-23.0	UP	O	8,846	33.09
32	L.A. County	El Segundo	L.A.	BBH-492.6	UP/MT A	O	22,590	31.94
33	Los Angeles	North Main St.	L.A.	101VY-1.17	ATSF & UP	O	51,374	30.60
34	Tulare	Bardsley Ave.	Tulare	B-250.7	UP	U	6,900	28.39
35	CCTA	Franklin Cyn Rd.	Contra Costa	2-1176.2.B	BNSF	EU	18,800	26.99
36	Riverside Co.	San Timoteo Cyn.	Riv.	B-554.9	SP	U	3,600	23.37
37	Downey	Brookshire Ave.	L.A.	BK-495.4	UP	O	8,105	22.72
38	Santa Cruz Co.	Buena Vista Dr.	Santa Cruz	EC-107.1	UP	U	2,465	20.21
39	CALTRANS	SR 29 at Trancas St.	Napa	AB71.70	NVWT	O	49,389	19.49
40	L.A. County	Flores St.	L.A.	New	UP	U	8,170	14.84

(END OF APPENDIX B)