

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

REGULATIONS GOVERNING RAILROAD GRADE CROSSINGS TO BE CLASSIFIED EXEMPT FROM THE MANDATORY STOP REQUIREMENTS OF SECTION 22452 OF THE VEHICLE CODE

Applicable to exemption requests submitted after January 1, 1978

Adopted February 13, 1980. Effective February 13, 1980. Resolution No. ET-1269.

1. GENERAL

These regulations are established to implement Section 22452.5 of the California Vehicle Code relating to railroad grade crossings which may be declared exempt from the mandatory stop requirements of Section 22452 of the Vehicle Code. Section 22452.5 provides that:

“The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may place signs at railroad grade crossings permitting any vehicle described in subdivision (a) of Section 22452 to traverse such crossings without stopping. Such signs shall be placed in accordance with criteria adopted by the Public Utilities Commission. Prior to placing such signs, the Department of Transportation or local authority shall consult with the Department of the California Highway Patrol railroad corporations involved, and the operators involved and shall secure the permission of the Public Utilities Commission if a railroad corporation under the jurisdiction of the Public Utilities Commission is affected. Prior to permitting the placement of such signs, the Public Utilities Commission shall seek the concurrence of the Department of the California Highway Patrol.”

Formal requests seeking “Exempt” status for a grade crossing must be made to the Commission by the California Department of Transportation or the local authorities with regard to highways under their respective jurisdictions. Other interested parties desiring “Exempt” status for a grade crossing must seek consideration of their request through the public authority having jurisdiction over the highway at the crossing. Where the public authority declines to file the “Exempt” status request, the party desiring “Exempt” status shall file a formal application with this Commission seeking authority for such exemption.

2. CRITERIA AND QUALIFICATIONS FOR CONSIDERATION OF EXEMPT STATUS

A railroad grade crossing to be considered for “Exempt” status shall meet the following criteria:

2.1 Crossings Equipped with Automatic Gate-type Signals

- (a) Protection—The crossing shall be equipped with automatic gate-type signals, PUC Standard No. 9 series, in compliance with the requirements of Commission General Order 75.

- (b) Traffic Control Signals—Grade crossings where the railroad traverses through an intersection of two or more roadways and traffic is controlled by a traffic control signal may be considered under the same criteria as a crossing equipped with automatic gate-type signals.
- (c) Number of Tracks—The crossing shall not have more than two tracks.
- (d) Sight Distance—There shall be a clear and unobstructed view of the grade crossing from any point on the highway for a distance equal to the minimum stopping sight distance¹ for the posted speed limit.
- (e) Train Speed—The maximum allowable train speed at the grade crossing shall be not greater than 60 miles per hour.
- (f) Accident History—The grade crossing shall not have had more than two vehicle-train accidents in the last five years. If the automatic gates have not been in service for five years, only that period covered by the automatic gates shall be applicable.

2.2 Crossings without Automatic Gate-type Signals

- (a) Number of Tracks—Maximum of two tracks, only one of which shall be classified as a main track.
- (b) Train Traffic—Train traffic at the grade crossing shall be not greater than an annual average of five trains per day.
- (c) Train Speed—The maximum allowable train speed at the grade crossing shall be not greater than 30 miles per hour.
- (d) Switching Operations—There shall be no regular switching operations across the crossing except where motion sensing apparatus is installed or flagging as specified by the Commission is required.
- (e) Warning Devices—The railroad crossing warning devices shall be properly located and maintained in compliance with the requirements of Commission General Order 75.
- (f) Crossing Angle—The horizontal angle between the axes of the line of track and the highway shall be not less than 60 degrees.
- (g) Sight Distance—(Corner Visibility) There shall be a clear and unobstructed view of the grade crossing and of the rail line for a distance of 400 feet in both directions along the line of track from any point on the highway within the minimum stopping sight distance for the posted speed limit.¹

¹ A Policy on Geometric Design of Rural Highways 1965, American Association of State Highway Officials.

(h) Accident History—The grade crossing shall not have had more than two vehicle-train accidents in the last five years.

3. FORMAL REQUESTS

Requests shall be filed in writing by the California Department of Transportation or local authority, with regard to highways under their respective jurisdictions, on paper 8½ inches by 11 inches in size. The original and two copies shall be filed with the Commission and the request shall include the following data:

- 3.1 A statement showing the public benefit to be obtained by exemption of the grade crossing.
- 3.2 Evidence showing that the grade crossing meets the minimum qualifications set forth above.
- 3.3 A Statement indicating the existing protection at the grade crossing.
- 3.4 The California Public Utilities Commission assigned number for the grade crossing.
- 3.5 A map of the immediate vicinity of the grade crossing, on a scale of 50 to 200 feet per inch, showing the locations of streets, buildings and other view obstructions, railroad tracks, protection devices and traffic control devices and, if available, a series of appropriately labeled photographs showing the above features.
- 3.6 A statement of highway elements, including number of lanes, approach grades, posted speed limit and Average Annual Daily Traffic.
- 3.7 A statement regarding the general visibility conditions in the vicinity of the grade crossing, including glare or fog conditions.
- 3.8 A statement regarding the basic train operations, e.g., the maximum allowable train speed, frequency and characteristics of switching operations.
- 3.9 A statement regarding any other characteristics that are peculiar to the grade crossing and highway under consideration, including, but not limited to, vehicle approach speeds and vehicle accidents attributed to the grade crossing.
- 3.10 A letter of concurrence from the California Department of Highway Patrol.
- 3.11 Evidence that a copy of the formal request has been served on the affected railroad.
- 3.12 A notice, stated in general terms, shall be given by mail to the operators of the vehicles affected by the exemption request. However, in those cases where notice by mail would be impractical because the operators involved cannot be reasonably ascertained or because the class of operators is so large that notice by mail would be costly, a notice by publication is sufficient. In such cases, notice should be placed in trade publications and newspapers of general

circulation reasonably calculated to apprise the operators involved of the exemption request.

4. PROCESSING

- 4.1 The request for "Exempt" status for a grade crossing will be reviewed by the Commission's Transportation Division staff as to content and the qualifications of the crossing in relation to the criteria specified in Paragraph 2 of this General Order.
- 4.2 An on-site inspection will be made of the grade crossing by the Commission staff with the applicant.
- 4.3 Upon the conclusion of the staff that grade crossing meets the minimum requirements for "Exempt" status and their recommendation that "Exempt" status be approved, a resolution authorizing the exemption may be issued by the Commission's Executive Director.
- 4.4 Grade Crossings declared "Exempt" will be subject to periodic review and changes in conditions may warrant removal of "Exempt" status from the grade crossing.
- 4.5 A list of "Exempt" crossings will be established and a copy of the list will be served by mail upon each public agency and publicly owned transit system. The list will also be served by mail upon each railroad corporation, passenger stage corporation, charter-party carrier of passengers, petroleum irregular route carrier, petroleum contract carrier and highway common carrier having authority to transport petroleum products in bulk in tank vehicles subject to the jurisdiction of this Commission. The published exempt crossing list will be updated annually.

5. APPLICATIONS REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT OR THE CROSSING DOES NOT MEET THE MINIMUM QUALIFICATIONS

Where the parties, including the Commission staff, are not in agreement as to the public necessity of "Exempt" status for a railroad grade crossing or the staff has not recommended the granting of a "request," or the railroad involved has protested, the public authority, or other interested parties desiring the change, shall make formal application to the Commission seeking authority for "Exempt" status. The formal application shall comply with the Commission's Rules of Practice and Procedure (Title 20 of the California Administrative Code).

Approved and dated February 13, 1980 at San Francisco, California.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By Joseph E. Bodovitz
Executive Director

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