

Decision 07-06-030 June 21, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the fiscal years 2006-2007 and 2007-2008 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting 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 05-07-016
(Filed July 21, 2005)

**FINAL OPINION ESTABLISHING PRIORITY LIST
FOR 2007 – 2008 FISCAL YEAR**

Summary

This Final Order adopts the California Grade Separation Priority List for Fiscal Year (FY) 2007-2008, as required by Streets and Highways Code Section 2452. Four projects from the FY 2006-2007 Priority List adopted by the Interim Order in this investigation have received an allocation and are accordingly deleted from that Priority List, and Investigation 05-07-016 is closed.

Background and Procedural History

By Decision (D.) 06-06-012, dated June 15, 2006, we adopted the State Grade Separation Program Priority List for FY 2006-2007. The Priority List established the relative priorities for funding qualified projects to eliminate or alter hazardous highway-rail crossings. Projects for construction of new grade

separations, alteration of existing grade separations, and elimination of highway-rail at-grade crossings by removal or relocation of streets or railroad tracks are included in the Priority List.

Section 190 of the Streets and Highways Code requires the State annual budget to include \$15 million for funding of these projects. Section 2450 *et seq.* of the Code sets out the procedure for administering these funds, and section 2453 gives the California Transportation Commission (CTC) responsibility for allocating (distributing) the funds to qualified projects. Section 2452 requires that the Commission, by July 1 of each year, establish the Priority List for qualified projects for use by CTC for the new fiscal year.

Establishment of the FY 2007–2008 Priority List

D.06-06-012 established the initial Grade Separation Priority List in this biennial proceeding. California Department of Transportation (Caltrans) has notified the Commission staff that funds were allocated to project Numbers 5, 25, 40 and 60 on that list during FY 2006-2007. The Commission's Rail Crossings and Engineering Section staff (Staff) has prepared a revised Priority List for FY 2007-2008, which is appended to the Order herein. Issuance of the revised list concludes this biennial proceeding.

Assignment of Proceeding

Dian M. Gruenich is the assigned Commissioner and Victor D. Ryerson is the assigned Administrative Law Judge in this proceeding

Comments on the Draft Decision

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Findings of Fact

1. Caltrans informed the Staff that project Numbers 5, 25, 40 and 60 on the FY 2006–2007 Priority List have received allocations during the current fiscal year.

2. Staff has prepared the revised list for the second fiscal year, FY 2007-2008, which is appended to the Order and incorporated therein.

Conclusion of Law

The Appendix to our Order should be adopted as the FY 2007-2008 Grade Separation Priority List in this proceeding

FINAL ORDER

IT IS ORDERED that:

1. Pursuant to California Streets and Highways Code Section 2452, the Grade Separation Priority List attached as the Appendix to this Order is established and adopted for Fiscal Year 2007–2008 as the list of projects, in order of priority, 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.

3. Investigation 05-07-016 is closed.

This order is effective today.

Dated June 21, 2007, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

[D0706030 APPENDIX](#)