

**Public Utilities Commission of the
State of California**

**REGULATIONS GOVERNING THE OCCUPANCY OF PUBLIC
GRADE CROSSINGS BY RAILROADS**

Adopted September 11, 1974. Effective November 1, 1974.
Decision No. 83446 in Case No. 8949.

IT IS ORDERED by the Public Utilities Commission of the State of California that each railroad corporation operating in the state of California shall observe the following regulations in conducting operations on and across public grade crossings:

1. TRAIN MOVEMENTS—Except as provided in Paragraph 5, a public grade crossing which is blocked by a stopped train, other than a passenger train, must be opened within 10 minutes, unless no vehicle or pedestrian is waiting at the crossing. Such a cleared crossing must be left open until it is known that the train is ready to depart. When recoupling such a train at the crossing, movement must be made promptly, consistent with safety.
2. SWITCHING MOVEMENTS—Switching over public grade crossings should be avoided whenever reasonably possible. If not reasonably possible, such crossings must be cleared frequently to allow a vehicle or pedestrian to pass and must not be occupied continuously for longer than 10 minutes unless no vehicle or pedestrian is waiting at the crossing.
3. GRADE CROSSING PROTECTION CIRCUITS—Cars or locomotives must not be left standing nor switches left open within the controlling circuits of automatic gate protection devices unless time-out features are provided to allow the gate arms to rise.
4. There are no time restrictions for crossing occupancy for a moving train continuing in the same direction.
5. These time limit provisions shall not apply to any blocking resulting from compliance with State and Federal laws and regulations, terrain and physical conditions, adverse weather conditions, conditions rendering the roadbed or track structure unsafe, mechanical failures, train accidents, or other occurrences over which the railroad has no control, except that such crossing shall be cleared with reasonable dispatch.
6. In the event of any uncontrolled blockage involving more than one grade crossing and a peace officer is on the scene, primary consideration shall be given to the clearing of that crossing which,

- in the peace officer's judgment, will result in the minimum delay to vehicular traffic.
7. A crew member of a train blocking a public crossing shall immediately take all reasonable steps, consistent with the safe operation of such train, to clear the crossing upon receiving information from a peace officer, member of any fire department, as defined in Section 2801 of the Vehicle Code, or operator of an emergency vehicle, as defined in Section 165 of the Vehicle Code, that emergency circumstances require the clearing of the crossing.
 8. Any agreement between a railroad and a public agency in effect on the effective date hereof or, in accordance with Attachment A, subsequently approved by this Commission permitting certain crossings to be blocked for a time period other than specified herein shall prevail.
 9. Any railroad or public agency¹ may, by formal application to this Commission, request a variance from the regulations prescribed herein or have different regulations provided in connection with operations over a specific crossing where local conditions so require. The contents of the application shall be in accord with Rule 15 of the Commission's Rules of Practice and Procedure. The application shall detail any previous steps that may have been taken in an attempt to reach an agreement on the proposed variance and shall list any public agencies within the geographic area or any railroads that might be affected by the variance. A copy of the application shall be mailed to all such public agencies and railroads and a certificate of service regarding such mailings shall accompany the application filed with the Commission.
 10. The district attorney of the proper county or the city attorney designated to prosecute misdemeanors in his stead shall prosecute noncompliance with this General Order by means of a misdemeanor complaint issued against the railroad corporation in accordance with Chapter 11, Part I, Division I of the Public Utilities Code.

This order shall become effective November 1, 1974.

Approved and dated at San Francisco, California, this 11th day of September, 1974.

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

By **William R. Johnson**
Secretary

¹ *Public Agency-The term "public agency" as used herein shall include the State, a county, an incorporated city or town, or any authorized agencies thereof.*

Attachment A

(Agreement re Variance)

The following procedures shall be followed when Commission approval is sought for an agreement between a railroad and a public agency regarding any proposed variance from this General Order that is reached subsequent to the effective date of the general order.

A letter jointly signed by the parties to the agreement shall be filed with the Commission. Said letter shall state all information pertinent to the proposed variance agreed upon by the parties, including a traffic count for the crossing for which the variance is sought. In addition to the signing parties, the letter shall specify any other railroads or any other public agencies within the geographic area that might be affected by the variance, including the California Highway Patrol, the sheriff, and police and fire departments. A copy of the letter shall be mailed to all such public agencies and railroads and a certificate of service regarding such mailings shall accompany the letter filed with the Commission. Any affected public agency or railroad may file with the Commission an objection to the proposed variance no later than 20 days after the date on which the variance-request letter was mailed to the Commission.

Any variance granted shall be by a resolution adopted by the Commission after the Commission has determined that such variance would be in the public interest. The Commission will notify all parties and specified public agencies and railroads of whatever action it may take regarding the proposed variance, and will forward a copy of the resolution, if granted, to the parties. If not granted the parties may file a formal application seeking to obtain such variance.