

Decision 20-06-030 June 25, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation for the Purpose of Establishing a List for the Fiscal Years 2020-2021 and 2021-2022 of Existing Crossings at Grade of City Streets, County Roads or State Highways in Need of Separation, or Existing Separations in Need of Alterations or Reconstruction in Accordance with Section 2452 of the California Streets and Highways Code.

Investigation 19-06-013

**INTERIM DECISION ESTABLISHING THE CALIFORNIA GRADE SEPARATION
FUND PRIORITY LIST FOR FISCAL YEAR
2020-2021**

Summary

This interim decision establishes the California Grade Separation Fund Priority List for Fiscal Year 2020-2021, as required by California Streets and Highways Code § 2452. In accordance with our adopted procedure, we order Investigation 19-06-013 to remain open until we issue our final decision establishing the California Grade Separation Priority List for Fiscal Year 2021-2022.

1. Background

We initiated this proceeding by issuing Order Instituting Investigation (I.) 19-06-013 on June 27, 2019, to evaluate and establish the California Grade Separation Program Priority Lists for Fiscal Years (FY) 2020-2021 and 2021-2022.

California Streets and Highways (S&H) Code § 2452 requires the California Public Utilities Commission (Commission) to establish annual California Grade Separation Program priority lists (Priority Lists) for certain rail crossing projects including projects to construct new grade separations to replace existing at-grade crossings, or projects to alter or reconstruct existing grade separations.

Commission's adoption of Priority Lists establishes the relative priorities for allocation of funds to qualified projects for eliminating or altering hazardous railroad crossings under S&H Code § 2450 *et seq.* By July 1st of each year, the Priority List adopted by the Commission is provided to the California Transportation Commission (CTC) for use in the FY beginning on that date to fund the qualified projects in accordance with that Priority List. CTC has delegated this authority to California Department of Transportation (CalTrans)¹.

Every two years, the Commission issues a new Order Instituting Investigation (OII), to establish the Priority Lists for the next two Fiscal Years. The Commission adopts the Priority List for the first FY by interim decision issued before that FY begins. The Commission then updates and revises that Priority List for the second FY by deleting projects for which funds were actually allocated in the first, adopting a revised Priority List by final decision before the second FY begins. The two-year funding cycle begins again with the issuance of a new OII for the creation of a new priority list for the following two FYs.

¹ S&H Code § 190 requires the State's annual budget to include \$15 million for funding these projects. According to CalTrans' staff, approximately \$10 million in funding from FY 2019-2020 will carry over to the FY 2020-2021 application cycle to the 2020-2021 application cycle. This means that approximately \$25 million in funding will be available for the FY 2020-2021 program cycle.

Our procedure also requires local agencies to furnish planned grade separation project nominations to this Commission in response to an announcement made a year prior to the cycle. The Commission reviews each nominated project to ensure that it is eligible for the California Grade Separation Program and holds hearings, as needed, so that nominating agencies may present each proposal, answer questions about its content, and confirm its accuracy. Attendance and participation in these hearings is mandatory for any project proponent.

The Commission's Rail Safety Division (RSD) staff adjusts and ranks the draft Priority List in accordance with evidence received at the hearings, and that list is presented to the Commission as the Priority List for adoption by interim decision.²

2. Establishment of the Fiscal Year 2020-2021 Priority List

On October 22, 2019, a prehearing conference (PHC) was held. RSD notified railroads, light rail transit agencies, cities, counties, and other interested parties that nominations were due by October 25, 2019, for grade separation projects proposed to be included in the current Priority List. RSD received a total of 36 timely submitted nominations for projects.

² The Priority List is a comparative evaluation of all qualified projects nominated and accepted for inclusion in this investigation, with the priority index value based on one of the two formulas that RSD staff uses to rank projects, as published in Appendix A: one formula for crossings nominated for separation or elimination, and the other for existing grade separations in need of alteration or renovation. The formulas incorporate crossing inventory and accident data submitted in the nomination forms and verified by RSD staff. RSD staff reviews each application for qualification and creates the prioritized list from the nomination data entered into a Microsoft Excel spreadsheet that calculates the priority index value for each project.

A Scoping Memo and Ruling of Assigned Commissioner (Scoping Memo) was issued on October 29, 2019. Pursuant to the Scoping Memo, evidential hearings were scheduled in San Francisco on April 15, 2020 and Los Angeles on April 22, 2020. After evaluating each nominated project, RSD staff produced a preliminary Priority List on February 12, 2020, from the data furnished in the written nominations.

In view of the COVID-19 and the various shelter-in-place orders in California, on March 19, 2020, the Administrative Law Judge (ALJ) issued an email ruling cancelling the in-person evidentiary hearings and instead setting a telephonic status conference hearing for April 6, 2020 during which each nominating party was afforded opportunity to present their project nominations and answer any questions about them. Thereafter, each project nomination and all supporting documents was electronically filed with the Commission and served to the service list of this proceeding.

After the April 6, 2020 hearing, RSD finalized the 2020-2021 Priority List to include 36 nominations – all projects submitted were found to be qualified. As discussed above, the statutory procedure for creating the FY 2020-2021 Priority List was properly followed. Appendix A of this decision shows the 2020–2021 Priority List prepared by RSD staff.

This interim decision therefore adopts the attached Priority List for purposes of allocating funds in the California Grade Separation Fund (*see* Appendix A to this decision).

3. Categorization and Need for Hearing

This proceeding has been categorized as quasi-legislative. Hearings were held in accordance with our adopted procedure for establishing the biennial priority list.

4. Comments on Proposed Decision

The proposed decision in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the CPUC's Rules of Practice and Procedure. No comments were filed.

5. Assignment of Proceeding

Genevieve Shiroma is the assigned Commissioner and Hazlyn Fortune is the assigned ALJ in this proceeding.

Findings of Fact

1. Written notification of the opportunity to submit nominations for separation of existing railroad grade crossings, or alteration or reconstruction of existing separations, pursuant to S&H Code § 2451, was provided to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Priority List proceeding, and the notice advised them of the deadline to file a nomination for each grade separation project they sought to include in the FY 2020-2021 Priority List.

2. RSD received a total of 36 timely-submitted nominations for projects to be included in the current Priority List.

3. RSD staff ranked all nominations accepted in this proceeding in priority, and the methodology utilized by RSD to rank the nominations in priority order is that which we have adopted in I.19-06-013.

4. The 2020-2021 Priority List was finalized by RSD to include 36 nominations.

5. The Priority List attached as Appendix A consists of projects nominated and ranked in priority order by RSD staff in accordance with our adopted methodology in this proceeding.

Conclusions of Law

1. Appendix A should be adopted as the FY 2020-2021 Priority List in this proceeding.

2. The effective date of the Interim Decision must be no later than June 30, 2020 in order to comply with S&H Code § 2452.

3. This proceeding should remain open for the purpose of creating the Fiscal Year 2021-2022 Priority List.

O R D E R

IT IS ORDERED that:

1. By this interim decision, the California Grade Separation Priority List attached as Appendix A is adopted and establishes the Fiscal Year 2020-2021 list, in order of priority, of projects which the Commission determines to be most urgently in need of separation, alteration, or reconstruction.

2. The Executive Director shall furnish certified copies of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2020.

3. Investigation 19-06-013 shall remain open until we issue our final decision.

4. The Commission's Rail Safety Division staff shall take all necessary actions to establish the California Grade Separation Priority List for Fiscal Year 2021-2022 in a timely manner, as required by law.

This order is effective today.

Dated June 25, 2020, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

Appendix A

California Grade Separation Program
Priority List

for Fiscal Year 2020 – 2021

I.19-06-013 COM/GSH/gp2

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
1	City of Burlingame	Broadway Ave.	105E-15.03	754879V	PCJX	36,286	96	0	5000	8	2	0	6	9	10	1	28	6298.2
2	City of Corona	McKinley Street	002B-21.20	026519P	BNSF SCRRA Amtrak	29,269	105	0	5000	7	4	1	4	14	5	10.5	38.7	4955.9
3	City of Oxnard	Rice Ave.	001-E-406.25	745855H	UPRR Metrolink Amtrak	37,515	36	0	5000	10	2	4	6	8	4	10.5	34.5	3005.7
4	Orange County Transportation Authority (Santa Ana)	17th Street	101OR-174.66	026699P	SCRRA/ Metrolink Amtrak BNSF UPRR	35,441	75	0	5000	3	3	1	6	11.0	10	8.0	39.0	2165.5
5	City of Redwood City	Whipple Ave.	105E-24.72	754935A	CalTrain Amtrak	25,673	96	0	10000	6	2	0	6	5	10	13	36	1761.2
6	City of Riverside	Third Street	002B-9.50	026480N	BNSF UP SCRRA Amtrak	13,452	128	0	5000	4	5	1	3	11	5	12.5	37.8	1759.7
7	City of Menlo Park	Ravenswood Ave. Oak Grove Ave. Glenwood Ave.	105E-28.84 105E-28.65 105E-28.45	754991G 754990A 754989F	BNSF	35,792	92	0	15000	10	3	1	18	22	30	15.5	107.4	1459.4
8	City of Fresno	N. Blackstone Blvd. E. McKinley Blvd.	002-1000.00 002-1000.10	028573P 028574W	BNSF	30,723	39	0	5000	9	5	4	12	17	8	15.0	68.5	1281.6
9	City of Mountain View	Rengstorff Ave.	105E-34.61	755013M	PCMZ PCJX UPRR	26,005	98	0	5000	1	2	1	6	5	10	10.5	34.5	1053.9
10	City of Ontario	San Antonio Ave. South San Antonio Ave.	003-37.10 001B-519.60	810893U 746939G	UPRR	10,604	59	0	5000	6	6	2	8	14.0	2	10.0	42.0	917.9
11	Orange County Transportation Authority (Anaheim)	State College Blvd.	101OR-170.21	026652U	SCRRA/ Metrolink Amtrak BNSF UPRR	22,583	58	0	5000	2	2	2	5	10	8	6.0	33.1	819.0
12	City of San Jose	Auzerais Ave. West Virginia St.	105E-47.35 105E-47.51	755097K 755099Y	PCJX- Caltrain	7,851	66	0	5000	9	2	0	2	12.4	62	10	70.4	764.9
13	City of Ontario	Campus Ave. South Campus Ave.	003-38.30 001B-520.70	810907A 746944D	UPRR	4,035	77	0	5000	10	3	2	4	16.2	4	10.0	39.2	722.7
14	City of Mountain View	Castro Street	105E-35.80	755015B	PCMZ PCJX UPRR	12,053	98	0	5000	1	3	0	6	4	10	8.0	31.0	503.5

Final Priority List for
Fiscal Year 2020-2021

I.19-06-013 COM/GSH/gp2

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
15	City of Fresno	North Ave BNSF Industry Spur North Ave BNSF Dual Mainline Tracks North Ave UPRR Mainline Track and Industry Spur Cedar Ave. Golden State Frontage Rd.	002-994.15C 002-994.20 001B-209.10 002-994.60-C 002-994.10	028465T 028478U 757394K 028466A 028464L	BNSF	22,205	115	0	5000	4	13	13	7	51	9	12.5	135.6	454.7
16	City of Ontario	Archibald Ave.	003-41.20	810911P	UPRR	11,476	30	0	5000	5	2	2	6	13	3	10.0	35.8	449.0
17	Alameda Corridor East Construction Authority	Montebello Blvd.	003-8.53	811074G	UPRR	21,452	43	0	15000	5	3	1	6	11	4	14.5	39.8	408.8
18	Alameda Corridor-East Construction Authority (City of Industry)	Tumbull Canyon Rd.	003-17.20	810867E	UPRR SCRR	12,892	47	0	15000	6	5	1	6	10	4	12.0	37.8	320.6
19	City of San Jose	Skyway Dr. Branham Ln. Chynoweth Ave.	001E-53.45 001E-5.95 001E-54.80	755135S 755136Y 755137F	UP	38,165	12	0	5000	4	3	5	18	27	9	13.0	87.0	294.2
20	City of Bakersfield	E. Truxtun Ave. (close Sumner, Baker, Tulare, and Sonora Streets)	002-886.40 002-885.40 002-885.77 002-885.95 002-886.20	028289X 028280L 028284N 028285V 288288R	BNSF	23,591	27	0	20000	6	20	8	0	47	0	12.5	167.5	243.0
21	City of Hanford	Grangeville Blvd.	2-969.10	028428R	BNSF	15,005	35	0	5000	1	2	3	2	8	4	12.5	31.5	241.6
22	City of Shafter	Shafter Ave. Central Ave. Lerdo Hwy. Beech Ave	002-905.80 002-905.50 002-905.10 002-904.40	028392K 028391D 028390W 028386G	BNSF	19,987	34	0	20000	6	8	3	24	46	16	15.5	142.1	230.1
23	Greater Bakersfield Separation of Grade District	Morning Drive (SR 184) Vineland Rd.	001B-317.50 001B-318.50	757413M 757414U	UPRR	19,620	34	0	20000	3	4	6	10	20	0	13.0	102.4	197.8
24	County of Kern	Snow Road	001B-307.40	756948H	UPRR	8,512	14	0	5000	5	1	3	4	6	0	10.5	35.0	178.0
25	Stanislaus County	Claribel Road	002-1094.50	028755B	BNSF	11,363	46	0	5000	0	3	3	6	7	4	13.5	36.3	140.8

I.19-06-013 COM/GSH/gp2

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
26	City of Barstow	North 1ST Ave.*	002-746-50.A	026058H	BNSF, Amtrak	7,438	76	0	5000	6	0	0	0.6	5	3	3.0	17.6	130.7
27	County of Kern	Olive Drive	001B-308.9	756945M	UPRR	19,487	22	0	5000	0	2	3	5	9	0	11.5	41.8	127.5
28	City of Bakersfield	Reina Rd.-Renfro Rd. Jenkins Rd.	002-896.60	028379W	BNSF	2,184	34	0	5000	5	2	4	6	5	4	10.5	31.3	120.4
29	City of Santa Barbara	Cabrillo Blvd.*	001E-369.66-B	745616H	UPRR Amtrak	15,860	29	0	5000	6	4	0	1.7	5	5	2.0	23.7	115.7
30	City of Bakersfield	Kratzmeyer Rd.	002-897.30	028380R	BNSF	4,224	34	0	5000	1	2	4	6	8	4	11.0	34.8	92.2
31	County of Kern	Rosedale Highway (SR 58)	103Q-113.20	029473N	SJVR	54,838	6	0	5000	0	1	3	0	2	0	15.0	21.0	86.8
32	County of Kern	Airport Drive*	001B-309.60-B	756943Y	UPRR	25,835	14	0	5000	0	0	0	0	2.0	2	2.0	6.0	78.3
33	City of Roseville	Washington Blvd.*	001C-108.20-B	753227X	UPRR	20,700	13	0	5000	6	0	0	0	4	3	3.0	16.0	69.8
34	City of Newark	Central Ave.	001L-31.10	749943G	UPRR	4,687	29	0	5000	0	1	2	4	9.1	4	8.0	28.1	55.3
35	City of Ontario	Grove Avenue*	001B-521.40-B	746956X	UPRR	27,371	1	0	5000	10	0	2	19.9	3	2	6.0	42.9	48.4
36	City of Brentwood	Lone Tree Way	001B-59.10	751831H	UPRR	22,500	1	0	5000	0	0	3	5	7.2	0	6.5	21.7	26.2

Definitions and Abbreviations used in the Priority List Table:

VEH – Vehicle
TRN – Train
LTRN - Light Rail Trains
COST Share - Project Cost Share (a cost of more than \$5 million is permitted for qualified projects per S&H Code Section 2454 (h) for multi-year funding)

Crossings Nominated for Separation or Elimination:

AH - Accident History
VS - Vehicular Speed Limit
CG - Crossing Geometrics
SCF - Special Conditions Factor
BD - Crossing Blocking Delay
RS - Rail Speed Limit
PT - Passenger trains
OF - Other Factors (Passenger Buses, School Buses, Hazmat Trucks, Community Impact)

*Existing Grade Separations Nominated for Alteration or Reconstruction:

WC - Width Clearance
SR - Speed Reduction
POF - Probability of Failure
DE - Delay Effects
HC - Height Clearance
AS - Accidents near Structure
AP - Accident Potential
SF - Separation Factor

Railroad Abbreviations:

BNSF: The Burlington Northern Santa Fe Railway Company
PCJX: Peninsula Corridor Joint Powers Board (Caltrain/PCMZ)
SCRRA: Southern California Regional Rail Authority (Metrolink)
SJVR: San Joaquin Valley Railroad
UPRR: Union Pacific Railroad Company
AMTRAK: National Railroad Passenger Corporation

(END OF APPENDIX A)