

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

Rail Safety Division

August 25, 2022  
Resolution SX-148

**RESOLUTION**

**RESOLUTION SX-148 ADOPTING A STAFF RESOLUTION  
PROCESS FOR COMMISSION APPROVAL OF GRADE-  
SEPARATED CROSSINGS TO BE CONSTRUCTED AS PART  
OF THE DESERTXPRESS ENTERPRISES, LLC dba  
BRIGHTLINE WEST HIGH-SPEED PASSENGER RAIL  
PROJECT**

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**OUTCOME:**

- This Resolution adopts a process for using staff resolutions for Commission approval of grade-separated railroad crossings to be constructed as part of the DesertXpress, LLC dba Brightline West (“Brightline West”) high-speed passenger rail Project (as further defined below.)

**SAFETY CONSIDERATIONS:**

- This Resolution will not have safety impacts as it approves a process by which certain rail crossings are reviewed in the future, including safety considerations for each crossing, but does not in itself approve any rail crossings. The process adopted here is entirely procedural – crossings constructed as part of the project will still be required to comply with the substantive requirements of applicable Commission General Orders and other applicable safety requirements.

**ADMINISTRATIVE CONSIDERATIONS:**

- Adoption of this Resolution process will improve administrative efficiency while ensuring procedural safeguards with transparent communications and public notice and maintaining compliance requirements with existing Commission General Orders.

**ESTIMATED COST:**

- This Resolution will not create any new costs and will conserve Commission staff and administrative law judge resources.

**SUMMARY**

This Resolution addresses a written request of June 7, 2022, from DesertXpress Enterprises, LLC dba Brightline West (“Brightline West”) for the California Public Utilities Commission (“Commission”) to approve Brightline West’s remaining grade-separated crossings through the Commission’s resolution process versus the Commission’s application process.<sup>1</sup> Through this Resolution, the Commission adopts a staff resolution process for Commission review of the remaining grade-separated crossings to be constructed in California as part of the Brightline West electrified high-speed passenger rail project (“Project”). The Project is planned to be constructed between Rancho Cucamonga, California and Las Vegas, Nevada. Brightline West has previously submitted five applications for approval of a total of 32 grade-separated rail crossings as part of this Project, all of which have been approved by the Commission.<sup>2</sup> The Project will require approximately 110 grade-separated crossings in total, meaning that the Commission must still review 78 additional requests for crossing approvals.

The Commission finds that processing the remaining crossings via application is not an efficient use of the Commission’s resources, and that the resolution process is a more appropriate means to examine the remaining crossings. The process adopted here is consistent with Commission rules and policies. It also promotes the efficient use of Commission resources, especially with respect to services provided by the Administrative Law Judge Division. The staff resolution process is procedural in nature and does not affect the requirements of General Orders that otherwise apply to the Project. A staff resolution process, which is consistent with General Order (“GO”) 96-B procedures, for approval of Brightline West crossings will preserve all substantive Commission requirements related to crossing safety and compliance.

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<sup>1</sup> Brightline West’s written request is included as Attachment B to this Resolution.

<sup>2</sup> The applications were Application (A.) 20-07-006 (four crossings approved in D.21-07-004), A.20-09-012 (7 crossings approved in D.21-09-031), A.20-09-015 (five crossings approved in D.21-12-039), A.21-01-007 (seven crossings approved in D.22-04-009), and A.21-01-008 (9 crossings approved in D.22-03-017).

**BACKGROUND****1. The Commission and Rail Safety Division’s Review of New Rail Crossing Requests.**

The Commission typically reviews requests for new rail crossings via the application process. Prior to the application being filed with the Commission however, the applicant has already completed the diagnostic review process with the Commission’s Rail Safety Division (“RSD”). The diagnostic review process is required under the California Manual on Uniform Traffic Control Devices, and includes the applicant sharing all crossing design plans with RSD for review. RSD also conducts a site visit to the planned crossing location. If necessary, RSD and the applicant discuss any safety or other issues with a particular crossing and address any changes needed to the design or location of the proposed crossing. The diagnostic review process ensures that once an application for a new rail crossing has been submitted, RSD has already ensured that the application is in compliance with all applicable laws and regulations, and that all safety issues have been addressed.

RSD and Brightline West completed the diagnostic review process for all rail crossings submitted in Brightline West’s prior applications.<sup>3</sup> RSD and Brightline West are currently conducting the diagnostic review process for the remaining crossings, including those planned between Apple Valley and Rancho Cucamonga, as discussed below.

In sum, the diagnostic review process remains the same whether the rail crossing is ultimately reviewed by the Commission via a resolution or via an application.

**2. The Brightline West High-Speed Rail Project**

Brightline West proposes to construct a privately owned and operated interstate high-speed passenger railroad between Southern California and Las Vegas, Nevada. The dedicated passenger-only electric high-speed rail line will be designed and constructed for operation within an approximately 220-mile corridor that will generally follow the Interstate 15 freeway and right-of-way (“I-15”) and is proposed to be built primarily in the median of I-15 in California and Nevada. Approximately 185 miles of the system will be constructed in California through two projects – one to be constructed between Las Vegas, Nevada and Apple Valley, California (the “LV/AV Line”), and the other to be constructed between Apple Valley and Rancho Cucamonga, California (the “AV/RC Line”). The system will exit west of the I-15 in Rancho Cucamonga and travel approximately one mile on a new elevated track structure within a portion of the San Bernardino County Transportation Authority’s San Gabriel Subdivision right of way on which Southern California Regional Rail Authority (“Metrolink”) commuter rail service

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<sup>3</sup> A.20-07-006; A.20-09-012; A.20-09-015; A.21-01-007; and A.21-01-008.

and freight trains operate at grade. Stations will be located in Las Vegas, Apple Valley, and Rancho Cucamonga. The Rancho Cucamonga station will be adjacent to the existing Metrolink station, thereby enabling passengers to transfer between systems.<sup>4</sup>

The Project is being designed for initial train service every 45 minutes in each direction. At full implementation, Brightline West estimates that the system will provide more than 11 million one-way passenger trips per year, thus eliminate an estimated 3 million one-way automobile trips per year between Southern California and Las Vegas.

### **3. Project Need.**

Brightline West asserts that there is a growing demand for travel in the corridor between the Greater Los Angeles Area and Las Vegas with motorists on this portion of the I-15 experiencing traffic delays due to traffic volume, accidents, and construction.

According to Brightline West, the Project has the potential to provide transportation, economic, safety, and environmental benefits for both states and their residents. The Project will utilize fully electric European-style high-speed trainsets that will provide a transportation alternative in a heavily congested travel corridor. The entire Project will be fully grade-separated, which is consistent with the Commission's safety goals expressed in GO 75-D, Paragraph 2: "As part of its mission to reduce hazards associated with at-grade crossings, and in support of the national goal of the Federal Railroad Administration ("FRA"), the Commission's policy is to reduce the number of at-grade crossings on freight and passenger railroad mainlines in California."

The Commission has previously found that, on balance, the crossings associated with the Project thus far have been consistent with the Commission's Environmental and Social Justice Action Plan ("ESJ Action Plan") and has found that the proposed crossings reviewed thus far will not result in a disproportionate environmental impact upon the affected ESJ communities.<sup>5</sup>

### **4. Project Development**

The California State Transportation Agency ("CalSTA"), the California Department of Transportation ("Caltrans"), and the California High-Speed Rail Authority ("CHSRA") entered a memorandum of understanding with Brightline West dated January 28, 2019 with respect to advancing the LV/AV Line (the "2019 MOU"). The purpose of the 2019 MOU was "to assist in developing the [LV/AV Line] and other passenger rail projects under development in California, to promote the design and construction of systems with

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<sup>4</sup> For background information on the project, see A.20-07-006, A.20-09-012, A.20-09-015, A.21-01-007, and A.21-01-008. *See also* Compliance Filing in Response to Ruling, A.21-01-008 (March 19, 2021) (filing a copy of the Environmental Impact Statement with the Commission).

<sup>5</sup> *See* D.21-07-004, pp. 20-21, p. 24 (Finding of Fact 15); D.21-09-031, p. 20, p. 23 (Finding of Fact 14); D.21-12-039, p. 21, p. 24 (Finding of Fact 14); D.22-04-009, p. 20, p. 23 (Finding of Fact 16); D.22-03-017, p. 21, p. 24 (Finding of Fact 14).

the potential for future interoperability and operational synergies, and to maintain and protect the integrity and safety of existing highway infrastructure as it may be updated and reconstructed from time to time.” (2019 MOU, Recitals.)

CalSTA, Caltrans, CHSRA, and Brightline West entered a further memorandum of understanding dated April 16, 2021, with respect to advancing the AV/RC Line (the “2021 MOU”). As expressed in the recitals to the 2021 MOU, “The Parties believe that construction of the [AV/RC Line] will serve the important purposes of increasing passenger rail transportation within Southern California, including interconnectivity between systems, and promoting the region’s mobility, safety, and air quality objectives.”

Brightline West is also coordinating with other stakeholders, including the Nevada Department of Transportation, the FRA, the Federal Highway Administration, the Bureau of Land Management, Metrolink, San Bernardino County Transportation Authority, the Town of Apple Valley, and the City of Rancho Cucamonga. Several definitive agreements are in place. Brightline West represents that it is on course to begin construction in early 2023.

### **FEDERAL PERMITTING**

The Project is being permitted and constructed under the jurisdiction of the federal Surface Transportation Board (“STB”). Under the Interstate Commerce Commission Termination Act (49 U.S.C. § 10501, “ICCTA”), the STB has jurisdiction over transportation by rail carriers and the “construction, acquisition, operation, abandonment, or discontinuance” of tracks and facilities. (49 U.S.C § 10501(b).) As part of its review of the Project, the Commission has previously examined the environmental permitting of the Project in each decision authorizing Brightline West’s rail crossings. As previously found by the Commission, the FRA is the lead agency for National Environmental Policy Act (“NEPA”). The FRA, in cooperation with the Bureau of Land Management (“BLM”), the STB, Federal Highway Administration (“FHWA”), and the National Park Service (“NPS”), with the added participation of Caltrans and the Nevada Department of Transportation (“NDOT”), prepared the Draft Environmental Impact Statement (“DEIS”) in March 2009, the Supplemental Draft Environmental Impact Statement (“SDEIS”) in August 2010, and the Final Environmental Impact Statement (“FEIS”) in March 2011. FRA issued a Record of Decision (“ROD”) for the Project on July 8, 2011.

Due to various Project modifications, FRA reevaluated the FEIS in cooperation with BLM, STB, FHWA, and the US Army Corps of Engineers, with added participation from Caltrans and NDOT. FRA completed the reevaluation of the FEIS and ROD in September 2020, and issued the Reevaluation, concluding that the modifications reduced overall environmental impact, as compared to the initial Project proposal, and did not constitute changes with significant environmental impacts that were not previously evaluated in the FEIS issued in 2011.

The Commission has considered the environmental impacts of the Project including the FEIS and the Reevaluation, as these documents relate to each of the crossings authorized by the Commission thus far and has found that the FEIS is adequate for our decision-making purposes in each of the proceedings processed by the Commission.<sup>6</sup>

The Commission will continue to examine all relevant environmental documents in relation to each of the proposed rail crossing applications as part of the resolution process.

### **CROSSING APPLICATIONS**

The Project will involve the construction of approximately 110 new grade-separated crossings in California. This will include approximately 85 road crossings along the I-15 corridor (primarily where there are existing highway road crossings) where Caltrans is the road authority, two locations where a local agency is the road authority, nine locations where the Brightline West tracks will cross over existing freight or commuter railroad tracks, and approximately 14 new dedicated emergency vehicle flyovers that will span the width of the I-15 where Brightline West tracks will be located in the median and Caltrans will again be the road authority.<sup>7</sup>

The Commission has jurisdiction over the construction of at-grade and grade-separated railroad crossings pursuant to Public Utilities Code §§1201-1202. Commission GOs 26-D and 176 provide design standards that grade-separated crossings for a project of this kind must meet.

The Commission's RSD staff (staff) has been working with Brightline West and other stakeholders, including Caltrans and other railroads, to ensure that grade-separated crossings on the Project comply with Commission General Orders and address other safety and design considerations. Staff, FRA, and Brightline West representatives met early to review the features and requirements for crossings on both the LV/AV Line and AV/RC Line. Diagnostic meetings have been held for all crossings on the LV/AV Line and are being scheduled for crossings on the AV/RC Line.

Requests for approval of a railroad crossing usually come before the Commission through a formal application. Rules 3.9 (railroad across public road) and 3.10 (railroad across railroad) of the Commission's Rules of Practice and Procedure describe information

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<sup>6</sup> See D.21-07-004, p. 24 (Conclusion of Law 4); D.21-09-031, p. 23 (Conclusion of Law 4); D.21-12-039, p. 25 (Conclusion of Law 4); D.22-04-009, p. 24 (Conclusion of Law 3); D.22-03-017, p. 24 (Conclusions of Law 4).

<sup>7</sup> These numbers are in addition to approximately 19 grade-separated crossings that will be constructed in Nevada as part of the Project. The Public Utilities Commission of Nevada ("PUCN") exercises jurisdiction over those crossings.

about the design and location of a proposed crossing and other content that must be included in an application.

Brightline West has filed formal applications for Commission approval of 32 of the 110 crossings to date. Brightline West grouped those crossings in five applications for multiple crossings each to achieve efficiencies for all stakeholders.<sup>8</sup> Prior to filing, Brightline West completed the diagnostic review process with Staff and submitted its draft applications to Staff for review and comment to ensure the sufficiency of the form of the applications and the designs' compliance with applicable GOs.

In each instance, following this process has allowed the applications to proceed with Staff concurrence. No parties protested the applications, and Staff and Caltrans filed responses in support. Because of the diagnostic review process and the pre-filing work done by the stakeholders, there have been no disputed issues of fact necessitating an evidentiary hearing. The Commission has approved each of Brightline West's applications.

Notwithstanding the approval of 32 rail crossings, Brightline West has an additional 78 crossings which need to be approved before construction is set to begin in early 2023 in order for it to meet its funding and construction deadlines. Brightline West is concerned that it will not meet this deadline, as the applications to date have taken 12 to 15 months to resolve. Therefore, it is seeking a faster process that would still provide the necessary due process and Commission review to ensure the crossings comply with the Commission's safety requirements.

## **DISCUSSION**

The Project presents the need for the Commission to review and approve an unusually large number of crossings in a short period of time. Further, the Commission has reviewed environmental permitting documents and made determinations regarding the adequacy of this documentation. Given the Commission's familiarity with the details of this Project, the General Orders that apply to this Project, and the various permitting of this Project by other agencies, processing the remaining crossings via the application is an inefficient use of the Commission's resources. This is particularly true given the lack of any protests to the crossing applications and the lack of controversial issues or staff disagreement with any aspects of the Project. Under these circumstances, a staff resolution process will promote the efficient use of Commission resources by preserving Administrative Law Judge Division dockets for disputed and complex matters.

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<sup>8</sup> The applications were A.20-07-006 (four crossings), A.20-09-012 (7 crossings), A.20-09-015 (five crossings), A.21-01-007 (seven crossings), and A.21-01-008 (9 crossings).

GO 164-E provides a process whereby the Commission may approve at-grade rail crossings on transit lines through adoption of a staff resolution. GO 164-E provides, in pertinent part,

Where formal Commission approval is required by this General Order, requests for Commission approval, shall be made by letter to *Staff* unless otherwise specified. *Staff* shall prepare a resolution on the request for Commission consideration at a public meeting.<sup>2</sup>

While the GO 164-E process does not apply to grade-separated crossings on railroad lines of the kind that will be constructed as part of the Project, it generally reflects the Commission's ability to adopt resolution processes for crossing approvals.<sup>10</sup> The GO 164-E process reflects the Commission's ability to adopt other procedural solutions for crossing approvals where efficiency warrants it.<sup>11</sup>

A staff resolution issued pursuant to the procedures in GO 96-B will preserve all substantive Commission requirements related to crossing safety and compliance. Notice will be given to all stakeholders through service of the Brightline West submittal to staff to the same extent as service would be given upon filing of an application and will be provided to the public via publication in the Commission's Daily Calendar. Thus all stakeholders will have the same notice via the staff resolution process as they would have via an application process. If staff, on its own motion or in response to protests, determines the crossing(s) at issue would be more appropriately addressed through the application process, it may direct Brightline West to file an application. Similarly, if any staff concerns about a crossing design remain unresolved, staff retains the ability to process a particular crossing or crossings via the application process.

As a result of the analysis and efforts described above, RSD recommends, and the Commission agrees, that the staff resolution process set forth in Appendix A for approval of grade-separated crossings to be constructed exclusively as part of the Project should be approved. This approval is not precedential and does not extend to any future grade-separated crossings contemplated by Brightline West that are not part of the DesertXpress project.

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<sup>2</sup> GO 164-E at 35, section 13.1.

<sup>10</sup> GO 164-E includes several requirements that apply to at-grade transit crossings that do not apply to grade-separated crossings to be constructed as part of the Project. For example, grade-separated crossings do not require a Rail Crossing Hazard Analysis Report and there is no CEQA process for the Project. The process adopted here includes all necessary steps for Commission approval of grade-separated crossings on the Project.

<sup>11</sup> Although crossings are normally approved through a formal application process, there is no legal rule that requires approvals to be obtained exclusively through this method.



**NOTICE**

On July 22, 2022, this Resolution was published on the Commission's Daily Calendar and was served on 1) the parties from the prior Brightline West crossing proceedings A.20-07-006, A.20-09-012, A.20-09-015, A.21-01-007, and A.21-01-008, which includes all of the road authorities for road crossings within the I-15, 2) BNSF Railway Company, Union Pacific Railroad, and Metrolink as the railroads whose rights of way the Project tracks will cross on grade-separated structures, 3) the City of Rancho Cucamonga, which is the road authority for certain crossings related to the Project, and 4) the Cities of Barstow, Hesperia, Apple Valley, Pomona, and Victorville, and San Bernardino County.

**COMMENTS**

The proposed resolution of the RSD in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. Comments were received by \_\_\_\_\_ .

**FINDINGS**

1. Brightline West is advancing a project to construct a privately owned and operated interstate high-speed passenger railroad between Southern California and Las Vegas, Nevada. The dedicated passenger-only electric high-speed rail line will be designed and constructed for operation within an approximately 220-mile corridor that will generally follow the I-15 freeway and right-of-way ("I-15") and is proposed to be built primarily in the median of I-15 in California and Nevada. Approximately 185 miles of the system will be constructed in California through two projects – one to be constructed between Las Vegas, Nevada and Apple Valley, California, and the other to be constructed between Apple Valley and Rancho Cucamonga, California. The system will exit west of the I-15 in Rancho Cucamonga and travel approximately one mile on a new elevated track structure within a portion of the San Bernardino County Transportation Authority's San Gabriel Subdivision right of way on which Metrolink commuter rail service and freight trains operate at grade. Stations will be located in Las Vegas, Apple Valley, and Rancho Cucamonga. The Rancho Cucamonga station will be adjacent to the existing Metrolink station, thereby enabling passengers to transfer between passenger rail systems.
2. The Project is being permitted and constructed under the jurisdiction of the federal Surface Transportation Board. The Federal Railroad Administration is serving as the lead agency for environmental permitting of the Project under the National Environmental Policy Act.
3. The Commission has jurisdiction over the construction of at-grade and grade-separated railroad crossings under Public Utilities Code §§1201-1202. Commission

General Orders 26-D and 176 provide design standards that grade-separated crossings for a project of this kind must meet.

4. The Project will be fully grade-separated. This outcome is consistent with Commission policies related to the reduction of at-grade crossings in favor of grade-separated crossings.
5. The Commission has found that, on balance, the Project is consistent with the goals of the Commission's ESJ Action Plan and has found that the Proposed Crossing will not result in a disproportionate environmental impact upon the affected ESJ communities.
6. The Project will involve the construction of approximately 110 new grade-separated crossings in California. Rail Safety Division staff has been working closely with Brightline West and other stakeholders, including Caltrans and other railroads, to ensure that grade-separated crossings on the Project comply with Commission General Orders and address other safety and design considerations.
7. Requests for approval of a railroad crossing usually come before the Commission through a formal application.
8. Brightline West has filed formal applications for Commission approval of 32 of the 110 crossings to date. These crossings were grouped in five applications for multiple crossings each to achieve efficiencies for all stakeholders. Prior to filing, Brightline West submitted its draft applications to Rail Safety Division staff for review and comment to ensure the sufficiency of the form of the applications and the designs' compliance with applicable General Orders. No protests were filed in any of the five applications, and all five applications were approved by the Commission.
9. The General Order 164-E staff resolution process for approving at-grade transit crossings reflects the Commission's ability to adopt other procedural solutions for crossing approvals where efficiency warrants it.
10. The Project presents the need for the Commission to review and approve an unusually large number of crossings in a short period of time. Given the Commission's familiarity with the details of this project, the General Orders that apply to this project, and the various permitting of this project by other agencies, approving the remaining crossings via the application process an inefficient use of the Commission's resources.
11. A Staff resolution process will promote the efficient use of Commission resources by preserving Administrative Law Judge Division dockets for disputed and complex matters.
12. A staff resolution process, which is consistent with General Order 96-B procedures, for approval of Brightline West crossings will preserve all substantive Commission requirements related to crossing safety and compliance.

13. The staff resolution process set forth in Appendix A for approval of grade-separated crossings to be constructed as part of the Project should be approved.

**THEREFORE, IT IS ORDERED that:**

1. The staff resolution process set forth in Appendix A for approval of grade-separated crossings to be constructed as part of the DesertXpress, LLC dba Brightline West electrified high-speed passenger railroad between Southern California and Las Vegas, Nevada is adopted.
2. The staff resolution process set forth in Appendix A applies exclusively to the DesertXpress, LLC dba Brightline West electrified high-speed passenger rail project.
3. The staff resolution process set forth in Appendix A is not precedential and does not extend to any future grade-separated crossings contemplated by DesertXpress, LLC dba Brightline West.
4. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on August 25, 2022. The following Commissioners voted favorably thereon:

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RACHEL PETERSON  
Executive Director

**APPENDIX A**

**Staff Resolution Process  
for Commission Approval of Grade-Separated Crossings  
to be Constructed as Part of the  
Brightline West High-Speed Passenger Rail Project**

1. The procedures described in this Appendix A apply to Commission approval of the approximately 110 grade-separated crossings to be constructed as part of the DesertXpress Enterprises, LLC dba Brightline West (“Brightline West”) high-speed passenger railroad project to be constructed between Southern California and Las Vegas, Nevada.
2. Requests for Commission approval of grade-separated crossings on Brightline West’s high-speed passenger railroad project may be made by letter to Rail Safety Division staff. The letter and its accompanying attachments must include all information required under Rule of Practice and Procedure 3.9 (railroad crossing of road) or 3.10 (railroad crossing of railroad), as applicable to the type of crossing addressed in the letter. The letter and its accompanying attachments must include information pertinent to the impacts on Environmental and Social Justice (“ESJ”) Communities for each crossing being requested, to enable a review of the Project’s impacts on ESJ communities and consistency with the Commission’s ESJ goals. The letter and its accompanying attachments must include information pertinent to the environmental permitting for the Project, or references to where the pertinent environmental documents have previously been submitted to the Commission, to enable a review of the Project’s environmental impacts.
3. Brightline West shall serve a copy of its letter request and accompanying documents on the service list for the prior Brightline West crossing proceedings: A.20-07-006, A.20-09-012, A.20-09-015, A.21-01-007, and A.21-01-008, as well as served on BNSF Railway Company, Union Pacific Railroad, and Southern California Regional Rail Authority as the railroads whose rights of way the Project tracks will cross on grade-separated structures, and the City of Rancho Cucamonga, which is the road authority for certain crossings related to the Project, as well as the Cities of Barstow, Hesperia, Apple Valley, Pomona, and Victorville, and San Bernardino County. Notice of the letter request will also be included in the Commission’s Daily Calendar as “Other Filings” in order to provide public notice. The public will be provided with a 30-day protest period in which to submit any protests or comments to the letter request.
4. After consideration of protests and comments, and upon confirmation that the proposed crossing meets all applicable Commission safety and design requirements, including General Orders 26-D and 176, staff will prepare and issue a resolution pursuant to the procedures provided in General Order 96-B. The draft staff resolution may address a request for approval of one or multiple crossings.
5. If staff, stakeholders, and Brightline West cannot reach agreement on the design of specific grade-separated crossings, Brightline West will file a formal application with the Commission for those crossings. Nothing in this Resolution precludes staff from directing the filing of a formal application if circumstances warrant for a specific

crossing, and nothing in this Resolution precludes Brightline West from filing a formal application in lieu of the resolution process.