

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

Order Instituting Investigation to Establish a Priority List, for the Fiscal Years 2024-2025 and 2025-2026, of Existing At-Grade Rail Crossings, of City Streets, County Roads or State Highways, in need of separation, or Existing Grade-Separated Rail Crossings in need of Alterations or Reconstruction in Accordance with Section 2452 of the California Streets and Highways Code.

FILED  
PUBLIC UTILITIES COMMISSION  
JUNE 29, 2022  
SAN FRANCISCO, CALIFORNIA  
INVESTIGATION 23-06-020

**ORDER INSTITUTING INVESTIGATION TO ESTABLISH  
THE CALIFORNIA GRADE SEPARATION FUND PRIORITY LIST  
FOR THE FISCAL YEARS 2024-2025 AND 2025-2026**

**Summary**

This Order Instituting Investigation (OII) is initiated to establish the Grade Separation Priority List for the fiscal years 2024-2025 and 2025-2026. In accordance with Section 2452 of the California Streets and Highways Code, the OII requests project nominations, by October 20, 2023, from interested parties for: (1) existing at-grade rail crossings, of city streets, county roads, or state highways, in need of grade separation, or (2) existing grade-separated rail crossings, of city streets, county roads, or state highways, in need of alterations or reconstruction.

Project nominations must be made by completing and submitting the nomination application forms in this proceeding. Information on the nomination

application forms and related instructions are detailed in Section 2 of this OII and is also available on-line at the California Public Utilities Commission's website.

## **1. Background**

The Section 190 Grade Separation Program is authorized by Section 190 of the Streets and Highways Code. This competitive grant program provides \$15 million each year to local agencies for the construction of grade separation projects. The program is jointly administered by the California Public Utilities Commission (Commission) and the California Department of Transportation (Caltrans). The intent of the Section 190 Grade Separation Program is to improve safety and expedite the movement of vehicles by eliminating dangerous highway-rail crossing at grade with a grade separation.<sup>1</sup>

Section 190 Program is to be administered in accordance with the provisions of the Streets and Highways Code, commencing with Section 2450. Specifically, Section 2452 of the Streets and Highways Code requires the Commission to establish the Grade Separation Program Priority List (Priority List) for projects and furnish it to the California Transportation Commission (CTC) by July 1st of each year for use in the fiscal year (FY) beginning on that date. The Priority List establishes the relative priorities for allocation of state funds to qualified projects and procedures for administering these funds. Eligible projects include construction of new grade separations to replace existing at-grade rail crossings or alteration or reconstruction of existing grade separations on city streets, county roads, and state highways, which are not freeways as defined in Streets and Highways Code § 257. For a project that eliminates an existing at-grade rail crossing or alters or reconstructs an existing

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<sup>1</sup> Grade separation means a structure which separates the vehicle roadway from the railroad tracks. Streets and Highways Code § 2453. Streets and Highways Code § 2450 *et seq.*

grade-separated rail crossing, an allocation of up to 80 percent of the estimated cost of the project may be made, with the local agency and railroad each contributing 10 percent.

The CTC is responsible for allocating and distributing the funds to qualified projects. The CTC has delegated this responsibility to Caltrans.<sup>2</sup>

Requirements for filing a fund allocation application for Priority List projects with Caltrans are set out in the *California Code of Regulations, Title 21, Division 2, Chapter 13, Grade Separation Projects-Applications for Allocations or Supplemental Allocations* (Chapter 13). A copy of Chapter 13 is attached as Appendix 1 to this Order Instituting Investigation (OII).

In general, local agencies submit project nomination applications to the Commission to nominate the project for the Priority List. The Commission, through an OII proceeding, develops a priority list of projects. Thereafter, the local agencies whose projects are selected and included on the priority list submit requests for an allocation of funds to Caltrans. Caltrans then enters into funding agreements with the local agencies on the priority list for reimbursement of the costs to construct those selected projects.

In Investigation (I.) 99-07-001, the Commission established a procedure for adopting a Str Priority List, which helped meet the applicable statutory deadlines. For a proceeding such as this to be completed in a timely manner, the Priority List established by the OII must serve for two FYs. The Commission adopts the Priority List for the first FY by interim decision issued before that fiscal year begins, then revises the Priority List for the second FY by deleting projects for which funds were actually allocated in the first FY, adopting a

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<sup>2</sup> California Department of Transportation.

revised Priority List by final decision before the second FY ends. 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.

In I.21-06-018, during the prior two-year cycle, the Commission issued Interim Decision D.22-06-030, dated June 23, 2022, and established the 65th Priority List for FY 2022-2023. On March 9, 2023, the Commission issued D.23-03-002, Executive Director's Order, correcting clerical errors in Appendix A of the Priority List FY 2022-2023. The Commission is soon expected to issue its final decision in that proceeding to establish the 66th Priority List for FY 2023-2024 and close the proceeding. The Commission will then furnish the final Priority List to Caltrans and CTC before July 1, 2023. That final Priority List will expire on June 30, 2023, necessitating the establishment of a new Priority List for FYs 2024-2025 and 2025-2026, in this proceeding.

In this new OII, the Commission therefore will consider projects nominated by cities, counties, a separation-of-grade district, and any public entity that provides rail passenger transportation services for inclusion on the Priority List for FYs 2024-2025 and 2025-2026.

## **2. Procedure for Project Nominations**

The procedures adopted by the Commission require local agencies to provide planned grade separation project nominations to the Commission in response to a request for nominations in the ordering paragraphs of this new OII. Through a Ruling Requesting Information, the assigned Administrative Law Judge (ALJ) requests that the Commission's Rail Safety Division (RSD) review each nominated project to ensure that it is eligible for the Grade Separation Program, and file and serve the draft Priority List. The Commission also holds one or more evidentiary hearings (remote or in-person), as necessary, 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.<sup>3</sup> After the evidentiary hearing(s) are held, the assigned ALJ issues another Ruling Requesting Information, asking the Commission's RSD to adjust the draft Priority List in accordance with evidence received at the hearings, as appropriate. The final recommended Priority List is then presented to the Commission for adoption by an interim decision for the first FY. Selected projects for construction of new grade separations for existing grade rail crossings and alteration or reconstructions of existing grade separations will be included in the Priority List.

Local agencies in California desiring to have a crossing separation project considered for inclusion in the Grade Separation Priority List for FYs 2024-2025, and 2025-2026, to be established under Streets and Highways Code § 2452, and pursuant to the Commission's Rules of Practice 13.7(f) shall submit the Grade Separation Nomination Form GSN-1 or GSN-2 (GSN-1 Form and GSN-2 Form) as "supporting documents" using the Electronic Filing System on the Commission's website at [www.cpuc.ca.gov/PUC/efiling](http://www.cpuc.ca.gov/PUC/efiling) no later than Friday, October 20, 2023. Instructions on how to upload project applications is attached as Appendix 6 to this OII. Applications received after the deadline will not be

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<sup>3</sup> In addition to submitting the GSN-1 or GSN-2 Form, each party, or its representative, nominating a crossing for inclusion in the Priority List is required to attend the virtual or in person hearing to present evidence concerning the nomination. Supplemental data may be submitted at the hearing in support of a nomination. The data may include facts not known at time of nomination. The Commission staff must receive verification of all supplemental data no later than one week after the scheduled hearing. Appearance schedules will be sent via e-mail to the interested parties 10 days prior to the scheduled hearing. All parties will be provided with details of the date and time of the virtual or in person hearing. Appearances will be limited to one witness in support of each project or railroad.

processed. Applications are not accepted via fax. Each party is also required to provide one hard copy of its nomination(s) and an electronic copy to Samir Barot at:

**California Department of Transportation (Caltrans):**

Caltrans – Division of Local Assistance

Office of State Programs

1120 N Street

Sacramento, CA 98514

Attn: Samir Barot, P.E.

[samir.barot@dot.ca.gov](mailto:samir.barot@dot.ca.gov)

Each nomination shall include information pursuant to Public Utilities (Pub. Util.) Code § 2454, applicable Commission decisions, and Appendix 4 or 5 of this investigation. Failure to supply all the requested information or to participate before the Commission will constitute grounds for exclusion of a project from the Priority List.

Data submitted in the nomination must be based on verifiable facts occurring on or before October 20, 2023. Speculative data involving events anticipated to occur at some time in the future will not be considered.

Applications for separations of existing-grade crossings with estimated data (vehicle counts, train counts, blocking delay, etc.), that do not include the project costs, will not be processed or included on the Priority List. Nomination(s) must not include multiple projects. Each project must be separate, distinct and clearly severable. The combining of severable projects is not permitted and precludes the Commission from effectively determining which projects are most urgently in need of separation or alteration as required by Streets & Highways Code § 2452.

All project nominations to eliminate existing grade crossings shall include, for each crossing: the crossing location, crossing geometrics, average daily

vehicle and train volumes, blocking delay, speed limits, accident data, etc. (see Sections B through H of the GSN-1 Form in Appendix 4.)

Nominations with missing or incomplete data will not be accepted for the Priority List evaluation.

A nominating party may elect to exclude pre-construction costs (such as engineering, right-of-way, preparation of environmental impact reports, or utility relocation) if those costs are less than the local agency's share of the total costs.<sup>4</sup> The nominating party may be required to submit evidence in support of the fact that the funds have been expended. To the extent that pre-construction costs are excluded from a project's cost for the purpose of a nomination, the costs will be considered as nonparticipating, that is, the railroad will not be required to contribute 10 percent of the excluded pre-construction costs. Nominating parties anticipating the need for an allocation greater than \$5,000,000 shall be prepared to present evidence at the hearings to justify the additional award.<sup>5</sup>

### **3. Commission's Ranking Formula**

In accordance with Streets & Highways Code § 2452, the Commission is responsible for establishing criteria used in determining the priority of projects nominated for separation or alteration. The Commission does so using formulas initially developed by the Commission in 1975, but modified since that time. There are two formulas used: 1) One for ranking projects proposing new grade-separation structures for existing at-grade crossings; and 2) One for ranking projects proposing alteration or reconstruction of existing grade separated structures. The Commission adopted the most recent priority evaluation

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<sup>4</sup> S&H Code § 2454.

<sup>5</sup> S&H Code § 2454 (d)(1).

formulas in I.07-07-006, issued on July 12, 2007, which are contained in Appendix 2 - Priority Index Formulas, of this OII.

As instructed by the Commission, RSD conducted a workshop on November 21, 2021, to afford parties an opportunity to raise issues regarding any revisions of the formulas by which the Priority List is established. Due to the limited extent of comments received and lack of supporting data, RSD has determined that there is not sufficient data to justify changes to the current formulas. Therefore, changes to the current formulas are not deemed reasonable for this cycle, and the formulas will remain unchanged FY 2024-2025 and 2025-2026.

#### **4. Ranking Projects Under Construction**

Streets & Highways Code § 2460.7 authorizes a local agency to construct a project on the Priority List prior to the time that it reaches a high enough position for funding. The following conditions will be applied to prioritize grade separation projects on which construction has commenced:

1. The project must have been on the Priority List for the fiscal year during which construction commenced.
2. The project must be re-nominated for the fiscal year during which funding consideration is desired.
3. The re-nomination must include the same data as included in the nomination for the fiscal year during which construction commenced, but shall also include the actual cost data.
4. Cost data included in the re-nomination shall be:
  - a. Final costs for completed projects, or
  - b. Current anticipated final costs for projects still under construction.

All projects re-nominated under the provisions of Streets & Highways Code § 2460.7 shall also comply with the filing requirements in this OII.



**5. Public Outreach and Compliance with Section 1711(a)**

Pub. Util. Code § 1711(a), as amended by Senate Bill No. 512 of 2016 states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of the proceeding.

After this OII is adopted, the Commission's Executive Director must serve a copy of this OII on the service list of I.21-06-018, including but not limited to: every railroad corporation operating in California; Caltrans; CTC; League of California Cities; California State Association of Counties; and Light Rail Transit Agencies. The Commission's RSD must then finalize and mail the notice appearing in Appendix 3 - OII Interested Party Notice Letter, of this OII, to the known railroads, light rail transit agencies, cities, counties and other interested parties. Interested parties may download this OII from the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). This OII will also be published on the Commission's Daily Calendar. Project nomination forms and instructions are found in Appendix 4, GSN-1 Form and in Appendix 5, GSN-2 Form, of this OII.<sup>6</sup>

**6. Preliminary Determination of Category**

As a preliminary matter, we determine that this proceeding is quasi-legislative, because our consideration and approval of a Grade Separation

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<sup>6</sup> For an existing at-grade crossing nominated for separation, applicant should complete a GSN-1 Form (Appendix 4). For an existing grade separation nominated for alteration or reconstruction, a complete a GSN-2 Form (Appendix 5).

Priority List for the fiscal years 2024-2025 and 2025-2026 would establish policy or rules affecting a class of regulated entities.

## **7. Preliminary Scoping Information**

In accordance with the provisions of Senate Bill (SB) 512,<sup>7</sup> the assigned Commissioner shall issue a scoping memo setting forth the scope and schedule for the proceeding.

The scope of this proceeding will include all issues raised in this OII but may include reasonably related issues. Any party may suggest related issues (*i.e.*, issues involving the existing crossings at grade of city streets, county roads, or state highways) for Commission consideration, in accordance with the Commission's Rules of Practice and Procedure.<sup>8</sup>

This proceeding is categorized as quasi-legislative because it establishes a Priority List affecting an entire regulated industry. The assigned ALJ will, if necessary, convene a prehearing conference to develop a service list for this proceeding and to further delineate issues related to the scope and schedule of this proceeding.

## **8. Statutory Deadline**

Effective January 1, 2017, the California Legislature revised the statutory deadlines for the completion of certain Commission proceedings through SB 512 filed with the Secretary of State, September 29, 2016. In a quasi-legislative proceeding, the issues raised in the scoping memo shall be resolved within 18 months of the date the proceeding is initiated, unless: 1) the Commission makes a written determination that the deadline cannot be met, and issues an order extending the deadline; or 2) the Commission specifies in the scoping memo a

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<sup>7</sup> [Pub. Util. Code § 1701.1 \(c\)](#)

<sup>8</sup> [Rules of Practice and Procedure](#).

resolution date later than 18 months from the date the proceeding is initiated is necessary with specific reasons and the Commissioner assigned to the proceeding approves the date.<sup>9</sup> By its design, the Grade Separation Priority List proceeding requires two years to complete. Thus, we find that this proceeding cannot be completed within 18 months of its initiation without extending the statutory deadline. We therefore extend the statutory deadline to June 30, 2026.

## **9. Parties and Service List**

This OII is served on the service list for I.21-06-018. The service list for this new OII shall initially be the service list for I.21-06-018 and all entities on that list will automatically be transferred to the service list for this new OII. Additions to the official service list are governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents and correspondence in the proceeding. (*See* Rule 1.9(f).) The request must be sent to the Process Office by e-mail ([process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov)) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this proceeding in the request.

In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the "Information Only" category as described above; they will be removed from that category upon obtaining party status.

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<sup>9</sup> [Pub. Util. Code § 1701.5](#)

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission's website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission's website at <http://subscribecpuc.cpuc.ca.gov/>.

## **10. Ex-Parte Communications**

In accordance with Rule 8.2(a), *ex-parte* communications in this proceeding are without restriction or reporting requirement.

### **O R D E R**

**IT IS ORDERED** that:

1. An investigation on our own motion is instituted to establish a new Grade Separation Priority List for fiscal years 2024-2025 and 2025-2026 of existing at-grade railroad crossings of public streets, roads, or highways most urgently in need of separation, and existing grade-separated railroad crossings most urgently in need of alteration or reconstruction as required by California Streets and Highways Code Section 2452.

2. The Executive Director must serve a copy of this Order Instituting Investigation on the service list for Investigation 21-06-018, including but not limited to the following:

- a. Every railroad corporation operating in California;
- b. California Department of Transportation;
- c. California Transportation Commission;
- d. League of California Cities;
- e. California State Association of Counties; and
- f. Light Rail Transit Agencies.

3. By no later than October 20, 2023, any local agencies in California desiring to have any project for (a) existing at-grade rail crossings, of city streets, county

roads, or state highways, in need of grade separation, or (b) existing grade-separated rail crossings, of city streets, county roads, or state highways, in need of alterations or reconstruction, be considered for inclusion in the Grade Separation Priority List for fiscal years 2024-2025 and 2025-2026, shall submit Grade Separation Nomination Form GSN-1 or GSN-2 using the Electronic Filing System on the Commission's website at: [www.cpuc.ca.gov/PUC/efiling](http://www.cpuc.ca.gov/PUC/efiling).

4. All nominations must be submitted no later than Friday, October 20, 2023. Nominations shall not be submitted via fax.

5. By October 20, 2023, each nominating party shall provide one hard copy of its nomination(s) and an electronic copy to Samir Barot at:

**California Department of Transportation (Caltrans):**

Caltrans – Division of Local Assistance

Office of State Programs

1120 N Street

Sacramento, CA 95814

Attn: Samir Barot, P.E.

[samir.barot@dot.ca.gov](mailto:samir.barot@dot.ca.gov)

6. Each nomination shall include information required pursuant to Public Utilities Code § 2454, applicable Commission decisions, and Appendix 4 or 5 of this investigation, including but not limited to:

- a. For an existing at-grade crossing nominated for separation, a completed Grade Separation Nomination GSN-1 Form (Appendix 4).
- b. For an existing grade separation nominated for alteration or reconstruction, a completed Grade Separation Nomination GSN-2 Form (Appendix 5).
- c. A legible location map of the project, on letter size paper (8 ½" x 11") showing the existing railroads and roadway system.

- d. Two current 8"x10" size photographs of the crossing(s), one (1) from each direction of approach, shall be included with the nomination.

7. Data submitted in the nomination must be based on verifiable facts occurring on or before October 20, 2023.

8. Nomination(s) must not include multiple projects; each project must be separate, distinct, and clearly severable.

9. All project nominations to eliminate existing at-grade crossings shall include, for each crossing: the crossing location, crossing geometrics, average daily vehicle and train volumes, blocking delay, speed limits, accident data, et cetera (*see* Sections B through H of the GSN-1 Form in Appendix 4).

10. A nominating party may elect to exclude pre-construction costs (such as engineering, right-of-way, preparation of environmental impact reports, or utility relocation) if those costs are less than the local agency's share of the total costs (California Streets and Highways Code Section 2454). The nominating party may be required to submit evidence in support of the fact that the funds have been expended. To the extent that pre-construction costs are excluded from a project's cost for the purpose of a nomination, the costs will be considered as nonparticipating, that is, the railroad will not be required to contribute 10% of the excluded pre-construction costs.

11. In addition to submitting the GSN-1 or GSN-2 Form, each party, or its representative, nominating a crossing for inclusion in the Priority List shall participate at the hearing to present evidence concerning the nomination.

12. Upon showing good cause, the assigned Administrative Law Judge may permit the nominating parties to file supplemental data in support of the nomination, including relevant facts and evidence which were not available at the time of nomination. If permitted, such supplemental data shall be filed by

the date ordered by the assigned Administrative Law Judge, and if no deadline is ordered, no later than one week after the scheduled day of hearing in this proceeding.

13. All parties will be notified of the dates of any virtual or in person hearings in this proceeding. Appearances will be limited to one witness in support of each project or railroad.

14. Parties anticipating the need for an allocation greater than \$5,000,000 shall be prepared to present evidence at the hearings to justify the additional award pursuant to California Streets and Highways Code Section 2454 (d)(1).

15. Failure to supply all of the required information or to appear before the Commission will constitute grounds for exclusion of the nominated project from the Grade Separation Priority List.

16. This proceeding is preliminarily categorized as quasi-legislative. *Ex-parte* communications are permitted without restriction or reporting requirement.

17. The statutory deadline for completing this proceeding is set as June 30, 2026.

This order is effective today.

Dated June 29, 2023, at San Francisco, California.

ALICE REYNOLDS

President

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

## **APPENDICES**

- APPENDIX 1: California Code of Regulations, Title 21, Division 2, Chapter 13, Grade Separation Projects**
- APPENDIX 2: Priority Index Formulas**
- APPENDIX 3: OII Interested Party Notice Letter**
- APPENDIX 4: Grade Separation Nomination GSN-1 Form**
- APPENDIX 5: Grade Separation Nomination GSN-2 Form**
- APPENDIX 6: Instructions for Submitting Supporting Documents**
- APPENDIX 7: List of Railroads**



**APPENDIX 1:**  
**California Code of Regulations, Title 21,**  
**Division 2, Chapter 13, Grade Separation Projects**

**APPENDIX 1: California Code of Regulations, Title 21, Division 2,  
Chapter 13, Grade Separation Projects**

**GRADE SEPARATION PROGRAM**

TITLE 21. Public Works

Division 2. Department of Transportation

Chapter 13. Grade Separation Projects - Applications for Allocation or  
Supplemental Allocations

Article 1. Applications

§1552. Last Date to File

April 1 of each fiscal year is the last date on which applications for allocation of grade separation funds in that fiscal year can be filed; provided, however, if April 1 is a Saturday, Sunday, or a State of California holiday, then the last date of filing shall be the next business day following April 1. Filing is accomplished by filing the application with the Department of Transportation in the manner hereafter stated.

§1553. Place to File

The complete application in triplicate must be received in the Office of the District Director of Transportation, State of California, in the transportation district in which the applicant is located, no later than 4:00 p.m. on the last day for filing.

§1554. Contents of Application

The complete application must include a written request for an allocation in a specified monetary amount along with copies of each of the following attached to it:

- (a) All necessary orders of the Public Utilities Commission of the State of California. Necessary orders of the Public Utilities Commission include:
  - (1) An order authorizing construction of the project;
  - (2) A statement of the applicant's position on the annual priority list established by the Public Utilities Commission pursuant to Streets and Highways Code Section 2452;
  - (3) In case the applicant and affected railroad or railroads cannot agree as to the apportionment of the cost of the project between them, an order

- apportioning such cost pursuant to Public Utilities Commission Code Section 1202.5, but in no case shall an allocation be made unless the railroad or railroads contribute no less than the amount required by Section 2454 of the Streets and Highways Code, except as may be otherwise provided by law.
- (b) All necessary agreements with the affected railroad or railroads fully executed by railroad or railroads and applicant. The necessary agreements with the railroad include:
- (1) Permission to enter upon railroad right of way for construction, or, in lieu thereof, an order of the Public Utilities Commission or of a court of competent jurisdiction authorizing such entry for construction purposes;
  - (2) A description of the project on a plan setting forth the area and items of the project and the particular area and items of the project to which the railroad or railroads agree to contribute;
  - (3) The percentage of railroad's or railroads' contribution to the cost of the area and items to which railroad or railroads agree to contribute;
  - (4) Identification and estimated cost of the area and items to which railroad or railroads do not contribute;
  - (5) Agreement that railroad or railroads shall contribute a minimum of 10 percent of the cost of the project without a maximum dollar limitation on the railroad's contribution, except that the contribution may be less than 10 percent of the cost of the project where expressly so provided by law.
  - (6) When two or more railroads are affected by a project, their combined contribution must be a minimum of 10 percent of the cost of the project without a maximum dollar limitation on the combined contribution, except that such combined contribution may be less than 10 percent of the cost of the project when expressly so provided by law.
- (c) A certified resolution by the applicant's governing body authorizing the filing of an application.
- (d) Certified resolution by the applicant's governing body stating that all matters prerequisite to the awarding of the construction contract can be

accomplished within two years after the allocation of the funds for the project by the California Transportation Commission.

- (e) A certified resolution by applicant's governing body stating that sufficient local funds will be made available as the work of the project progresses.
- (f) Copies of all necessary Environmental Impact Reports or Negative Declarations, with a certified Notice of Determination and approval or acceptance of these documents by the Lead Agency. In cases where an Environmental Impact Statement or Negative Declaration has been prepared for the project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, such documents may be submitted in lieu of an approved Environmental Impact Report or Negative Declaration and Notice of Determination, provided the Environmental Impact Statement or Negative Declaration fully develops the factors required in Title 14, Section 15143, of the State Administrative Code including Title 20, Section 17.1(d)(2), of the State Administrative Code, and such Environmental Impact Statement or Negative Declaration has received Federal approval.
- (g) General plan of the project, including profiles and typical sections.
- (h) Project cost estimate, which is to be broken down to construction, preliminary and construction engineering, work by railroad forces, right of way costs, and utility relocation.

§1555. Project Limitation

Participation of the grade separation fund is limited to only that portion of the project which, in the determination of the California Transportation Commission, is necessary to make the grade separation operable and to effect the separation of grades between the highway and the railroad track or tracks, or necessary to effect the relocation of track or highway. Off-track maintenance roads shall be nonparticipating unless the existing access for maintenance purposes is severely impaired by the project. Participating items include, but are not limited to, approaches, ramps, connections, drainage, erosion control of slopes, such as ivy, iceplant, and rye grass, and preconstruction costs, such as right of way acquisition, preparation of environmental impact reports and utility relocation, necessary to make the grade separation operable. In any dispute as to scope of project or qualification of an item, the decision of the California Transportation Commission shall be conclusive.

§1556. Allocation Limitation

Initial allocation of grade separation funds by the California Transportation Commission shall be limited to that based upon applicant's estimate of cost of project specified by applicant and utilized by the Public Utilities Commission of the State of California in establishment of applicant's priority pursuant to Streets and Highways Code Section 2452 of the State of California. A planned project must be a complete and operable project, and effect the separation of grades, relocation of the highway or railroad, in order to qualify for an allocation.

Article 2. Supplemental Allocations

§1557. Last Date to File

The last date on which an application for a supplemental allocation can be filed for the subsequent fiscal year is May 1 of the current calendar year. If May 1 is a Saturday, Sunday, or a State of California holiday, then the last date of filing shall be the next business day following May 1. A formal application must be filed by the applicant, accompanied with the project final report.

§1558. Place to File

The complete application in triplicate must be received in the Office of the District Director of Transportation, State of California, in the transportation district in which the applicant is located, no later than 4:00 p.m. on the last day for filing.

§1559. Contents of Application

The application must include a written request for a supplemental allocation in a specified amount along with copies of each of the following attached thereto.

- (a) A certified resolution by the applicant's governing body certifying that:
  - (1) Applicant has authority to make request for supplemental allocation;
  - (2) The project has been completed and has been accepted by the governing body;
  - (3) The actual and final cost of the project has been determined and is set forth in the supplemental application;

- (4) All costs set forth in the request for a supplemental allocation were necessary to make the grade separation operable and effect the separation of grades or the relocation of track or highway.
- (5) That railroad or railroads have contributed 10 percent of the cost of the project unless a lesser contribution is expressly provided by law.
- (b) Evidence that funds would have been allocated for the project had the actual cost been used by the Public Utilities Commission of the State of California in determining the project's ranking on the priority list.
- (c) A final accounting of the cost of the project with a statement explaining in detail why the original allocation was not sufficient.

Note: Authority and reference cited: Sections 2450-2461, Streets and Highways Code; and City of San Marcos v. California Highway Commission, 60 Cal. App. 3d 383.

**(END OF APPENDIX 1)**

## **APPENDIX 2: Priority Index Formulas**

## APPENDIX 2: Priority Index Formulas

### A. Formula For Existing At-Grade Crossing Nominated For Grade Separation

$$P = \frac{V * (T + 0.1 * LRT) * (AH + 1)}{C} + SCF$$

- Where:
- P** - Priority Index Number
  - V** - Average 24-Hour Vehicular Volume (1 point per vehicle)
  - T** - Average 24-Hour Train Volume (1 point per train)
  - C** - Project Cost Share to be Allocated from Grade Separation Fund (1 point per thousand dollars)
  - LRT** - Average 24-Hour Light Rail Train Volume (1 point per train)
  - AH** - Accident History (up to 3 points per accident)
  - SCF** - Special Conditions Factor
    - = BD+VS+RS+CG+PT+OF (up to 63 points)
    - BD** - Crossing Blocking Delay (up to 5 points)
    - VS** - Vehicular Speed Limit (up to 5 points)
    - RS** - Railroad Prevailing Maximum Speed (up to 7 points)
    - CG** - Crossing Geometrics (up to 17 points)
    - PT** - Passenger Trains (up to 10 points)
    - OF** - Other Factors: passenger buses, school buses, trains carrying hazardous materials trains and trucks, and community impact (up to 19 points)

#### **C = Project Cost Share to be Allocated from Grade Separation Fund**

For a project seeking multi-year funding, not to exceed five (5) years, as prescribed in Section 2454, subdivision (d), paragraph (1) of the California Streets and Highways Code (S&H Code § 2454(d)(1)), up to 20 million dollars (\$20,000,000) may be requested, an agency that has received an allocation for a project under the multi-year funding option is not eligible for another project for a 10-year period unless funds are available for allocation. In addition, the allocation for any one of those multiple years shall not exceed the amount prescribed by S&H Code § 2454(c) of five million dollars (\$5,000,000).

For a project ranked the highest on the Grade Separation Priority List, up to 15 million dollars (\$15,000,000) may be allocated as provided in S&H Code § 2454(c)(2).



For any of other project, up to five million dollars (\$5,000,000) or 80 percent (percent) of the estimated project cost, whichever is less, may be received, as provided in S&H Code §2454(c)(1).

**AH = Accident History** (last 10 years from application filing due date)

The total AH score is the sum of points per accident awarded as follows for vehicle and pedestrian accidents involving trains at crossings with the Crossing Protection Factor (CPF) based on the crossing's warning devices:

Points per Accident = (1 + 2 x No. Killed + No. Injured) x CPF

COMMISSION STANDARD WARNING DEVICE	9	8	1
CPF	1.0	0.4	0.1

Note 1: No more than three (3) points shall be allowed for each accident prior to modification by the CPF.

Note 2: Each accident is rated separately and modified by a factor based on the warning devices in existence at time of the accident.

Note 3: Pedestrian collisions with the train will be considered at the crossing, excluding all suicides.

**BD = Blocking Delay by Train** (The total time in which vehicular traffic is delayed to allow a train to pass at a crossing.) The blocking delay, for a typical day, is the elapse time in minutes when trains pass the crossing. The delay is measured from the point that the warning devices are activated at the crossing to the time after the train has cleared the crossing and the warning devices are reset. The BD points are the total delay time, valued in a range from 0 to 5 points.

**VS = Vehicular Speed Limit - Posted Speed Limit**

SPEED-Miles Per Hour	0-30	31-35	36-40	41-45	46-50	51+
POINTS	0	1	2	3	4	5

**RS = Railroad Maximum Speed**

SPEED-Miles Per Hour	0-25	26-35	36-45	46-55	56-65	66-75	76-85	86+
POINTS	0	1	2	3	4	5	6	7

**CG = Crossing Geometrics** - 0 - 17 points are awarded to each crossing based on the relative severity of physical conditions, i.e. surface profiles, alignment, sight distance, track skew angle, traffic signals, entrances and exits, etc.

CATEGORY	POINTS
QUADRANT SIGHT DISTANCES	0-4
SKEWED CROSSING ANGLE	0-2
NUMBER OF MAIN TRACKS	0-2
ELEVATED SURFACE PROFILES	0-4
PARALLEL ROAD	0-1
TRAFFIC SIGNAL WITHIN 200 FEET	0-1
ENTRANCE / EXIT WITHIN 100 FEET	0-1
RAISED MEDIAN	0-1
TRACK CURVATURE	0-1

**PT = Passenger Trains** – Additional points are given to projects that have passenger trains, including light rail transit, traveling through the crossing based on the following:

NO. OF TRAINS	1-2	3-5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	70+
POINTS	1	2	3	4	5	6	7	8	9	10

**OF = Other Factors**- Other Factors are valued in a range from 0 to 19 points based on:

CATEGORY	POINTS
SCHOOL BUSES	0-3
PASSENGER BUSES	0-3
HAZ-MAT TRUCKS*	0-3
COMMUNITY IMPACT	0-10

\*Hazardous material trucks must display the placard with a clearly visible diamond-shaped sign to be counted for this category.

## **B. Formula For Existing Grade Separations Nominated For Alteration Or Reconstruction**

$$P = \frac{V * (T + 0.1 * LRT)}{C} + SF$$

Where:

- P** - Priority Index Number
- V** - Average 24-Hour Vehicular Volume (1 point per vehicle)
- T** - Average 24-Hour Train Volume (1 point per train)
- LRT** - Average 24-Hour Light Rail Train Volume (1 point per train)
- C** - Project Cost Share to be Allocated from Grade Separation Fund (1 point per thousand dollars)
- SF** - Separation Factor = WC + HC + SR + AS + POF + AP + DE
  - WC** - Width Clearance (up to 10 points)
  - HC** - Height Clearance (up to 10 points)
  - SR** - Speed Reduction (up to 5 points)
  - AS** - Accidents at or near structure (0.1 point per accident)
  - POF** - Probability of Failure (up to 10 points)
  - AP** - Accident Potential (up to 10 points)
  - DE** - Delay Effects (up to 10 points)

### **C = Project Cost Share to be Allocated from Grade Separation Fund**

For a project seeking multi-year funding, not to exceed five (5) years, as prescribed in Section 2454, subdivision (d), paragraph (1) of the California Streets and Highways Code (S&H Code § 2454(d)(1)), up to 20 million dollars (\$20,000,000) may be requested, an agency that has received an allocation for a project under the multi-year funding option is not eligible for another project for a 10-year period unless funds are available for allocation. In addition, the allocation for any one of those multiple years shall not exceed the amount prescribed by S&H Code § 2454(c) of five million dollars (\$5,000,000).

For a project ranked the highest on the Grade Separation Priority List, up to 15 million dollars (\$15,000,000) may be allocated as provided in S&H Code § 2454(c)(2).

For any of other project, up to five million dollars (\$5,000,000) or 80 percent (percent) of the estimated project cost, whichever is less, may be received, as provided in S&H Code § 2454(c)(1).

**WC** = Width Clearance is determined by bridge width in feet and the number of traffic lanes in existence (N):

If the Width is:	POINTS
Greater than or equal to $12(N) + 16$ feet	0
Greater than $12(N) + 12$ feet but less than $12(N) + 16$ feet	2
Greater than $12(N) + 8$ feet but less than $12(N) + 12$ feet	4
Greater than $11(N)$ but less than $12(N) + 8$ feet	6
Equal to $11(N)$	8
Less than $11(N)$	10

**HC** = Separation Height Clearance is determined by the height clearance from center of traffic lane and bridge (Underpass) or from top of rail and bridge (Overpass).

#### Underpass

Height (feet)	Points
15 feet and above	0
14 feet but less than 15 feet	4
13 feet but less than 14 feet	8
Less than 13 feet	10

#### Overpass

Height (feet)	Points
22.5 feet and above	0
20 feet but less than 22.5 feet	4
18 feet but less than 20 feet	8
Less than 18 feet	10

**SR** = Speed Reduction or Slow Order

	Points
None	0
Moderate	2
Severe	5

**AS** = Accidents at or near the structure during the last 10 years from the application due date. The total AS points is determined by dividing the total number of occurrences by 10 and rounded off to the nearest tenth of a point (86 occurrences =  $86/10 = 8.6$  points).

**POF** = Probability of Failure has a 10 point maximum taking structure age into account.

	<u>Points</u>
Minimal/None	0
Slight	2-3
Moderate	4-6
Extreme	7-10

**AP** = Accident Potential – A maximum of 10 points is given for the geometrics at the separation like: road curvature, signage, and illumination.

	<u>Points</u>
None	0
Slight	2-3
Moderate	4-6
Extreme	7-10

**DE** = Delay Effects – A maximum of 10 points is given to conditions that cause traffic delays at the separation like road bottlenecks, slow vehicle usage (trucks, agriculture equipment, lack of left or right turn lanes or other traffic congestion.

	<u>Points</u>
None	0
Slight	2-3
Moderate	4-6
Extreme	7-10

**(END OF APPENDIX 2)**

**APPENDIX 3:**  
**OII Interested Party Notice Letter**

### APPENDIX 3: OII Interested Party Notice Letter

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

#### PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



June XX, 2023

To: All Interested Parties

Re: **Establishment of the Section 190 Grade Separation Priority List for fiscal years 2024-2025 and 2025-2026 under Section 259 et seq. of the California Streets and Highways Code.**

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The Public Utilities Commission (Commission) issued an Order Instituting Investigation (OII) for establishing the Section 190 Grade Separation Priority List (Priority List) for fiscal years 2024-2025 and 2025-2026. The California Transportation Commission and the California Department of Transportation use the Priority List to allocate funds made available to the program to assist local governments in financing grade separations projects for existing at-grade crossings and grade separations in need of alteration or reconstruction.

If you wish to nominate a grade separation project for inclusion on the Priority List, you must complete and file a nomination application and participate in the Commission's OII. If you are interested, download the OII and appendices from our website at: [Proceeding Information Search](#) and search for "I.XX-XX-XXX"

The OII and appendices include an explanation and filing requirements for participating in the program, including a nomination form with instructions, and listing the criteria and formulas used to rank all nominations. All applications are due **Friday, October 20, 2023**.

I.23-06-020 ALJ/HCF/mef

For additional clarifications or comments, please contact me by email at [zaida.amaya@cpuc.ca.gov](mailto:zaida.amaya@cpuc.ca.gov), or by phone at (415) 793-8406.

Sincerely,

Zaida Amaya  
Regulatory Analyst  
Rail Crossings and Engineering Branch  
Rail Safety Division

**(END OF APPENDIX 3)**



**APPENDIX 4:**  
**Grade Separation Nomination GSN-1 Form**

**APPENDIX 4: GSN-1 FORM**

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

Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2024-2025 and 2025-2026 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.

FILED  
PUBLIC UTILITIES COMMISSION  
June XX, 2023  
SAN FRANCISCO, CALIFORNIA  
INVESTIGATION

## Nomination for Separation Of Existing At-Grade Crossing

Nomination by \_\_\_\_\_

Road/Highway	
CPUC Crossing ID No.	
DOT ID No.	
Railroad(s)	

*This packet contains the GSN-1 Form and instructions. Please carefully read the instructions before completing the form.*

**A. Nominating Party** – Please include two (2) contacts

Agency Name						
Contact Name	Title	Street Address	City	Zip Code	Telephone	E-mail
					(    )	
Alternate						
					(    )	

**B. Crossing Location and Project Type** (List all crossings for a consolidation project)

Road/Highway Name	
CPUC ID NO.	
DOT ID NO.	
City/County/ZIP Code	
Railroad(s)	
Project Type	Underpass [   ]    Overpass [   ]
Is project part of a consolidation?	Yes [   ]    No [   ]

**C. Average Daily Vehicle and Train Volumes**

Autos		Freight Trains	
School Buses		Passenger Trains	
Passenger Buses		Light Rail Trains	
Hazmat Trucks			
<b>TOTAL VEHICLE COUNT</b>		<b>TOTAL TRAIN COUNT</b>	
Date of Count(s):		Date of Count(s):	

**D. Costs and Contributions** - Please fill in the following worksheet to determine the total project costs

Right-of Way allowance	\$ _____
Preliminary Engineering	\$ _____
Construction Engineering	\$ _____
<b>Total Engineering</b>	\$ _____
Bridge Construction	\$ _____
Railroad Work	\$ _____
Highway Approaches & Connections	\$ _____
Utility Relocation	\$ _____
Contingencies	\$ _____
Removing Existing Crossing	\$ _____
<b>Total Construction Costs</b>	\$ _____
<b>TOTAL PROJECT COST</b>	\$ _____
<b>ALLOCATED SHARE FROM STATE FUND:</b>	\$ _____

Contributions:

City	\$ _____
County	\$ _____
Railroad	\$ _____
Other (specify)	\$ _____

**E. Accident History Data**

<b>Total Number of Trains vs. Vehicle and Pedestrian Accidents *</b>			
Source	Date	Killed	Injured
Source	Date	Killed	Injured
Source	Date	Killed	Injured
Source	Date	Killed	Injured

\* List all accidents separately in the 10 years period prior to the nomination due date of Friday, **October 20, 2023** (from **October 20, 2013**, to **October 20, 2023**). For each accident specify the accident date, the number of fatalities and injuries.

**F. Blocking Delay and Speed Limits**

Total Blocking Delay	Min
Number of Observed Delays	
Information Provided by:	Railroad [ ] Observation [ ]
Date Delays Verified	
Posted Vehicle Speed Limit	mph
Train Speed Limit at Crossing	mph

**G. Crossing Geometrics**

Track Skewed Angle = _____°	Is there a parallel road to the track within 200 ft? Yes [ ] No [ ]
Number of Tracks = _____	Are there traffic signals within 200 ft? Yes [ ] No [ ]
Elevated Surface Profile Direction: _____	Is there an entrance/exit within 100 ft? Yes [ ] No [ ]
Height: _____ inch Direction: _____	Is there a raised median on each approach? Yes [ ] No [ ]
Height: _____ inch	Is there curvature on the road or track? Yes [ ] No [ ]

**H. Other Information / Attachments**

Did you enclose a letter size (8 1/2" x 11") location map?	Yes [ ] No [ ]
Did you enclose an 8"x10" photo of each crossing's approach, for a total of two (2) photographs?	Yes [ ] No [ ]
Did you attach a brief Community Impact evaluation?	Yes [ ] No [ ]

**I. Declaration**

I, \_\_\_\_\_, declare under penalty of perjury that the information on this form is true and correct to the best of my knowledge. The information has been verified by me or under my supervision and is the most current information available.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Introduction:** By July 1 of each year, the California Public Utilities Commission (Commission or CPUC) is required to establish and furnish to the California Transportation Commission a priority list of railroad grade separation projects most urgently in need of separation. Nominations of grade separation projects must be submitted on the GSN-1 Form by the due date of Friday, **October 20, 2023**, as stated in the Commission's Order Instituting Investigation (OII). All nominations are reviewed and taken into consideration for the development of the Commission's Priority List. Incomplete and late-filed applications will not be processed or included in the Priority List. Please follow the instructions below to complete the application. Should you need assistance with this form, please contact Zaida Amaya at (415) 793-8406 or at [zaida.amaya@cpuc.ca.gov](mailto:zaida.amaya@cpuc.ca.gov)

## **INSTRUCTIONS**

### **A. INFORMATION ABOUT THE NOMINATING PARTY**

In the spaces provided, enter name, address, e-mail address and contact person along with contact's title and phone number. Please include two (2) contacts. If you have hired a consultant to process the nomination, please provide the consultant's company name and phone number in the "Alternate" section.

### **B. CROSSING LOCATION AND PROJECT TYPE**

Provide the CPUC and the U.S. Department of Transportation (DOT) crossing identification numbers (ID Nos.) for the project along with the street location, city, county and zip code of the crossing and the name of the railroad(s) company operating the tracks. If the project involves the construction of a new grade separation at a site where there is no existing at-grade crossing, then enter "NEW" for the CPUC and DOT ID Nos. Also specify the type of project the grade separation proposal involves with respect to train traffic. For example, if a bridge is to be built where the roadway goes over the tracks, the project is an "OVERPASS." If a bridge is to be built where roadway goes underneath the tracks, then the project is an "UNDERPASS."

*NOTE: If your project involves more than one (1) crossing, list each crossing separately in part B of the GSN-1 form and answer "Yes" to the Consolidation question under Project Type.*

### **C. AVERAGE DAILY VOLUME**

For all categories specified in this section, provide the vehicle and train count of a typical day. In the "AUTOS" category, specify the total number of vehicles flowing through the crossing that are not specified in the other categories. For example: all automobiles, pick-up trucks, vans, etc.; should be counted in the "AUTOS" category. Count school buses, passenger buses, and hazardous-material trucks separately.

For the train counts specify the total number of trains that use the crossing into three (3) categories: Freight Trains (e.g., Union Pacific Railroad, BNSF Railway, California Short Line Railroad), Passenger Trains (e.g., National Railroad Passenger Corporation (Amtrak), Southern California Regional Rail Authority (Metrolink), Caltrain), and Light Rail Trains (e.g., San Diego Trolley, Santa Clara Valley Transportation Authority).

Include the date when the count(s) was (were) taken. This date should be within the last year of filing the application. If a later dated vehicle count is used, then specify in the affidavit that the vehicle count is an accurate representation of current traffic flow.

### **D. COSTS AND CONTRIBUTIONS**

Complete the work sheet to determine the total project costs. Also enter the amount of the costs that are expected from the sources specified on the GSN-1 form. Indicate the amount sought from the Section 190 Grade Separation Program fund, not to exceed the maximum possible.

### **E. ACCIDENT HISTORY DATA**

Provide the total number of train versus vehicle and pedestrian accidents that have occurred at the crossing(s) in the 10 years period prior to the nomination due date (from **October 20, 2013** to **October 20, 2023**). Pedestrian collisions with the train will be considered at the crossing, excluding all suicides. Attach a copy of the law enforcement report for all accidents to the original GSN-1 Form that is not found on the Federal Railroad Administration website:

<http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>. For each accident, specify the location (if more than one (1) crossing is involved with the

project), accident date, the number of fatalities, the number of injuries, and the data source.

**F. BLOCKING DELAY AND SPEED LIMITS**

The blocking delay is the time, in minutes (min), from when the crossing signals are active until the train clears the crossing and the warning signals stop flashing. In this section, specify the requested blocking delay information for a typical day. For example: Three (3) trains use the crossing on a daily basis. The blocking delay is 5 min for the first train, 3.5 min for the second, and 7.75 min for the third train. The total blocking delay is the sum of each delay for a total of 16.25 min.

**VEHICULAR & TRAIN SPEED LIMIT:** Specify the posted vehicular speed limit in direction of traffic flow that passes through crossing. If no signs are posted then assume 35 miles per hour (mph) as the vehicular speed limit in urban areas, for rural areas 55 mph. Also specify the train speed limit at the crossing.

**G. CROSSING GEOMETRICS:**

Provide the information requested about the physical attributes of existing crossing using the following guidelines:

**TRACK SKEWED ANGLE:** The skewed angle is the angle measurement, in degrees ( $^{\circ}$ ), from the tracks to the perpendicular of the roadway. Measure the angle using the vertex at the intersection between the curb or edge of roadway and the railroad track. Use the curb or edge of the roadway as an axis and measure the angle to the rail edge nearest to the curb. The track skewed angle is the absolute value of  $90^{\circ}$  less the measured angle (i.e.  $|90^{\circ} - \text{measured angle}|$ ).

**NUMBER OF TRACKS:** Specify the total number of tracks at the existing crossing.

**ELEVATED SURFACE PROFILE:** The elevated surface profile is the change in height from the top of the nearest rail track to the top of the roadway 30 feet (ft) from the tracks. The measurement should be in inches and the direction in which traffic is flowing should be specified as “N” for North, “S” for South, “E” for East and “W” for West.

**PARALLEL ROAD TO TRACKS WITHIN 200 ft:** Is there an adjacent road running parallel to the track(s)? Mark “Yes” if there is a parallel road, or “No” if there is not.



**TRAFFIC SIGNALS WITHIN 200 ft:** Are there any traffic signals within 200 ft of crossing? (not the active warning devices at the crossing). Mark “Yes” if there is a traffic signal, or “No” if not.

**ENTRANCE / EXIT WITHIN 100 ft:** Is there a driveway entrance or exit within 100 ft from crossing? Mark “Yes” if there is a driveway entrance or exit, or “No” if there is not.

**RAISED MEDIAN:** Is there a raised median on each approach of the crossing? Mark “Yes” if there is a raised median, or “No” if there is not.

**CURVATURE OF ROAD OR TRACK:** Is the road and/or track curvature sufficient to impair visibility by vehicular traffic? If highway/roadway visibility is hindered, mark “Yes”. If curvature does not interfere with visibility mark “No”.

#### **H. ATTACHMENTS**

Attach an 8 ½” x 11” location map and two (2) 8” x 10” photographs of the crossing location, one (1) from each approach, showing the entire crossing and pertinent crossing geometrics at least 100 ft back. Also attach a brief explanation of the community impact including its justification, how it meets transportation planning goals, the potential for emergency vehicle blockage if the crossing is near a hospital, or if the path over the crossing is classified as an emergency vehicle route, is it a school bus or passenger bus route, location of nearby fire/police station(s), is the crossing part of a designated hazardous material carrier route, a major arterial route; classification as a state highway/route, or describe if no grade-separation crossings are in the city/area.

#### **I. DECLARATION**

Please complete the declaration with the information requested and sign.

**(END OF APPENDIX 4)**

**APPENDIX 5:**  
**Grade Separation Nomination GSN-2 Form**

**APPENDIX 5: GSN-2 Form**

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

Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2024-2025 and 2025-2026 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.

FILED  
PUBLIC UTILITIES COMMISSION  
June XX, 2023  
SAN FRANCISCO, CALIFORNIA  
INVESTIGATION

## Nomination for Alteration or Reconstruction of Existing Grade-Separated Crossing

Nomination by \_\_\_\_\_

Road/Highway	
CPUC Crossing ID No.	
DOT ID No.	
Railroad(s)	

*This packet contains the GSN-2 Form and instructions. Please carefully read the instructions before completing the form.*

**A. Nominating Party** – Please include two (2) contacts

Agency Name						
Contact Name	Title	Street Address	City	Zip Code	Telephone	E-mail
					( )	
Alternate						
					( )	

**B. Crossing Location and Project Type** (List all crossings for a consolidation project)

Road/Highway Name	
CPUC ID NO.	
DOT ID NO.	
City / County / ZIP Code	
Railroad(s)	
Project Type	Underpass [ ] Overpass [ ]
Is project part of a consolidation?	Yes [ ] No [ ]

**C. Clearances**

Horizontal Width	ft
Height Clearance	ft
<b>Number of Lanes</b>	
Separation Type	Underpass [ ] Overpass [ ]

**D. Speed Reduction or Slow Order**

Vehicle Speed Reduction	Mph
Railroad Slow Order	Mph
Is there a center divider?	Yes [ ] No [ ]

**E. Average Daily Vehicle & Train Volumes**

Transportation Mode	COUNT	COUNT DATE
Total Number of Vehicles		
Total Number of Trains		
Freight Trains		
Passenger Trains		
Light Rail Trains		

**F. Accident History Data**

Total Number Accidents *			
Source	Date	Killed	Injured
Source	Date	Killed	Injured
Source	Date	Killed	Injured
Source	Date	Killed	Injured

\* List all accidents in the 10 years period prior to the nomination due date (from **October 20, 2013** to **October 20, 2023**), separately. For each accident specify the accident date, the number of fatalities and injuries.

**G. Costs and Contributions**

Please fill in the following worksheet to determine the total project costs.

Right-of Way allowance.....	\$	_____
Preliminary Engineering.....	\$	_____
Construction Engineering.....	\$	_____
<b>Total Engineering.....</b>	<b>\$</b>	<b>_____</b>
Bridge Construction.....	\$	_____
Railroad Work.....	\$	_____
Highway Approaches & Connections...	\$	_____
Utility Relocation.....	\$	_____
Contingencies.....	\$	_____
Removing Existing Crossing.....	\$	_____
<b>Total Construction Costs.....</b>	<b>\$</b>	<b>_____</b>
<b>TOTAL PROJECT COSTS:</b>	<b>\$</b>	<b>_____</b>
<b>ALLOCATED SHARE FROM STATE FUND:</b>	<b>\$</b>	<b>_____</b>

## Contributions:

City	\$
County	\$
Railroad	\$
Other (specify)	\$

**H. Probability of Failure**

Specify the date that the structure was built?	
When was structure last evaluated? *	
Has the structure been retrofitted to current standards for seismic safety or other improvements? ** If so, indicate completion date of retrofit work.	Yes [ ]    No [ ]

\* Please attach a copy of the evaluation results with recommendations for corrective action(s).

\*\* Please attach a summary of work performed and completion date(s).

**I. Attachments**

Did you enclose a letter size (8 ½" x 11") location map?	Yes [ ]    No [ ]
Did you enclose an 8"x 10" photo of each crossing's approach, for a total of two (2) photographs?	Yes [ ]    No [ ]

**J. Declaration**

I, \_\_\_\_\_, declare under penalty of perjury that the information on this form is true and correct to the best of my knowledge. The information has been verified by me or under my supervision and is the most current information available.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Introduction:** By July 1 of each year, the California Public Utilities Commission (Commission or CPUC) is required to establish and furnish to the California Transportation Commission a priority list of railroad grade separation projects most urgently in need of separation. Nominations for alteration or reconstruction of existing separation projects must be submitted on the GSN-2 Form by the due date of **October 20, 2023**, as stated in the Commission's Order Instituting Investigation (OII). **All nominations** are reviewed and taken into consideration for the development of the Commission's Priority List. Incomplete and late-filed applications will not be processed or included in the Priority List. Please follow the instructions below to complete the application. Should you need assistance with this form please contact Zaida Amaya at (415) 793-8406 or at [zaida.amaya@cpuc.ca.gov](mailto:zaida.amaya@cpuc.ca.gov)

**INSTRUCTIONS:**

**A. INFORMATION ABOUT THE NOMINATING PARTY**

In the spaces provided, enter name, address, e-mail address and contact person along with contact's title and phone number. Please include two (2) contacts. In the "Alternate" section, list consultant information if they are processing the nomination.

**B. CROSSING LOCATION AND PROJECT TYPE**

Provide the CPUC and the U.S. Department of Transportation crossing identification numbers (ID Nos.) for the existing structure along with the street location, nearest cross street, city, county and the railroad track owner. Please specify if the project is an alteration or reconstruction.

**C. CLEARANCES**

Provide the information requested about the physical attributes of existing separation. The Horizontal Width should be measured between the edge of roadway/curb to the opposite edge of roadway/curb in feet (ft). For the Height Clearance, measure from the top of rail to bottom of structure, or measure from the center of the roadway to bottom of structure. Also specify if the structure is an Overpass or Underpass. If a bridge structure is built where the roadway goes over the tracks, the structure is an "OVERPASS." If a bridge structure is built where roadway goes underneath the tracks, then the structure is an "UNDERPASS."

**D. SPEED REDUCTION AND/OR SLOW ORDER**

Quantitatively identify any vehicular speed reduction that may be due to the presence of the bridge structure. For example, speed over the structure being reduced from 60 miles per hour (mph) to 30 mph. Information regarding a railroad slow order, such as a local speed restriction on a rail line set below the normal speed limit of the tracks, may be obtained from the railroad company (see Appendix 7 for List of Railroads).

**E. AVERAGE DAILY VEHICLE & TRAIN VOLUMES**

Provide an average 24-hour day count of vehicles and trains and enter the date when count was taken. The count should be completed by the filing due date and should not be more than one (1) year old. If a current count is not available, provide the information along with the date of the most current count. Do not estimate the data.

**F. ACCIDENT HISTORY DATA**

Provide a count of the total number of accidents that may be attributed to the presence of the grade separation structure. Include a copy of the data and source(s).

**G. COSTS AND CONTRIBUTIONS**

Complete the worksheet to determine the total project costs. Also enter the amount of the total costs expected from the sources on the GSN-2 Form. Indicate the amount sought from the Section 190 Grade Separation Program fund, not to exceed the maximum possible.

**H. PROBABILITY OF FAILURE DATA**

Please specify the date the structure was constructed and the date the structure was last evaluated for probability of failure. Attach a copy of the evaluation with recommendations for corrective action(s) to the original GSN-2 Form. If retrofitting work is in progress or has been completed, attach a summary of work completed and the completion dates. Also specify if other work is being planned for completion prior to the nomination due date of **October 20, 2023**.

**(END OF APPENDIX 5)**



## **APPENDIX 6:**

### **Instructions for Submitting Supporting Documents**

## Supporting Documents

Pursuant to the Commission's Rules of Practice 13.7 (f) - Exhibits shall be submitted as "supporting documents" using the Electronic Filing System on the Commission's website at <http://www.cpuc.ca.gov/PUC/efiling>

**NOTE:** Make sure all of your documents are in PDF/A format before you upload, otherwise your documents will be rejected.

1. Login to [Efile](#) and type your email address and Login

Electronic filing lets you send documents to the CPUC where they will be processed and included with other pleadings in formal proceedings. In three steps you will create a cover sheet, attach documents, and submit them to the CPUC. You will get an instant receipt when your document package has been received at the CPUC. [Click here to view the Efile Quick Start Guide.](#)

To get started, you'll need the following:

- All the documents you want to file saved in PDF/A format. For more information about the PDF/A format, please see [Prepare Your Documents in PDF/A format](#).

Please Log In

Email

Password

[Log In](#)

Now users must register [Register Me](#)

Additional services for registered users  
In order to update your personal data, please enter your email address at left.  
[Edit My Personal Data](#)

Your page ID for tech support: 82511.687

4.0.260 2/1/22

- 1a. If new user, please register first, and fill in the necessary personal registration data.

**CALIFORNIA PUBLIC UTILITIES COMMISSION**  
**ELECTRONIC FILING**

1 Filer's Information 2 Cover Sheet 3 Attachments 4 Delivery Filing History Supporting Documents Help

Electronic filing lets you send documents to the CPUC where they will be processed and included with other pleadings in formal proceedings.  
In three steps you will create a cover sheet, attach documents, and send them to the CPUC.  
You will get an instant receipt when your document package has been received at the CPUC. [Click here to view the eFile Quick Start Guide](#)

To get started, you'll need the following:

- All the documents you want to file saved in PDF/A format. For more information about the PDF/A format, please see [Prepare Your Documents in PDF-A Format](#)

**Please Log In**

Email

Password is no longer required

**New users must register**

[Additional guidance for registered users](#)

In order to update your personal data, please enter your email address at left.

Your page ID for tech-support: 33904.8021 4.0.269-3/1/02

To submit testimony and workpapers in an existing proceeding, click the **Supporting Documents** tab\*.

1. Select the **Supporting Documents** Tab (located on the far right corner)
2. In section A, enter the proceeding number and confirm that the description is the correct one for your submittal.
3. In section B , select the party on whose behalf you are filing, and click Add. If your City or Agency is not listed as a Party in the list or parties, please contact Zaida Amaya ([zaida.amaya@cpuc.ca.gov](mailto:zaida.amaya@cpuc.ca.gov)) for additional instructions.
4. In section C, click the **Attach Documents** (Include Proceeding Number in the Title of your filing application ie. *I-23-XX-XXX– City of XXXXXXXXX – GSN-1 or GSN-2 Street Name Nomination FYs 2024-2026*). If you have multiple documents, you can select multiple documents at once).

All of your documents must be in PDF/A format. As you submit your documents, they will be validated for PDF/A compatibility. If there are problems, you will be notified and directed to further assistance.

Use this tab only if you wish submit electronic copies of testimony, work papers or workshop reports. For more information click [here](#).  
All of your documents must be in PDF/A format. As you submit your documents, they will be validated for PDF/A compatibility. If there are problems, you will be notified and directed to further assistance.

Enter the proceeding number: I-23-06-018

CPUC - OH TO ESTABLISH A PRIORITY LIST FOR THE FISCAL YEARS 2022-2023 AND 2023-2024 OF EXISTING AT-GRADE RAIL CROSSINGS OF CITY STREETS, COUNTY ROADS, AND STATE HIGHWAYS IN NEED OF SEPARATION  
Not correct?

Select one or more from the 58 parties on whose behalf you are filing.

Parties:

- COUNTY OF SAN BERNARDINO
- DOUGLAS ENGINEERING, INC.
- DOUGLAS ENGINEERING, INC.
- DOUGLAS ENGINEERING, INC.
- LEWIS-KOSKINEN, ALEX
- LOS ANGELES COUNTY PUBLIC WORKS
- MADERA COUNTY ROAD DEPARTMENT
- MONTCLAIR DEPARTMENT OF PUBLIC WORKS

Selected Parties:

Ko, Felix

Add

Remove


Add the documents you want to file. [Attach other public Documents](#)

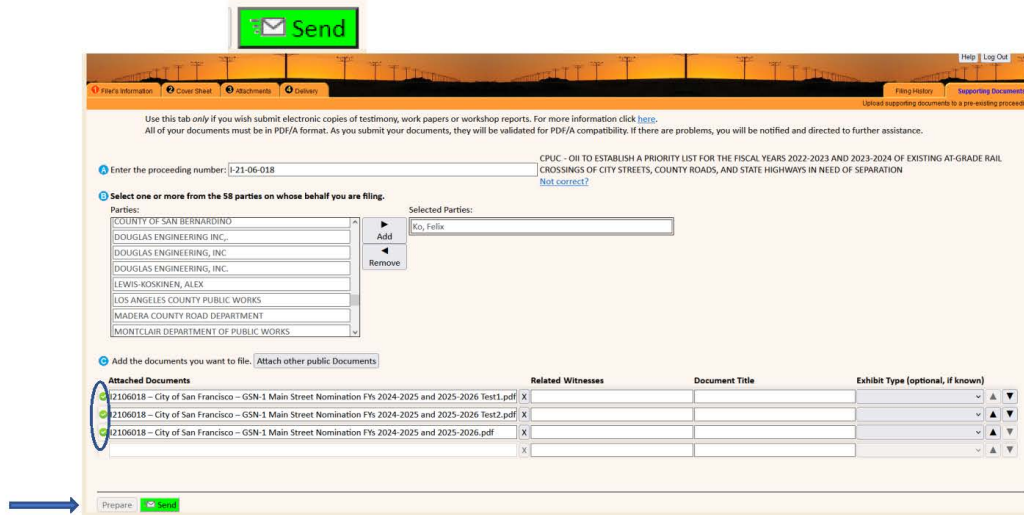
Attached Documents	Related Witnesses	Document Title	Exhibit Type (optional, if known)
I2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026 Test1.pdf	X		
I2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026 Test2.pdf	X		
I2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026.pdf	X		

Prepare

5. To finish, click **Prepare** to validate your documents for PDF-A

Prepare

6. After your documents have been validated, you will see a check mark  next to your documents, click **Send** to submit your documents to the CPUC. A filing receipt will be generated.



Use this tab only if you wish submit electronic copies of testimony, work papers or workshop reports. For more information click [here](#).  
All of your documents must be in PDF/A format. As you submit your documents, they will be validated for PDF/A compatibility. If there are problems, you will be notified and directed to further assistance.

Enter the proceeding number:  CPUC - OH TO ESTABLISH A PRIORITY LIST FOR THE FISCAL YEARS 2022-2023 AND 2023-2024 OF EXISTING AT-GRADE RAIL CROSSINGS OF CITY STREETS, COUNTY ROADS, AND STATE HIGHWAYS IN NEED OF SEPARATION  
[Not correct?](#)

Select one or more from the 58 parties on whose behalf you are filing.

Parties:


- COUNTY OF SAN BERNARDINO
- DOUGLAS ENGINEERING, INC.
- DOUGLAS ENGINEERING, INC.
- DOUGLAS ENGINEERING, INC.
- LEWIS-KOSKINEN, ALEX
- LOS ANGELES COUNTY PUBLIC WORKS
- MADERA COUNTY ROAD DEPARTMENT
- MONTCLAIR DEPARTMENT OF PUBLIC WORKS

Selected Parties:

- Ko, Felix

Add the documents you want to file. [Attach other public Documents](#)

Attached Documents	Related Witnesses	Document Title	Exhibit Type (optional, if known)
2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026 Test1.pdf	X		
2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026 Test2.pdf	X		
2106018 - City of San Francisco - GSN-1 Main Street Nomination FYs 2024-2025 and 2025-2026.pdf	X		

Prepare 

**NOTE:** Make sure all of your documents are in PDF/A format before you upload, otherwise your documents will be rejected

- Where do I access the exhibits once they've been uploaded/published ?

<https://docs.cpuc.ca.gov/EFileSearchForm.aspx>

To view the submitted supporting documents, use the CPUC documents page.

Enter the proceeding number

From the drop down menu Document type should be 'Supporting Document'

<http://www.cpuc.ca.gov/documents/>

- DO NOT upload confidential information to the supporting documents tab. This should only be used for public exhibits. Any confidential information should be redacted from the document before it is uploaded.
- Who processes these documents and where do they go afterward?
  - Efile administrators processes the documents.

- Once they are published they are maintained in the Commission's internal database called Content Server.
- Members of the public can access links through the Commission's website (see Where do I access exhibits once they have uploaded/published)

Please note – Exhibits tendered to the supporting documents e-file tab DOES NOT mean that the exhibits have been accepted into the evidentiary record of the proceeding. The exhibits will only be accepted into the record via official action of the Commission such as an Administrative Law Judge Oral Ruling during an evidentiary hearing, formal ruling or other official Commission action.

**(END OF APPENDIX 6)**

## **APPENDIX 7: List of Railroads**

**APPENDIX 7: List of Railroads****LIST OF RAILROADS in ALPHABETICAL ORDER**

Alameda Belt Line (Owned by UP and BNSF)	Alameda Corridor Transportation Authority
Almanor Railroad Company	Altamont Commuter Express
Amador Foothills Railroad Company	Americana at Brand Trolley
Arizona And California Railroad Company	Bakersfield and Kern Electric Railway
Bay Area Electric Railroad Association, Inc.	Bay Area Rapid Transit District
Bay Point and Clayton Railroad Company	BNSF Railway Company
Buckport & Elk River Railway Company	California Central Railroad Company
California Northern / SPT	California Shasta and Eastern Railway Company
California State Railway Museum	California Street Cable Railroad Company
California Western Railroad, Inc.	Camino, Placerville and Lake Tahoe Railroad Company
Cement, Tolenas & Tidewater Railroad Company	Central California Traction Company (Owned by UP and BNSF)
Central Oregon & Pacific Railroad	Coal Fields Railway
Death Valley Railroad Company	Delta Finance Company
Diamond & Caldor Railway	Eureka Southern Railroad Company, Inc.
Eureka Southern Railroad, Inc.	Fillmore & Western Railroad
Fresno Traction Company	Glendale and Montrose Railway
Golden Gate Bridge Highway & Transportation District	Harbor Belt Line Railroad (OBSOLETE 2003)
Hobart Southern Railroad Company	Holton Inter-Urban Railway Company (Part of UP)
Howard Terminal Railway (Part of Port Of Oakland RR)	Humboldt Northern Railway Company
Indian Valley Railroad Company	Key System Company Ltd.
Kings Lakeshore Railroad Company	Lake County Railroad Company, formerly Great Western Railway
Los Angeles County Metropolitan Transportation Authority	Los Angeles Junction Railway Company
Los Angeles Railway Company	Market Street Railway Company
McCloud Railway	McCloud River Railroad Company (OBSOLETE)



Metropolitan Transit Development Board (San Diego)	Minarets & Western Railroad
Modesto & Empire Traction Co.	Mt. Tamalpais & Muir Woods Railway
Napa Valley Railroad Company (Wine Train)	National Railroad Passenger Corporation (Amtrak)
Nevada California Oregon Railway	Nevada County Narrow Gauge Railway Company
North (San Diego) County Transit Development Board	North Coast Railroad
Northern California Railroad Company	Northwestern Pacific Railroad (Part of UP)
Orange County Transportation Authority	Orange Empire Railway Museum
Outer Harbor Terminal Railway	Pacific Coast Railway
Pacific Electric Railway	Pacific Harbor Lines
Pajaro Valley Consolidated Railway Company	Parr Terminal Railroad (associated with Richmond Pacific RR)
Peninsula Corridor Joint Powers Board (Caltrain)	Peninsular Railway Company
Petaluma and Santa Rosa Railroad Company	PGE Sacramento Street Railway
Port of Long Beach	Port of Los Angeles
Port of Oakland Railway	Port of Stockton
Port Railroad	Quincy Railroad Company
Richmond Belt Railway	Sacramento Northern Railway (Part of UPRR)
Sacramento Regional Transit District	Sacramento Valley & Eastern Railway
Sacramento-Yolo Port District Belt Railroad	San Diego & Arizona (Pacific SW Railway Museum)
San Diego & Arizona Eastern Railway Co.-San Diego Trolley	San Diego and Imperial Valley Railroad Company
San Diego Electric Railway Company	San Francisco and Napa Valley Railroad Company
San Francisco Belt Railroad	San Francisco Municipal Railway
San Joaquin & Eastern Railroad Company	San Joaquin Valley Railroad
San Jose Railroads	Santa Barbara and Suburban Railway Company
Santa Clara County Valley Transportation Authority	Santa Cruz, Big Trees & Pacific Railway Company
Santa Maria Valley Railroad Company	Sierra Railroad Company
Sierra Railroad Company of California	South San Francisco Belt Railroad
South San Francisco Railroad and Power Company	Southern California Regional Rail Agency (Metrolink)
Stockton Electric Railroad Company	Stockton Public Belt Railroad

Stockton Terminal & Eastern Railroad	Sunset Railway Company (SJVR operates, owners UP/BNSF)
The Arcata and Mad River Railroad Company	The Burlington Northern Santa Fe Railroad Company
The Niles Canyon Railway (Pacific Locomotive Assn.)	The Oakland Terminal Railway (Owned by UP/BNSF)
Tidewater and Southern Railway Company (Part of UP)	Tonopah and Tidewater Railway Company
Trona Railway Company	Tulare Valley Railroad Company
U.S. Navy	Union Pacific Railroad Company
Union Pacific Railroad Company (prev. Western Pacific/WPRC)	Ventura County Railroad (prev. Ventura County Railway Comp.)
Visalia Electric Railway (Part Of SP, Abandoned)	West Isle, Inc. / Western Farm Service
Yolo Shortline Railroad Company	Yosemite Valley Railway
Yreka Western Railroad Company	

**(END OF APPENDIX 7)**