

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES FOR ALTERING PUBLIC HIGHWAY-RAIL CROSSINGS ADOPTED January 8, 2004. EFFECTIVE February 16, 2004.

**Original GO 88 Adopted February 23, 1932, Effective March 15, 1932
(Case No. 3145, Decision No. 24505)**

**GO 88-A Replaced GO 88, Effective February 14, 1973 (Resolution No. ET-1180)
GO 88-A Modified February 2, 1983 (Resolution No. ET-1313)
GO 88-A Modified January 20, 2000 (Resolution SX-27)
GO 88-A Modified April 6, 2000 (Resolution SX-31)**

1. PURPOSE

The purpose of these regulations is to establish criteria for alteration of existing public highway-rail crossings.

2. SCOPE

The following highway-rail crossing alteration projects shall be governed by these rules:

- 2.1 Grade crossing widening within the existing street right-of-way.
- 2.2 Approach grade changes.
- 2.3 Track elevation changes.
- 2.4 Roadway realignment that is functionality related to the existing crossing and can be achieved within the existing or a contiguous right-of-way.
- 2.5 Addition of one track within the existing railroad right-of-way.
- 2.6 Change in the type or addition of an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduction of hours during which any such protection is maintained, or other minor alterations.
- 2.7 Alterations or reconstruction of an existing grade-separated crossing, where exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources (PR) Code Section 21080.13.
- 2.8 Construction of a grade-separation that eliminates an existing at-grade highway-rail crossing, where exempt from CEQA pursuant to PR Code Section 21080.13

3. CRITERIA

- 3.1 The public agencies having jurisdiction over the roadway involved and the railroad corporation shall be in agreement as to the public necessity for altering the existing highway-rail crossing.
- 3.2 The proposed alteration(s) shall comply with all applicable Commission General Orders.

4. NOTICE AND AUTHORIZATION

Notice of the proposed alteration and a request for authority shall be served on the Commission staff at least 45 days before the date the alteration is planned to start. The

staff shall review the request covering the alteration and within 45 days from the date of receipt indicate to the party desiring the change its position.

5. FORMS AND CONTENTS OF REQUEST

Requests shall be made by letter and include the following information:

- 5.1 The Commission's assigned crossing number and the U. S. Department of Transportation number for the crossing proposed to be altered.
- 5.2 A statement describing the proposed alteration(s).
- 5.3 A statement showing the public benefit to be achieved by the proposed alteration(s).
- 5.4 A statement showing why a separation of grades is not practicable under the circumstances.
- 5.5 A statement indicating the existing and proposed railroad warning devices at the crossing.
- 5.6 A map of the immediate vicinity of the crossing proposed to be altered on a scale of 50 to 200 feet per inch showing the location of streets and roads, property lines, tracks, buildings, other obstructions to the view of the crossing, and the present width of the approaches and the roadway at the crossing.
- 5.7 A profile showing the present and proposed grade lines of both the railroad and the highway.
- 5.8 Evidence of agreement between the parties relative to the proposed alteration(s).
- 5.9 A general statement indicating the temporary traffic controls and type(s) of warning devices to be provided, if any, during the period of construction of the proposed alteration. The temporary traffic controls shall be in compliance with Section 8A.05, Temporary Traffic Control Zones, of the Manual on Uniform Traffic Control Devices, U.S. Department of Transportation, as amended.
- 5.10 Where the alteration of the crossing is of a minor nature, such as a change in elevation of eight inches or less, or a total widening of six feet or less and no additional warning devices or changes in existing warning devices are proposed, Items 5.3, 5.4, 5.5, 5.6 and 5.7 may be omitted from the request.
- 5.11 Where the alteration, reconstruction, or construction is related to a grade-separated highway-rail crossing, Items 5.4 and 5.5 may be omitted. However, the plans submitted must also show the vertical and horizontal clearances of bridge structures over tracks where applicable.
- 5.12 For projects involving the alteration or reconstruction of an existing grade-separated crossing or the construction of a grade-separation that eliminates an existing at-grade crossing, the party desiring the change must provide either (a) a copy of a Notice of Exemption from CEQA requirements filed with the appropriate governmental agency, or (b) other factual evidence that the crossing is exempt pursuant to PR § 21080.13.

6. APPLICATION REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT

Where the parties, including the Commission staff, are not in agreement as to the necessity for or extent of the alteration or apportionment of cost of a proposed change in an existing highway-rail crossing, or the proposed alteration is beyond the scope of this General Order, the party desiring the change shall apply to the Commission for authority to make the alteration. The application shall comply with the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20).

7. RESPONSIBILITY FOR CONSTRUCTION

For projects altering existing at-grade highway-rail crossings, all work between the rails of a railroad and within two feet outside of the rails shall be performed under the supervision of the railroad. The railroad shall be responsible for the physical construction of additional warning devices or any changes in the existing warning devices at the crossing. This section shall not be construed as an apportionment of the cost of such work.

8. APPLICATION MUST BE MADE FOR NEW CROSSING

Nothing contained herein shall be construed as authorizing the construction of a new crossing of a railroad across a public street or highway at-grade, the construction of a public street or highway at-grade across the tracks of a railroad corporation, the construction of a new grade-separated crossing of a railroad across a public street or highway that does not eliminate an existing at-grade crossing, or the construction of a new grade-separated crossing of a public street or highway across the tracks of a railroad corporation that does not eliminate an existing at-grade crossing.

Dated January 8, 2004, at San Francisco, California.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By WILLIAM AHERN
Executive Director