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Pg 323
CITY COUNCIL MEETING

NOVEMBER 3, 1982

COMMUNICATIONS
CITY CLERK

City Clerk Reimche presented an Order Instituting Investigation for the purpose of establishing a list for the fiscal year 1983-84 of existing and proposed crossings at grade of city streets, county roads or state highways most urgently in need of separation, or projects effecting the elimination of grade crossings by removal or relocation of tracks, or existing separations in need of alteration or reconstruction as contemplated by Sections 2452 of the Streets and Highways Code.

PUC ORDER
INSTITUTING
INVESTIGATION

T/ASC/AFM/WPSC

RECEIVED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALICE M. REINHE
CITY OF LODI

Investigation for the purpose of)
establishing a list for the)
fiscal year 1983-84 of existing)
and proposed crossings at grade)
of city streets, county roads or)
state highways most urgently in)
need of separation, or projects)
effecting the elimination of)
grade crossings by removal or)
relocation of streets or rail-)
road tracks, or existing)
separations in need of alteration)
or reconstruction as contemplated)
by Section 2452 of the Streets)
and Highways Code.)

FILED
PUBLIC UTILITIES COMMISSION

OCT 20 1982

SAN FRANCISCO OFFICE

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ORDER INSTITUTING INVESTIGATION

By July 1 of each year, the California Public Utilities Commission is required to establish and furnish to the California Transportation Commission a priority list of those railroad grade separation projects, including the elimination of existing or proposed grade crossings; the elimination of grade crossings by removal or relocation of streets or railroad tracks; and the alteration or reconstruction of existing grade separations most urgently in need of separation or alteration. The list, based on criteria established by the Commission, includes projects on city streets, county roads, and State highways which are not freeways as defined in Section 257 of the Streets and Highways Code.

The Commission will consider projects nominated by cities, counties, cities and counties, the California Department of Transportation, and the various railroad companies operating within the State for inclusion on the 1983-84 Grade Separation Priority List. The criteria which the Commission staff proposes to use in evaluating each nominated project are similar to those found in Decision 82-06-053.

IT IS ORDERED that an investigation on the Commission's own motion is instituted for the purpose of establishing a new priority list for fiscal year 1983-84, of existing or proposed railroad grade crossings of public streets, roads, or highways most urgently in need of separation; projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks; and existing separation structures most urgently in need of alteration or reconstruction as contemplated by Section 2452 of the Streets and Highways Code.

Public hearings in the investigation shall be held before Commissioner Grimes and/or Administrative Law Judge William Pilling, commencing at 9:30 a.m. on April 5 and may continue on April 6, 1983, in the courtroom of the Commission, State Building, 350 McAllister St., San Francisco, and commencing at 9:30 a.m. on April 12 and may continue on April 13, 1983, in the courtroom of the Commission, State Building, 107 South Broadway, Los Angeles.

Each nomination shall include the following data:

1. A statement indicating the need for the project.
2. A statement indicating that the nominating agency can or cannot complete the pre-allocation requirements, as set forth in Section 2456 of the Streets and Highways Code, prior to April 2, 1984.
3. A location map of the project, on paper 8-1/2 inches by 11 inches in size (scale 1" = 500 +), showing existing streets, highways, and railroads. The proposed alignment of the grade separation shall also be shown.
4. Two photographs (minimum size, 3-1/2 inches by 5 inches) of the crossing, one from each direction of approach.
5. A statement indicating the type of project.
 - 5.1. For existing or proposed crossings nominated for separation or elimination, a completed Nomination Form GSN-1 (Revised 9-82) as shown in Appendix 3.
 - 5.2. For proposed crossing projects, a discussion of the physical practicability and feasibility of constructing an at-grade crossing in the general area of the proposed separation. No discussion of economic feasibility is required, only a description of the physical features in the surrounding terrain which would allow the construction of an at-grade crossing. If sufficient

evidence is not presented that construction of an at-grade crossing is practical and feasible, the project will be excluded from the list.

5.3. For existing grade separations nominated for alteration or reconstruction, a completed Nomination Form GSN-2 (Revised 9-82) as shown in Appendix 4. A description of the existing and proposed separation structures, including acute structural deficiencies, shall be included with the nomination.

Instructions for collecting the required data and completing the Grade Separation Nomination Forms GSN-1 and GSN-2 are included in Appendix 5.

Agencies nominating projects shall file, with their nomination, prepared testimony which fully supports the nomination. Nominating agencies shall promptly furnish a copy of their nomination and prepared testimony to any party making a written request to the nominating agency. The use of prepared testimony is ordered to reduce extensive hearing time and expedite this proceeding to the benefit of all concerned.

All nominations and their data shall be verified by the nominating party. Verification may be made before a notary public or by certification or declaration under penalty of perjury.

In addition to submitting the Grade Separation Nomination Form, each party, or its representative, nominating a crossing for inclusion in the Grade Separation Priority List, is required to appear in person at either the San Francisco or Los Angeles hearings to present evidence concerning its nomination. Appearance schedules will be published after all nominations have been received. Appearances will be limited to one witness per project. All information relating to the urgency of the project shall be filed with the nomination in affidavit form.

Section 2454 (g) of the Streets and Highways Code has been amended, effective January 1, 1981, to read:

"(g) Notwithstanding the provisions of Subdivisions (a) to (f), inclusive, the total of such allocations for a single project shall not exceed five million dollars (\$5,000,000) without specific legislative authorization, except that the amount for a single project may be increased to either (1) an amount that includes the federal construction cost index increase each year since 1976, or (2) an amount which does not exceed one-third of the total funds appropriated for grade separation projects for the year of allocation, whichever amount is less, as determined each year by the Public Utilities Commission."

Agencies anticipating the need for an allocation greater than \$5,000,000 should be prepared to present evidence at the Grade Separation hearings to justify the additional award.

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Failure to supply all of the requested information or to appear before the Commission will constitute grounds for exclusion of a project from the 1983-84 Grade Separation Priority List.

Dated OCT 20 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
Commissioners

Commissioner Priscilla C. Grew,
being necessarily absent, did
not participate

GRADE SEPARATION

TITLE 21
(Register 77, No. 7--2-12-77)

SUBCHAPTER 13, GRADE SEPARATION PROJECTS--APPLICATIONS FOR
ALLOCATIONS OR SUPPLEMENTAL ALLOCATIONS

Article 1. Purpose and Authority

1550. Purpose and Intent. The regulations contained in this chapter are intended to provide the rules for filing of applications with the State of California, Department of Transportation, pursuant to Sections 2456 and 2457 of the Streets and Highways Code of the State of California for grade separation fund allocations by the State of California Highway Commission in accordance with Section 2450 et seq. of the Streets and Highways Code and for supplemental allocations pursuant to Section 2459 of the Streets and Highways Code.

Note: Authority cited for Subchapter 13: Section 2450 et seq., Streets and Highways Code.

History: 1. New Subchapter 13 (Sections 1550-1559) filed 2-9-77; effective thirtieth day thereafter (Register 77, No. 7).

1551. Authority. The authority of the State of California, Department of Transportation, to promulgate rules and regulations for this purpose is Section 2456 of the Streets and Highways Code of the State of California, as interpreted in the case of City of San Marcos v. California Highway Commission, Department of Transportation, et al., 60 Cal. App. 3d 383. (Emphasis added)

Article 2. Applications

1552. Last Date to File. April 1 of each fiscal year is the last date on which applications for allocations 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 one year after allocation of the funds for the project by the California Highway 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 regulation 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 Highway 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 Highway Commission shall be conclusive.

1556. Allocation Limitation. Initial allocation of grade separation funds by the California Highway 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, and in no case shall an original and supplemental allocation for a single project exceed a total of five million dollars (\$5,000,000) without specific legislative authorization in effect for the project at the final date and time for filing an application. 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 3. 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.

ADDRESS LIST
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(Send one copy to each addressee)

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**NOMINATION FOR
EXISTING OR PROPOSED CROSSING NOMINATED FOR
SEPARATION OR ELIMINATION**
(See Appendix 5 for Instructions.)

1. Nominating Agency:
Name _____
Address _____
2. Contact Person:
Name _____ Title _____
Telephone Number () _____
3. Crossing Number and Location:
Public Utilities Commission Crossing Number _____
Street Name _____ City _____ County _____
Railroad Company Name _____
4. Type and Number of Railroad Tracks:
Main _____ Branch _____ Passing _____ Siding/Spur _____
Total _____
5. Approach Roadway:
Width (feet) _____ Number of Lanes _____
6. Crossing:
Width (feet) _____ Number of Lanes _____
7. Average Daily Vehicle Volume:
Vehicle Count (ADT) _____ Vehicle Count Date(s) _____
Estimated Vehicle Volume as of the Nomination Filing
Date (ADT) _____
8. Average Daily Train Volume:
Passenger _____ Through Freight _____ Switching _____ Total _____
9. Speed:
Vehicular (Miles per hour) _____ Train (Miles per hour) _____
10. Crossing Blocking Delay (Minutes per day) _____
11. Nearest Alternate Route (feet) _____
12. Secondary Accidents:
Vehicle-Vehicle _____ Vehicle-Object _____
13. Type of Project Proposed: (Check one)
Underpass Overpass Other Describe
14. If Proposed Crossing: (Check one)
A Grade Crossing is Practical and Feasible -----
A Grade Crossing is not Practical and Feasible -----

15. ESTIMATED PROJECT COST (as of April 1, 1984)

Right-of-Way Allowance	\$	_____
Preliminary Engineering	\$	_____
Construction Engineering	\$	_____
Total Engineering Cost	\$	_____
Bridge Construction	\$	_____
Railroad Work	\$	_____
Highway Approaches and Connections	\$	_____
Utility Relocation	\$	_____
Contingencies	\$	_____
Cost of Removing Existing Crossing (Where Applicable)	\$	_____
Total Construction Cost	\$	_____
Total Project Cost	\$	_____

NOMINATION FORM
GRADE SEPARATION NOMINATED FOR ALTERATION
OR RECONSTRUCTION
(See Appendix 5 for Instructions.)

1. Nominating Agency:
Name _____
Address _____

2. Contact Person:
Name _____ Title _____
Telephone Number () _____

3. Crossing Number and Location:
Public Utilities Commission Crossing Number _____
Street Name _____ City _____ County _____
Railroad Company Name _____

4. Horizontal Structure Clearance:
Width (Feet) _____ Number of Lanes _____

5. Vertical Structure Clearance:
Overpass (Top or Rail to Structure, Feet) _____
Underpass (Pavement to Structure, Feet) _____

6. Center Divider:
Yes _____ No _____

7. Speed Reduction (Quantitative):
Vehicle _____ Railroad Slow Order _____

8. Load Limit:
Vehicle _____ Railroad _____

9. Average Daily Vehicle Volume:
Vehicular Count (ADT) _____ Vehicle Count Date(s) _____
Estimated Vehicle Volume as of Nomination Filing
Date (ADT) _____

10. Average Daily Train Volume:
Passenger _____ Through Freight _____ Switching _____ Total _____

11. Secondary Accidents:
Vehicle-Vehicle _____ Vehicle-Object _____

15. ESTIMATED PROJECT COST (as of April 1, 1984)

Right-of-Way Allowance	\$ _____
Preliminary Engineering	\$ _____
Construction Engineering	\$ _____
Total Engineering Cost	\$ _____
Bridge Construction	\$ _____
Railroad Work	\$ _____
Highway Approaches and Connections	\$ _____
Utility Relocation	\$ _____
Contingencies	\$ _____
Cost of Removing Existing Structure(Where Applicable) \$ _____	
Total Construction Cost	\$ _____
Total Project Cost	\$ _____

GRADE SEPARATION NOMINATION INSTRUCTIONS

EXISTING OR PROPOSED CROSSING NOMINATED FOR SEPARATION OR
ELIMINATION FORM GSN-1

- Items 1 and 2 -- Self-explanatory.
- Item 3 -- For identification of railroad-highway crossings, Public Utilities Commission crossing numbers are assigned to all crossings. The crossing numbers are generally painted on the crossing protection equipment; however, if necessary, the crossing numbers may be obtained from the Commission staff.
- Item 4 -- (If unknown) The type of track may be obtained from the railroad company.
- Item 5 -- Show width and number of lanes of roadway pavement within 200 feet on either side of the crossing.
- Item 6 -- Show width and number of lanes of roadway pavement at the crossing.
- Item 7 -- Show the latest vehicle traffic count (ADT) and the estimated ADT as of the nomination filing date. For proposed crossing projects, show the estimated ADT upon opening.
- Item 8 -- It is preferred that the average daily train volume be obtained by a written request from the railroad, otherwise, the source of the information should be provided in the narrative. It is further advised that the daily train volume should be confirmed by direct observation.
- Item 9 -- The vehicular speed should be the posted speed limit. The train speed should be the maximum speed attained at the crossing. The train speed data may be obtained from the railroad company or by properly operated radar equipment. The source of the information should be provided in the narrative.
- Item 10 -- Show the total time in minutes per day the warning devices are activated at the crossing. The data may be obtained by installation of a signal activation monitoring device or by estimation of an average delay per train based on direct observation of a reasonable number of each type of train (passenger, through freight, and switching) operating over the tracks at the crossing. In the narrative, specify the method used to collect the data.

- Item 11 -- The nearest alternate route as measured along the centerline of the railroad tracks.
- Item 12 -- A 10-year accident history of the total number of vehicle-object and vehicle-vehicle accidents that may be attributed to the presence of the grade crossing.
- Item 13 -- Self-explanatory.
- Item 14 -- In the narrative section of the nomination, show sufficient evidence that construction of an at-grade crossing is physically practical and feasible.
- Item 15 -- The estimated project cost shall be as of April 1, 1984. The cost shall be itemized as shown and any item left blank shall be explained. The estimated cost shall be limited to that portion of the project which is necessary to make the grade separation operable and to effect the separation of grades between the highway and the railroad tracks.

NOTE: For projects involving more than one crossing, complete the appropriate form for each individual crossing and also show a summary for the complete project.

GRADE SEPARATION NOMINATED FOR ALTERATION
OR RECONSTRUCTION FORM GSN-2

- Items 1 and 2 -- Self-explanatory.
- Item 3 -- Same as in Form GSN-1 except that the crossing number is generally painted on the grade separation structure.
- Item 4 -- Show the width between fixed objects and the number of traffic lanes.
- Items 5 and 6 -- Self-explanatory.
- Item 7 -- Quantitatively identify any vehicular speed reduction that may be due to the presence of the structure. Information regarding a railroad slow order may be obtained from the railroad company.
- Item 8 -- Show any vehicular or railroad load limit restriction at the structure. If a restrictive limit has been established, include a descriptive statement in the narrative.
- Item 9 -- Same as Item 7, Form GSN-1.
- Item 10 -- Same as Item 8, Form GSN-1.
- Item 11 -- A 10-year accident history of the number of vehicle-object and vehicle-vehicle accidents that may be attributable to the presence of the grade separation structure.
- Item 12 -- Same as Item 15, Form GSN-1.

NOTE: For projects involving more than one crossing, complete the appropriate form for each individual crossing and also show a summary for the complete project.