

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.35

REVISED MARCH 2019

EXEMPT RAILROAD GRADE CROSSINGS

1. POLICY. The Department will participate in the exempt status railroad crossing programs as outlined in the Public Utilities Commission (PUC) General Order 145, Railroad Exempt Crossing, (Annex A) and Section 22452.5 of the California Vehicle Code (CVC).

2. GENERAL.

a. Area commanders are responsible for complying with the provisions of this order, and those applicable provisions outlined in PUC General Order 145. This includes the appointing of an inspecting officer and initiating the appropriate correspondence and interagency contacts related to exempt railroad grade crossings. Division commanders shall provide assistance and exercise controls as necessary.

b. Section 22452.5 California Vehicle Code.

(1) Allows the California Department of Transportation (Caltrans) or local authorities (city or county) to place signs at railroad grade crossings permitting vehicles described in Section 22452 CVC to traverse without stopping.

(2) Requires the PUC to develop criteria and qualifications for the placement of exempt railroad grade crossing signs.

(3) Requires Caltrans or the local authority to consult with the California Highway Patrol (CHP) prior to the placement of exempt signs. Local authority includes the road departments and other designated agencies or persons of cities and counties in which the exempt railroad grade crossing is located; and

(4) Requires the PUC to seek CHP concurrence prior to permitting the placement of the exempt signs.

c. In accordance with Section 22452.5 CVC, the PUC has placed into effect PUC General Order 145, dated February 13, 1980.

(1) Formal requests from Caltrans or a local authority seeking exempt status

for a railroad grade crossing must be made to the PUC. The criteria and qualifications that must be met for consideration are included in PUC General Order 145.

(2) Annex B is an example of the approved exempt sign that will be used at all exempt railroad grade crossings after January 1, 1978.

(3) Annex C is an example of an exempt sign erected at railroad crossings prior to January 1, 1978, and previously authorized by the PUC (Section 22452 CVC). These previously approved signs are not affected by PUC General Order 145, and will not be replaced by the “newer” exempt sign (Annex B). If the older sign is damaged or destroyed, it must be replaced by an older type sign.

(4) Additionally, railroad grade crossings declared exempt will be subject to periodic review by the PUC and changes in conditions may warrant removal of the exempt status.

3. PROCEDURES.

a. Since requestors (Caltrans or local authority, including incorporated cities) must include a letter of concurrence from the Department in their application for an exempt railroad grade crossing, field commands must be prepared to respond. The CHP has asked the PUC to instruct requestors to submit their requests for letters of concurrence to their local CHP Area office.

b. The Area commander, upon receiving a request for a letter of concurrence, will initiate the following steps.

(1) Discuss the application and reasons for the exempt status with the requestor; and

(2) Assign a uniformed member to inspect the railroad grade crossing.

c. The officer assigned to physically inspect the railroad grade crossing will verify the criteria and qualifications for exempt status in PUC General Order 145 which are visible. It is not incumbent on the inspecting officer to verify criteria requiring technical knowledge or awareness of other PUC standards; however, the officer may submit opinions relative to any item. The officer should be cognizant of additional information, such as a high volume of school buses, vehicles transporting flammable or hazardous materials, etc., as well as a significant potential for future traffic collisions. These factors could be sufficient for the Area commander to recommend the PUC disapprove the application, regardless of the requestor having met the required criteria and qualifications. Area commanders are encouraged to

include, as a special notation in the letter of concurrence, any of these additional factors they feel should be considered by the PUC.

d. Area commanders approving an exempt status for a railroad crossing shall write a letter of concurrence (an example of a letter is included in Annex D) to the requestor. The letter should state the railroad grade crossing meets the criteria and qualifications outlined in PUC General Order 145, and the Department has no objection to the grade crossing being given exempt status.

e. Area commanders disapproving an exempt status railroad crossing request shall inform the requestor in writing. The correspondence shall inform the requestor of the failure of the crossing to meet the criteria for exempt status. A copy of the letter should be forwarded to:

Public Utilities Commission
Traffic Engineering Section
State Building
505 Van Ness Avenue
San Francisco, CA 94102

f. The Area performing an exempt status railroad crossing inspection shall forward a copy of all correspondence initiated by it through channels to Research and Planning Section.

OFFICE OF THE COMMISSIONER

ANNEXES A, B, C, D

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ANNEX A

PUBLIC UTILITIES COMMISSION GENERAL ORDER NO. 145

GENERAL ORDER NO. 145

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

REGULATIONS GOVERNING RAILROAD GRADE CROSSINGS TO BE CLASSIFIED EXEMPT FROM THE MANDATORY STOP REQUIREMENTS OF SECTION 22452 OF THE VEHICLE CODE

Applicable to exemption requests submitted after January 1, 1978
Adopted February 13, 1980. Effective February 13, 1980. Resolution No. ET-1269.

1. GENERAL

These regulations are established to implement Section 22452.5 of the California Vehicle Code relating to railroad grade crossings which may be declared exempt from the mandatory stop requirements of Section 22452 of the Vehicle Code. Section 22452.5 provides that:

"The Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may place signs at railroad grade crossings permitting any vehicle described in subdivision (a) of Section 22452 to traverse such crossings without stopping. Such signs shall be placed in accordance with criteria adopted by the Public Utilities Commission. Prior to placing such signs, the Department of Transportation or local authority shall consult with the Department of the California Highway Patrol railroad corporations involved, and the operators involved and shall secure the permission of the Public Utilities Commission if a railroad corporation under the jurisdiction of the Public Utilities Commission is affected. Prior to permitting the placement of such signs, the Public Utilities Commission shall seek the concurrence of the Department of the California Highway Patrol."

Formal requests seeking "Exempt" status for a grade crossing must be made to the Commission by the California Department of Transportation or the local authorities with regard to highways under their respective jurisdictions. Other interested parties desiring "Exempt" status for a grade crossing must seek consideration of their request through the public authority having jurisdiction over the highway at the crossing. Where the public authority declines to file the "Exempt" status request, the party desiring "Exempt" status shall file a formal application with this Commission seeking authority for such exemption.

2. CRITERIA AND QUALIFICATIONS FOR CONSIDERATION OF EXEMPT STATUS

A railroad grade crossing to be considered for "Exempt" status shall meet the following criteria:

2.1 Crossings Equipped with Automatic Gate-type Signals

- (a) Protection—The crossing shall be equipped with automatic gate-type signals, PUC Standard No. 9 series, in compliance with the requirements of Commission General Order 75.

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- (b) Traffic Control Signals—Grade crossings where the railroad traverses through an intersection of two or more roadways and traffic is controlled by a traffic control signal may be considered under the same criteria as a crossing equipped with automatic gate-type signals.
 - (c) Number of Tracks—The crossing shall not have more than two tracks.
 - (d) Sight Distance—There shall be a clear and unobstructed view of the grade crossing from any point on the highway for a distance equal to the minimum stopping sight distance¹ for the posted speed limit.
 - (e) Train Speed—The maximum allowable train speed at the grade crossing shall be not greater than 60 miles per hour.
 - (f) Accident History—The grade crossing shall not have had more than two vehicle-train accidents in the last five years. If the automatic gates have not been in service for five years, only that period covered by the automatic gates shall be applicable.
- 2.2 Crossings without Automatic Gate-type Signals
- (a) Number of Tracks—Maximum of two tracks, only one of which shall be classified as a main track.
 - (b) Train Traffic—Train traffic at the grade crossing shall be not greater than an annual average of five trains per day.
 - (c) Train Speed—The maximum allowable train speed at the grade crossing shall be not greater than 30 miles per hour.
 - (d) Switching Operations—There shall be no regular switching operations across the crossing except where motion sensing apparatus is installed or flagging as specified by the Commission is required.
 - (e) Warning Devices—The railroad crossing warning devices shall be properly located and maintained in compliance with the requirements of Commission General Order 75.
 - (f) Crossing Angle—The horizontal angle between the axes of the line of track and the highway shall be not less than 60 degrees.
 - (g) Sight Distance—(Corner Visibility) There shall be a clear and unobstructed view of the grade crossing and of the rail line for a distance of 400 feet in both directions along the line of track from any point on the highway within the minimum stopping sight distance for the posted speed limit.¹

¹ A Policy on Geometric Design of Rural Highways 1965, American Association of State Highway Officials.

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- (h) Accident History—The grade crossing shall not have had more than two vehicle-train accidents in the last five years.

3. FORMAL REQUESTS

Requests shall be filed in writing by the California Department of Transportation or local authority, with regard to highways under their respective jurisdictions, on paper 8½ inches by 11 inches in size. The original and two copies shall be filed with the Commission and the request shall include the following data:

- 3.1 A statement showing the public benefit to be obtained by exemption of the grade crossing.
- 3.2 Evidence showing that the grade crossing meets the minimum qualifications set forth above.
- 3.3 A Statement indicating the existing protection at the grade crossing.
- 3.4 The California Public Utilities Commission assigned number for the grade crossing.
- 3.5 A map of the immediate vicinity of the grade crossing, on a scale of 50 to 200 feet per inch, showing the locations of streets, buildings and other view obstructions, railroad tracks, protection devices and traffic control devices and, if available, a series of appropriately labeled photographs showing the above features.
- 3.6 A statement of highway elements, including number of lanes, approach grades, posted speed limit and Average Annual Daily Traffic.
- 3.7 A statement regarding the general visibility conditions in the vicinity of the grade crossing, including glare or fog conditions.
- 3.8 A statement regarding the basic train operations, e.g., the maximum allowable train speed, frequency and characteristics of switching operations.
- 3.9 A statement regarding any other characteristics that are peculiar to the grade crossing and highway under consideration, including, but not limited to, vehicle approach speeds and vehicle accidents attributed to the grade crossing.
- 3.10 A letter of concurrence from the California Department of Highway Patrol.
- 3.11 Evidence that a copy of the formal request has been served on the affected railroad.
- 3.12 A notice, stated in general terms, shall be given by mail to the operators of the vehicles affected by the exemption request. However, in those cases where notice by mail would be impractical because the operators involved cannot be reasonably ascertained or because the class of operators is so large that notice by mail would be costly, a notice by publication is sufficient. In such cases, notice should be placed in trade publications and newspapers of general

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circulation reasonably calculated to apprise the operators involved of the exemption request.

4. PROCESSING

4.1 The request for "Exempt" status for a grade crossing will be reviewed by the Commission's Transportation Division staff as to content and the qualifications of the crossing in relation to the criteria specified in Paragraph 2 of this General Order.

4.2 An on-site inspection will be made of the grade crossing by the Commission staff with the applicant.

4.3 Upon the conclusion of the staff that grade crossing meets the minimum requirements for "Exempt" status and their recommendation that "Exempt" status be approved, a resolution authorizing the exemption may be issued by the Commission's Executive Director.

4.4 Grade Crossings declared "Exempt" will be subject to periodic review and changes in conditions may warrant removal of "Exempt" status from the grade crossing.

4.5 A list of "Exempt" crossings will be established and a copy of the list will be served by mail upon each public agency and publicly owned transit system. The list will also be served by mail upon each railroad corporation, passenger stage corporation, charter-party carrier of passengers, petroleum irregular route carrier, petroleum contract carrier and highway common carrier having authority to transport petroleum products in bulk in tank vehicles subject to the jurisdiction of this Commission. The published exempt crossing list will be updated annually.

5. APPLICATIONS REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT OR THE CROSSING DOES NOT MEET THE MINIMUM QUALIFICATIONS

Where the parties, including the Commission staff, are not in agreement as to the public necessity of "Exempt" status for a railroad grade crossing or the staff has not recommended the granting of a "request," or the railroad involved has protested, the public authority, or other interested parties desiring the change, shall make formal application to the Commission seeking authority for "Exempt" status. The formal application shall comply with the Commission's Rules of Practice and Procedure (Title 20 of the California Administrative Code).

Approved and dated February 13, 1980 at San Francisco, California.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By Joseph E. Bodovitz
Executive Director

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ANNEX B

EXEMPT SIGN – AUTHORIZED AFTER JANUARY 1, 1978



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ANNEX C

EXEMPT SIGN – AUTHORIZED PRIOR TO JANUARY 1, 1978



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ANNEX D

LETTER OF CONCURRENCE – EXEMPT STATUS, RAILROAD CROSSING

State of California—Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
P. O. Box 942898
Sacramento, CA 94298-0001
(123) 456-7891
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 14, 2019

File No.: 320.12345.Sample

Mr. L. M. Johnson
District Traffic Engineer
Department of Transportation
P. O. Box L
San Luis Obispo, CA 93406

Dear Mr. Johnson:

You requested a recommendation from the California Highway Patrol concerning the exemption of certain vehicles from the mandatory stop at three railroad crossings (Palm Avenue, Reservation Road, and Beach Road) in the city of Marina.

A check with Chief George Smith, the Marina Director of Public Safety, revealed there have been no train accidents at these three railroad crossings since the city incorporated. Chief Smith and the Marina Traffic Engineer, Joseph Jenkins, have no objections to the exemptions being granted. In addition, it is my understanding that the railroad tracks at these locations are used only twice daily for scheduled train trips. Since all three locations are equipped with automatic gatetype signals, it appears that exempt status would not endanger the general public. In addition, the reported train traffic is at approximately 20 miles per hour and occurs between the hours of 4:00 p.m. and 11:00 p.m. This is outside the hours of normal school pupil pedestrian and bus activity. There is only a single track through the locations in question.

None of the locations carry a high volume of school buses or truck traffic involving the transportation of flammable or hazardous materials. At Beach Road and Marina Drive, adjacent to the railroad tracks, there is a school bus stop. However, this does not appear to be a problem according to the Monterey Area School Bus Officer.

The Marina Del Mar Elementary School is located on Lake Drive, approximately one block from the Palm Avenue crossing. The exemption was discussed with the school principal, Mr. Michael Montgomery, and he has no objection to the proposed exemption. No other site information could be developed which would preclude a railroad grade crossing exempt status from being approved for the three crossings.

Since the three railroad grade crossings in Marina meet the criteria and qualifications outlined in Public Utilities Commission General Order 145, the Department has no objection to the crossings being given railroad grade crossing "exempt" status.

Sincerely,

A. P. SMITH, Captain
Commander
CHP Area



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