

Present: Lowman, Kean, Howard, Ashworth, Prince and
Valentine

Excused: F. Young

Chairman Lowman convened the meeting of the Transportation Committee with representatives of various companies and organizations present to testify on bills S.B. 328, A.B. 389 and 577 at 11:05 a.m. in Room 240.

S.B. 328 - Regulates location of junkyards along certain highways and provides for beautification of adjacent areas.

Chairman Lowman called for proponents of the bill.

John E. Bawden, State Highway Engineer, advised they would like Section 22 amended. (See attached.)

William M. Raymond, Deputy, Attorney General and Counsel for the Department of Highways, discussed the grandfathering in under Sections 14 and 18.

Discussion then took place regarding the amendments.

A.B. 389 - Provides method of allocation of costs of railroad grade crossings and automatic protection devices.

Clark Guild, Jr., representing Union Pacific Railroad, Carl Soderblom, representing Pacific Railroad, and Marshall Vorkink, representing Union Pacific Railroad Company, were present.

Marshall Vorkink, Attorney, Union Pacific Railroad Company, speaking in behalf of Southern Pacific Transportation Company, Western Pacific Railroad Company, the Nevada Northern and Union Pacific Railroad Company regarding grade crossing and grade separation matters. He gave general background in regard to this matter. He said that the principle costs should be borne by the motoring public for grade crossings, etc. He also discussed the benefits theory and the Federal Aid Highway Act and Section NRS 704.300 of Nevada Revised Statutes. He then read from PPM 21-10. (See attached.) He suggested the adoption of guidelines instead of reliance upon the theory of benefits. He referred to amendments to NRS 704.300 as proposed by A.B. 389. He advised the railroad industry was sponsoring this bill. He discussed the maintenance fees split between the railroads and the cities. He said that if this bill is passed, they would like to amend the bill on Page 1, lines 3, 10 and 12: Section 2 of their bill is taken from PPM 21-10 and from paragraph 5 (4) which provides that in a separation of a grade structure not required by the railroad they will not pay for the cost. He advised that they have drafted a companion

bill, A.B. 388 (now in Ways & Means), and discussed its contents. Further, he said that A.B. 389 is a complete set of guidelines tested by the Federal Government for over 12 years in various states. He submitted a copy of the Policy and Procedure Memorandum 21-10 (PPM 21-10 attached as previously noted). He also submitted a booklet, Interstate Commerce Commission Reports, of which he read from Page 87, Section 13. (See attached.) He advised that the railroads drafted this bill and the amendments and the 50/50 charges as to maintenance were proposed by the State Highway Department.

Prince and Ashworth left at this point.

Chairman Lowman then asked for opponents of A.B. 389.

William S. Barker, Attorney, representing the County of Clark and the cities of Las Vegas and North Las Vegas and the Regional Street and Highway Commission of Clark County and presented a map which showed the principle Union Pacific Railroad tracks and crossings through Las Vegas and North Las Vegas. He felt the term respective benefits should be taken out of the bill because it does not charge them the appropriate amount. He said that if a formula could not be applied, then it should be on a 50/50 basis if a problem is created. He did not feel the railroads were paying their fair share. He advised that the people he represented were against this bill. He said that any less than 50/50 was putting an unfair burden on the people of the State of Nevada. Regarding A.B. 577, he suggested that the Legislature adopt A.B. 577, amended to make it 50/50 instead of 17 1/2% and 82 1/2%, that it be passed as amended and that A.B. 389 should not be passed.

Chairman Lowman then called for proponents of A.B. 577.

Noel Clark, Nevada Public Service Commission, did not feel the Commission should be present to testify on any rate structure but that this should be between the cities, the counties and the railroads. He stated that in the Owens Avenue crossing matter the best percentage that the Commission could arrive at was 82 1/2% - 17 1/2%.

Bawden said they had no objection to the way A.B. 389 is written.

Clark referred to A.B. 389 and the 50%-50% allocation and said that this has nothing to do with grade crossings but referred to maintenance. He said that they would like a law that is more workable and has some formula or pattern that will give them the necessary guidelines to make the decisions for costs for both maintenance and for construction.

Chairman Lowman then called on opponents of A.B. 577.

Clark Guild said that their comments on A.B. 389 would be appropriate to A.B. 577.

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Barker said he supported it with the amendments as suggested.

Clark on A.B. 577 referred to Page 4, lines 3 and 4. He said it does remove the judicial review from the act and advised that they were in favor of that.

The hearing was adjourned at 12:30 p.m.

There was a discussion between members of the Public Service Commission and the members of the committee.

Howard suggested taking the percentage figures out of A.B. 577 and putting them in A.B. 389. Then it would leave the 50% maintenance costs in it. It would keep the Public Service Commission out of it because the maintenance would be taken care of.

Howard moved to change the 17 1/2% - .82 1/2% to "15% - 85%", Kean seconded and it was unanimously agreed.

No action was taken on A.B. 577.

S.B. 328 - Valentine suggested that the amendment negated the bill. Lowman suggested another grandfather amendment for Section 14. Kean felt the amendment was all right. Valentine then suggested going back to December 31, 1970, or January 1, 1971. Discussion then took place. Lowman suggested making this bill effective upon passage and approval of the act. Kean agreed and urged putting in the amendment. Howard agreed. Discussion then took place. Reference was made to Sections 14 and 22.

Valentine do pass with amendments, Kean seconded and it was unanimously passed as amended.

Valentine, regarding A.B. 628, proposed incorporating A.B. 638 into A.B. 628. He said that he would handle the amendments.

The meeting was adjourned at 1:05 p.m.

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ASSEMBLY / ~~SENATE~~ AMENDMENT BLANK

Amendments to ~~ASSEMBLY~~ / Senate

Bill / ~~Joint Resolution~~ No. 328 (BDR 35-1649)

Proposed by Committee on Transportation

Amendment N^o 3394



Amend sec. 14, page 3, line 1, by deleting "December 31, 1971," and inserting: "the effective date of this act,".

Amend sec. 22, page 3, by deleting line 46 and inserting:

"Sec. 22 1. Any junkyard or automobile graveyard established after the effective date of this act which violates".

Date of issuance: October 3, 1958

PROGRAM AND PROJECT PROCEDURES

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SUBJECT: ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS

Supersedes: PPM 21-10.1, dated November 25, 1957; Cherry Memorandums 18 and 40-S; GAM's 8, 55, the balance of 63, 78, 79, 132, and 325; WPGM No. 20; and memoranda dated May 25, 1938, July 22, 1941, November 22, 1943, March 7, 1947, July 7, 1947, August 8, 1949, and April 19, 1954. (Temporary Topic 20-J.)

1. PURPOSE

The purpose of this memorandum is to prescribe the policy of the Bureau of Public Roads with regard to (a) the use of Federal-aid funds for projects for the elimination of hazards of railway-highway crossings; (b) the method of determining the extent of railway liability; (c) the determination of the Federal share of the costs for any such project, and (d) the determination of the Federal share of the costs and the railway share of the costs for projects for which there is railway liability.

2. LEGISLATION

a. Section 109(e) of Title 23 USC provides in part that no funds shall be approved on any Federal-aid highway unless proper safety protective devices complying with safety standards determined by Public Roads at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing on that portion of the highway with respect to which such expenditures are to be made.

b. Section 120(d) of Title 23 USC provides that the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds. It further provides that not more than 10 per centum of the sums apportioned to any State under Title 23 shall be used for such railway-highway projects.

c. Section 130(b) of Title 23 USC requires that for any project for the elimination of hazards of railway-highway crossings which is paid for in whole or in part from Federal-aid highway funds there is to be a determination that there are or are not net benefits to be received by a railway and whether or not there is to be a liability to the United States on the part of the railway. Section 130(b) further provides that in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. These determinations are as described in paragraph 5.

3. DEFINITIONS

a. Federal-aid funds. Those funds authorized to be appropriated for expenditures for projects on the Federal-aid primary, secondary and Interstate highway systems, including extensions thereof within urban areas, under the provisions of Title 23 USC. Any of the Federal-aid funds of any class may be used for projects for the elimination of hazards of railway-highway crossings.

b. Federal-aid highway project. A project, financed in whole or in part with Federal-aid funds, for the construction, reconstruction or improvement, inclusive of necessary bridges and tunnels, of a highway which is on a Federal-aid system of highways.

c. Federal-aid railway-highway project. A Federal-aid highway project specifically and wholly for the elimination of hazards of railway-highway crossings, financed in whole or in part from the 10 per cent portion of apportioned Federal-aid funds, and which is identified as a "G" project in the records of the Bureau of Public Roads as prescribed in PPM 21-1.

d. Federal share for Federal-aid highway projects. That percentage of the total cost of a Federal-aid highway project on the Federal-aid primary, secondary or Interstate highway systems that may be paid from Federal-aid funds as is prescribed by Title 23 USC. Percentage rates are listed in current Circular Memoranda Issued by Public Roads.

e. Federal share for Federal-aid railway-highway projects. That percentage of the total cost of a Federal-aid railway-highway project on the Federal-aid primary, secondary, or Interstate highway systems and extensions thereof within urban areas, that may be paid from the 10 percent portion of apportioned Federal-aid funds as is prescribed by Section 120(d) of Title 23 USC, as follows:

(1) For rights-of-way and property damage costs, paid from public funds, not to exceed 50 percent, regardless of the Federal-aid highway system or class of Federal-aid funds involved.

(2) For preliminary engineering and construction costs, not to exceed either 90 or 100 percent, dependent upon determination of railway benefits and the railway liability to the United States, regardless of the Federal-aid highway system or class of Federal-aid funds involved.

f. Railway liability. The liability of any railway to the United States with respect to any Federal-aid highway project or Federal-aid railway-highway project for the elimination of hazards of railway-highway crossings paid for in whole or in part with Federal-aid funds, the amount of which liability is determined as described in paragraph 5.

g. Railway contribution. The amount contributed by any railway towards payment of the costs of a project for the elimination of hazards of railway-highway crossings in settlement of its liability to the United States, and of its liability or obligation, if any, to a State highway department.

h. State funds. Funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

i. Railroad agreement. An agreement between the State highway department, or some other governmental agency or political subdivision of the State acting as an agent for the State highway department, and the railroad or railroads concerned with a project for the elimination of hazards of railway-highway crossings which sets forth the terms and conditions for the construction and maintenance of the project, the determination of the railroads' liability and contribution, if any, the manner of financing the costs, the right-of-way provisions, and other pertinent matters.

j. Protective devices. Gates, flashing light signals, and similar devices or combinations thereof, together with cross bucks and other warning or regulatory signs, to be installed or in operation at any highway and railroad grade crossing on that portion of the highway included in a Federal-aid highway project or a Federal-aid railway-highway project whereon Federal-aid funds are to be expended, and which comply with the safety standards determined by the Bureau of Public Roads as being adequate at that time for the protection of traffic.

k. Railway-highway grade crossing. The general area where a highway and a railroad cross at the same level.

l. Overpass. A separation structure and approaches to carry highway traffic over a railroad.

m. Underpass. A separation structure and approaches to carry highway traffic under a railroad.

n. Main line railroad track. A track or tracks, of a principal line of a railway, including extensions through yards upon which trains are operated by timetable or train order or both, or the use of which is governed by block signals or by centralized traffic control.

o. Construction. The supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

4. TYPES OF PROJECTS

Projects for the elimination of hazards of railway-highway crossings include:

a. Construction on new or existing location of overpasses or underpasses including approaches thereto, or construction of highways on new location, or construction of railroads on new locations, or combinations thereof, to eliminate railway-highway grade crossings.

b. Reconstruction of existing overpasses or underpasses either on the same or new location due to their obsolescence or to provide additional capacity.

c. Construction of new installations or reconstruction of existing installations of protective devices at railway-highway grade crossings.

5. DETERMINATION OF RAILWAY LIABILITY

a. Experience between 1944 and 1948 demonstrated that it was impossible to precisely measure benefits for individual projects for the elimination of hazards of railway-highway crossings. During that period many projects were unduly delayed because of prolonged negotiations concerning benefits. Based upon that experience and upon the recommendations of the State highway departments, conferences with the Association of American Railroads, information secured from other sources and many investigations, Public Roads has made the following determinations under the requirements of Section 130(b) of Title 23 USC (initially published in General Administrative Memorandum No. 325, dated August 26, 1948):

(1) That a sound public policy requires an agreement between the State and the railroad involved prior to the initiation of actual construction of a project for the elimination of hazard of railway-highway crossings, and such an agreement requires the pre-determination of benefits incurring railway liability for cost contributions.

(2) That experience under the Act has demonstrated that many of the elements of railway benefits are so vague and difficult of evaluation, are so intangible or speculative and are the subject of such divergence of views on the part of the railroads and the State highway departments that it generally has been and is impossible for them to arrive at a mutually acceptable basis for negotiating the agreement required of them for undertaking individual railway-highway projects. This has resulted in prolonged and futile negotiations in an effort to arrive at a basis of agreement and has defeated the undertaking of many urgently needed projects.

(3) That for proposed projects as to which no agreement between the State and the railroad has as yet been executed the railway financial liability for determined benefits shall be fixed by classifying the improvement in its proper group as described in paragraph 5 b.

(4) That Federal-aid highway funds shall only be available for such projects when an agreement is reached between the State and the proper railroad for each project.

b. In accordance with determination (3) above Public Roads has further determined that as a practical operating procedure the types of projects for elimination of hazards of railway-highway crossings are grouped into five general classes. The five classes and the assignments of railway liability with respect to particular projects are as follows: (classes (1), (2), (3), and (4) were initially published in GAM 325, dated August 26, 1948):

(1) Grade Crossing Eliminations.—This group shall include all projects for the elimination of hazards at existing intersections of railways and highways at grade, whether accomplished by overpass or underpass structure or by relocation of the highway or the railroad to avoid crossing at grade. When the principal crossing or crossings at grade which such structure or relocation of the highway or the railroad is designed to eliminate will be closed after completion of the project, such project, whether a Federal-aid highway project or a Federal-aid railway-highway project, shall be deemed to be of benefit to the railroad and the assigned railroad liability shall be 10 percent of the cost of the project. If, however, such principal crossing or crossings are not closed, even though other nearby crossings at grade on minor roads or streets may be closed by reason of the project, such project shall not be deemed to be of cognizable benefit to the railroad and the railroad shall not be assigned liability as to the cost thereof. In such cases the project shall be considered a Federal-aid highway project and shall be financed at the applicable pro rata of State and Federal funds.

(2) Reconstruction of Existing Railway-Highway Grade Separation Structures.—This group shall include all projects for the reconstruction, including replacement, widening, or strengthening of existing structures that separate railways and highways at grade, whether on the same or different locations, and shall be considered as not resulting in ascertainable benefits to the railroad and consequently the railroad shall not be assigned liability as to the cost thereof. Such projects may be either Federal-aid highway projects or Federal-aid railway-highway projects. This paragraph, however, is not intended and shall not be considered to alter or abrogate the provisions of a specific contract entered into as a part of the original construction agreement with the State or its subdivisions by which the railroad agreed to participate in future reconstruction.

(3) Grade Crossing Protection.—This group shall include all projects for protection of existing crossings of highways and railways at grade by automatic signal devices and shall be considered as resulting in benefits to the railroad and the assigned railroad liability shall be 10 percent of the total cost of the project, whether the signal device is wholly new or modernizes or improves an existing signal device. Such projects may be either Federal-aid highway projects or Federal-aid railway-highway projects.

Rev. 21-10(5)

Rev. 21-10(3)

Rev. 21-10(3)

(4) Existing Railroad Crossed by New Highway or Existing Highway Crossed by New Railroad—Where a new street or highway is established which is not essentially a relocation of an existing street or highway and intersects an existing railroad, the construction of a separation structure or the installation of a signal device at such crossing will not be considered as a benefit to the railroad and consequently the railroad shall not be assigned liability as to the cost thereof. Such projects may be either Federal-aid highway projects, or Federal-aid railway-highway projects. In cases where the improvement is essentially a relocation of an existing road or street, which remains for the use of local traffic only, such projects shall not be deemed to be of cognizable benefit to the railroad and the railroad shall not be assigned liability as to the cost thereof. In such cases the project shall be considered a Federal-aid highway project and shall be financed at the applicable pro rata of State and Federal funds. Where an existing street or highway is intersected by a new line of railroad the construction of a separation structure or the installation of a signal device at such intersection shall be considered as for the benefit of the railroad and Federal-aid funds shall not participate in the cost thereof.

(5) Grade Crossing Elimination—Cross Roads and Railroads.—When a new street or highway is established closely paralleling existing track or tracks of a railway, or when an existing street or highway closely paralleling existing track or tracks of a railway is to be reconstructed or further improved, and it is found necessary to eliminate at-grade intersections of other roads, streets or highways with the new or existing street or highway by means of an overpass or an underpass, and such construction in turn requires elimination of the at-grade intersection of the other roads, streets or highways with the existing track or tracks of a railway by extension of the overpass or underpass and its approach, the elimination of the railway-highway grade crossing shall be deemed to be of benefit to the railroad and the assigned railroad liability shall be 10 percent of the additional cost occasioned because of the extension of the overpass or the underpass beyond the limits of a theoretical highway-highway separation when the following conditions exist at the time construction of the separation is undertaken:

(a) An automatic signal protective device has been installed at, or a watchman has been assigned to, the railway-highway grade crossing, or

(b) There is in force an order rendered by a State public utilities commission or other competent legal authority requiring that the railway-highway grade crossing be protected by installation of an automatic signal device, or by the assignment of a watchman, or that the grade crossing be eliminated. Under such existing conditions, 90 percent of the additional cost occasioned because of the extension of the overpass or the underpass beyond the limits of a theoretical highway-highway separation may be financed as a Federal-aid railway-highway project when there is 10 percent railroad liability.

(c) In cases of this classification (5) where the conditions set forth in (a) and (b) herein do not exist at the time construction of the separation is undertaken, the elimination of the railway-highway grade crossing shall be deemed as not of cognizable benefit to the railroad and consequently the railroad shall not be assigned liability as to the cost thereof. In such cases, that portion of the Federal-aid highway project for construction of the new street or highway or for improvement of existing street or highway that involves the separation of grades of crossing streets or highways with the Federal-aid highway and the railway track or tracks shall be a Federal-aid highway project.

6. DETERMINATION OF THE RAILWAY SHARE OF THE COSTS

REVISED 21-10(3) a. For any Federal-aid highway project or any Federal-aid railway-highway project for which there is railway liability as determined under the provisions of any one of the five classifications given in paragraph 5, the railway share of the costs shall be 10 percent of those costs for preliminary engineering, rights-of-way and construction that are found necessary to complete a project which will eliminate or reduce the hazards of a railway-highway crossing or crossings.

b. In the case of a Federal-aid highway project, the costs for preliminary engineering, rights-of-way and construction for which the railway share is 10 percent shall be limited to costs for that portion of the work of the project that will eliminate or reduce the hazards of a railway-highway crossing or crossings.

7. DETERMINATION AND APPLICATION OF THE RAILWAY CONTRIBUTION

a. The amount of the railway contribution for any Federal-aid highway project or Federal-aid railway-highway project shall be the railway share of the costs as prescribed in paragraph 6 plus those additional costs, if any, for preliminary engineering, rights-of-way and construction not eligible for participation with Federal-aid funds and which are not borne by State funds.

b. Any contribution by a railway in settlement of its share of the costs shall be applied in meeting the cost of the particular project involved.

c. Contributions by the railroads may be used in lieu of either State or Federal funds, provided that the Federal funds claimed may not exceed the total cost of the project less the amount contributed by the railroad. For railway-highway improvements financed as Federal-aid highway projects (involving participation of State and Federal funds) the railroad contribution shall be applied to the project in one of the following two ways:

(1) The contribution may be applied to the total cost of the project, the balance remaining after such contribution has been deducted from the total cost being eligible for Federal participation in accordance with the permissible pro rata share.

(2) The contribution may be applied against either the State or Federal Government's pro rata share of the total cost of the project.

8. INITIATION OF PROJECTS

a. Federal-aid highway projects or Federal-aid railway-highway projects that provide for the elimination of hazards at railway-highway crossings shall be proposed by the State highway departments, and if approved by the Bureau of Public Roads, may be advanced to completion under the effective Regulations issued by the Secretary of Commerce and such operating procedures and instructions issued thereunder by Public Roads.

9. SPECIFICATIONS AND DESIGN STANDARDS

a. All facilities provided for projects such as described in paragraph 8 that are the responsibility of the railway for maintenance and operation shall conform to specifications therefor as set by the railway subject to the approval thereof by Public Roads.

b. All facilities provided for projects such as described in paragraph 8 that are the responsibility of other than the railway for maintenance and operation, shall conform to the specifications of the State highway department, or those established and used by other agencies in their normal practice, subject to the approval thereof by Public Roads.

c. Designs for railway facilities shall be made in accordance with standards established and used by the affected railway in its normal practice, subject to approval by Public Roads.

d. Designs for highway facilities and other facilities that are not railway facilities, shall be made in accordance with standards set out in PPM 40-2, or those established and used by other agencies in their normal practice, subject to approval thereof by Public Roads.

10. LIMITS OF WORK

a. The limitations on the extent of the preliminary engineering, rights-of-way and construction and the costs therefor that are assignable to eliminating or reducing hazards of railway-highway crossings are to be established for the purposes of:

(1) In the case of a Federal-aid railway-highway project (G project) determining the Federal share of the costs to be borne by the 10-percent portion of apportioned Federal-aid funds available for such projects and the corresponding railway share of the costs if there is railway liability.

(2) In the case of a Federal-aid highway project, determining the Federal share of the costs to be borne by Federal-aid funds and the corresponding railway share of the costs of that portion of the project that eliminates or reduces the hazards of railway-highway crossings if there is railway liability.

b. The general limits of the elements of work of projects for which there is railway liability are:

(1) Preliminary engineering. Includes location surveys and the preparation of construction plans, specifications and estimates for that portion of a project which is for elimination of hazards of railway-highway crossings.

(2) Rights-of-way. Includes that right-of-way, and incidentals in connection therewith, acquired for that portion of a project which is for elimination of hazards of railway-highway crossings.

(3) Construction. Includes all items of work, and incidentals in connection therewith, necessary for the actual building of that portion of a project which is for the elimination of hazards of railway-highway crossings.

c. It is impracticable in this memorandum to set absolute limits of work for inflexible application to individual projects for which it is necessary to determine the railway share of the costs or the Federal share of the costs for Federal-aid railway-highway (G) projects. As a practical solution, the terminal limits and the internal controls on the work to be performed on an individual project are to be determined by judgment of the particular conditions at each such project after consideration of the

guide values and the general principles that have been developed through experience as set out in paragraphs 11 to 20 inclusive.

11. NEW OVERPASSES AND UNDERPASSES

a. A project to eliminate a railway-highway crossing by means of an overpass or an underpass may include the entire structure and the railway and the highway approaches thereto to the extent necessary by proper grades and vertical curves on satisfactory alignment to provide transition from the profile elevations of the railway and the highway at the structure to the profile elevations near the structure which would have been used had the separation not been made.

b. The length of the highway approaches should not exceed a total overall distance of 3,000 feet plus the distance between the outside rails of the outermost tracks of the railway except in extraordinary cases wherein an additional length can be fully justified by existing conditions. The work for highway approaches beyond the limits stated will not be included in "G" projects and shall not be included in determining the railway share of the costs of any project.

c. The work for railway approaches beyond the limits stated in paragraph 11a shall not be eligible for participation with Federal-aid funds except as such work can be justified as a more economical solution to the existing conditions. Any additional costs resulting from the extension of the railway at its raised or depressed elevation at the separation structure, or the extension of an adjustment of a railway alignment, for the purpose of eliminating grade crossings of other streets or roads not on the Federal-aid systems of highways are not eligible for participation with Federal-aid funds.

d. The work for any highway bridge construction (structure over 20 feet in length) that lies within the limits of the highway approaches will not be included in a "G" project and shall not be included in determining the railway share of the costs of any project except in those instances where an existing adequate highway bridge needs to be rebuilt to accommodate the overpass or the underpass.

e. The maximum vertical clearances to be provided shall not exceed the following values except under critical conditions or except where provision of greater clearance would not result in additional cost:

(1) For overpasses. 23'-0" from top of rail to undersurface of the overpass structure.

(2) For underpasses. 15'-0" from surface of the highway to undersurface of the underpass structure.

f. A project to eliminate a railway-highway grade crossing of a single track branch line of a railway and a Federal-aid highway not on the Interstate System shall not be approved if investigation indicates the future abandonment of the branch line is probable. Where such abandonment is probable, only such protective devices as are found necessary should be installed.

12. RECONSTRUCTION OF EXISTING OVERPASSES OR UNDERPASSES

A project to reconstruct an existing overpass or underpass may include the entire structure and the railway and the highway approaches thereto to the same degree as set out in paragraph 11 for new overpasses and underpasses. Since there is no railway liability for such projects there is no railway share of the costs, although in some cases there may be a voluntary railroad contribution.

13. RELOCATION OF HIGHWAYS TO ELIMINATE EXISTING RAILWAY-HIGHWAY GRADE CROSSINGS

A project to eliminate an existing railway-highway grade crossing or crossings by means of a relocation of a Federal-aid highway may include all items of work found necessary therefor. Such work may be financed as a "G" project only if the existing grade crossings are closed. However, the amount of the work and the costs thereof that may be included in a "G" project, or that will be used to determine the railway share of the costs for any project, shall not exceed the estimated work and estimated costs thereof of providing new separation structures and approaches thereto for the avoided crossings or crossing on the existing alignment of the highway and the railway.

14. RELOCATION OF RAILWAYS TO ELIMINATE EXISTING RAILWAY-HIGHWAY GRADE CROSSINGS

A project to eliminate an existing railway-highway grade crossing or crossings by means of relocation of a railway may include all items of work found necessary therefor. However, the amount of work and the costs thereof that may be included in a "G" project, or that will be used to determine the railway share of the costs for any project, shall not exceed the estimated work and estimated costs thereof

of providing new separation structures and approaches thereto for the avoided crossings or crossing on the existing alignment of the highway and the railway. 228

15. ADDITIONAL HIGHWAY LANES AT OVERPASSES AND UNDERPASSES

a. An underpass or overpass may provide either more highway lanes or space for more highway lanes than are in place on an existing highway which crosses railway track or tracks at grade. If such accommodation of additional highway lanes is approved by the Bureau of Public Roads the overpass or underpass may be constructed either as a highway project or as a railway-highway project. In such cases, however, the railroad share of the costs, if any, shall be based on the estimated cost of constructing an underpass or an overpass having the same number of highway lanes that were in place on the highway prior to construction of the underpass or overpass, plus the actual cost for preliminary engineering and rights-of-way.

b. The reconstruction of an existing underpass or overpass or the construction of an additional underpass or overpass to supplement an existing separation structure, solely to provide additional highway lanes may be at the expense of Federal-aid funds if the work is a "G" project or it may be at the expense of Federal-aid and State funds if the work is a Federal-aid highway project. If as a supplement to such an undertaking additional railway facilities not made necessary by the adjustment of the highway facilities are proposed, Federal-aid funds shall not participate in the costs of such supplemental undertaking.

16. ADDITIONAL RAILROAD TRACKS AT OVERPASSES AND UNDERPASSES

a. An underpass may provide either more tracks or space for more railway tracks than are in place at the site at the time of construction only when the railway has a definite plan for the installation of the additional tracks or can substantiate there is a potential demand for increase in services which would require additional tracks within a reasonable time. Federal-aid funds shall not participate in additional costs for providing either more tracks or space for future tracks that are not found justifiable by the Bureau of Public Roads.

b. An overpass should to the maximum extent possible avoid interference with the railway's plan for present and future use of its right-of-way. However, in cases wherein provision of space to accommodate more railway tracks than are in place at the site at the time of construction is requested by the railway and such accommodation would result in an increase in cost which is not found justifiable by the Bureau of Public Roads, the Federal-aid participation shall be based on the estimated cost of the overpass which would have been built to accommodate satisfactorily either the existing, or the existing plus any justifiable future tracks, as the case may be.

c. The reconstruction of an existing underpass or overpass, or the construction of an additional parallel underpass or overpass, solely to accommodate additional facilities for a railway, is to be at the expense of the railway. If as a supplement to such an undertaking additional highway facilities not made necessary by the adjustment of the railway facilities are proposed as a Federal-aid highway project, Federal-aid highway funds may participate in the cost of the additional highway facilities.

17. ACCOMMODATION OF OFF-TRACK TYPE MAINTENANCE EQUIPMENT

a. In some cases site conditions are such that sufficient latitude is available for the design of an overpass that will permit clearances more than adequate for all requested and justified railroad operational needs without affecting the overall cost. In other cases site conditions are such that provision of horizontal clearance at an overpass necessary to satisfy requested and justified railroad operating needs requires the adoption of structure designs that increase the overall cost of the structure and its approaches above the similar cost for a free-choice design.

b. In the latter cases, Federal-aid funds may participate in the costs for overpass designs that provide up to 18 feet horizontal clearance from the center line of track to the face of walls or piers on one side of the track, provided the railroad presents a statement that off-track maintenance equipment is being used, or is definitely planned to be used, along that section of the railroad right-of-way crossed by the overpass. Any additional cost occasioned to provide horizontal clearance in excess of 18 feet to meet requests by a railroad shall be nonparticipating insofar as Federal-aid funds are concerned. Consideration will be given to the railroad's needs for horizontal clearance on both sides of a track or of a multiple track layout. However, only after full justification of need, will approval be given for Federal-aid participation in the additional costs occasioned by overpass designs providing horizontal clearances up to 18 feet on both sides of a track or of a multiple track layout.

c. If a railroad insists that at underpasses additional railway structure width be provided to accommodate travel thereon of off-track type maintenance equipment, Federal-aid participation will be limited to and based on the estimated cost of a structure which would accommodate the railroad tracks only.

d. The costs of providing additional width on railroad embankments or in cuts and of providing ramps or other types of construction to permit continuity of travel of off-track type maintenance equipment through the area of an underpass shall be nonparticipating with Federal-aid funds.

18. NEW BRIDGES

a. Where a railway-highway grade crossing is eliminated by a bridge and its normal approaches which are required principally to carry the highway over a drainage course, another highway, or some other feature other than a railway which happens to be at the vicinity of the bridge, the project may be a Federal-aid highway project and there will be no railway liability. If, however, the highway bridge or its approaches needs to be lengthened or raised to a higher-than-normal elevation to accomplish the separation of the railway and the highway grades with resulting increase in cost, the additional work required and the costs thereof may be considered as either part of the Federal-aid highway project or as a "G" project, and the railway share of the costs, if any, based on the additional costs only.

19. DUAL PURPOSE PROJECTS

a. When both highway-highway and railway-highway separations with or without approaches are necessarily involved in one construction project (dual purpose project) the percent of the total cost thereof which may be financed as a "G" project, and the related amount to be used to compute the railway share of the cost, if any, may be determined in the following manner: (1) an estimate shall be prepared showing the cost of a separation structure and approaches based on a grade line which would be established if only a railway-highway separation were involved, with no highway-highway separation; (2) an estimate shall be prepared of the cost of a separation structure and approaches based on a grade line which would be established if only a highway-highway separation were involved, with no railway-highway separation. The ratio of estimate (1) to the sum of estimates (1) and (2) will furnish the percent of the total cost of the dual purpose project assignable as a "G" project, from which data the railway share of the cost, if any, may be computed.

b. Where, in a dual purpose project, there would be little difference in the grade lines established under the two conditions mentioned above, and where a physical division between the portions providing for the highway-highway separation and the railway-highway separation is clearly defined, the work on the railroad side, such as the railroad span, with or without any additional spans and approaches, may be judged to constitute the portion of the overall project eligible for financing as a "G" project. Approval of the division of the cost of the project on this basis may be given by the division engineer of the Bureau of Public Roads.

20. GRADE CROSSING PROTECTIVE DEVICES

a. If proper safety protective devices are not in operation at the railway-highway crossings situated within the limits of a proposed Federal-aid highway project at the time the project is submitted for program approval, definite provision shall be made in the conditions of the proposed project for the installation of proper safety protective devices, either with or without Federal-aid participation, so that they will be in operation upon completion of the Federal-aid highway project. If Federal-aid funds are to participate in the costs of the protective devices the work may be programed either as a Federal-aid highway project or as a Federal-aid railway-highway project at the appropriate participating ratio, and the railway share of the costs shall be 10 percent thereof.

b. If a railway-highway crossing exists which is in close proximity to, but beyond, the proposed terminus of a proposed Federal-aid highway project, and there is definite hazard to the traffic because of such crossing, proper protection of the crossing should be made a condition for approval of the Federal-aid highway project. The distance from the terminus of a proposed Federal-aid highway project to the railway-highway crossing at which traffic should be protected will depend upon the physical conditions of the railway and highway at the crossing and the characteristics of the traffic. One measure of this distance is the safe stopping distance for highway traffic based on the design speed for the Federal-aid highway project at that point. Protective devices for such crossings may be included in the Federal-aid project even though such crossings are outside the limits of the project, and the railway share of the cost shall be 10 percent of the cost of the protective devices.

c. Installations of protective devices, when made in accordance with the following standards and controls, will be considered as complying with the safety standards determined by the United States Bureau of Public Roads as being adequate at that time.

(1) All warning and regulatory signs and cross bucks with gates, flashing light signals, and similar devices or combinations thereof, that are the responsibility of the railway for maintenance and operation shall conform to the specifications therefor of the Association of American Railroads, subject to approval by Public Roads.

(2) All informational, regulatory, and warning signs, curbs and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, that are the responsibility of other than the railway for maintenance and operation, shall conform to the specifications of the State highway department, subject to approval by Public Roads.

(3) Rigid types of barriers to highway traffic shall not be approved for installation at railway-highway crossings.

(4) All grade crossings of highways with (a) multiple main line railroad tracks; (b) multiple track crossings with or without main tracks on which more than one train may occupy the crossing at the same time; (c) single or multiple track crossings where train operating speeds are 70 miles per hour or greater and sight distances are restricted; are to be protected with flashing light signals with short-arm gates.

(5) For grade crossings other than those included in paragraph 20c (4), in States where authority and responsibility for determination of the type of protective device has been delegated by State law to a public utilities commission or other similar State agency, the findings and recommendations of such authorized commission or agency will, if made, be accepted by the Bureau of Public Roads even if of a general or Statewide nature and not for a specific project, provided such findings and recommendations are concurred in by the State highway department. If no findings and recommendations are made by such authorized body, the State highway department and the Bureau of Public Roads shall agree upon the type of protective device which will be acceptable.

(6) For grade crossings other than those included in paragraph 20c (4) in States where authority and responsibility for determination of the type of protective device has not been delegated by State law to a public utilities commission or similar State agency, the State highway department and the Bureau of Public Roads shall agree upon the type of protective device which will be acceptable.

d. The replacement of wornout automatic signals previously installed with Federal-aid fund participation may be considered new projects, and the railway share of the costs shall be 10 percent thereof. Salvage credit will be determined under the provisions of PPM 30-3.

e. Where reconstruction including widening or relocation of a street or highway requires the relocation of previously installed grade crossing protective devices and does not require any other changes of the existing device, the cost of the moving may be included as a part of the cost of the highway improvement and eligible for Federal participation on the regular matching basis, with no railway liability.

f. Where reconstruction including widening or relocation of a street or highway requires the relocation of previously installed grade crossing protective devices and it is decided to modernize or improve the protective devices, the cost of moving, modernization or improvement may be included as part of the regular Federal-aid project or accomplished as a railway-highway project. The railway share of the costs for such modernization or improvement shall be 10 percent thereof.

g. There may be borderline cases where an existing device would be satisfactory for many years, if undisturbed, but requires reconditioning or adjustment when relocated. The inclusion of such relocation and incidental work is permissible, with proper allowance for salvage credit, even though the relocated signal installation is an improvement over the old one.

21. RAILROAD SYMBOLS

Railroad symbols, emblems, or the name of the railroad may be displayed on railroad structures constructed with the aid of Federal-aid funds if the sign is sufficiently small to serve for informational purposes rather than for advertisement. In most cases the identifying symbol of the railroad alone without lettering should be sufficient. The plans shall show any symbol, emblem, or lettering of informative character that is to be displayed with full information concerning size and other characteristics. After approval of the plans no change shall be made in such sign or symbol without approval of the State highway department with concurrence of Public Roads.

22. MAINTENANCE

a. Future maintenance of all grade separation structures and protective devices shall be determined by negotiation between the State highway department and the railway and shall be set forth in the agreement between the State highway department and the railway. } REWSDO
21-10(1)

b. In cases where grade separation projects are located in counties, cities or municipalities where the law does not permit expenditure of State funds for such maintenance therein, an agreement may be entered into between the State and the county, city or municipality covering the maintenance of that portion of the project which the State cannot maintain and which the railroad company is not required by law or otherwise to maintain.

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23. RAILROAD AGREEMENT

a. Where construction of a Federal-aid highway project or a Federal-aid railway-highway project requires use of railway properties or adjustments to railway facilities, there shall be an agreement in writing between the State and the Railroad company.

b. No special form of written agreement is prescribed. Such agreement usually consists of a formal document signed by officers who are authorized to bind the parties thereto, but in appropriate cases it may consist of an exchange of correspondence which fully sets forth all the essential terms and conditions and bearing the endorsements of both parties.

c. The written agreement shall be in accordance with the provisions of PPM 30 -3 and is to cover, as a minimum, the following:

(1) Amount of the railroad's liability in connection with the project based on benefits received as determined in accordance with the provisions of this PPM and Section 130 of Title 23 USC. Any agreement by the railroad to pay a larger amount than the sum determined in accordance with the foregoing shall be considered voluntary on its part.

(2) A detailed and itemized estimate of the cost of the work to be performed, including work that is to be done by the railroad.

(3) Agency that is to maintain the project when completed.

(4) Matters of insurance protection to the railroad that is to be provided before work is commenced and continued in force until the project is completed.

(5) Statement of the watchmen and flagmen services to be furnished by the railroad, at the project, while construction work is actively under way together with an estimated cost of such services.

(6) Provision that all costs incurred by the railroad that are to be the subject of Federal participation shall meet the requirements of applicable Public Roads policy and procedure memoranda.

(7) Right-of-way provisions including easement or other property interests for the highway to occupy railroad property or for the railroad to occupy highway right-of-way together with any necessary right of immediate entry; also permit for temporary crossing of the railroad for construction purposes.

d. An initial draft of each proposed agreement should be submitted to Public Roads for review as soon as possible after the project has received program approval. Either the executed formal agreement or a copy of the final draft accompanied by a letter from the railroad company stating that the agreement is satisfactory and will be executed by the company, must be received and approved by the division engineer before the construction authorization is issued in accordance with the provisions of PPM 21-12 for any phase of the construction affected by the railroad work.

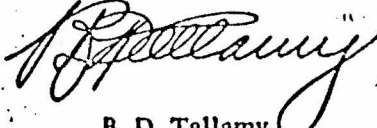
e. The formal agreement shall be subject to the approval of the division engineer of Public Roads. In the event the agreement is between the railroad and a county or municipality, the instrument shall be submitted through the State highway department and bear its approval before forwarding to Public Roads.

f. The agreement shall be submitted in the same number of copies as other PS&E papers.

g. Public Utility Commission Orders are not usually accepted in lieu of agreements as generally such an order does not cover many of the essential matters which should be included in a written instrument signed by both State and railroad before actual construction work is undertaken on railroad property. However, provided they are in substantial compliance with applicable provisions of Federal statutes, PUC orders may be accepted in lieu of a formal agreement if failure of the railroad to enter into an agreement will cause abandonment of the project for elimination of crossing hazard or if the State would be denied Federal participation only because of the attitude on the part of the railroad.

24. EFFECTIVE DATE

The provisions of this memorandum shall be effective with respect to all projects which are given program approval on and subsequent to the date of issuance. Projects in either approved program status or authorized status prior to such date of issuance are to be administered in accordance with instructions in effect prior to such date unless it is recommended by the State highway department that commitments for projects for which railroad agreements have not been negotiated be modified to be in accordance with this PPM and such request is approved by the Bureau of Public Roads.


B. D. Tallamy
Federal Highway Administrator

U.S. DEPARTMENT OF COMMERCE

POLICY AND PROCEDURE MEMORANDUM 21-10(1)

Bureau of Public Roads

Date of issuance: December 1, 1959

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PROGRAM AND PROJECT PROCEDURES

Subject: ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS

PPM 21-10 dated October 3, 1958, is amended as follows:

Paragraph 22a is revised to read as follows:

a. The basic agreement between the State and the railroad shall set forth the terms of maintenance of all grade-separation structures and protective devices with the exception of those instances wherein the State has shown that proceedings have been instituted for an administrative or judicial determination of responsibility for maintenance of the project. In such instances, the basic agreement may provide that the terms of and responsibility for maintenance will be the subject of (1) a subsequent agreement between the parties thereof, or (2) an order issued or judgment or decree entered pursuant to State law. Pending the execution of such subsequent maintenance agreement, or the issuance of such an order, or the entry of such a judgment or decree, the State highway department will be responsible to the Bureau of Public Roads for maintenance of the project and the project agreement (Form PR-2) shall expressly so provide.

Paragraph 23c(3) is revised by substituting a comma for the period at the end thereof and adding the following:

except as provided in paragraph 22a hereof.

ELLIS L. ARMSTRONG
Commissioner of Public Roads

U.S. DEPARTMENT OF COMMERCE

POLICY AND PROCEDURE MEMORANDUM 21-10(2)

Bureau of Public Roads

Date of issuance: May 20, 1960

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PROGRAM AND PROJECT PROCEDURES

Subject: ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS

Paragraph 23 of PPM 21-10 dated October 3, 1958, is amended by adding the following sentences at the end of subparagraph c(5):

"Such estimate of cost shall be broken down to show separately from other flagging costs, the cost of railroad flagmen for flagging services estimated to be required to insure safety in connection with the movement of railroad traffic during and attributable to the prosecution of the work performed under the highway contract by the State's highway construction contractor. The estimated length of time during which the flagging services of railroad flagmen will be required, the number and classes of workmen, and the rates of pay on which the separate estimate of flagging costs is based shall also be shown, together with a statement of the procedures under which the railroad will be reimbursed for such services by the State."

Ellis L. Armstrong

ELLIS L. ARMSTRONG
Commissioner of Public Roads

U.S. DEPARTMENT OF COMMERCE

Bureau of Public Roads

POLICY AND PROCEDURE MEMORANDUM 21-10(3)

Date of Issuance: July 21, 1960

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PROGRAM AND PROJECT PROCEDURES

Subject: ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS

The last sentence of paragraph 5b is revised to read:

The five classes and the assignments of railway liability with respect to particular projects are as follows: (A portion of Class (1) and Classes (2), (3), and (4) were initially published in GAM 325, dated August 26, 1948.)

Paragraph 5b(1) is revised by addition of the following:

(a). All crossings of railroads and highways at grade are to be eliminated where there is full control of access regardless of the volume of railway or highway traffic. In order to provide an equitable and acceptable basis for determination of railway benefit for crossings which would not normally be eliminated if the existing highway was not being converted to a freeway, the provisions of paragraphs 5b(1)(b), (c), (d), and (e) are applicable.

(b). Where there is in force either an agreement between the State highway department and the railroad or an order rendered by a State public utilities commission or other legal authority providing for the elimination of a railway-highway crossing, a project for the elimination of an existing intersection of a railway and highway at grade will be considered of cognizable benefit to the railroad if the agreement or order provides for the railroad to share in the cost of the project, and in such instances, the assigned railroad liability shall be not more than 10 percent of the cost of the Federal-aid highway project or the Federal-aid railway-highway project as the case may be.

(c). A project for the elimination of an existing intersection of a railway and highway at grade shall be considered of no cognizable benefit to the railroad and the railroad shall not be held liable for any part of the cost of the project, when all of the following conditions exist at the time the project is undertaken:

1. The project is undertaken as part of the conversion of an existing highway to a freeway with full control of access;

2. Such conversion requires the elimination of the existing railway-highway intersection at grade which elimination would not be considered essential except for the geometric and construction standards applicable to such freeways;

3. The railway-highway crossing involves only a spur track, branch line, or switching and terminal line on which train movements are at low speed and the total number of train movements has not exceeded six on any day during the preceding twelve months;

4. There is not in force either an agreement between the State highway department and the railroad or an order rendered by a State public utilities commission or other legal authority of the type referred in paragraph 5b(1)(b), providing for the elimination of the railway-highway crossing; and

5. Automatic signal devices have not been installed or ordered at the crossing.

(d). In any case where all of the conditions in paragraph 5b(1)(c) exist except that automatic signal devices have been installed or ordered to be installed at the existing crossing, then the elimination of the at-grade crossing shall be deemed to be of cognizable benefit to the railroad, and the railroad shall share in the cost of construction. The extent of the railroad's liability and share of the cost of construction shall be a lump sum contribution equivalent to the computed present worth of the estimated savings over the succeeding 10-year period following removal of the signals or non-installation of signals because of the elimination of maintenance of the automatic signal devices.

(e). In any such instance as described above in paragraphs 5b(1)(c) and (d), that portion of the work for the elimination of the at-grade crossing shall be considered a Federal-aid highway project and shall be financed at the applicable pro rata of State and Federal funds for condition 5b(1)(c), and shall be financed by the lump-sum contribution by the railroad plus the applicable pro rata of State and Federal funds for condition 5b(1)(d).

Paragraph 6a is revised to read:

a. For any Federal-aid highway project or any Federal-aid railway-highway project for which there is railway liability as determined under the provisions of any one of the five classifications given in paragraph 5, the railway share of the costs shall be 10 percent of those costs for preliminary engineering, rights-of-way, and construction that are found necessary to complete a project which will eliminate or reduce the hazards of a railway-highway crossing or crossings, except as provided in paragraphs 5b(1)(c) and 5b(1)(d). The railroad's share of the cost of construction for the projects described in paragraphs 5b(1)(c) and 5b(1)(d) shall be as prescribed therein.

APPLICABILITY

The provisions of these additions to PPM 21-10 are not applicable to projects undertaken prior to March 15, 1960, but may be applied to projects undertaken on March 15, 1960, and prior to August 1, 1960, and shall be applied to projects undertaken on and after August 1, 1960.



B. D. TALLAMY
Federal Highway Administrator

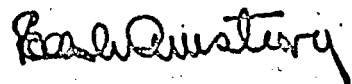
U.S. DEPARTMENT OF COMMERCE Bureau of Public Roads	POLICY AND PROCEDURE MEMORANDUM 21-10(4) Date of Issuance: December 23, 1960
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PROGRAM AND PROJECT PROCEDURES

Subject: ELIMINATION OF HAZARDS OF RAILWAY - HIGHWAY CROSSINGS

Paragraph 20c(4) of PPM 21-10 dated October 3, 1958, is amended to read as follows:

(4) All grade crossings of highways with (a) multiple main line railroad tracks; (b) multiple track crossings with or without main tracks when it is established by records or schedules of the railroad or railroads involved that more than one train may be in operation at or occupy the crossing at the same time; (c) single or multiple track crossings where train operating speeds are 70 miles per hour or greater and sight distances are restricted; are to be protected with flashing light signals with short-arm gates.



ELLIS L. ARMSTRONG
Commissioner of Public Roads

W. J. Maguire
Assistant To Division Engineer

U.S. DEPARTMENT OF COMMERCE Bureau of Public Roads	POLICY AND PROCEDURE MEMORANDUM 21-10(5) Date of issuance: January 16, 1961
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PROGRAM AND PROJECT PROCEDURES

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Subject: ELIMINATION OF HAZARDS OF RAILWAY - HIGHWAY CROSSINGS

Supersedes: PPM 21-10(2) dated May 20, 1960

Paragraph 23c(5) of PPM 21-10 dated October 3, 1958 as amended December 1, 1959, May 20, 1960, July 21, 1960, and December 23, 1960, is revised to read:

(5) (a) A statement by the railroad of the conditions when, in the opinion of the appropriate official of the railroad, the construction work would cause hazard to the safe operation of trains or to other facilities of the railroad, including any communication lines on railroad premises, requiring the railroad to employ the necessary qualified flagmen or other employees to protect its trains or other facilities that will operate at, adjacent to or through the project to be constructed. Such statement shall be of scope and detail sufficient to provide basis for the party or parties that are to perform the construction to estimate the duration of time or times under the construction plans and schedules contemplated when the railroad will require its personnel to perform flagging or related service to protect the railroad traffic.

(b) A listing of the numbers and classification of the railroad employees that may be required by the railroad to perform the flagging or related service during periods of hazard created by construction of the proposed project; the applicable rates of base pay and overtime pay; additional charges, expressed either in dollars or in percentage values of pay rates, of allowances for vacations, railroad retirement and unemployment taxes, paid holidays, health and welfare insurance, compensation and liability insurance, and other similar allowances that are obligations of the railroad; lists of the headquarters of railroad employees to be utilized, and the costs for travel of such employees to the project site and return to headquarters; and cost for meals and other accommodations to be provided the railroad employees. Such listing shall be of scope and detail sufficient to provide basis for the party or parties that are to perform the construction to estimate the costs per shift and for a longer period for the railroad employees that are to provide flagging or other services to protect railroad traffic during times of hazard created by construction. An estimate of the total cost of furnishing such protective services to railroad traffic and other facilities during the course of the performance of the work need not be included in the State-Railroad agreement but may be at the option of the several parties to the agreement.

Assistant To Division Engineer

(c) A statement of when and how the railroad will bill its charges for flagging or related services and how and by whom such charges will be paid the railroad. In this respect, the agreement is to provide guarantee that the railroad will be reimbursed for all eligible charges to the extent that bills for such charges are presented by the railroad within 120 calendar days after completion of the project or preferably within 120 calendar days after completion of the work of the project that would cause hazard to the safety of operation of trains or to other facilities of the railroad.

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EFFECTIVE DATE

The provisions of this amendment to PPM 21-10 shall be effective with respect to all projects which are given program approval on and subsequent to the date of issuance. In addition, the provisions of this amendment may be made effective with regard to all projects which have been given program approval prior to the date of issuance hereof but for which the State-Railroad agreement had not as of date of this issuance been either executed or otherwise made binding upon the parties involved, and accordingly there had not been authorization by Public Roads for the State to proceed with the work as a Federal-aid project.



B. D. Tallamy
Federal Highway Administrator

PREVENTION OF RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS 57

Federal, State, and local safety regulations by the respective authorities; by an exerted and cooperative effort on the part of the railroads in improvement of grade-crossing maintenance, providing adequate warning time, and better visibility to drivers of motor vehicles approaching crossings; by the universal application of latest standards for uniform traffic control and warning signs by responsible highway and traffic authorities; and by motor carrier management particularly where dangerous commodities are involved making intensified efforts to select capable drivers, enforce compliance by their drivers with safety laws and regulations, and otherwise adopt measures lessening the hazards at grade crossings.

(10) That there is a lack of adequate supervision and selection of competent personnel and drivers of schoolbuses. However, the responsibility for the safe transportation of schoolchildren rests with the State and local authorities since schoolbuses normally do not operate across State lines.

(11) That a revision of our rail-highway grade-crossing accident reports, particularly the statements contained therein as to the causes of accidents, is warranted. A more detailed and informative statement in this respect would be valuable in the preparation of more meaningful statistics and evidence upon which future action can be predicated in the solution of the grade-crossing problem.

(12) That present safety regulations have not been shown to be deficient and the facts of record amply support a conclusion that such regulations are reasonably adequate for the promotion of safe operations at grade crossings provided they are effectively enforced.

(13) That highway users are the principal recipients of the benefits flowing from rail-highway grade separations and from special protection at rail-highway grade crossings. For this reason the cost of installing and maintaining such separations and protective devices is a public responsibility and should be financed with public funds the same as highway traffic devices.

(14) That the proceeding should be discontinued.

RECOMMENDATIONS

We are convinced, as a result of this investigation, that in order to achieve a substantial reduction in the human and economic waste attributed to grade-crossing accidents there must be an intensification and coordination by Federal, State, local, private, and other groups and organizations responsible for traffic safety programs and enforcement of safety regulations, of all of their efforts to improve the safety program, and to produce a substantially improved safety record at grade crossings as soon as practicable. This action is necessary in view of the inadequacy of enforcement of present regulations by the authorities responsible for such enforcement. No doubt, adoption of some of the recommendations submitted by the parties to this proceeding would materially aid in removing some of the hazards associated with

ASSEMBLY

AGENDA FOR COMMITTEE ON TRANSPORTATION

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Date MARCH 23, 1971 Time 10:00 a.m. Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

S.B. 328

REGULATES LOCATION OF JUNKYARDS ALONG
CERTAIN HIGHWAYS AND PROVIDES FOR
BEAUTIFICATION OF ADJACENT AREAS.

A.B. 389

PROVIDES METHOD OF ALLOCATION OF
COSTS OF RAILROAD GRADE CROSSINGS
AND AUTOMATIC PROTECTION DEVICES.

A.B. 577

MAKES CHANGES IN PUBLIC UTILITY LAW
RELATING TO HEARINGS OF THE PUBLIC
SERVICE COMMISSION.

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

Date _____ Time _____ Room _____
Subject _____