

## Opening/Closing - Public Highway-Rail Grade Crossing Program

- FDOT receives application to open or close crossing
  - Opening applicant can be railroad; govt. entity having jurisdiction over street or highway; agent (attorney, consultant, developer, etc.) acting as co-applicant with jurisdictional entity.
  - Closing applicant can be railroad; govt. entity; FDOT; individual citizen; non-governmental groups (i.e., neighborhood associations, concerned citizens groups, etc.)
- FDOT reviews application to ensure that all necessary information is provided and the crossing is a public, at-grade crossing.
- FDOT acknowledges receipt of the application to all relevant parties.
- FDOT seeks response to application by affected parties (example: if city/county submits opening, FDOT will ask railroad to state their position).
- FDOT does preliminary evaluation. Applicant is informed that the criteria established in Rule 14-57.012, FAC, must be addressed.
- FDOT conducts fact-finding. Public input is sought. Depending on circumstances, FDOT may facilitate negotiation to resolve differences.
- If opening/closing meets FAC criteria and is agreeable to all parties, FDOT will draft Stipulation of Parties (i.e., agreement outlining each party's responsibilities). Execution of Stipulation of Parties (SOP) serves as Final Order and permit to open or close crossing. Following execution of SOP, Crossing Inventory Form is submitted to Federal Railroad Administration and is entered into FDOT Railroad Highway Crossing Inventory.
- If affected party(ies) or FDOT opposes Stipulation, FDOT will issue a Notice of Intent (NOI) to permit or deny the opening or closing of the subject crossing. The NOI is submitted to all parties with Notice of Administrative Hearing Rights.
- Parties with standing have 21 days, following receipt of the NOI, to request an administrative hearing.
- Acceptance of the NOI by all parties or failure to file a request for a hearing in accordance with Chapter 120.57, F.S., by the petitioning party will result in execution and distribution of the Final Order.
- If a party of standing requests an administrative hearing within the required 21 days receipt of the NOI, FDOT will refer the petition to the Division of Administration for scheduling.
- An administrative hearing will be conducted. A Recommended Order will be issued by the Administrative Law Judge.
- Exceptions may be filed within 15 days receipt of the Recommended Order.
- The Final Order is executed by the FDOT Secretary. This Final Order may overrule the Administrative Law Judge's Recommended Order.
- An appeal may be filed by the petitioning party in the District Court of Appeal within 30 days.