

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division Rail Crossings and Engineering Branch	Resolution SX-121 October 13, 2016
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**RESOLUTION**

RECOMMENDATION TO THE CALIFORNIA TRANSPORTATION COMMISSION FOR INCREASED FUNDING TO BE SET ASIDE FOR MAINTAINING AUTOMATIC GRADE CROSSING PROTECTION DEVICES UNDER PUBLIC UTILITES CODE SECTION 1231.1

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**SUMMARY**

This resolution recommends that, for the 2017-2018 fiscal year, the California Transportation Commission allocate the sum of \$3,780,000 for the purpose of paying the local government's share of the cost of maintaining automatic grade crossing warning devices.

**BACKGROUND**

In 1965, the Legislature established the Grade Crossing Protection Maintenance Fund to pay railroad corporations the local government's share of the cost of maintaining automatic railroad crossing warning devices installed or upgraded after October 1, 1965. Public Utilities Code Section 1231.1 requires the California Department of Transportation (Caltrans) to set aside a minimum of \$1,000,000 for the payment of those costs.

In 1988, an amendment to Public Utilities Code Section 1231.1<sup>1</sup> was enacted which specifies that the California Public Utilities Commission (Commission)

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<sup>1</sup> AB 3065, (Polanco) September 29, 1988.

may recommend a sum greater than \$1,000,000 be set aside if it finds that the \$1,000,000 is not sufficient due to an increase in the number of grade crossing warning devices or an increase in the cost of maintenance of those devices. The California Transportation Commission (CTC) shall determine the specific amount of the total allocation.

**DISCUSSION**

When the automatic grade crossing protection maintenance fund was first established in 1965, the maximum annual allocation of \$1,000,000 was sufficient to cover all claims filed by railroad and street railroad corporations. However, the increase in the number of crossing warning devices and the increase in the cost for maintaining these devices caused claims to exceed the funds available for calendar year 1977 and thereafter.

The railroads perform the required maintenance during a given calendar year, and then file a claim with the Commission for reimbursement of the local government’s share of the maintenance costs. The Commission verifies the claims and forwards valid claims to Caltrans for payment. These claims are paid from the allocation made by the CTC in the Caltrans budget. Claims and payments for the past five years were as follows:

CY *	FY*	No. of crossings	Total Claims (\$)	Total Paid (\$)
2011	11-12	2,667	3,778,156	2,000,000
2012	12-13	2,655	3,763,433	2,000,000
2013	13-14	2,662	3,771,183	2,000,000
2014	14-15	2,660	3,758,019	2,000,000
2015	15-16	2,655	3,756,051.50	3,756,051.50

\*CY-Calendar Year

\*FY-Fiscal Year

The maintenance fund costs and respective claims for calendar year 2017 (FY 2017-2018) are expected to be higher than the \$3,775,000 the CTC allocated for FY 2016-2017. Based on the previously submitted maintenance claims and the numbers and types of warning devices eligible, an allocation of \$3,780,000 will

be needed for the 2017-2018 FY and would constitute the minimum amount necessary for that maintenance.

### **NOTICE**

On September 13, 2016, this Resolution was published in the Commission's Daily Calendar.

### **COMMENTS**

The draft resolution of the Safety and Enforcement Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. No comments were received.

### **FINDINGS**

Commission's Rail Crossings and Engineering Branch has reviewed the amount needed to be allocated pursuant to Public Utilities Code Section 1231.1 and finds that an amount of \$1,000,000 will be insufficient and finds, instead, that an allocation of \$3,780,000 is the minimum amount necessary for allocation to the Grade Crossing Protection Maintenance Fund for FY 2017-2018.

Therefore, in accordance with Public Utilities Code Section 1231.1, RCEB finds that the Commission should recommend to the CTC that it allocate a sum of \$3,780,000 for the 2017-2018 FY for the purpose of paying to railroad or street railroad corporations the share of the costs to cities and counties of maintaining automatic grade crossing protection/warning devices.

RCEB recommends that the Commission adopt this Resolution.

### **THEREFORE, IT IS ORDERED THAT:**

The Public Utilities Commission recommends to the California Transportation Commission that a sum of \$3,780,000 be allocated for the 2017-2018 fiscal year for the purpose of paying to railroad corporations the share of the costs of cities and counties for maintaining automatic grade crossing protection/warning devices pursuant to Public Utilities Code Section 1231.1.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the California Public Utilities Commission at its regularly scheduled meeting on October 13, 2016. The following Commissioners voted favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director