

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division Rail Crossings and Engineering Branch	Resolution SX-125 August 10, 2017
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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

SUMMARY

This resolution recommends that, for the 2018-2019 fiscal year, the California Transportation Commission allocate the sum of \$3,750,000 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 1231.1¹ was enacted which specifies that the California Public Utilities Commission (Commission) may recommend a sum greater than \$1,000,000 be set aside if it finds that the

¹ AB 3065, (Polanco) September 29, 1988.

\$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 (\$)
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
2016	16-17	2,584	3,662,837	3,662,837

*CY-Calendar Year

*FY-Fiscal Year

The maintenance fund claims for calendar year 2018 (FY 2018-2019) are expected to be at or near the budgeted \$3,780,000 for FY 2017-2018. Therefore, an allocation of \$3,750,000 will be needed for the 2018-2019 fiscal year.

NOTICE

On July 06, 2017, 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. -- *comments* were received.

FINDINGS

Commission's Rail Crossings and Engineering Branch (RCEB) 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 \$3,750,000 is the minimum amount necessary for allocation to the Grade Crossing Protection Maintenance Fund for FY 2018-2019.

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 \$3,750,000 for the 2018-2019 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 \$3,750,000 be allocated for the 2018-2019 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 August 10, 2017. The following Commissioners voted favorably thereon:

TIMOTHY SULLIVAN
Executive Director