

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division
Rail Transit and Crossings Branch
Rail Crossings Engineering Section

Resolution SX-64
September 02, 2004

R E S O L U T I O N

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

Summary

This resolution recommends to the California Transportation Commission (CTC) to set aside the sum of \$4,100,000 for the 2005-06 fiscal year (FY). The funding is for the purpose of paying the local government's share of the cost of maintaining automatic grade crossing warning devices.

Background

The Grade Crossing Protection Maintenance Fund was established by the Legislature in 1965 to pay railroad corporations the local government share of the cost of maintaining automatic warning devices installed or upgraded after October 1, 1965. Public Utilities Code Section 1231.1 requires the Department of Transportation (CALTRANS) to set aside a minimum of \$1,000,000 for allocation to the Public Utilities Commission (PUC).

In 1988, an amendment to Public Utilities Code Section 1231.1¹ was enacted which specifies that the PUC 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 specific amount of the total allocation shall be determined by the CTC.

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

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 cost for maintaining these devices caused claims to exceed the funds available for calendar years 1977 and thereafter.

The railroads perform the required maintenance during a given calendar year, and then file a claim with the PUC for reimbursement. These claims are paid from fiscal year budget. Claims and payments for the past five years were as follows:

CY*	FY*	Total Claims Submitted by Railroads (\$)	Number of Crossings Approved	Total Claims Approved (\$)	Prorated Percentage of Payment to Railroads Subject to Fund Limit (%)	Total Paid (\$)
1999	99-00	N/A	3,104	4,465,069	95.18%	4,250,000
2000	99-00	N/A	3,087	4,489,062	94.67%	4,250,000
2001	00-01	N/A	2,975	4,348,183	97.74%	4,250,000
2002	01-02	4,422,787	2,814	4,076,295	100.00%	4,076,295
2003	02-03	4,212,713	2,805	4,088,563	100.00%	4,088,563

*CY-Calendar Year

*FY-Fiscal Year

Last year, the staff of the Commission's Consumer Protection and Safety Division (CPSD), Rail Crossings Engineering Section (RCES) inspected most crossings that the railroads submitted for reimbursement. Based upon these inspections, the staff rejected \$346,492 in claims. Reasons for the rejections include crossing closed, no warning devices, crossing claimed by more than one railroad, no warning devices because crossing is grade separated, duplicate claims for the same crossing, and no current rail service. This year, staff recommended the acceptance of \$4,088, 563 of the railroads' claims and the rejection of the \$124,150 of the railroads' claims.

As a result, for calendar years 2002 and 2003, staff approved total claims that were less than the budgeted \$4,250,000 for FY 2002-03 and 2003-04. The maintenance fund claims for calendar year 2005 are expected to be at or near the claims for calendar year 2003. Therefore, an allocation of \$4,100,000 will be needed for the 2005-06 fiscal year.

Finding

For the 2005-06 fiscal year, the sum of \$4,100,000 will be needed to pay the local governments' share of the costs of maintaining automatic grade-crossing warning devices.

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

THEREFORE, IT IS ORDERED that:

In accordance with Public Utilities Code Section 1231.1, the Public Utilities Commission recommends to the California Transportation Commission that a sum of \$4,100,000 be allocated for the 2005-06 fiscal year 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 devices.

I hereby certify that this Resolution be adopted by the Public Utilities Commission at its regular meeting on September 02, 2004. The following Commissioners approved it:

STEVE LARSON
Executive Director