

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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

Resolution SX-102  
October 6, 2011

**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 2012-2013 fiscal year, the California Transportation Commission allocate the sum of \$3,850,000 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'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 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 Public Utilities Commission (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

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

an increase in the cost of maintenance of those devices. The specific amount of the total allocation shall be determined by the California Transportation Commission (CTC.)

## **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 PUC for reimbursement of the local government's share of the maintenance costs. The PUC 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 (\$)
2006	06-07	2,788	3,899,995	1,000,000
2007	07-08	2,754	3,848,955	2,000,000
2008	08-09	2,702	3,807,599	2,000,000
2009	09-10	2,710	3,829,679	2,000,000
2010	10-11	2,690	3,804,459	2,000,000

\*CY-Calendar Year

\*FY-Fiscal Year

The maintenance fund costs and respective claims for calendar year 2012 (FY 2012-2013) are expected to be significantly higher than the \$2,000,000 the CTC allocated for FY 2011-2012. Based on the previously submitted maintenance claims and the numbers and types of warning devices eligible, an allocation of

\$3,850,000 will be needed for the 2012-2013 FY and would constitute the minimum amount necessary for that maintenance.

### **NOTICE**

On September 7, 2011 this Resolution was published in the Commission's Daily Calendar.

### **COMMENTS**

The draft resolution of the Consumer Protection and Safety 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**

The Commission staff 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 \$3,850,000 is the minimum amount necessary for allocation to the Grade Crossing Protection Maintenance Fund for FY 2012-2013.

Therefore, in accordance with Public Utilities Code Section 1231.1, the Commission staff finds that the PUC should recommend to the CTC that a sum of \$3,850,000 be allocated for the 2012-2013 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.

The Commission staff recommends that this Resolution be adopted.

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

The Public Utilities Commission recommends to the California Transportation Commission that a sum of \$3,850,000 be allocated for the 2012-2013 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 Commission at its regularly scheduled meeting on \_\_\_\_\_.

The following Commissioners voted favorably thereon:

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PAUL CLANON  
Executive Director