

PROPOSED RESOLUTION

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAIL SAFETY DIVISION
RAIL CROSSINGS AND ENGINEERING BRANCH

Resolution SX-140
October 22, 2020

RESOLUTION

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

SUMMARY

This resolution recommends that, for the 2021-2022 Fiscal Year (FY), 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 California 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 allocation to the Public Utilities Commission for the payment of those costs.

In 1988, the California Legislature enacted an amendment to Public Utilities Code Section 1231.1 which specifies that the California Public Utilities Commission (Commission) may recommend greater sum 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 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 cost for maintaining these devices caused claims to exceed the funds available for calendar year 1977 and thereafter.

The railroad corporations perform the required maintenance during a given calendar year and 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 which was increased in FY 2015-16. Claims and payments for the past five years were as follows:

CY *	FY*	No. of crossings	Total Claims (\$)	Total Paid (\$)
2015	15-16	2,655	3,756,052	3,756,052
2016	16-17	2,584	3,662,837	3,662,837
2017	17-18	2569	3,646,404	3,646,404
2018	18-19	2,585	3,677,855	3,677,855
2019	19-20	2,582	3,671,716	3,671,716

*CY-Calendar Year

*FY-Fiscal Year

The maintenance fund claims for calendar year 2021 (FY 2021-2022) are expected to be at or near the budgeted \$3,750,000 for FY 2020-2021. Therefore, an allocation of \$3,750,000 will be needed for the 2021-2022 fiscal year.

NOTICE

On September 10, 2020, this Resolution was published on the Commission's Daily Calendar.

COMMENTS

The draft resolution of the Rail Safety Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(d)(1) 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 an allocation of \$3,750,000 is the minimum amount necessary to the Grade Crossing Protection Maintenance Fund for FY 2021-2022.

Therefore, in accordance with Public Utilities Code Section 1231.1, RCEB finds that the Commission should recommend to the CTC that it allocates a sum of \$3,750,000 for the 2021-2022 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 California Public Utilities Commission recommends to the California Transportation Commission that a sum of \$3,750,000 be allocated for the 2021-2022 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 this resolution was adopted by the Public Utilities Commission at its regular meeting held on October 22, 2020. The following Commissioners voting favorably thereon:

MICHELLE COOKE
Executive Director