

PROPOSED RESOLUTION

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAIL SAFETY DIVISION
RAIL CROSSING AND ENGINEERING BRANCH

Resolution SX-149
December 1, 2022

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 fiscal year 2023-2024, the California Transportation Commission allocate the sum of \$4,000,000 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 (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 California Public Utilities Commission (Commission) for the payment of those costs.

In 1988, Legislature amended section 1231.1 so that the Commission may recommend a greater sum if it finds that \$1,000,000 is insufficient 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) makes the final determination on the specific amount of the total allocation.

DISCUSSION

When the 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. Since then, the number of crossing warning devices and costs for maintaining these devices have increased and 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. Caltrans pays these claims from the fund allocation made by the CTC in the Caltrans budget. The CTC increased the fund allocation in fiscal year (FY) 2015-16 from \$2 Million to approximately \$3.75 Million. Claims and payments for the past five years were as follows:

CY *	FY*	No. of crossings	Total Claims (\$)	Total Paid (\$)
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
2020	20-21	2,574	3,656,447	3,656,447
2021	21-22	2,585	3,675,330	3,675,330

*CY-Calendar Year

*FY-Fiscal Year

The maintenance fund claims for calendar year 2023 (FY 2023-2024) are expected to increase by \$250,000 from the budgeted \$3,750,000 for FY 2022-2023. The Peninsula Corridor Joint Powers Board (Caltrain) and Sonoma-Marín Area Rail Transit (SMART) are expected to request 60 and 80 at-grade crossings

respectively to be included in the Grade Crossing Protection Maintenance Fund. Therefore, an allocation of \$4,000,000 will be needed for FY 2023-2024.

NOTICE

On October 26, 2022, 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

The Commission's Rail Crossings and Engineering Branch (RCEB) reviewed the amount needed to be allocated to the Grade Crossing Protection Maintenance Fund and finds that \$1,000,000 will be insufficient for the claims anticipated in FY 2023-2024. Reimbursement claims are expected to increase by \$250,000 in FY 2023-2024 due to the 60 and 80 at-grade crossings that will be added by the Peninsula Corridor Joint Powers Board (Caltrain) and Sonoma-Marin Area Rail Transit (SMART) respectively. A minimum \$4,000,000 must be allocated to the Grade Crossing Protection Maintenance Fund for FY 2023-2024.

Therefore, in accordance with section 1231.1, the Commission should recommend the CTC allocate a sum of \$4,000,000 to the Grade Crossing Protection Maintenance Fund for FY 2023-2024 for the purpose of paying the local government's share of the costs 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 the California Transportation Commission allocate a sum of \$4,000,000 for fiscal year 2023-2024 to the Grade Crossing Protection Maintenance Fund, for the purpose of paying the local government's share of the costs of 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 December 1, 2022. The following Commissioners voting favorably thereon:

RACHEL PETERSON
Executive Director