

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAIL SAFETY DIVISION

RESOLUTION SX-171
September 17, 2026

RESOLUTION

**RESOLUTION SX-171. EXPEDITED APPLICATION AND
REVIEW PROCEDURES FOR EXEMPT RAILROAD
CROSSING APPLICATIONS.**

PROPOSED OUTCOME:

- Adopts an expedited application and review process for rail crossing applications that meet certain criteria pursuant to Senate Bill 544 (25/26).

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with this resolution.

ESTIMATED COST:

- There are no costs associated with this resolution.

This resolution adopts expedited application and review procedures for exempt railroad crossing applications pursuant to Senate Bill 544 (Laird, 25/26)). The term “railroad crossing” includes light-rail transit system crossings pursuant to Public Utilities (Pub. Util.) Code Section 99152 and the California Public Utilities Commission’s (Commission) Rules of Practice and Procedure (Rule) Rule 3.11.

BACKGROUND

On October 1, 2025, Governor Gavin Newsom signed Senate Bill (SB) 544 into law. SB 544 was introduced by Senator John Laird and directs the Commission to adopt an expedited review and approval process for exempt railroad crossing applications. The bill also authorizes the Commission to determine whether an application is an exempt railroad crossing application, and if so, to resolve the application through a proposed resolution pursuant to the expedited review and approval process.

SB 544 added Public Utilities (Pub. Util.) Code Section 1201.2 which requires an application for a railroad crossing submitted pursuant to Sections 1201 to 1205, inclusive, to include at a minimum all of the following information:

- a) A description of the location of the proposed crossing and plans of suitable scale that show all of the features of the crossing, including, but not limited to, streets, roads, tracks, safety devices, and the location of any buildings, structures, or obstructions in the vicinity of the proposed crossing.
- b) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.
- c) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.
- d) A copy of the franchise or permit that allows the railroad to cross the public road, highway, or street involved, if so required, from the authority having jurisdiction.
- e) Any applicable safety and regulatory measures required pursuant to Pub. Util. Code Section 309.7, Section 778, Sections 1201 to 1205, inclusive, or Section 99152, and any other information the commission may require.

Senate Bill 544 adds Pub. Util. Code Section 1205.5. which states:

- a) The commission, upon initiating a ratesetting proceeding, shall determine whether the proceeding is an exempt railroad crossing application. If the application is deemed an exempt railroad crossing application, the commission shall issue a proposed resolution with an expedited review and approval process pursuant to subdivisions (b) and (c).
- b) Before exempting any applications pursuant to subdivision (a), the commission shall adopt an expedited review and approval process for exempt railroad crossing applications at a voting meeting after considering input from stakeholders and other public comments.
- c) The process adopted by the commission pursuant to subdivision (b) shall, at minimum, require public notice of the application and service

of the application to relevant stakeholders, including, but not limited to, railroads, rail transit agencies, and local authorities, including county and regional transportation authorities. The resolution of an exempt railroad crossing application shall be publicly noticed on the commission's voting agenda and be subject to public comment.

- d) For purposes of this section, "exempt railroad crossing application" means a railroad application submitted pursuant to Sections 1201 to 1205, inclusive, with clear public benefit, without valid protest objecting, in whole or in part, to the application, and where the commission determines there is no need for an evidentiary hearing or a more comprehensive review.

SB 544 also amends Pub. Util. Code Section 1701.1 to add subsection (b)(3) which states that "[t]his subdivision shall not apply to exempt railroad crossing applications subject to Section 1205.5."

Section 1701.1(b) requires all ratesetting proceedings to be filed, docketed, and assigned to a Commissioner and Administrative Law Judge (ALJ). It additionally requires a prehearing conference and scoping memorandum to be issued in all ratesetting applications, and determination by the assigned ALJ and Commissioner on the necessity of hearings in the proceeding. Subsection (b)(3) excludes exempt railroad crossing applications from these requirements.

JURISDICTION

The Commission has jurisdiction over railroad crossings pursuant to Pub. Util. Code Sections 1201 and 1202.1. Commission General Order (GO) 26-D prescribes the minimum clearance requirements for all construction of tracks or structures adjacent to tracks. GO 72-B prescribes standard types of pavement construction at railroad grade crossings. GO 75-D provides regulations for warning devices for at-grade rail crossings. GO 88-B established criteria for alteration of existing public highway-rail crossings. GO 143 series sets forth the applicable safety rules and regulations governing rail and other fixed guideway systems.

The Commission's Rules of Practice and Procedure (Rules) also govern various types of rail-crossing related applications as follows:

- Rule 3.11 requires an application to construct crossings or intersections of a light-rail transit system and a public road, street, highway or

railroad pursuant to GO 143 series, shall comply with the appropriate requirements of Rules 3.7 through 3.10.

- Rules 3.7, 3.9, and 3.10 provide rules for constructing a public road across a railroad, a railroad across a public road, and a railroad across railroad, respectively.
- Rule 3.8 governs any proposals to alter or relocate an existing railroad crossing.

DISCUSSION

In accordance with SB 544, this Resolution establishes an expedited application review and approval process which draws on the advice letter process adopted in the GO 96-B. While GO 96-B does not apply to the railroad industry, it provides valuable guidance in establishing an expedited application review and approval process for exempt railroad crossing applications.

The expedited review and approval process adopted in this resolution applies only to rail crossing applications that meet specific criteria as determined by Commission staff in accordance with SB 544. An exempt rail crossing application is one that has clear public benefit, is without a valid protest, and determined to not require evidentiary hearings.¹ Delegating uncontested, non-controversial crossing applications to be resolved at the staff level will reduce Commission processing time, improve public safety, reduce regulatory burden, and increase regulatory efficiency. Railroad crossing applications not meeting these criteria will continue to be resolved in accordance with Pub. Util. Code. § 1701.1(b).

WHERE TO FILE

Pursuant to Rule 1.13, the applicant shall e-file its proposed exempt rail crossing application (Application) as provided in Attachment A with the Commission's Docket Office, and serve a copy of the application electronically by email to the Rail Crossings & Engineering Branch - Rail Safety Division (RSD) utilizing the following email address: rceb@cpuc.ca.gov. The subject line of the email shall state "Exempt Railroad Application" and include the name of the applicant. For example:

"Exempt Railroad Application of APPLICANT."

¹ Pub. Util. Code Section 1205.5 (d).

The applicant must concurrently serve its Application to all appropriate stakeholders, including but not limited to, the agency that has jurisdiction over the roadway, the railroad with responsibility over the railroad right of way, the local municipality or communities that might be impacted by the proposed project in the Application in accordance with the certificate of service requirements in Rules 3.7-3.11.

FORMAT OF THE PROPOSED EXEMPT RAIL CROSSING APPLICATION

An applicant submitting an Application requesting expedited review and approval shall include and serve with its Application a cover sheet (Attachment A), the Application (Attachment B), and the relevant Appendices as shown in the Application.

The Application must follow the applicable Rules as prescribed in Rules 3.7 through 3.11. In addition, pursuant to SB 544, the applicant must ensure its Application includes:

- a) A description of the location of the proposed crossing and plans of suitable scale that show all of the features of the crossing, including, but not limited to, streets, roads, tracks, safety devices, and the location of any buildings, structures, or obstructions in the vicinity of the proposed crossing included as Appendix A of the Application.
- b) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing included as Appendix B of the Application.
- c) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing included as Appendix C of the Application.
- d) A copy of the franchise or permit that allows the railroad to cross the public road, highway, or street involved, if so required, from the authority having jurisdiction included as Appendix D of the Application.
- e) Any applicable safety and regulatory measures required pursuant to Section 309.7, Section 778, Sections 1201 to 1205, inclusive, or Section 99152, and any other information the commission may require included as Appendix E of the Application.
- f) As applicable, the following information related to the Commission's potential role as a responsible agency under the California

Environmental Quality Act (CEQA) as Appendix F of the Application:

- a. A certified Final Environmental Impact Report, Mitigated Negative Declaration or Initial Study/Negative Declaration,
 - b. Any and all Subsequent, Supplements, Addendums or other environmental documents produced by the CEQA lead agency,
 - c. A final Mitigation Monitoring and Reporting Plan,
 - d. A Notice of Determination,
 - e. A Notice of Exemption,
 - f. Any related documents made pursuant to a certified regulatory program created pursuant to Public Resource Code Sec. 21080.5,
 - g. A Final Environmental Impact Statement, a Finding of No Significant Impact, Record of Decision, or any and all other environmental documents produced by the NEPA lead agency, and
 - h. Any related judicial actions or rulings on the lead agency's CEQA or NEPA documents.
- g) A statement regarding whether and how the proposed rail crossing complies with the Commission's Environmental and Social Justice (ESJ) Action Plan as Appendix G of the Application.

All information anticipated as part of the expedited review process shall be public. Any applicant seeking confidential treatment of any information contained within the Application or attached thereto, shall follow the procedures established in the GO 66-D. However, the inclusion of any motions for confidential treatment or otherwise will automatically remove the proceeding from the expedited process.

THE REVIEW PROCESS

Applications submitted through the expedited process will be assigned to Examiner review, with the RSD Director being assigned as the Examiner.

RSD shall notify the applicant of any substantive deficiency within 30 days of the Application's filing date, and may require amendments or an amended Application to address the substantive deficiency. When applicants file substantive amendments or

amended applications to address substantive deficiencies in the Application, a new 30-day protest period will be triggered. The applicant must serve any amendments or amended Applications on any entities served pursuant to Rules 3.7-3.11 on the same day as they file the amended Application.

If RSD determines that the Application should be served on additional stakeholders, it can require the applicant to do so by e-mail request within 30 days of the application's filing date. Service on additional stakeholders will initiate a new 30-day protest period for all stakeholders of the Application.

Once RSD determines that an Application is complete, it shall serve a Notice of Complete Application on the applicants, copying any additional entities requiring notice of service pursuant to Rules 3.7-3.11, by e-mail.

If applicant does not address any substantive deficiencies requested by RSD in a timely manner, RSD is authorized to close the Application after 30 days of noncompliance, by executive order for failure to prosecute.

Applicant may also request to withdraw their Application at any time during the review process. The Executive Director is authorized to dismiss the Application through Executive Director Order upon a request for withdrawal sent by applicant to RSD by e-mail at rceb@cpuc.ca.gov pursuant to Resolution A-4638 and Rule 2.8. Applicant shall use the email subject: "Request to Withdraw Application [Insert Application #]."

PROTEST AND RESPONSES

Any person (including individuals, groups, or organizations) (protestant) may protest or respond to an Application within 30 calendar days of the date the Application first appears on the Commission's Daily Calendar consistent with the Commission's Rules of Practice and Procedure. Protested Applications will be removed from the expedited process and reassigned for review pursuant to the Pub. Util. Code Section 1701.1(b).

DISPOSITION BY RESOLUTION

The RSD may approve or reject an Application by preparing and placing on the Commission's meeting agenda a proposed resolution approving, rejecting, or modifying an Application submitted to the RSD. The proposed resolution will contain the RSD's recommended disposition and analysis supporting such disposition. The resolution will also contain an attachment listing all persons served with the resolution,

including the applicant, responders to the Application, and any third party whose name and interest in the relief sought are specified by Rule 3. 7-3.11 as requiring service of the Application.

The Commission may adopt the resolution or modify it in whole or in part. After the Commission has acted on a resolution, the resolution will be served on the applicant, on any protestors and responders to the Application, and on any other party to the resolution.

The resolutions will be implemented in a manner that ensures adherence to legal obligations under the Bagley-Keene Open Meeting Act and conflict-of-roles prohibitions.

APPLICATION FOR REHEARING OF RESOLUTION

The applicant, any person submitting a response or protest to the Application, and any person who commented on a draft resolution under Rule 14.5 may apply for rehearing of a resolution pursuant to Pub. Util. Code Sections 1731 to 1736 and Rules 16.1 to 16.6.

The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful or erroneous. The application for rehearing shall be filed with the Commission's Docket Office.

On the same day that it is filed, the application for rehearing shall be served on the RSD Director using the email address rceb@cpuc.ca.gov and on the same persons who are required to be served with the draft resolution pursuant to the instructions accompanying the draft resolution.

PETITION FOR MODIFICATION OF RESOLUTION

Any person may file a petition for modification of a resolution and respond to such petition to the same extent and under the same procedures as provided, with respect to Commission decisions, by Rule 16.4 , except that such a petition or response shall be served on the RSD, and on the same persons who are required to be served pursuant to the instructions accompanying the draft resolution.

A certificate of service must accompany the petition, stating (1) the title of the petition with reference to the resolution number and caption of the resolution that is the subject

of the petition, (2) the place, date, and manner of service, and (3) the name of the person making the service.

The RSD may direct the petitioner to circulate the petition for modification to additional persons, if appropriate. Nothing in this section limits the RSD's ability to place a draft resolution modifying a prior RSD resolution on the Commission's agenda.

EXTENSION OF TIME TO COMPLETE PROJECTS

In the event that the applicant requires more time to complete the project, the applicant may submit a written request to the RSD Director at rceb@cpuc.ca.gov and must serve a copy of the request upon the service list attached to this resolution and other affected parties.

The existing authority of the RSD Director to grant extension of time requests to complete such projects pursuant to Resolution ET-1367, is extended to rail crossing applications reviewed under the expedited process. The RSD Director will grant the extension by e-mail upon a determination that an extension of time is necessary to complete the project and it is in the public interest to grant the extension.

If the extension of time request is protested, the RSD Director is authorized to evaluate the validity of the issues raised in the protest and determine whether the extension of time should be granted with conditions to ensure the project is timely completed.

COMMENTS

Public Utilities Code section 311(g)(1) provides that resolutions generally must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission.

Accordingly, this draft resolution was mailed to the service list and made available for public comment on August 14, 2026.

No public comments were received.

FINDINGS AND CONCLUSIONS

1. SB 544 passed the California legislature and was signed into law by Governor Gavin Newsom on October 1, 2025. SB 544 added Sections 1201.2, 1205.5, and 1701.1(b)(3) to the California Public Utilities Code and directs the Commission to adopt an expedited process to review and approve exempt railroad crossing applications.
2. Pub. Util. Code Section 1201.2 requires an application for a railroad crossing submitted pursuant to Sections 1201 to 1205, inclusive, to include at a minimum all of the following information:
 - a) A description of the location of the proposed crossing and plans of suitable scale that show all of the features of the crossing, including, but not limited to, streets, roads, tracks, and safety devices, and the location of any buildings, structures, or obstructions in the vicinity of the proposed crossing.
 - b) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.
 - c) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.
 - d) A copy of the franchise or permit that allows the railroad to cross the public road, highway, or street involved, if so required, from the authority having jurisdiction.
 - e) Any applicable safety and regulatory measures required pursuant to Section 309.7, Section 778, Sections 1201 to 1205, inclusive, or Section 99152, and any other information the commission may require.
3. Pub. Util. Code Section 1205.5 states:
 - a) The commission, upon initiating a ratesetting proceeding, shall determine whether the proceeding is an exempt railroad crossing application. If the application is deemed an exempt railroad crossing application, the commission shall issue a proposed resolution with an expedited review and approval process pursuant to subdivisions (b) and (c).

- b) Before exempting any applications pursuant to subdivision (a), the commission shall adopt an expedited review and approval process for exempt railroad crossing applications at a voting meeting after considering input from stakeholders and other public comments.
 - c) The process adopted by the commission pursuant to subdivision (b) shall, at minimum, require public notice of the application and service of the application to relevant stakeholders, including, but not limited to, railroads, rail transit agencies, and local authorities, including county and regional transportation authorities. The resolution of an exempt railroad crossing application shall be publicly noticed on the commission's voting agenda and be subject to public comment.
4. SB 544 amended Section 1701.1 of the Pub. Util. Code to exempt certain railroad crossing applications subject to Section 1205.5 from Section 1701.(b) governing ratesetting applications.
 5. Section 1701.1(b) requires applicants to submit all ratesetting applications by filing formal applications with the Commission's Docket Office.
 6. Senate Bill 544 authorizes the Commission to adopt an expedited review and approval process for exempt railroad crossing applications.
 7. Exempt rail crossing applications are rail crossing applications that are in the public interest, without valid protest, and determined not to require evidentiary hearings.
 8. An expedited review and approval process for Applications serves the public interest by removing regulatory barriers while maintaining due process for controversial or contested rail crossing applications.
 9. If a valid protest is received by the RSD, the Application will be reassigned to proceed through the formal application process and not be resolved through the expedited review and approval process laid out in this resolution.
 10. The applicant may request withdraw of the Application without prejudice, and the Executive Director may dismiss the Application through Executive Director Order.
 11. It is reasonable for the Commission to delegate authority to the RSD to evaluate Applications to determine whether they meet the requirements for expedited review and approval, and to draft a resolution proposing these applications for Commission approval.
 12. It is reasonable for non-exempt railroad crossing applications to be reassigned for review pursuant to the formal application process.

13. It is reasonable to extend the Director of the RSD's authority to grant extension requests to complete approved projects and to evaluate protests received to determine whether conditions are needed to ensure timely completion of the projects for applications reviewed under the expedited process.
14. The expedited review and approval process established in this resolution is reasonable and complies with SB 544.
15. The Commission has legal authority to delegate ministerial tasks to staff to review, modify, and make recommendations for proposed expedited applications and approve requests for extension of time to complete projects.
16. The Commission has authority to delegate ministerial changes to the application form adopted herein.

THEREFORE, IT IS ORDERED THAT:

1. The California Public Utilities Commission hereby adopts the expedited review and approval process for exempt railroad crossing applications pursuant to Senate Bill 544.
2. The California Public Utilities Commission hereby delegates to the Rail Safety Division (or its successor) the authority to execute the expedited review and approval process for exempt railroad crossing applications as adopted herein.
3. Applicants seeking expedited review and approval of their proposed exempt railroad crossing applications shall follow the process and procedures adopted herein.
4. Proposed exempt applications not meeting exemption requirements shall be reviewed using the formal application process.
5. The Director of the Rail Safety Division's existing authority pursuant to Resolution ET-1367 is expanded to approve extensions of time to complete projects approved through the expedited review and approval process in accordance with the process adopted herein.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held September 17, 2026; the following Commissioners voting favorably thereon:

/s/ *SHAO PAT TSEN*
Shao Pat Tsen
Interim Chief Deputy Director
(Deputy Executive Director
Consumer Policy, Transportation, and
Enforcement)

JOHN REYNOLDS
President
DARCIE L. HOUCK
KAREN DOUGLAS
MATTHEW BAKER
CHRISTINE HARADA
Commissioners

Executed on September 17, 2026 at San Marco, California.

Attachment A

Cover Sheet

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the [APPLICANT] to
[Description of work to be conducted] in the
City of [City Name], [County Name]
County, State of California, on [Railroad]'s
[Subdivision or Branch line NAME]
[Subdivision/Branch Line] at Mile Post [Mile
Post Number] (Proposed CPUC Crossing
No. [proposed CPUC No.] and U.S. DOT
No. [proposed U.S. DOT No.])

Application _____

APPLICATION OF THE [APPLICANT NAME] TO [DESCRIPTION OF WORK] IN
THE CITY OF [CITY NAME], COUNTY OF [COUNTY NAME]

Dated:

Name of individual submitting the Application on behalf of Applicant:

Title of individual submitting Application on Behalf of Applicant:

Business Address:

Telephone Number:

E-mail Address:

Attachment B

Application Form

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

Expedited Rail Crossing Application

1. APPLICANT INFORMATION

Applicant Name:

Applicant Title:

Business Address:

Telephone No.:

E-mail Address:

2. PROPOSED CROSSING IDENTIFICATION

Railroad(s) Involved:

Railroad Subdivision(s):

Railroad Milepost(s):

CPUC Number(s):

DOT Number(s):

Latitude/Longitude
of Crossing(s):

Crossing Configuration:

- ☐ At-Grade
- ☐ Grade-Separated: Road over track
- ☐ Grade-Separated: Road under track
- ☐ Track over Track

Type of Rail Crossing Application:

- ☐ Public Road Across Railroad (Rule 3.7)
- ☐ Alter or Relocate Existing Railroad Crossing (Rule 3.8)
- ☐ Railroad Across Public Road (Rule 3.9)
- ☐ Railroad Across Railroad (Rule 3.10)
- ☐ Light Rail Transit System Crossing (Rule 3.11)

3. NEAREST EXISTING PUBLIC CROSSING IDENTIFICATION

Name and CPUC and DOT Crossing Numbers of the nearest existing *public* crossing on each side of the proposed crossings:

Existing Public Crossing 1:

Roadway Name:

CPUC Number:

DOT Number:

Existing Public Crossing 2:

Roadway Name:

CPUC Number:

DOT Number:

Provide a statement describing the public need to be served by the proposed crossing:

If the crossing is at-grade:

Provide a statement describing why a separation of grades is not practicable:

Provide a description of the signs, signals, or other crossing warning devices which are proposed to be installed at the crossing:

4. THE APPLICATION INCLUDES THE FOLLOWING:
☐ A description of the location of the proposed crossing and plans of suitable scale that show all of the features of the crossing, including, but not limited to, streets, roads, tracks, and safety devices, and the location of any buildings, structures, or obstructions in the vicinity of the proposed crossing included as Appendix A.
☐ A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing included as Appendix B.
☐ A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing included as Appendix C.
☐ A copy of the franchise or permit that allows the railroad to cross the public road, highway, or street involved, if so required, from the authority having jurisdiction included as Appendix D.
☐ Any applicable safety and regulatory measures required pursuant to Section 309.7, Section 778, Sections 1201 to 1205, inclusive, or Section 99152, and any other information the commission may require included as Appendix E.
The following information related to the Commission's potential role as a responsible agency under the California Environmental Quality Act (CEQA) as Appendix F: ☐ A certified Final Environmental Impact Report, Mitigated Negative Declaration or Initial Study/Negative Declaration, ☐ Any and all Subsequent, Supplements, Addendums or other environmental documents produced by the CEQA lead agency, ☐ A final Mitigation Monitoring and Reporting Plan, ☐ A Notice of Determination, ☐ A Notice of Exemption, ☐ Any related documents made pursuant to a certified regulatory program created pursuant to Public Resource Code Sec. 21080.5, ☐ A Final Environmental Impact Statement, a Finding of No Significant Impact, Record of Decision, or any and all other environmental documents produced by the NEPA lead agency, and ☐ Any related judicial actions or rulings on the lead agency's CEQA or NEPA documents.
☐ Other:
☐ A statement regarding whether and how the proposed rail crossing proposed is in accordance with the Commission's Environmental and Social Justice (ESJ) Action Plan as Appendix G.

VERIFICATION

(See Rule 1.11)

I am an officer of the applicant (corporation/municipality) herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(Date) (Name of city)

Signature of Corporate/Government Officer

Title of Corporate/Government Officer