

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAFETY AND ENFORCEMENT DIVISION  
Railroad Safety Branch

RESOLUTION SR-80  
September 27, 1995

R E S O L U T I O N

RESOLUTION SR-80. 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.

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SUMMARY

This resolution recommends to the California Transportation Commission (CTC) to allocate, for the 1996-97 fiscal year, the sum of \$4,000,000 for the purpose of paying the local governments' share of the cost of maintaining automatic grade-crossing protection.

BACKGROUND

Public Utilities (PU) Code Section 1231.1 requires that in each annual proposed budget prepared by the Department of Transportation (CALTRANS), the sum of \$1,000,000 be set aside for allocation to the Public Utilities Commission (PUC) to pay to railroad or street railroad corporations the share of the cost to cities and counties of maintaining automatic grade-crossing protection. For crossings that were improved pursuant to the Federal Grade-Crossing Improvement Program, the maintenance costs are apportioned 50% between the railroad and the city or county. For a new crossing, the maintenance costs are apportioned pursuant to the agreement between the railroad and the public agency as prescribed in the Commission decision authorizing the crossing.

In 1988, an amendment to Public Utilities Code Section 1231.1 was enacted<sup>1</sup> which specifies that the PUC may recommend a sum greater than \$1,000,000 be set aside if the PUC finds that \$1,000,000 is not sufficient due to an increase in the number of grade-crossing protection 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.

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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, with the advent of a Federal grade-crossing protection funding program beginning with the 1973 Federal Highway Safety Act, the installation and upgrading of automatic grade-crossing protection devices increased which caused claims to exceed funds available for the calendar years 1977 and thereafter.

The railroads perform the required maintenance during a given calendar year, then file a claim with the Commission for reimbursement of the city or county share. These claims are paid from fiscal year budgets. For the past five years, claims and payments were as follows:

<u>CY</u>	<u>FY</u>	<u>No. of Crossings</u>	<u>Total Claims (\$)</u>	<u>Total Paid (\$)</u>
'90	90-91	3,144	3,755,842	3,500,000
'91	91-92	3,186	4,329,816	3,500,000
'92	92-93	3,083	4,162,573	3,500,000
'93	93-94	3,010	4,288,318	4,000,000
'94	94-95	3,042	4,371,828	4,000,000

The maintenance fund claims for calendar year 1995 are expected to be more than \$4,300,000 for an estimated 3,050 crossings. The FY '95-96 budget includes \$4 million for this program. We anticipate that claims for calendar year 1996 will be at the same level or higher than 1995, therefore, an allocation of \$4,000,000 will also be needed for the 1996-97 fiscal year.

FINDINGS

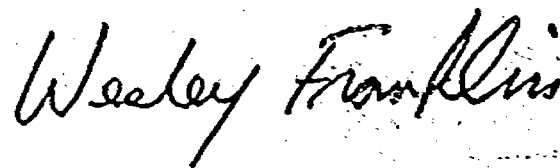
For the 1996-97 fiscal year, the sum of \$4,000,000 will be needed to pay the local governments' share of the cost of maintaining automatic grade-crossing protection devices.

**THEREFORE, IT IS ORDERED that:**

In accordance with PU Code Section 1231.1, the Commission recommends to the California Transportation Commission that a sum of four million dollars (\$4,000,000) be allocated for the 1996-97 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 protection.

The effective date of this Resolution is today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 27, 1995. The following Commissioners approved it:



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WESLEY M. FRANKLIN  
Acting Executive Director

DANIEL Wm. FESSLER  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
Commissioners