

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rail Safety and Carriers Division
Rail Engineering Safety Branch
Rail Crossings Projects Section

Resolution SX-25
September 16, 1999

RESOLUTION

**RESOLUTION SX-25. 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 to the California Transportation Commission (CTC) to allocate, for the 2000-2001 fiscal year, the sum of \$1,250,000 for the purpose of paying the local governments' share of the cost of maintaining automatic grade-crossing warning devices.

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 PUC decision authorizing the crossing.

In 1988, an amendment to Public Utilities Code Section 1231.1¹ was enacted which specifies that the PUC may reconmend 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 warning 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.

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 PUC 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> (\$)
'94	94-95	3,042	4,371,828	4,000,000
'95	95-96	3,095	4,347,243	4,000,000
'96	96-97	3,136	4,317,004	4,000,000
'97	97-98	3,033	4,330,149	4,250,000
'98	98-99	2,950	4,259,422	4,250,000

The maintenance fund claims for calendar year 1999 are expected to be approximately \$4,300,000 for an estimated 3,000 crossings. The FY '99-00 budget includes \$4,250,000 for this program. We anticipate that claims for calendar year 2000 will be at the same level or higher than 1999, therefore, an allocation of \$4,250,000 will be needed for the 2000-2001 fiscal year.

¹ AB 3065, (Polanco) September 29, 1988.

FINDINGS

For the 2000-2001 fiscal year, the sum of \$4,250,000 will be needed to pay the local governments' share of the cost of maintaining automatic grade-crossing warning devices.

Since this is an uncontested matter in which the resolution grants the relief requested, the 30-day period for public review and comment otherwise applicable pursuant to PU Code Section 311(g) (2) is being waived.

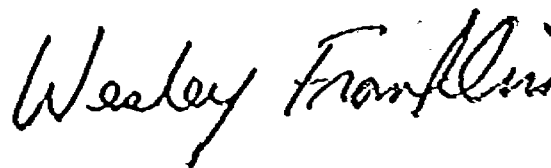
THEREFORE, IT IS ORDERED that:

In accordance with PU Code Section 1231.1, the PUC recommends to the California Transportation Commission that a sum of \$4,250,000 be allocated for the 2000-2001 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 warning devices.

The effective date of this Resolution is today.

I hereby certify that the Public Utilities Commission at its regular meeting on September 16, 1999 adopted this Resolution. The following Commissioners approved it:

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners



WESLEY M. FRANKLIN
Executive Director