

PUBLIC UTILITIES COMMISSION

Office of Governmental Affairs

770 L Street, Suite 1230
Sacramento, CA 95814
(916) 327-3277

July 17, 2009

The Honorable Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, CA 95814**RE: SB 409 (Ducheny) – As Amended May 21, 2009 – Oppose**
Status: Senate Appropriations Committee

Dear Senator Kehoe:

The California Public Utilities Commission (CPUC) is opposed to SB 409, which would create the Department of Railroads in the Business, Transportation and Housing Agency (BT&H), and would transfer the responsibilities for various state railroad programs currently administered by the CPUC and the Department of Transportation (Caltrans) to the newly created Department. SB 409 would remove the CPUC's constitutionally-based jurisdiction over the safety of rail-highway grade crossings on freight rail, inter-city rail, commuter rail and high speed rail systems. The CPUC has 98 years of experience in ensuring the safety of the entire rail system. Current safety professional practice requires system safety analyses and an understanding of the importance of an organization's safety culture. Removing a key part of the rail system, rail crossings, from the system that the CPUC regulates will lead to a disintegration of the system components, and reduce rail safety. Rail crossing safety is critical to the efficient operations of all rail systems, but most particularly to the freight, inner-city, commuter and high-speed rail systems impacted by this proposed legislation. These are the trains that are heavy, operate at high speeds, have long stopping distances, carry our families and friends, and carry heavy freight and hazardous materials, frequently on shared tracks.

Unfortunately, decision-making relative to grade crossing safety improvements almost always boils down to cost. As such, rail crossing safety is best served by the CPUC, an independent safety oversight agency, rather than BT&H, for which safety would be just one of many considerations in its planning and finance decisions.

Please see the attached analysis for a more detailed explanation of the Commission's position.

If you have any questions or wish to discuss this matter further, please do not hesitate to call me at (916) 327-7788.

Sincerely,

A handwritten signature in cursive script that reads "Michael Poë".

MICHAEL POE
Legislative Liaison

Attachment

cc: The Honorable Denise Ducheny, Member, California State Senate
Members, Senate Appropriations Committee
Mark McKenzie, Senate Appropriations Committee
Rocel Bettencourt, Senate Republican Caucus/Policy
Brian Kelly, Office of the President pro Tem
Michael Webb, Deputy Legislative Secretary, Office of Governor Arnold Schwarzenegger