

B I L L R E F E R R A L

DATE: COMMITTEE ACTION: \_\_\_\_\_

TO: DATE: \_\_\_\_\_

FROM:

REPLY NO LATER THAN:

A.B. 3627 S.B. Relating to Railroad Crossings

STATUS: Pending hearing in Assembly Utilities and Commerce Committee

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact me at X5346. This questionnaire should be returned to me for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary). The bill establishes a process whereby a local agency may declare a railroad crossing "deteriorated" and request that the responsible railroad corporation repair the crossing. The bill defines "heavily traveled crossing" as one intersecting a road or highway with 3 or more lanes for traffic in one direction or four or more lanes for traffic in two directions and the vehicular traffic on the crossing exceeds 7500 vehicles per day. The bill provides that a third party will mediate any disputes arising between the local agency and the railroad.

2. Should this measure be: (Please circle desired position)

- Supported
- Opposed
- Supported if Amended
- Placed on Watch List
- Other (explain)

3. Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure to the City. (Your analysis will be used in communicating with the Governor and the Legislature, so please make your comments in a format that can be used in a letter to those officials.) (Attach additional sheets if necessary.)

The failure of railroad corporations to repair badly deteriorated railroad crossings has become a pervasive problem. There are many instances within the City where railroad officials have indicated their willingness to provide needed repairs, yet no progress is made. A good example is the Southern Pacific railroad crossing at Fruitridge Road. In September and October 1985, in

3. response to numerous complaints, the Acting Street Division Manager had several discussions with Southern Pacific officials regarding needed repairs. The railroad agreed to make the necessary improvements early in October 1985. Yet, as of the 24th of March, no work has been done on the crossing.

This bill would provide local government the authority to require that deteriorated conditions be remedied within a specified time frame. As current law stands, the City has virtually no means at its disposal to require the railroads to comply.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).
5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?
6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:
- Support: League of California Cities
- Opposition: Railroad industry
7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?
- Yes, SB 90 Waiver
8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?

8

**ASSEMBLY BILL**

**No. 3627**

**Introduced by Assembly Member Bradley**

**February 20, 1986**

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**An act to add Sections 1202.7 and 1202.8 to the Public Utilities Code, relating to railroad crossings.**

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 3627, as introduced, Bradley. Railroad crossings.**

(1) Under existing law, the Public Utilities Commission regulates the manner and terms of installation, operation, maintenance, and use of railroad crossings of public roads and highways.

This bill would authorize local agencies to declare that heavily traveled crossings, as defined, are problem locations, would authorize them to request that conditions be corrected, and would require railroad corporations to respond to the requests within a specified time. Under other provisions of law, violations of this requirement would be a crime.

(2) Existing law provides for the allocation of the expenses of construction, reconstruction, alteration, and relocation of railroad crossings between railroad corporations and public agencies.

This bill would require the Public Utilities Commission to settle disagreements between railroad corporations and public agencies respecting surface materials at railroad crossings and to allocate the material costs.

(3) This bill would also make legislative findings and require the commission to study the cost and estimated use of various types of crossing surfaces and to report its findings to the Legislature not later than January 1, 1988.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that  
2 railroad corporations derive a direct commercial benefit  
3 from their tracks, including those intersected by public  
4 roads and streets. In addition, Section 1202 of the Public  
5 Utilities Code assigns to the Public Utilities Commission  
6 the exclusive power to determine the manner and terms  
7 of installation, operation, maintenance, and use of each  
8 railroad crossing. The commission has determined that it  
9 shall normally be the responsibility of each railroad  
10 corporation to maintain the crossing area between lines  
11 two feet outside of the rails of each track and the  
12 responsibility of the political subdivision having  
13 jurisdiction over the roadway to maintain the approaches  
14 to the crossings.

15 The Legislature further finds and declares that on  
16 certain heavily traveled roadways in urban areas, the use  
17 of traditional planking and asphalt material, while  
18 structurally sound, may, nevertheless, not be adequate to  
19 the purpose of providing a smooth, easily maintained  
20 vehicular crossing that does not impede traffic flow.  
21 Traffic flow has become increasingly important in urban  
22 areas where vehicular volumes are increasing due to  
23 community growth, and where the street system is  
24 pushed to its limits. Smooth, well maintained crossings  
25 diminish the liability exposure of public entities and  
26 railroads by enhancing the safety and convenience of the  
27 motoring public by reducing their need to suddenly stop  
28 or slow up.

29 The Legislature declares this act is enacted in order to  
30 provide for safe vehicular flow on urban street systems  
31 crossed by railroad tracks.

1 SEC. 2. Section 1202.7 is added to the Public Utilities  
2 Code, to read:

3 1202.7. (a) A local agency may declare that a heavily  
4 traveled crossing, as defined in subdivision (c) of Section  
5 1202.8, is a problem railroad crossing location whenever  
6 the local agency has received substantiated complaints  
7 from the public about either the quality of the ride over  
8 the crossing due to roughness or vehicular congestion  
9 experienced due to motorists having to slow to a speed  
10 significantly below the posted limit in order to pass over  
11 the crossing.

12 (b) The local agency may then provide the railroad  
13 corporation which owns the railroad track with written  
14 notification that the crossing is no longer an acceptable  
15 crossing from the standpoint of vehicular traffic and  
16 request that the condition described be corrected.

17 (c) The railroad corporation shall respond to the  
18 request from the local agency within 15 working days by  
19 indicating the action that the railroad corporation  
20 proposes to take, and shall state the expected date of  
21 completion of the repairs, if any.

22 (d) If the railroad corporation disagrees with the local  
23 agency's determination of the condition of the track, the  
24 railroad corporation shall provide written notification to  
25 the local agency within 15 working days, indicating its  
26 position on the condition of the track and requesting that  
27 a meeting be set to discuss the issue. A mutually agreed  
28 upon neutral third party shall be selected to arbitrate any  
29 impasse which may occur regarding the need for  
30 improving the crossing or regarding the time by which  
31 the improvements shall be completed.

32 SEC. 3. Section 1202.8 is added to the Public Utilities  
33 Code, to read:

34 1202.8. (a) Whenever it has been agreed by a local  
35 agency and a railroad corporation, or determined by an  
36 arbiter under subdivision (d) of Section 1202.7, that a  
37 heavily traveled crossing, as defined in subdivision (c) of  
38 this section, requires improvement, and the agency and  
39 railroad corporation are thereafter unable to agree on the  
40 material to be used in making the improvement, or on

1 the allocation of costs thereof, as between the railroad  
2 corporation and the local agency, the commission shall  
3 decide whether materials more durable than existing  
4 standard materials are appropriate in order to promote  
5 vehicular flow and the safety of motorists.

6 (b) If the commission determines that more durable  
7 materials are appropriate, it shall require the railroad  
8 corporation and the local agency to share the costs of the  
9 more durable materials on whatever fair and reasonable  
10 basis as the commission shall determine, having due  
11 regard for the relative cost effectiveness of the more  
12 durable materials. The allocation of the materials cost  
13 shall not affect the railroad corporation's customary  
14 responsibility for the costs of installation and for  
15 maintenance.

16 (c) "Heavily traveled crossing" means a crossing  
17 intersecting a road or highway that has three or more  
18 lanes for traffic in one direction or four or more lanes for  
19 traffic in two directions, and the vehicular traffic on the  
20 crossing exceeds 7,500 vehicles per day.

21 SEC. 4. The Public Utilities Commission shall collect  
22 and analyze available data concerning the cost and  
23 estimated life of various types of crossing surfaces and  
24 evaluate and compare them in terms of performance and  
25 cost effectiveness, with due consideration being given to  
26 differences in site characteristics. The commission shall  
27 report its findings to the Legislature not later than  
28 January 1, 1988.

29 SEC. 5. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because the only costs which may be  
32 incurred by a local agency or school district will be  
33 incurred because this act creates a new crime or  
34 infraction, changes the definition of a crime or infraction,  
35 changes the penalty for a crime or infraction, or  
36 eliminates a crime or infraction.

o RECEIVED

MAR 2 1988

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ADMINISTRATION