
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Josh Becker, Chair
2025 - 2026 Regular**

Bill No:	SB 667	Hearing Date:	4/21/2025
Author:	Archuleta		
Version:	4/8/2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Sarah Smith		

SUBJECT: Railroads: safety: wayside detectors: train length: emergency vehicle crossing

DIGEST: This bill requires certain railroads to install wayside detectors every 10 to 15 miles, limit the length of trains operating in the state, and cut, separate or move a train blocking emergency vehicles at an at-grade crossing as specified. This bill establishes penalties for this bill's violations and requires the California Public Utilities Commission (CPUC) to enforce those penalties.

ANALYSIS:

Existing law:

- 1) Defines a "public utility" as every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation. Existing law provides the CPUC with authority to regulate public utilities. (Public Utilities Code §216)
- 2) Specifies that the definition of a "common carrier" includes every railroad corporation, street railroad corporation, and specified car corporation accepting compensation for transportation. (Public Utilities Code §211)
- 3) Requires approval from the CPUC before an applicant can construct a public road, highway, or street across a railroad track. (Public Utilities Code §1201)
- 4) Provides the CPUC with exclusive authority to prescribe standards for railroad crossings, including the location, installation, operation, maintenance, and use of crossings. (Public Utilities Code §1202)
- 5) Allows individuals who own land through which a railroad operates to build private crossings over the railroad when those crossings are necessary for ingress or egress. Existing law gives the CPUC the authority to determine the

necessity for any crossing, the location and conditions for constructing and maintaining the private crossing, and the ability to assess costs. (Public Utilities Code §7537)

This bill:

- 1) Defines a “freight train” as one or more locomotives without cars or with one or more freight cars, except during switching operations or when classifying and assembling rail cars within a railroad yard to make or break-up trains.
- 2) Requires a railroad corporation to install wayside detectors every 10 miles on or adjacent to any track used by a freight train, as specified. This bill specifies that if the terrain makes it infeasible to install a wayside detector within 10 miles of another detector, the railroad corporation shall install a detector at the nearest feasible location. This bill prohibits railroad corporations from installing wayside detectors farther than 15 miles apart on a continuous track.
- 3) Prohibits freight trains, rolling stock, or on-track equipment from travelling faster than 10 miles per hour on tracks that do not have wayside detectors that comply with this bill. This bill also prohibits freight trains from travelling faster than 10 miles per hour if a wayside detector system has not indicated that there are no defects.
- 4) Establishes requirements for wayside detectors and specifies a process by which wayside detectors must alert train operators about defects. This bill also specifies the steps a train operator must take once a wayside detector reports a defect.
- 5) Establishes a penalty of at least \$25,000 for each railroad corporation violation of this bill’s provisions regarding wayside detectors.
- 6) Prohibits a freight train originating in-state from exceeding 7,500 feet. This bill specifies that when a train that originates outside of California exceeds 7,500 feet stops or removes cars within California before reaching its final destination, the train must reduce its total length to no more than 7,500 feet.
- 7) Requires any freight train, rolling stock or other on-track equipment blocking an at-grade crossing to be cut, separated or moved to clear the crossing if an authorized emergency vehicle approaches the crossing. This bill specifies that this requirement does not apply in circumstances where the train is stopped due to a mechanical failure or where separation or movement of the train is impossible.

- 8) Establishes the following penalty schedule for railroad corporations that violate this bill's provisions regarding train length limitations and blocked crossings:
- a) At least \$5,000 for a railroad corporation's first violation.
 - b) At least \$10,000 for a second violation within three years.
 - c) At least \$25,000 for a third or subsequent violation within three years of the prior two violations.

Background

Bill aims to address safety issues highlighted by the East Palestine derailment. In 2020, a freight train carrying hazardous materials derailed in the town of East Palestine, Ohio. In a subsequent investigation, the National Transportation Safety Board (NTSB) determined that a rail car's defective wheel bearing overheated and failed, triggering the train derailment. At the time of the derailment, the train was approximately 9,000 feet in length, consisting of 149 cars. Of those 149 cars, 38 derailed, and 11 of the derailed cars contained toxic chemicals. While the derailment did not directly result in any fatalities or injuries, fires burning around derailed cars containing combustible toxic chemicals led to concerns about the potential for an uncontrolled explosion. Residents of East Palestine continue to express concerns about the safety of the town's air and water following the derailment.

The East Palestine derailment raised a variety of concerns about safety issues related to railroads, including concerns about the extent to which inadequate warning systems, overly long train lengths, and low train staffing ratios increase the likelihood of train crashes and derailments. These concerns have also reignited debates about the extent to which regulations should address trains blocking traffic around at-grade crossings, particularly when that traffic includes emergency response vehicles.

Bill addresses three main issues: train length, wayside detectors, and blocked crossings. Wayside detectors are devices installed on or adjacent to rail tracks to monitor conditions of the train and the rails. Wayside detectors have sensors that can alert train operators to issues, like hot wheel bearings. Wayside detectors already exist on some rail lines. The train that crashed in East Palestine passed multiple wayside detectors before it derailed. At least two of these detectors sensed that the train's wheel bearings were overheating; however, these detectors were not set to alert the train's crew until the bearing reached substantially higher temperatures. By the time the final detector sensed a temperature high enough to trigger an alert to the train's crew, the train was already in the process of derailing

and catching fire. The NTSB's Chair, Jennifer Homendy, speculated that improved spacing and settings for wayside detectors could have prevented the East Palestine derailment.

In addition to wayside detection systems, this bill also limits the length of trains originating in California and requires trains that enter the state to reduce their size to no more than 7,500 feet if those trains stop to add or remove cars in California before reaching their final destination. While this limitation may be couched as requirement that only applies within California, it is unclear which freight trains traveling into California would not stop in the state. As a result, it appears likely that most freight trains entering into California would be forced to reduce their size at some point to comply with this bill's limitation on train length. Reducing the length of trains may increase reliance on trucking to move goods or increase the number of trains required to move freight in the state. Since freight and passenger rail share tracks in large portions of the state, the increased traffic of freight trains may create more delays for transit and passenger rail systems. Additionally, goods movement at ports may face challenges as any reduction in the capacity to unload shipping containers may reduce the amount of shipping containers that can be stored at the port.

While blocked crossings are a safety issue unrelated to the East Palestine derailment, the extended length of some trains has increased the likelihood that blocked crossings will impact the path of emergency vehicles. This bill requires trains that block crossings to move or cut the train to clear a crossing when an emergency vehicle approaches. The process of clearing obstacles on train tracks to enable a train to move or the process of cutting a train to clear a crossing can also delay traffic. In urban areas with sufficient ingress and egress, the fastest option for emergency vehicles to get through a blocked crossing may be to seek another route to bypass the train through another street or a raised freeway. However, emergency vehicles at blocked crossings in more rural locations may have limited options for bypassing a stopped train. Once a train is cut, the process of moving the cars cut away from the rest of the train may further delay the train's movement, which could result in other impacts to non-emergency transportation.

CPUC maintains limited jurisdiction over rail safety issues. While the CPUC has long held a role in regulating rail safety, federal law largely preempts states from regulating most rail operations. The Federal Railroad Safety Act (FRSA) and the Interstate Commerce Commission Termination Act (ICCTA) expressly exempt states from exercising regulatory action over railroads in certain circumstances. For example, the ICCTA provides the federal Surface Transportation Board with exclusive authority over the construction and operation of railroad tracks and facilities, even when those tracks and facilities are located entirely in one state.

Federal law also generally gives the Federal Railroad Administration regulatory authority over railroad tracks, vehicles, speeds, and safety inspections. Generally, if a law has not provided a federal agency with express preemption authority, the agency may claim an implied preemption power, which may depend on whether the federal agency has adopted a conflicting federal regulation. However, federal law also sets express boundaries on states' authority to adopt railroad safety regulations in the absence of federal rules. Federal statute (Title 49 U.S.C. §20106) states that states can only adopt rail safety rules in circumstances where there is no federal conflicting rule and all of the following conditions are also met:

- The regulation necessary to eliminate or reduce an essentially local safety or security hazard,
- The regulation is not incompatible with a law, regulation, or order of the United States Government; and
- The regulation does not unreasonably burden interstate commerce.

Federal and state courts have consistently preempted state statutes aimed at limiting train lengths and blocked crossings despite the absence of federal regulations addressing these issues. In some cases, the courts have deferred to the federal government's broad authority over interstate commerce. In other decisions, including the Ohio Supreme Court's decision in *Ohio v. CSX Transportation, Inc.*, courts have opined that blocked crossings are not rail safety issues, but rather public safety issues that cannot be addressed through rail safety regulatory powers. In 2024, the Supreme Court denied a petition to review the Ohio Supreme Court's opinion in this case.

Need for amendments. As currently written, some provisions of this bill apply solely to freight trains while other provisions apply to other rail systems, including passenger rail and transit systems. *To the extent that the author and committee intend for this bill to address freight train concerns, the author and committee may wish to amend this bill to remove references to "rolling stock" and other rail equipment and instead clarify that this bill applies solely to freight trains.* This bill also requires the CPUC to enforce its provisions, which will likely require the CPUC to modify existing General Orders and adopt new railroad regulations as part of a new or ongoing proceeding. However, this bill also appears to establish regulatory-level requirements in statute by proscribing specific processes that the CPUC would generally address through regulation. *As a result the author and committee may wish to amend this bill to do the following:*

- *Provide the CPUC with flexibility to adopt the bill's requirements through a new or existing proceeding.*
- *Delete proscribed processes in subsections (d) through (l) in Section 2 of the bill and instead require the CPUC to establish requirements for wayside*

detectors required by this bill, adopt processes for receiving alerts from wayside detectors, and create standards for freight train inspections conducted following the receipt of an alert from a wayside detector.

Dual Referral. Should this bill be approved by this committee, it will be re-referred to the Senate Transportation Committee.

Prior/Related Legislation

SB 544 (Laird) of the current legislative session, allows the CPUC to establish an expedited review and approval process for railroad crossing applications that are uncontested and do not need additional review or evidentiary hearings.

SB 757 (Archuleta, Chapter 411, Statutes of 2023) clarified licensing requirements for rail crew transportation providers, prohibits certain subcontracting for these services, and increased minimum insurance requirements for rail crew transportation operators.

SB 506 (Laird, Chapter 288, Statutes of 2023) required the CPUC to create a pilot project to test the use of color pavement markings at at-grade highway-railroad crossings, to the extent permitted by federal law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Brotherhood of Locomotive Engineers and Trainmen (Co-Sponsor)
California Safety and Legislative Board of SMART–Transportation Division (Co-Sponsor)
California Teamsters Public Affairs Council (Co-Sponsor)
California Federation of Labor Unions, AFL-CIO
California Professional Firefighters
California School Employees Association

OPPOSITION:

Agricultural Council of California
Almond Alliance
Arizona & California Railroad Company
Association of California Egg Farmers
Bay Area Council
BNSF Railway

California Building Industry Association
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Cotton Ginners & Growers Association
California Farm Bureau
California Forestry Association
California Fresh Fruit Association
California Grain & Feed Association
California Manufacturers & Technology Association
California Northern Railroad Company
California Retailers Association
California Short Line Railroad Association
California Walnut Commission
Central Oregon & Pacific Railroad INC.
Grower-shipper Association of Central California
Inland Empire Economic Partnership
J.D. Heiskell Holdings, LLC
NAIOP of California
Pacific Egg & Poultry Association
Pacific Merchant Shipping Association
San Diego & Imperial Valley Railroad
San Joaquin Valley Railroad Company
Southern California Leadership Council
Union Pacific Railroad
Ventura County Railroad Company
Western Plant Health Association
Western Tree Nut Association
Wine Institute

ARGUMENTS IN SUPPORT: According to the author:

Train accidents represent a persistent challenge to rail safety in the United States, with thousands of incidents occurring annually across the nation's extensive rail network. Senate Bill 667 will increase public and operator safety in California's heavy rail sector by requiring a railroad to operate a network of wayside detector systems on or adjacent to its tracks as well as limit trains originating in California to 7500ft. By mandating comprehensive detection coverage, communication protocols and maximum train length, SB 667 would significantly enhance California's ability to prevent catastrophic incidents. SB 667 also recognizes that rail safety extends beyond preventing derailments and collisions, addressing a critical aspect of community safety by requiring that

stationary trains blocking at-grade railroad crossings be cut, separated, or moved to allow passage of emergency vehicles. This measure directly benefits California communities by reducing potential delays in emergency response times due to blocked crossings. SB 667 addresses critical safety gaps in California's rail system by implementing targeted measures informed by recent derailments, industry operational changes, and evolving understanding of rail safety best practices. By focusing on wayside detection technology, train length, and emergency access provisions, SB 667 takes a comprehensive approach to rail safety that prioritizes prevention of catastrophic incidents while maintaining the viability of rail transportation.

ARGUMENTS IN OPPOSITION: Opponents argue that this bill will result in increased costs and supply chain delays that could impact goods movement. Opponents also argue that many of the bill's provisions are preempted by federal law. In opposition, a coalition of business, shipping, agriculture, and retail organizations state:

While California needs to ensure rail operations are safe, data from the Federal Railroad Administration (FRA) shows rail safety has dramatically improved. Congress has also tasked the FRA to gather additional information to ensure the industry and its regulators are able to have definitive answers to the question of train length, and its effect on safety, the economy, and the environment. Limiting the length a train can operate is also federally preempted under both the Commerce Clause and the ICC Termination Act (ICCTA) passed by Congress in 1995 which gives the Surface Transportation Board (STB) the sole jurisdiction to regulate rail transportation. Courts have repeatedly found that "ICCTA does not permit states to directly regulate a railroad's economic decisions such as those pertaining to train length." SB 667 imposes an arbitrary one-size-fits-all and does not allow railroads flexibility to take into account multiple driving factors.

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