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**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**  
**Senator Ben Hueso, Chair**  
**2019 - 2020 Regular**

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**Bill No:** AB 1017 **Hearing Date:** 6/18/2019  
**Author:** Boerner Horvath  
**Version:** 4/23/2019 As Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Sarah Smith

**SUBJECT:** New or modified railroad crossings: approval

**DIGEST:** This bill requires the California Public Utilities Commission (CPUC) to make an engineer available to local governments to provide advice on safety issues during the planning of a railroad crossing.

**ANALYSIS:**

Existing law:

- 1) Requires approval from the CPUC before any public road, highway, or street can be constructed across a railroad track. (Public Utilities Code §1201)
- 2) Requires the CPUC, in consultation with the Department of Transportation, to establish standards regarding the duration of time between the start warning signals and the start of traffic controls at railroad crossings. (Public Utilities Code §1201.1)
- 3) 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)

This bill requires the CPUC to make an engineer from the agency's Rail Crossings and Engineering Branch available to a city or county that has adopted a resolution to improve multimodal access for the purpose of providing advice on the safety of a planned railroad crossing before the local government files an application to the CPUC for approval of the crossing.

**Background**

*What is multimodal access?* Multimodal access accommodates different types of mobility. A multimodal access railroad crossing is designed to allow different types of traffic to cross rail lines, including pedestrians, cyclists, and vehicles.

Multiple transit agencies across the state have integrated multimodal access points into transportation systems to improve the accessibility of public transit systems, increase public transit ridership, and encourage cycling and pedestrian traffic. For example, Bay Area Rapid Transit (BART) adopted policies regarding station access and transit oriented development in 2016, which included policies encouraging the development of multimodal access standards for BART stations and bus stations connected to BART rail stations. BART's multimodal access guidelines are intended to maximize the use of space to provide riders with clear paths between transportation destinations and encourage active transportation, including walking and cycling. Prior legislation (SB 1, Beall, Chapter 5, Statutes of 2017) established the Solutions for Congested Corridors Program, which funds projects that reduce congestion in highly traveled corridors. In 2018, the California Transportation Commission approved a number of local government projects for funding through the Congested Corridors Program, including North Coast Corridor Program, which will make improvements to Interstate 5 and coastal rail facilities around San Diego. The railroad improvements will include train platform, station, and crossing updates for the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor.

*CPUC's role in ensuring safe railroad crossings.* This bill would require the CPUC to ensure that an engineer within the Rail Crossings and Engineering Branch is available to advise a local government on proposed crossing changes at an earlier stage of the planning and approval process for a multimodal rail crossing than currently done. Existing law gives the CPUC broad authority to prescribe standards for railroad crossings to ensure crossings' safety. Before a local government can construct or modify a railroad crossing, it must obtain approval for the planned crossing from the CPUC. The Rail Crossings and Engineering Branch reviews planned rail crossings upon receiving an application from a local government. This bill would require the CPUC to make an engineer from the branch available for the purpose of providing advice to the local government prior to the submission of an application. However, this bill does not limit the CPUC's authority to require additional changes to a rail crossing after the submission of an application for changes.

*Quiet Zones incentivize multimodal access updates and vice versa.* As part of its broad authority to regulate rail crossing constructions and modifications, the CPUC also has the authority to review applications for rail crossing changes to obtain Quiet Zone designations, which restrict trains from sounding their horns within the area. Quiet Zone standards are set by the federal government and generally require additional improvements at railroad crossings to prevent accidents in the absence of a warning horn. At the state level, the CPUC maintains a Quiet Zone Coordinator within its Rail Crossings and Engineering Branch to review proposed

quiet zone crossings and make recommendations for safety enhancements to ensure that a project meets Quiet Zone standards. While some planned projects may not require additional improvements to obtain a Quiet Zone designation, other projects may require significant improvements to obtain the designation. To the extent that local governments actively work with the CPUC to anticipate any safety modifications needed to receive approval for planned railroad crossings, this bill may help streamline those approvals.

A community's desire to obtain a Quiet Zone designation may also incentivize local government to make enhanced multimodal accessibility changes. Similarly, making multimodal access improvements to a railroad crossing also provides local governments with an opportunity to make changes that would help obtain a Quiet Zone designation. Part of the proposed changes to the LOSSAN corridor included rail crossing changes in Encinitas within San Diego County. In addition to adding multimodal transportation changes like pedestrian and bike paths, the crossing modifications also included updates to establish a Quiet Zone for the community of Cardiff-by-the-Sea.

### **Prior/Related Legislation**

AB 923 (Hertzberg, Chapter 841, Statutes of 1999) increased the minimum fines for failing to stop at a railroad crossing and required the CPUC to establish standards for the duration of time after a rail crossing warning signal starts and traffic enforcement begins.

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

### **SUPPORT:**

None received

### **OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** According to the author:

The planning and approval process for a city or county to modify or build a railroad crossing can be expensive and laborious. Often, after an application is filed, review by the CPUC can require significant modifications to the proposed plan. Because railroad crossings each have their own unique safety needs, there is no template for municipalities to follow in the application

process. CPUC engineers are available to answer questions prior to the application, but do not provide an assessment of the crossing until after the application is filed. This bill will make CPUC engineers available to assess rail crossings and assist in the planning process of the application. This will streamline the process for cities and counties, minimize the time and cost required to obtain approval from the CPUC and allow cities and counties to address the CPUC's concerns before filing an application.

**-- END --**