

AMENDED IN SENATE MARCH 22, 2004  
AMENDED IN SENATE SEPTEMBER 8, 2003  
AMENDED IN SENATE SEPTEMBER 4, 2003  
AMENDED IN SENATE AUGUST 25, 2003  
AMENDED IN SENATE JULY 21, 2003  
AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1618**

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**Introduced by Assembly Members Firebaugh and Calderon**  
*(Principal coauthor: Senator Escutia)*  
*(Coauthor: Assembly Member Bermudez)*

February 21, 2003

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An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1618, as amended, Firebaugh. Railroad corporations: runaway trains.

(1) Existing law sets forth the powers and duties of railroad corporations. Existing law authorizes the Public Utilities Commission, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public.

This bill would require the commission to require every railroad corporation operating in this state to develop ~~by March 1, 2004, within 90 days of the effective date of the bill,~~ in consultation with, and with approval by, the Office of Emergency Services, a protocol for rapid communications with that office, the Department of the California Highway Patrol, and designated local public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. The bill would require a railroad corporation to promptly notify the office, the department, and those agencies if there is such a runaway train or other uncontrolled train movement, in accordance with the communications protocol developed pursuant to the bill. ~~Because a~~

(2) A violation of an order or decision of the commission is a crime; ~~this bill.~~

*This bill, by requiring the commission to impose a new requirement on railroad corporations, the violation of which would be a crime, would create a new crime, thereby imposing a state-mandated local program.*

~~(2)~~

(3) 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.

~~(3)~~

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 7661 is added to the Public Utilities
- 2 Code, to read:
- 3 7661. (a) The commission shall require every railroad
- 4 corporation operating in this state to develop, ~~by March 1, 2004~~
- 5 *within 90 days of the effective date of the act adding this section,*
- 6 in consultation with, and with approval by, the Office of
- 7 Emergency Services, a protocol for rapid communications with



1 the Office of Emergency Services, the Department of the  
2 California Highway Patrol, and designated local public safety  
3 agencies in an endangered area if there is a runaway train or any  
4 other uncontrolled train movement that threatens public health and  
5 safety.

6 (b) A railroad corporation shall promptly notify the Office of  
7 Emergency Services, the Department of the California Highway  
8 Patrol, and designated local public safety agencies if there is a  
9 runaway train or any other uncontrolled train movement that  
10 threatens public health and safety, in accordance with the railroad  
11 corporation's communications protocol developed pursuant to  
12 subdivision (a).

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

22 SEC. 3. This act is an urgency statute necessary for the  
23 immediate preservation of the public peace, health, or safety  
24 within the meaning of Article IV of the Constitution and shall go  
25 into immediate effect. The facts constituting the necessity are:

26 Due to an existing gap in communications during emergency  
27 situations where there is a runaway train or any other uncontrolled  
28 train movement that threatens public health and safety, it is  
29 necessary that this act take effect immediately.  
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