

**ASSEMBLY BILL**

**No. 962**

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**Introduced by Assembly Member Nunez**

February 18, 2005

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An act to add Section 7662 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 962, as introduced, Nunez. Railroad safety.

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. Existing law requires the commission to require every railroad corporation operating in this state to develop a protocol for rapid communications with certain entities in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. Existing law requires a railroad corporation to promptly notify those entities if there is a runaway train or other uncontrolled train movement, in accordance with the communications protocol developed.

This bill would impose certain requirements on a railroad corporation regarding signage, markers, and flagging systems. The bill would prohibit a railroad corporation from leaving a train containing hazardous materials unattended outside of its terminal property, or permitting such a train to cross a grade crossing unattended. The bill would require a railroad corporation to notify the commission and the collective bargaining representative of any affected employee of any

new utilization of remote control locomotives. The bill would require a railroad corporation to notify the commission of any accident involving one of its trains, and to submit its current operating rules and any subsequent amendments to the commission.

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

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

1 SECTION 1. Section 7662 is added to the Public Utilities  
2 Code, to read:  
3 7662. (a) (1) A railroad corporation shall place appropriate  
4 signage to notify an engineer of an approaching grade crossing,  
5 consistent with federal law.  
6 (2) Existing whistle post signs shall be deemed to satisfy this  
7 requirement.  
8 (b) A railroad corporation shall utilize flagging systems and  
9 place milepost markers in a manner consistent with its adopted  
10 general code of operating rules.  
11 (c) (1) No railroad corporation shall leave a train containing  
12 hazardous materials unattended outside of its terminal property.  
13 (2) No railroad corporation shall permit a train containing  
14 hazardous materials to cross a grade crossing unattended.  
15 (3) For purposes of this section “unattended” means the  
16 absence of a crewmember or other responsible employee in a  
17 location with a line of sight to the portion of the train containing  
18 hazardous materials or, for the purposes of paragraph (2), a line  
19 of sight to the grade crossing.  
20 (d) A railroad corporation shall notify the commission and the  
21 collective bargaining representative of any affected employee of  
22 any new utilization of remote control locomotives in the state.  
23 (e) (1) A railroad corporation shall notify the commission of  
24 any accident involving one of its trains.  
25 (2) A railroad corporation shall submit its current operating  
26 rules and any subsequent amendments to the commission.