

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 962**

**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 amended, 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 *in the state, on or after January 1, 2006*. 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~~ *provide immediate notification to the commission of specified accidents, incidents, and other events that are required to be reported to the Federal Railroad Administration's National Response Center.*

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.~~ *adopt and follow main line flag*  
11    *rules consistent with this section and applicable federal safety*  
12    *regulations. All flags shall be readily visible and easily*  
13    *recognizable to the crews on both passenger and freight trains.*  
14    (1) *When track conditions warrant a speed slower than*  
15    *maximum authorized speed, a railroad corporation shall perform*  
16    *all of the following functions:*  
17    (A) *Display a yellow flag to the right of the railroad main line*  
18    *track in the direction of approach of an oncoming train, two*  
19    *miles in advance of any speed restriction.*  
20    (B) *Include, in sequential order, instructions in the track*  
21    *warrants or other information provided to train crews prior to*  
22    *departing their initial terminal.*  
23    (C) *If a restricted area is within terminal or junction limits*  
24    *where trains depart, the yellow flag may be placed less than two*  
25    *miles in advance of the restriction. Instructions shall be included*

1 *in the track warrants or other information provided train crews*  
2 *prior to departing their initial terminal.*

3 *(D) Place a green flag to the right of the railroad main line*  
4 *track in the direction of approach of an oncoming train at the*  
5 *end of the speed restriction.*

6 *(2) When persons and equipment are used to work on main*  
7 *line tracks in need of repair and oncoming trains must stop short*  
8 *of their restricted area, a railroad corporation shall perform all*  
9 *of the following functions:*

10 *(A) Display a yellow and red flag to the right of the track in*  
11 *the direction of approach, two miles in advance of the restricted*  
12 *track.*

13 *(B) Include, in sequential order, instructions in the track*  
14 *warrants or other information provided train crews prior to*  
15 *departing their initial terminal and must be in sequential order.*

16 *(C) If a restricted area is within terminal or junction limits*  
17 *where trains depart, the yellow red flag may be placed less than*  
18 *two miles in advance of the restriction. Instructions shall be*  
19 *included in the track warrants or other information provided*  
20 *train crews prior to departing their initial terminal.*

21 *(D) Display a red flag at the point of restriction to the right of*  
22 *the track in the direction of approach.*

23 *(E) Place a green flag to the right of the railroad main line*  
24 *track in the direction of approach of an oncoming train at the*  
25 *end of the track restriction.*

26 *(3) Whenever a temporary speed restriction occurs on main*  
27 *line tracks, a railroad corporation shall perform all of the*  
28 *following functions:*

29 *(A) Display flags as specified in subparagraphs (A), (C), and*  
30 *(D) of paragraph (1) within four hours of discovering the*  
31 *necessity of a speed restriction.*

32 *(B) Provide immediate radio instructions to all trains that may*  
33 *utilize the affected tracks by the appropriate dispatcher during*  
34 *this four-hour temporary period and continue until flags are*  
35 *installed as specified in paragraphs (1) and (2).*

36 *(C) Include written instructions within track warrants or other*  
37 *information provided to train crews prior to departing the initial*  
38 *terminal as soon as a temporary speed restriction is deemed*  
39 *necessary.*

(4) Whenever any overlapping speed restrictions or track restrictions occur within any given territory, the yellow, yellow red, red, and green flag requirements, as specified paragraphs (1) and (2), shall be in place for each occurrence so that a train crew may account for its location within overlapping restrictions, determine what restrictions will be encountered, and determine what restrictions have been passed through.

(5) A railroad corporation shall provide milepost markers to train crews at accurate one-mile intervals. The markers shall be readily visible to the locomotive engineer within the locomotive cab, and shall be kept in good repair and replaced when necessary.

(6) A railroad corporation shall place whistle signs to the right of the main track in the direction of approach, exactly one-quarter mile from the entrance to any grade crossing as a point of reference for locomotive engineers who blow the whistle and ring the bell for these grade crossings as a warning to the public. The signs, which shall consist of an "X" on a square plate mounted on a post, shall be readily visible to a locomotive engineer within the locomotive cab, shall be kept in good repair, and shall be replaced when necessary.

(7) A railroad corporation shall place permanent speed signs to the right of the track in the direction of approach, two miles in advance of the point where the speed is either increased or decreased for both passenger and freight trains. The signs shall be readily visible to a locomotive engineer within the locomotive cab, shall be kept in good repair, and shall be replaced when necessary.

~~(e) — (1) No~~

(c) (1) No railroad corporation shall leave a train containing hazardous materials unattended outside of its terminal property.

(2) No railroad corporation shall permit a train containing hazardous materials to cross a grade crossing unattended.

(3) For purposes of this section "unattended" means the absence of a crewmember or other responsible employee in a location with a line of sight to the portion of the train containing hazardous materials or, for the purposes of paragraph (2), a line of sight to the grade crossing.

(d) A railroad corporation shall notify the commission and the collective bargaining representative of any affected employee of

1 any new utilization of remote control locomotives in the state, *on*  
2 *or after January 1, 2006.*

3 ~~(e) (1) A railroad corporation shall notify the commission of~~  
4 ~~any accident involving one of its trains.~~

5 ~~(2) A railroad corporation shall submit its current operating~~  
6 ~~rules and any subsequent amendments to the commission.~~

7 *(e) A railroad corporation shall provide immediate*  
8 *notification to the commission of those accidents, incidents, and*  
9 *other events, concurrent with those provided to the Federal*  
10 *Railroad Administration's National Response Center, as*  
11 *required by Part 225.9 of Title 29 of the Code of Federal*  
12 *Regulations.*

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