

AMENDED IN ASSEMBLY APRIL 6, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1010**

**Introduced by Assembly Member Oropeza**

February 22, 2005

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An act to amend Section 99152 of, ~~and to add Sections 99152.1 and 99152.2 to~~ *to add Section 99152.1 to, and to repeal Section 778 of,* the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as amended, Oropeza. Rail transit.

Existing law provides that any public transit guideway planned, acquired, or constructed after January 1, 1979, is subject to the regulations of the Public Utilities Commission relative to safety appliances and procedures.

This bill would transfer that responsibility to the Department of Transportation on January 1, 2007.

~~Existing law provides that the Public Utilities Commission, among other things, has exclusive power to determine and prescribe the manner of a crossing of a street by a railroad. Existing law requires the commission, in consultation with the Department of Transportation and rail transit operators, to adopt rules and regulations prescribing uniform standards regarding the time after the warning signal begins at a railroad crossing at which traffic enforcement shall begin.~~

~~This bill, on January 1, 2007, in the case of at-grade or grade-separated crossing of streets by rail transit services, would vest exclusive jurisdiction over those matters in the department.~~

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 778 of the Public Utilities Code is  
2     repealed.

3     ~~778. The commission shall adopt rules and regulations, which~~  
4     ~~shall become effective on July 1, 1977, relating to safety~~  
5     ~~appliances and procedures for rail transit services operated at~~  
6     ~~grade and in vehicular traffic. The rules and regulations shall~~  
7     ~~include, but not be limited to, provisions on grade crossing~~  
8     ~~protection devices, headways, and maximum operating speeds~~  
9     ~~with respect to the speed and volume of vehicular traffic within~~  
10    ~~which the transit service is operated.~~

11    ~~The commission shall submit the proposed rules and~~  
12    ~~regulations to the Legislature not later than April 1, 1977.~~

13    SECTION 1.

14    SEC. 2. Section 99152 of the Public Utilities Code is  
15    amended to read:

16    99152. Any public transit guideway planned, acquired, or  
17    constructed, on or after January 1, 1979, is subject to regulations  
18    of the Public Utilities Commission relating to safety appliances  
19    and procedures. However, on and after January 1, 2007, the  
20    department shall succeed to the responsibilities of the  
21    commission in that regard.

22    The commission, until January 1, 2007, and the department, on  
23    and after that date, shall inspect all work done on those  
24    guideways and may make further additions or changes necessary  
25    for the purpose of safety to employees and the general public.

26    The commission, until January 1, 2007, and the department, on  
27    and after that date, shall develop an oversight program  
28    employing safety planning criteria, guidelines, safety standards,  
29    and safety procedures to be met by operators in the design,  
30    construction, and operation of those guideways. Existing industry  
31    standards shall be used where applicable.

32    The commission, until January 1, 2007, and the department, on  
33    and after that date, shall enforce the provisions of this section.

34    ~~SEC. 2.~~

35    SEC. 3. Section 99152.1 is added to the Public Utilities Code,  
36    to read:

37    99152.1. The department shall adopt rules and regulations,  
38    which shall become effective January 1, 2007, relating to safety

1 appliances and procedures for rail public transit services operated  
2 at grade and in vehicular traffic. The rules and regulations shall  
3 include, but not be limited to, provisions on grade crossing  
4 protection devices, headways, and maximum operating speeds  
5 with respect to the speed and volume of vehicular traffic within  
6 which the transit service is operated.

7 ~~SEC. 3.— Section 99152.2 is added to the Public Utilities Code,~~  
8 ~~to read:~~

9 ~~99152.2. Effective January 1, 2007, the department shall~~  
10 ~~succeed to the responsibilities of the commission in Sections~~  
11 ~~1201 and 1202 relative to at-grade or grade-separated crossings~~  
12 ~~of public streets, roads, or highways by the tracks of a rail public~~  
13 ~~transit service. Those crossings shall be subject to the exclusive~~  
14 ~~jurisdiction of the department.~~