

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 578

Introduced by Senator Escutia

February 18, 2005

An act to amend Sections 309.7 and 7661 of the Public Utilities Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Escutia. Railroads: safety.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail.

This bill would replace references to the safety division with references to the consumer protection and safety division.

Existing law requires every railroad corporation that transports hazardous materials, as defined, in the state to provide a system map of the state to the Office of Emergency Services and to the commission, showing certain information, to annually submit a copy of its emergency handling guidelines to the office, and to provide specified information in the event of an incident where there is a release or threatened release of a hazardous material. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid communications with that office, the Department of the California Highway Patrol, and designated county 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. Existing law requires a railroad corporation to promptly notify the office, the department, and the public safety agencies, through a communication to the Warning Center of the office, if there is a runaway train or other uncontrolled train movement threatening public safety, in accordance with the developed communications protocol.

This bill would provide that if a runaway train or uncontrolled train movement involves any railcar carrying a hazardous—~~substance~~ *material*, as defined, the railroad corporation is required to promptly notify the Office of Emergency Services, the Department of the California Highway Patrol, and designated county public safety agencies in an endangered area, whether or not an accident or spill occurs. The bill would require the consumer protection and safety division of the commission to investigate any incident that results in a notification pursuant to this requirement, and to report its findings concerning the cause or causes to the commission and for the commission to include the division's report in its annual report to the Legislature.

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. The Legislature finds and declares each of the
- 2 following:
- 3 (a) The transportation of hazardous materials by railroads
- 4 through urban areas in California poses a potential danger that
- 5 warrants heightened care by railroads and by the state, to prevent
- 6 accidents and spills.
- 7 (b) Recent accidents in other states involving the release of
- 8 toxic substances in lethal amounts, resulting in widespread injury
- 9 and death, illustrate the need for reassessment by both state and
- 10 federal authorities of equipment and facility standards, inspection
- 11 and maintenance programs, and enforcement procedures.
- 12 SEC. 2. Section 309.7 of the Public Utilities Code is amended
- 13 to read:
- 14 309.7. (a) The division of the commission responsible for
- 15 consumer protection and safety shall be responsible for
- 16 inspection, surveillance, and investigation of the rights-of-way,

1 facilities, equipment, and operations of railroads and public mass
2 transit guideways, and for enforcing state and federal laws,
3 regulations, orders, and directives relating to transportation of
4 persons or commodities, or both, of any nature or description by
5 rail. The consumer protection and safety division shall advise the
6 commission on all matters relating to rail safety, and shall
7 propose to the commission rules, regulations, orders, and other
8 measures necessary to reduce the dangers caused by unsafe
9 conditions on the railroads of the state. The delegation of
10 enforcement responsibility to the consumer protection and safety
11 division shall not diminish the power of other agencies of state
12 government to enforce laws relating to employee or
13 environmental safety, pollution prevention, or public health and
14 safety.

15 (b) In performing its duties, the consumer protection and
16 safety division shall exercise all powers of investigation granted
17 to the commission, including rights to enter upon land or
18 facilities, inspect books and records, and compel testimony. The
19 commission shall employ sufficient federally certified inspectors
20 to ensure at the time of inspection that railroad locomotives and
21 equipment and facilities located in class I railroad yards in
22 California are inspected not less frequently than every 180 days,
23 and all main and branch line tracks are inspected not less
24 frequently than every 12 months. In performing its duties, the
25 safety division shall consult with representatives of railroad
26 corporations, labor organizations representing railroad
27 employees, and the Federal Railroad Administration.

28 (c) The general counsel shall assign to the consumer
29 protection and safety division the personnel and attorneys
30 necessary to fully utilize the powers granted to the commission
31 by any state law, and by any federal law relating to rail
32 transportation, including, but not limited to, the Federal Rail
33 Safety Act (45 U.S.C. ~~Sees.~~ *Sec.* 421m, et seq.), to enforce safety
34 laws, rules, regulations, and orders, and to collect fines and
35 penalties resulting from the violation of any safety rule or
36 regulation.

37 (d) The activities of the consumer protection and safety
38 division that relate to safe operation of common carriers by rail,
39 other than those relating to grade crossing protection, shall also
40 be supported by the fees paid by railroad corporations, if any,

1 pursuant to Sections 421 to 424, inclusive. The activities of the
2 consumer protection and safety division that relate to grade
3 crossing protection shall be supported by funds appropriated
4 therefor from the State Highway Account in the State
5 Transportation Fund. On or before November 30 of each year,
6 the commission shall report to the Legislature on the activities of
7 the safety division, and shall fully document in the report all
8 expenditures of those funds in the audit report provided in
9 subdivision (f) of Section 421.

10 SEC. 3. Section 7661 of the Public Utilities Code is amended
11 to read:

12 7661. (a) The commission shall require every railroad
13 corporation operating in this state to develop, within 90 days of
14 the effective date of the act adding this section, in consultation
15 with, and with the approval of, the Office of Emergency
16 Services, a protocol for rapid communications with the Office of
17 Emergency Services, the Department of the California Highway
18 Patrol, and designated county public safety agencies in an
19 endangered area if there is a runaway train or any other
20 uncontrolled train movement that threatens public health and
21 safety.

22 (b) A railroad corporation shall promptly notify the Office of
23 Emergency Services, the Department of the California Highway
24 Patrol, and designated county public safety agencies, through a
25 communication to the Warning Center of the Office of
26 Emergency Services, if there is a runaway train or any other
27 uncontrolled train movement that threatens public health and
28 safety, in accordance with the railroad corporation's
29 communications protocol developed pursuant to subdivision (a).

30 (c) If the runaway train or uncontrolled train movement
31 involves any railcar carrying a hazardous ~~substance as defined in~~
32 ~~Section 25501 of the Health and Safety Code~~ *material as defined*
33 *in Section 7672*, the notification required pursuant to subdivision
34 (b) shall include the information required by subdivision (c) of
35 Section 7673, whether or not an accident or spill occurs.

36 (d) The consumer protection and safety division shall
37 investigate any incident that results in a notification required
38 pursuant to subdivision (b), and shall report its findings
39 concerning the cause or causes to the commission. The

- 1 commission shall include the division's report in its report to the
- 2 Legislature pursuant to Section 316.

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