

AMENDED IN SENATE APRIL 8, 2025

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 667

Introduced by Senator Archuleta

February 20, 2025

An act to add Sections 7615, 7664, and 7664.5 to the Public Utilities Code, ~~and~~ relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 667, as amended, Archuleta. Railroads: safety: wayside detectors: train length: emergency vehicle crossing.

The existing Federal Railroad Safety Act (FRSA) authorizes the United States Secretary of Transportation to prescribe regulations and issue orders for railroad safety and requires the United States Secretary of Homeland Security, when prescribing a security regulation or issuing a security order that affects the safety of railroad operations, to consult with the United States Secretary of Transportation. The FRSA provides for state participation in the enforcement of the safety regulations and orders issued by the United States Secretary of Transportation or the United States Secretary of Homeland Security, pursuant to an annual certification, and authorizes the respective secretaries to make an agreement with a state to provide investigative and surveillance activities. The FRSA provides that, to the extent practicable, laws, regulations, and orders related to railroad safety and security are required to be nationally uniform, but authorizes a state to adopt or continue in force a law, regulation, or order related to railroad safety or security until the United States Secretary of Transportation, with respect to railroad safety matters, or the United States Secretary of Homeland Security, with respect to railroad security matters, prescribes a regulation

or issues an order covering the subject matter of the state requirement. A state is additionally authorized to adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security, when necessary to eliminate or reduce an essentially local safety or security hazard, that is not incompatible with a federal law, regulation, or order, and that does not unreasonably burden interstate commerce.

This bill would require a railroad *corporation* to install and operate a network of wayside detector systems on or adjacent to ~~its tracks, any track used by a freight train~~ with maximum spacing specified for individual detection devices along a continuous track. The bill would define “wayside detector system” to mean an electronic device or series of connected devices that scans passing *freight* trains, rolling stock, on-track equipment, and their component equipment and parts for defects. The bill would require a wayside detector system to issue certain messages if a defect is detected or is not detected, and would specify actions to be taken if a message indicating a defect is detected. The bill would require a railroad *corporation* to ensure that its employees know and understand these requirements. The bill would require the commission to enforce these requirements and would impose a penalty of not less than \$25,000 upon a railroad *corporation* for each violation.

This bill would prohibit certain *freight* trains with a total length exceeding 7,500 feet from operating on any part of a main line or branch line in this state, as specified. The bill would require a *freight* train, rolling stock, or other on-track equipment that is completely stopped and that is blocking an at-grade railroad crossing to be cut, separated, or moved to clear the at-grade railroad crossing upon the approach of an emergency vehicle, except as specified. The bill would require the commission to enforce these provisions and would impose penalties of not less than \$5,000 for a first violation, \$10,000 for a 2nd violation, and \$25,000 for a 3rd or subsequent violation, as specified.

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 both of the
- 2 following:

1 (a) ~~Trains~~ *Freight trains* exhibiting excessive length operating
2 within the state on any main line or branch line expose the public
3 to unnecessary dangers and disruptions of commerce.

4 (b) Section 3 of this bill is intended to eliminate disruptions of
5 commerce and dangers imposed upon communities and the general
6 citizenry.

7 SEC. 2. Section 7615 is added to the Public Utilities Code, to
8 read:

9 7615. (a) For purposes of this section, all of the following
10 definitions apply:

11 (1) “AAR frequency” means the Association of American
12 Railroads frequency assigned to the location of the wayside
13 detector system that is sending a message.

14 (2) “Wayside detector communications system” means
15 technology that uses wireless communications systems or
16 algorithms to allow communication between one wayside detector
17 system with another wayside detector system to better predict and
18 detect defects.

19 (3) “Wayside detector system” means an electronic device or a
20 series of connected devices that scan passing *freight* trains, rolling
21 stock, on-track equipment, and their component equipment and
22 parts for defects, which include, but are not limited to, hot wheel
23 bearings, hot wheels, defective bearings that are detected through
24 acoustics, dragging equipment, excessive height or weight, shifted
25 loads, low hoses, excessive rail temperature, and poor wheel
26 condition.

27 (b) (1) Except as provided in paragraph (2), a railroad
28 *corporation* shall install and operate a network of wayside detector
29 systems on or adjacent to ~~its tracks~~ *any track used by a freight*
30 *train* with each wayside detector system no farther than 10 miles
31 from another wayside detector system on a continuous track.

32 (2) If the natural terrain renders it infeasible to install or operate
33 a wayside detector system no farther than 10 miles from another
34 wayside detector system on a continuous track, then a railroad
35 *corporation* shall install and operate a wayside detector system as
36 close as feasible to another wayside detector system on ~~a~~ *any*
37 ~~continuous track,~~ *track used by a freight train*, but no farther than
38 15 miles from another wayside detector system on a continuous
39 track.

(c) If a *freight* train, rolling stock, or on-track equipment is operating on a track between wayside detector systems that do not comply with the spacing requirements of subdivision (b), then it shall not travel faster than 10 miles per hour and may only travel faster than 10 miles per hour after it passes a wayside detector system that is in compliance with the spacing requirements of subdivision (b) and has received a message from the wayside detector system indicating that there are no defects.

(d) A wayside detector system shall provide an audible message on the AAR frequency and be equipped with a hot box detector, a hot wheel detector, and a dragging equipment detector.

(e) If either a wayside detector system or a wayside detector communications system identifies a defect, an audible message shall sound over the AAR frequency at least three times, with each message lasting at least five seconds with at least five seconds of silence between each message. The audible message shall include all of the following information:

(1) The system location milepost and name.

(2) The track number, if applicable.

(3) The total number of axles on the *freight* train, rolling stock, or on-track equipment, including motive power.

(4) The location of the defect within the *freight* train, rolling stock, or on-track equipment, or its component parts or equipment.

(f) If a wayside detector system identifies no defect, an audible message shall sound over the AAR frequency indicating the speed of the *freight* train, rolling stock, or on-track equipment, and that no defect was identified.

(g) The operator of a *freight* train, rolling stock, or on-track equipment that receives a message indicating a defect shall do all of the following:

(1) Stop the *freight* train, rolling stock, or on-track equipment in accordance with applicable safety procedures.

(2) Inspect the location of the identified defect.

(3) Note the results of the inspection and provide the results to the appropriate officer of the ~~railroad~~, *railroad corporation*, local dispatcher, or other qualified person based on the applicable railroad policy.

(4) If the operator believes continued operation is safe based on the results of the inspection, the operator shall proceed to operate the *freight* train, rolling stock, or on-track equipment at a

1 speed no faster than 10 miles per hour if carrying hazardous
2 materials or at a speed no faster than 30 miles per hour if not
3 carrying hazardous materials. The operator may exceed these
4 speeds after passing a wayside detector system and receiving a
5 message indicating no defect.

6 (5) If the operator believes continued operation is unsafe based
7 on the results of the inspection, the operator shall have the *freight*
8 train, rolling stock, or on-track equipment fully inspected by a
9 qualified mechanical inspector to determine if it is safe to proceed.
10 The *freight* train, rolling stock, or on-track equipment shall not
11 proceed until after a qualified mechanical inspector makes a
12 thorough inspection, makes any necessary repairs, and declares it
13 safe to proceed.

14 (h) If there is a determination that it is safe to proceed after
15 receiving a message indicating a defect, and then the operator of
16 a *freight* train, rolling stock, or on-track equipment receives another
17 message indicating the same defect, the operator shall do all of the
18 following:

19 (1) Stop the *freight* train, rolling stock, or on-track equipment
20 in accordance with applicable safety procedures.

21 (2) Have the *freight* train, rolling stock, or on-track equipment
22 fully inspected by a qualified mechanical inspector to determine
23 if it is safe to proceed. The *freight* train, rolling stock, or on-track
24 equipment shall not proceed until after a qualified mechanical
25 inspector makes a thorough inspection, makes any necessary
26 repairs, and declares it safe to proceed.

27 (i) All inspections required by this section shall be performed
28 from a position on the ground and shall not be made from, on, or
29 within any vehicle.

30 (j) (1) If a wayside detector system reports a number of axles
31 for a *freight* train that is less than the reported number of axles for
32 the train, then the operator shall report the discrepancy to the proper
33 railroad authority.

34 (2) If a wayside detector system reports a number of axles for
35 the *freight* train that is greater than the reported number of axles
36 for the *freight* train, then the operator shall report the discrepancy
37 to the proper railroad authority. If the discrepancy is not resolved
38 before the *freight* train travels five miles, then the operator shall
39 stop the *freight* train in accordance with applicable safety
40 procedures and shall not proceed until the discrepancy is resolved,

1 all extra equipment or cars are identified, and any necessary
2 documentation is issued.

3 (k) A railroad *corporation* doing business in this state shall
4 ensure that its employees know and understand the requirements
5 of this section.

6 (l) A railroad *corporation* shall partner with the commission to
7 determine what temperature readings above ambient temperature
8 of an identified defective car constitute a defect.

9 (m) (1) The commission shall enforce this section.

10 (2) A railroad *corporation* in violation of this section shall be
11 liable for a penalty of not less than twenty-five thousand dollars
12 (\$25,000) for each violation of this section.

13 SEC. 3. Section 7664 is added to the Public Utilities Code, to
14 read:

15 7664. (a) For ~~purpose~~ *purposes* of this section, the following
16 definitions apply:

17 (1) “Branch line” means a ~~secondary railroad track segment or~~
18 *route of railroad tracks* that branches off from a main ~~railroad~~
19 line.

20 (2) “Main line” means a *segment or route of railroad tracks of*
21 *a Class I railroad, as documented in current timetables filed by the*
22 *Class I railroad with the Federal Railroad Administration under*
23 *Part 217.7 of Title 49 of the Code of Federal Regulations, over*
24 *which 5,000,000 or more gross tons of railroad traffic is transported*
25 *annually, or used for regularly scheduled intercity or commuter*
26 *rail passenger service, or both. For purposes of this section, tourist,*
27 *scenic, historic, or excursion operations are not intercity or*
28 *commuter passenger service.*

29 (3) ~~(A) “Railroad” means, unless the context otherwise requires,~~
30 *means any form of nonhighway ground transportation that runs*
31 *on rails or electromagnetic guideways, including, but not limited*
32 *to, both of the following: and is used in connection with the*
33 *movement of freight.*

34 ~~(i) Commuter or other short-haul railroad passenger service in~~
35 ~~a metropolitan or suburban area and commuter railroad service.~~

36 ~~(ii) High-speed ground transportation systems that connect~~
37 ~~metropolitan areas, without regard to whether those systems use~~
38 ~~new technologies not associated with traditional railroads.~~

1 ~~(B) “Railroad” does not include rapid transit operations in an~~
2 ~~urban area that are not connected to the general railroad system of~~
3 ~~transportation.~~

4 (4) ~~“Train”~~ “*Freight train*” means one or more locomotives
5 ~~coupled with or without cars, requiring an air brake test in~~
6 ~~accordance with Part 232 or 238 of Title 49 of the Code of Federal~~
7 ~~Regulations; cars or with one or more freight cars, except during~~
8 switching operations or where the operation is that of classifying
9 and assembling rail cars within a railroad yard for the purpose of
10 making or breaking up trains.

11 (5) “Train length” means the total length of a train as measured
12 in linear feet.

13 (b) (1) A *freight* train originating in this state with a train length
14 exceeding 7,500 feet shall not operate on any part of a main line
15 or branch line in this state.

16 (2) If a *freight* train originating from outside this state with a
17 train length exceeding 7,500 feet operates in this state and stops
18 to add or remove cars ~~prior to~~ *before* its final destination, then it
19 shall reduce its train length to not exceed 7,500 feet while it is
20 stopped to add or remove cars ~~prior to~~ *before* its final destination.

21 (c) (1) The commission shall enforce subdivision (b).

22 (2) A railroad *corporation* in violation of subdivision (b) shall
23 be liable as follows:

24 (A) A penalty of not less than five thousand dollars (\$5,000)
25 for the first violation.

26 (B) A penalty of not less than ten thousand dollars (\$10,000)
27 for a second violation within three years of a prior violation.

28 (C) A penalty of not less than twenty-five thousand dollars
29 (\$25,000) for a third or subsequent violation within three years of
30 two prior violations.

31 SEC. 4. Section 7664.5 is added to the Public Utilities Code,
32 to read:

33 7664.5. (a) For purposes of this section, the following
34 definitions apply:

35 (1) “At-grade railroad crossing” means a location where a public
36 highway, road, street, or private roadway, including associated
37 sidewalks and pathways, crosses one or more railroad tracks at the
38 same level.

39 (2) “Authorized emergency vehicle” has the same meaning as
40 in Section 165 of the Vehicle Code.

(b) (1) Except as provided in paragraph (2), a *freight* train, rolling stock, or other on-track equipment that is completely stopped and that is blocking an at-grade railroad crossing shall be cut, separated, or moved to clear the at-grade railroad crossing upon the approach of an authorized emergency vehicle.

(2) Paragraph (1) does not apply to a *freight* train, rolling stock, or other on-track equipment that is stopped due to a mechanical failure and where separation or movement is not possible.

(c) (1) The commission shall enforce subdivision (b).

(2) A railroad *corporation* in violation of subdivision (b) shall be liable as follows:

(A) A penalty of not less than five thousand dollars (\$5,000) for the first violation.

(B) A penalty of not less than ten thousand dollars (\$10,000) for a second violation within three years of a prior violation.

(C) A penalty of not less than twenty-five thousand dollars (\$25,000) for a third or subsequent violation within three years of two prior violations.