

STATE OF CALIFORNIA

Public Utilities Commission
San Francisco

M e m o r a n d u m

Date: March 5, 2012

To: The Commission
(Meeting of March 8, 2012)

From: Office of Governmental Affairs (OGA) — Sacramento

Subject: **H.R. 7 (Mica) – American Energy and Infrastructure Jobs Act of 2012 (Provision Relevant to Positive Train Control)**
As amended: February 13, 2012

LEGISLATIVE SUBCOMMITTEE RECOMMENDATION: OPPOSE

SUMMARY OF BILL:

H.R. 7 would extend the deadline for implementation of Positive Train Control (PTC) on passenger rail lines from December 31, 2015, to December 31, 2020, and could extend the deadline for PTC on rail lines that transport toxic-by-inhalation hazardous materials to sometime after 2020.

SUMMARY OF SUPPORTING ARGUMENTS FOR RECOMMENDATION:

H.R. 7 would substantially delay PTC implementation in California and the nation. The Los Angeles Basin has probably the greatest number of commuter rail passengers in the nation sharing single trackage with freight trains. Moreover, the Chatsworth accident was preceded in 2002 when a freight train collided with a stopped commuter train in Placentia, California. Two passengers died and 130 were injured in that accident. The only real protection for commuter rail passengers is PTC. Delaying PTC implementation substantially increases the potential for a collision involving the release of hazardous materials such as ammonia, toxic chemicals, or petrochemical products that could contaminate aquifers and endanger affected communities.

In addition to placing commuters in Southern California at risk of personal injury, the bill:

- 1) Eliminates transit system funding from federal gasoline taxes;
- 2) Cuts \$380 million for highway safety grants to the States;
- 3) Eliminates capital grants programs for short line and regional railroads;
- 4) Eliminates grants to States & Amtrak for funding of facilities, infrastructure, and equipment for high priority rail corridor projects; and
- 5) Eliminates funding of California's High-Speed Rail Project.

Further, the bill would:

- Reduce Federal Highway Funding;
- Undermine Buy America Rules;
- Limit environmental review & public participation for Highway/Rail Projects;
- Broaden categorical exclusions to NEPA;
- Undermine mitigation of environmental impacts;
- Eliminate Transportation Enhancement Set-Asides;
- Eliminate the Public Lands Highways Program;
- Remove dedicated, user-financed transit funding from the Highway Trust Fund;
- Privatize 20% or more of fixed-route bus service;
- Stay new rules for Hours of Service for truck drivers;
- Eliminate FLSA minimum wage and overtime for truck drivers operating under contract with rail carriers transporting rail carrier employees;
- Exempt farmers and agricultural haulers from driver safety & Hours of Service Rules;
- Remove some safety and health protections from hazardous materials safety laws;
- Eliminate a number of OSHA regulations addressing the handling of hazardous materials
- Relieve certain transporters of hazardous materials from Haz Mat training laws;
- Prevent the Secretary from denying Haz Mat exemption permits to applicants with a poor safety record;
- Would incorporate safety standards by reference so that the public would be required to pay for copies from private publishers;
- Cut \$3 million of the present \$42 million for the 35 federal Haz Mat inspectors;
- Reduce overall Amtrak funding; and
- Allow any passenger rail provider to bid for Amtrak routes.

SUMMARY OF SUGGESTED AMENDMENTS:

None.

DIVISION ANALYSIS (Consumer Protection and Safety Division & Legal Division):

The bill would adversely affect the Commission's efforts in assisting in improving the safety and efficiency of commuter rail service provided by the Southern California Regional Rail Authority and the other regional rail authorities in the state such as the North County Transit District, Amtrak's Surfliner, Caltrain, and the Altamont Commuter Express, by significantly delaying implementation of PTC. Commuter rail agencies in California serve 110,700 riders per day.

The bill would adversely affect the Commission's efforts in assisting in improving the safety and efficiency of rail transit systems in California such as the Sacramento Regional Transit District, the San Francisco Metropolitan Transportation Authority, the Los Angeles County Metropolitan Transportation Authority, the San Diego Trolley, the Santa Clara Transportation Authority, and the Bay Area Rapid Transit District, by

significantly reducing their capital, operational, and maintenance budgets. Rail transit agencies in California serve 1,894,600 riders per day.

The bill would adversely affect the Commission's ability to conduct safety oversight over new and existing transit systems by reducing the amount of federal funds available for these systems and their safety oversight.

PROGRAM BACKGROUND:

PTC systems are designed to automatically prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position. Congress mandated installation of PTC in the Rail Safety Improvement Act of 2008 (P.L. 110-432) in the wake of one of the most tragic rail accidents in U.S. history. That accident was a head-on collision between a freight train and commuter train in Chatsworth, California, on September 12, 2008, that took the lives of 25 passengers and seriously injured 130 others. Both the National Transportation Safety Board (NTSB) and the CPUC determined that PTC would have prevented the accident and both agencies strongly urged Congress to pass P.L. 110-432 which required PTC implementation nationally by December 31, 2015.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

STATUS:

H.R. 7 is pending a floor vote in the House of Representatives.

SUPPORT/OPPOSITION:

None on file.

STAFF CONTACTS:

Nick Zanjani, Legislative Liaison-OGA (916) 327-3277

nkz@cpuc.ca.gov

BILL LANGUAGE:

Bill text can be viewed at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr7rh/pdf/BILLS-112hr7rh.pdf>.