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**THIRD READING**

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Bill No: SB 667  
Author: Archuleta (D)  
Amended: 1/22/26  
Vote: 21

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**SENATE ENERGY, U. & C. COMMITTEE:** 12-4, 4/21/25

**AYES:** Becker, Allen, Archuleta, Arreguín, Ashby, Gonzalez, Grayson, Limón, McNerney, Rubio, Stern, Wahab

**NOES:** Ochoa Bogh, Dahle, Grove, Strickland

**NO VOTE RECORDED:** Caballero

**SENATE TRANSPORTATION COMMITTEE:** 11-3, 1/13/26

**AYES:** Cortese, Archuleta, Arreguín, Blakespear, Cervantes, Gonzalez, Grayson, Menjivar, Pérez, Richardson, Umberg

**NOES:** Dahle, Seyarto, Valladares

**NO VOTE RECORDED:** Strickland

**SENATE APPROPRIATIONS COMMITTEE:** 4-2, 1/22/26

**AYES:** Caballero, Grayson, Richardson, Wahab

**NOES:** Seyarto, Dahle

**NO VOTE RECORDED:** Cabaldon

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**SUBJECT:** Railroads: safety: wayside detectors

**SOURCE:** Brotherhood of Locomotive Engineers and Trainmen

California Safety & Legislative Board of SMART–Transportation Div

California Teamsters Public Affairs Council

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**DIGEST:** This bill requires railroad corporations to install wayside detectors at specified intervals on California rail tracks that serve freight trains. This bill establishes penalties for this bill's violations and requires the California Public Utilities Commission (CPUC) to enforce those penalties.

**ANALYSIS:**

Existing law:

- 1) Defines a “public utility” as every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation. Existing law provides the CPUC with authority to regulate public utilities. (Public Utilities Code §216)
- 2) Specifies that the definition of a “common carrier” includes every railroad corporation, street railroad corporation, and specified car corporation accepting compensation for transportation. (Public Utilities Code §211)
- 3) Requires approval from the CPUC before an applicant can construct a public road, highway, or street across a railroad track. (Public Utilities Code §1201)
- 4) Provides the CPUC with exclusive authority to prescribe standards for railroad crossings, including the location, installation, operation, maintenance, and use of crossings. (Public Utilities Code §1202)
- 5) Allows individuals who own land through which a railroad operates to build private crossings over the railroad when those crossings are necessary for ingress or egress. Existing law gives the CPUC the authority to determine the necessity for any crossing, the location and conditions for constructing and maintaining the private crossing, and the ability to assess costs. (Public Utilities Code §7537)

This bill:

- 1) Defines a wayside detector system as an electronic device or series of connected devices that scans passing freight trains and their component equipment and parts for defects.
- 2) Requires a railroad corporation to install wayside detectors at the following intervals:
  - a) Class I railroads: every 10 miles.
  - b) Class II railroads: every 25 miles.
  - c) Class III railroads: every 35 miles.

- 3) Specifies that wayside detector systems installed pursuant to this bill must include a hot wheel bearing detector.
- 4) Prohibits freight trains from travelling faster than 10 miles per hour on tracks that do not have wayside detectors that comply with this bill. This bill also prohibits freight trains from travelling faster than 10 miles per hour on any track unless it receives a notification from a wayside detector that no defects are detected.
- 5) Requires the CPUC to adopt rules to implement this bill, including all the following:
  - a) Establishing minimum requirements for wayside detector systems.
  - b) Establishing a process for railroad corporations to receive approval from the CPUC for their wayside detector systems.
  - c) Specify a process for freight train crews to receive alert from wayside detector systems.
  - d) Create standards for freight train inspections that must be conducted following a wayside detector system alert. These standards must include requirements for railroad corporations to ensure that their employees are aware of these inspection standards.
- 6) Establishes a penalty of at least \$25,000 for each railroad corporation violation of this bill's provisions regarding wayside detectors.

## **Background**

*Bill aims to address safety issues highlighted by the East Palestine derailment.* In 2020, a freight train carrying hazardous materials derailed in the town of East Palestine, Ohio. In a subsequent investigation, the National Transportation Safety Board (NTSB) determined that a rail car's defective wheel bearing overheated and failed, triggering the train derailment. At the time of the derailment, the train was approximately 9,000 feet in length, consisting of 149 cars. Of those 149 cars, 38 derailed, and 11 of the derailed cars contained toxic chemicals. While the derailment did not directly result in any fatalities or injuries, fires burning around derailed cars containing combustible toxic chemicals led to concerns about the potential for an uncontrolled explosion. Residents of East Palestine continue to express concerns about the safety of the town's air and water following the derailment.

The East Palestine derailment raised a variety of concerns about safety issues related to railroads, including concerns about the extent to which inadequate warning systems, overly long train lengths, and low train staffing ratios increase the likelihood of train crashes and derailments. These concerns have also reignited debates about the extent to which regulations should address trains blocking traffic around at-grade crossings, particularly when that traffic includes emergency response vehicles.

*Bill requires installation of wayside detectors on California rail lines serving freight trains.* Wayside detectors are devices installed on or adjacent to rail tracks to monitor conditions of the train and the rails. Wayside detectors have a variety of sensors that can alert train operators to issues, including hot wheel bearing detectors that sense the temperature of train bearings, axels and brakes. These sensors are sometimes known as hot box detectors (HBDs) This bill requires railroad corporations to install wayside detectors at specified intervals on any tracks serving freight trains and specifies that these detectors must include HBDs. This bill is silent on other requirements for these systems; however, it requires the CPUC to establish requirements for these wayside detection systems, including a process for train crews to receive alerts from wayside detector systems and standards for freight train inspections following an alert.

Wayside detectors already exist on some rail lines. The train that crashed in East Palestine passed multiple wayside detectors before it derailed. At least two of these detectors sensed that the train's wheel bearings were overheating; however, these detectors were not set to alert the train's crew until the bearing reached substantially higher temperatures. By the time the final detector sensed a temperature high enough to trigger an alert to the train's crew, the train was already in the process of derailing and catching fire. The NTSB's Chair, Jennifer Homendy, speculated that improved spacing and settings for wayside detectors could have prevented the East Palestine derailment.

*Bill addresses freight trains, but it may impact California rail systems more broadly.* This bill requires certain classes of railroad corporations to install wayside detectors on tracks that serve freight trains, requires the CPUC to set standards for inspections of freight trains, and limits the speed at which freight trains can travel in the state on tracks that do not have compliant wayside detector systems. This bill also limits the speed at which freight trains can travel on any track where the detector has not provided a notification indicating that there no defects detected.

In many parts of the state, freight and passenger rail travel on overlapping tracks. For example, Los Angeles's Metrolink, the Altamont Corridor Express (ACE), and Amtrak's Capitol Corridor passenger rail systems heavily rely on and share tracks with Union Pacific (UP) and Burlington Northern Santa Fe (BNSF) which are Class I freight rail providers. Both the Amtrak Capitol Corridor Express and the ACE passenger rail system between Santa Clara and Stockton are largely based on UP freight lines. As a result, all these systems may require the installation of wayside detectors every 10 miles along their tracks. This bill limits the speed of freight trains on tracks that do not have detectors at these intervals and limits the speed of freight when a detector does not alert that defects are not detected. While this bill's speed limitation appears to apply only to freight trains, slowing freight trains on passenger rail systems below 10 miles per hour will necessarily require all other trains to slow their speed on the same track to prevent collisions and allow slower moving freight to clear tracks before other trains can move forward. While this bill requires the CPUC specify requirements for wayside detector systems that include heat sensors, this bill does not specify how this bill's speed limitations will be enforced.

*CPUC maintains limited jurisdiction over rail safety issues.* While the CPUC has long held a role in regulating rail safety, federal law largely preempts states from regulating most rail operations. The Federal Railroad Safety Act (FRSA) and the Interstate Commerce Commission Termination Act (ICCTA) expressly exempt states from exercising regulatory action over railroads in certain circumstances. For example, the ICCTA provides the federal Surface Transportation Board with exclusive authority over the construction and operation of railroad tracks and facilities, even when those tracks and facilities are located entirely in one state. Federal law also generally gives the Federal Railroad Administration regulatory authority over railroad tracks, vehicles, speeds, and safety inspections. Generally, if a law has not provided a federal agency with express preemption authority, the agency may claim an implied preemption power, which may depend on whether the federal agency has adopted a conflicting federal regulation. However, federal law also sets express boundaries on states' authority to adopt railroad safety regulations in the absence of federal rules. Federal statute (Title 49 U.S.C. §20106) states that states can only adopt rail safety rules in circumstances where there is no federal conflicting rule and all of the following conditions are also met:

- The regulation necessary to eliminate or reduce an essentially local safety or security hazard,
- The regulation is not incompatible with a law, regulation, or order of the United States Government; and

- The regulation does not unreasonably burden interstate commerce.

Federal and state courts have consistently preempted state statutes addressing rail infrastructure, train length, and blocked crossings – even in circumstances where the federal government has not implemented a conflicting regulation. In a number of cases, the courts have deferred to the federal government's broad authority over interstate commerce. In 2023, Ohio Governor Mike DeWine signed state legislation that contained wayside detector requirements substantially similar to those in this bill. The Ohio law also set train crew size requirements. Subsequent litigation regarding rail crew size is ongoing; however, the railroad corporations have not yet challenged the wayside detector requirements. While Ohio's wayside detector law remains unchallenged, railroads have successfully argued that state regulatory wayside detector installation requirements are federally preempted in other cases, including Missouri Pacific Railroad Company v. Railroad Commission of Texas (W.D. Texas, 1987).

## **Related/Prior Legislation**

SB 544 (Laird, Chapter 224, Statutes of 2025) allowed the CPUC to establish an expedited review and approval process for railroad crossing applications that are uncontested and do not need additional review or evidentiary hearings.

SB 757 (Archuleta, Chapter 411, Statutes of 2023) clarified licensing requirements for rail crew transportation providers, prohibits certain subcontracting for these services, and increased minimum insurance requirements for rail crew transportation operators.

SB 506 (Laird, Chapter 288, Statutes of 2023) required the CPUC to create a pilot project to test the use of color pavement markings at at-grade highway-railroad crossings, to the extent permitted by federal law.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

According to the Senate Appropriations Committee:

- The CPUC estimates one-time costs of approximately \$49,000 to develop rules for implementation of the bill, and ongoing costs of approximately \$530,000 annually for 2 PY of new staff to review response plans and administer the citation program addressing railroad corporation violations. (General Fund)

- Unknown penalty revenues in future fiscal years, to the extent the CPUC issues citations for violations of the bill's requirements. (General Fund)

**SUPPORT:** (Verified 1/22/26)

Brotherhood of Locomotive Engineers and Trainmen (Co-source)  
California Safety & Legislative Board of SMART–Transportation Div (Co-source)  
California Teamsters Public Affairs Council (Co-source)  
American Federation of State, County and Municipal Employees  
California Federation of Labor Unions, AFL-CIO  
California Professional Firefighters  
California School Employees Association  
Western States Council of Sheet Metal Workers in California

**OPPOSITION:** (Verified 1/22/26)

African American Farmers of California  
Agricultural Council of California  
Almond Alliance  
Arizona & California Railroad Company  
Association of California Egg Farmers  
Bay Area Council  
BNSF Railway  
BOMA California  
California Building Industry Association  
California Business Properties Association  
California Business Roundtable  
California Chamber of Commerce  
California Cotton Ginners & Growers Association  
California Farm Bureau  
California Forestry Association  
California Fresh Fruit Association  
California Grain & Feed Association  
California Manufacturers & Technology Association  
California Northern Railroad Company  
California Retailers Association  
California Short Line Railroad Association  
California Walnut Commission  
Capitol Corridor Joint Powers Authority  
Central Oregon & Pacific Railroad INC.  
Grower-Shipper Association of Central California

Inland Empire Economic Partnership  
J.D. Heiskell Holdings, LLC  
NAIOP of California  
Nisei Farmers League  
Pacific Coast Renders Association  
Pacific Egg & Poultry Association  
Pacific Merchant Shipping Association  
San Diego & Imperial Valley Railroad  
San Joaquin Joint Powers Authority  
San Joaquin Regional Rail Commission  
San Joaquin Valley Railroad Company  
San Luis Obispo Council of Governments  
Southern California Leadership Council  
Supply Chain Federation  
Union Pacific Railroad  
Ventura County Railroad Company  
Western Plant Health Association  
Western Tree Nut Association  
Wine Institute

**ARGUMENTS IN SUPPORT:** According to the author:

Train accidents represent a persistent challenge to rail safety in the United States, with thousands of incidents occurring annually across the nation's extensive rail network. Senate Bill 667 will increase public and operator safety in California's heavy rail sector by requiring a railroad to operate a network of wayside detector systems on or adjacent to its tracks as well as limit trains originating in California to 7500ft. By mandating comprehensive detection coverage, communication protocols and maximum train length, SB 667 would significantly enhance California's ability to prevent catastrophic incidents. SB 667 also recognizes that rail safety extends beyond preventing derailments and collisions, addressing a critical aspect of community safety by requiring that stationary trains blocking at-grade railroad crossings be cut, separated, or moved to allow passage of emergency vehicles. This measure directly benefits California communities by reducing potential delays in emergency response times due to blocked crossings. SB 667 addresses critical safety gaps in California's rail system by implementing targeted measures informed by recent derailments, industry operational changes, and evolving understanding of rail safety best practices. By focusing on wayside detection technology, train length, and emergency access provisions, SB 667 takes a comprehensive

approach to rail safety that prioritizes prevention of catastrophic incidents while maintaining the viability of rail transportation.

**ARGUMENTS IN OPPOSITION:** Opponents argue that this bill will result in increased costs and supply chain delays that could impact goods movement. Opponents also argue that many of this bill's provisions are preempted by federal law. In opposition, a coalition of business, shipping, agriculture, and retail organizations state:

While California needs to ensure rail operations are safe, data from the Federal Railroad Administration (FRA) shows rail safety has dramatically improved. Congress has also tasked the FRA to gather additional information to ensure the industry and its regulators are able to have definitive answers to the question of train length, and its effect on safety, the economy, and the environment. Limiting the length a train can operate is also federally preempted under both the Commerce Clause and the ICC Termination Act (ICCTA) passed by Congress in 1995 which gives the Surface Transportation Board (STB) the sole jurisdiction to regulate rail transportation. Courts have repeatedly found that "ICCTA does not permit states to directly regulate a railroad's economic decisions such as those pertaining to train length." SB 667 imposes an arbitrary one-size-fits-all and does not allow railroads flexibility to take into account multiple driving factors.

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1/26/26 13:22:03

\*\*\*\*\* END \*\*\*\*\*