

UNFINISHED BUSINESS

Bill No: SB 667
Author: Archuleta (D)
Amended: 6/3/26
Vote: 21

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

SENATE FLOOR: 26-11, 1/27/26

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cervantes,
Cortese, Durazo, Gonzalez, Laird, Limón, McGuire, McNerney, Menjivar,
Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg,
Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Cabaldon, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh,
Seyarto, Strickland, Valladares

NO VOTE RECORDED: Caballero, Grayson, Hurtado

ASSEMBLY FLOOR: Passed, 8/24/26

SUBJECT: Railroads: safety: report

SOURCE: Author

DIGEST: This bill requires the California Public Utilities Commission (CPUC) to evaluate a list of hazardous railroad sites by July 1, 2029, and determine whether changes to railroad operations, conditions and safety data warrant modifications to the list.

Assembly Amendments delete the prior version of this bill and add language requiring the CPUC to evaluate whether changes to railroad operations, conditions and safety data warrant modifications to the CPUC's list of hazardous railroad sites.

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)

- 6) Requires the CPUC to annually submit a report to the Legislature by July 1, regarding railroad lines in California that the CPUC deems hazardous. Existing law specifies that this report must include specified information about railroad accidents and railroad sites that pose local safety hazards. (Public Utilities Code §916.2)

This bill requires the CPUC to evaluate its list of hazardous railroad sites by July 1, 2029, and determine whether changes to railroad operations, conditions and safety data warrant modifications to the list.

Background

The East Palestine rail derailment increased awareness of railroad safety issues. 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.

The CPUC's role in railroad regulation. 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 United States Code (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.

Bill modifies existing CPUC reporting on hazardous railroad sites. This bill requires the CPUC to evaluate the list of rail lines identified as local safety hazard sites (LSHSs) by the CPUC and determine the extent to which railroad operations, conditions and safety data warrant changes to this list. The CPUC annually reports the list of LSHSs to the Legislature as part of requirements developed in response to legislation and regulation regarding rail safety incidents that occurred in the 1990s. In 1991, two separate train derailments in California resulted in large toxic substance spills. A derailment near Dunsmuir, California led to thousands of gallons of pesticide components spilling into the Sacramento River. This spilled killed all fish and wildlife over a 40 mile stretch of the river. A separate derailment near Seacliff, California, also led to a release of toxic materials that necessitated evacuations, highway closures, and medical emergencies. Following these incidents, the Legislature directed the CPUC to identify local safety hazards on rail lines in California and adopt regulations addressing rail safety issues. In 1997, the CPUC finally adopted a decision (D. 97-09-045), which identified 19 LSHSs and established safety requirements for trains operating at these sites. The CPUC's rail

safety regulations were heavily litigated and courts determined that federal law preempted a number of the CPUC's train safety regulations.

Existing law requires the CPUC to annually report a list of LSHSs in the state and identify the number of derailment incidents that have occurred at LSHSs in the previous five years. Since the characteristics of LSHSs has not changed since the CPUC first developed LSHS criteria, the CPUC's reported list of these sites has not changed since 1997. The CPUC's data shows that certain LSHSs are associated with much higher derailment risks. A stretch of Union Pacific rail line near the Tehachapi Pass that serves a critical freight corridor through the Tehachapi Mountains and Mojave Desert is associated with a uniquely high number of derailments. Very few miles of this route's track are in California; however, the route has been associated with more than five percent of the state's derailments over the prior five years. While the CPUC's data shows that some LSHSs routes continue to warrant close tracking of safety concerns, the data also indicates that some routes that are not currently on the LSHS list have experienced more derailments in the past five years than many of those on the LSHS list. By requiring the CPUC to evaluate the LSHS list and determine whether updates are needed, this bill may help the state better identify those routes that currently pose the greatest local safety risk.

Prior/Related 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 Assembly Appropriations Committee, this bill will require additional administrative and analytical work of the CPUC, at least until it

completes its review of local safety hazard sites. Costs will likely be in the hundreds of thousands of dollars annually until that work is completed. For its part, the CPUC estimates these costs at approximately \$568,000 annually (special fund): \$272,000 for travel, training, and safety and testing equipment and \$239,000 for a senior utilities engineer.

SUPPORT: (Verified 8/24/26)

California Professional Firefighters
California School Employees Association

OPPOSITION: (Verified 8/24/26)

None received

ARGUMENTS IN SUPPORT: In support, the California School Employees Association states:

SB 667 will increase public safety and rail crew members' safety in California's heavy rail sector by requiring the Public Utilities Commission to evaluate a list of sites and determine whether changes in conditions, operations or safety data warrant the removal, modification or addition of any site. By ensuring that there is a regular assessment of safety for potentially hazardous sites, SB 667 would significantly enhance California's ability to detect potential equipment failures before they result in catastrophic incidents such as the East Palestine, Ohio disaster of 2023.

Prepared by: Sarah Smith / E., U. & C. / (916) 651-4107
8/24/26 16:50:58

**** END ****