

AMENDED IN SENATE MAY 31, 2016
AMENDED IN SENATE APRIL 27, 2016
AMENDED IN SENATE APRIL 12, 2016
AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1222

Introduced by Senator Hertzberg

February 18, 2016

An act to amend Section 830.11 of the Penal Code, *to add Section 25229 to, and to repeal Section 25403-~~of~~ of*, the Public Resources Code, and to amend Sections 308.5, 309.7, 353.13, 353.15, 454.1, 740.5, 910.4, 913.2, 913.4, 913.5, ~~913.9~~, 913.10, 914.3, 918.1, 956, 958.5, 2870, 2872.5, 2892.1, 3368, 5371.4, 5381.5, and 7661 of, to add ~~Section Sections 380.3 and 913.14~~ to, to add and repeal Section 913.15 of, and to repeal Sections 318, 350, 747.5, 910.5, 910.6, 913.3, 913.6, 913.8, 913.9, 913.11, 913.13, 918.2, 2714.5, 2827.3, 2845, and 2867.1 of, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1222, as amended, Hertzberg. Public Utilities Commission: reports.

The California Constitution establishes the Public Utilities Commission (PUC), with jurisdiction over all public utilities. The California Constitution grants the PUC certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature to confer additional authority and jurisdiction upon the PUC that is cognate and germane to the regulation of public utilities. Existing law requires the PUC to submit various reports to the Legislature, legislative committees, and the Governor, as specified.

This bill would change the date by which the PUC must submit specified reports, change the contents of specified reports, reassign to the *State Energy Resources Conservation and Development Commission (Energy Commission)* the PUC's duty to prepare a specified report, and repeal the provisions requiring the PUC to submit specified reports. The bill would repeal a reporting requirement of electrical corporations and the PUC with respect to the 21st Century Energy System Decision, as defined. The bill would repeal a requirement that the PUC conduct a zero-based budget for all of its programs by January 10, 2015.

Existing law requires the ~~State Energy Resources Conservation and Development Commission (Energy Commission)~~ to submit to the PUC and to any local publicly owned electric utility recommendations designed to reduce wasteful, unnecessary, or uneconomic energy consumption resulting from specified practices, including differential rate structures, cost-of-service allocations, the disallowance of a business expense of advertising or promotional activities that encourage the use of electricity, peakload pricing, and other pricing measures. Existing law requires the PUC and local publicly owned electric utilities to review and consider the recommendations of the Energy Commission and, within 6 months after the date they receive them, to report to the Governor and the Legislature their actions and reasons therefor with respect to each recommendation.

This bill would repeal these requirements.

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board (state board) as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. Existing law requires the state board to report to the Governor and the Legislature by December 31, 2011, on the reduction in emissions of greenhouse gases resulting from the increase of new electrical generation that utilizes excess waste heat through combined heat and power systems and recommend policies that further the goals of the Waste Heat and Carbon Emissions Reduction Act.

This bill would repeal this reporting requirement.

This bill would also make various technical changes, including, but not limited to, changes to the responsibilities of various divisions of the PUC.

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. This act shall be known, and may be cited, as the
2 Public Utilities Commission Accountability Act of 2016.

3 SEC. 2. Section 830.11 of the Penal Code is amended to read:

4 830.11. (a) The following persons are not peace officers but
5 may exercise the powers of arrest of a peace officer as specified
6 in Section 836 and the power to serve warrants as specified in
7 Sections 1523 and 1530 during the course and within the scope of
8 their employment, if they receive a course in the exercise of those
9 powers pursuant to Section 832. The authority and powers of the
10 persons designated under this section shall extend to any place in
11 the state:

12 (1) Persons employed by the Department of Business Oversight
13 designated by the Commissioner of Business Oversight, provided
14 that the primary duty of these persons shall be the enforcement of,
15 and investigations relating to, the provisions of law administered
16 by the Commissioner of Business Oversight.

17 (2) Persons employed by the Bureau of Real Estate designated
18 by the Real Estate Commissioner, provided that the primary duty
19 of these persons shall be the enforcement of the laws set forth in
20 Part 1 (commencing with Section 10000) and Part 2 (commencing
21 with Section 11000) of Division 4 of the Business and Professions
22 Code. The Real Estate Commissioner may designate persons under
23 this section, who at the time of their designation, are assigned to
24 the Special Investigations Unit, internally known as the Crisis
25 Response Team.

26 (3) Persons employed by the State Lands Commission
27 designated by the executive officer, provided that the primary duty
28 of these persons shall be the enforcement of the law relating to the
29 duties of the State Lands Commission.

30 (4) Persons employed as investigators of the Investigations
31 Bureau of the Department of Insurance, who are designated by the
32 Chief of the Investigations Bureau, provided that the primary duty
33 of these persons shall be the enforcement of the Insurance Code
34 and other laws relating to persons and businesses, licensed and
35 unlicensed by the Department of Insurance, who are engaged in
36 the business of insurance.

37 (5) Persons employed as investigators by the Public Utilities
38 Commission, who are designated by the commission's executive

1 director and approved by the commission, and their supervisors
2 up to the director level, provided that the primary duty of these
3 persons shall be the enforcement of the law as that duty is set forth
4 in Section 308.5 of the Public Utilities Code.

5 (6) (A) Persons employed by the State Board of Equalization,
6 Investigations Division, who are designated by the board's
7 executive director, provided that the primary duty of these persons
8 shall be the enforcement of laws administered by the State Board
9 of Equalization.

10 (B) Persons designated pursuant to this paragraph are not entitled
11 to peace officer retirement benefits.

12 (7) Persons employed by the Department of Food and
13 Agriculture and designated by the Secretary of Food and
14 Agriculture as investigators, investigator supervisors, and
15 investigator managers, provided that the primary duty of these
16 persons shall be enforcement of, and investigations relating to, the
17 Food and Agricultural Code or Division 5 (commencing with
18 Section 12001) of the Business and Professions Code.

19 (8) The Inspector General and those employees of the Office
20 of the Inspector General as designated by the Inspector General,
21 provided that the primary duty of those persons shall be the
22 enforcement of the law relating to the duties of the Office of the
23 Inspector General.

24 (b) Notwithstanding any other provision of law, persons
25 designated pursuant to this section may not carry firearms.

26 (c) Persons designated pursuant to this section shall be included
27 as "peace officers of the state" under paragraph (2) of subdivision
28 (c) of Section 11105 for the purpose of receiving state summary
29 criminal history information and shall be furnished that information
30 on the same basis as peace officers of the state designated in
31 paragraph (2) of subdivision (c) of Section 11105.

32 *SEC. 3. Section 25229 is added to the Public Resources Code,*
33 *to read:*

34 *25229. The commission shall report annually on its efforts to*
35 *identify electrical or gas corporation ratepayer-funded energy*
36 *efficiency programs that are similar to programs that are*
37 *administered by the Public Utilities Commission, the State Air*
38 *Resources Board, the California Alternative Energy and Advanced*
39 *Transportation Financing Authority, the California Infrastructure*
40 *and Economic Development Bank, the Department of Community*

1 *Services and Development, or the commission. The commission*
2 *shall make recommendations to the Public Utilities Commission*
3 *to revise the ratepayer-funded energy efficiency programs, as*
4 *necessary, to ensure that the programs complement and do not*
5 *duplicate similar programs administered by a state agency*
6 *described in this section.*

7 ~~SEC. 3.~~

8 *SEC. 4.* Section 25403 of the Public Resources Code is
9 repealed.

10 ~~SEC. 4.~~

11 *SEC. 5.* Section 308.5 of the Public Utilities Code is amended
12 to read:

13 308.5. Persons employed as investigators by the commission,
14 who are designated by the commission's executive director and
15 approved by the commission, and their supervisors up to the
16 director level, have the authority of peace officers, as specified in
17 paragraph (5) of subdivision (a) of Section 830.11 of the Penal
18 Code, while engaged in exercising the powers granted to or
19 performing the duties imposed upon them in investigating the laws,
20 orders, or regulations administered by the commission or
21 commencing directly or indirectly any criminal prosecution arising
22 from any investigation conducted under these laws. All persons
23 herein referred to shall be deemed to be acting within the scope
24 of employment with respect to all acts and matters set forth in this
25 section.

26 ~~SEC. 5.~~

27 *SEC. 6.* Section 309.7 of the Public Utilities Code is amended
28 to read:

29 309.7. (a) The division of the commission responsible for
30 railroad safety shall be responsible for inspection, surveillance,
31 and investigation of the rights-of-way, facilities, equipment, and
32 operations of railroads and public mass transit guideways, and for
33 enforcing state and federal laws, regulations, orders, and directives
34 relating to transportation of persons or commodities, or both, of
35 any nature or description by rail. The division of the commission
36 responsible for railroad safety shall advise the commission on all
37 matters relating to rail safety, and shall propose to the commission
38 rules, regulations, orders, and other measures necessary to reduce
39 the dangers caused by unsafe conditions on the railroads of the
40 state. The delegation of enforcement responsibility to the division

1 of the commission responsible for railroad safety shall not diminish
2 the power of other agencies of state government to enforce laws
3 relating to employee or environmental safety, pollution prevention,
4 or public health and safety.

5 (b) In performing its duties, the division of the commission
6 responsible for railroad safety shall exercise all powers of
7 investigation granted to the commission, including rights to enter
8 upon land or facilities, inspect books and records, and compel
9 testimony. The commission shall employ sufficient federally
10 certified inspectors to ensure at the time of inspection that railroad
11 locomotives and equipment and facilities located in class I railroad
12 yards in California are inspected not less frequently than every
13 180 days, and all main and branch line tracks are inspected not
14 less frequently than every 12 months. In performing its duties, the
15 division of the commission responsible for railroad safety shall
16 consult with representatives of railroad corporations, labor
17 organizations representing railroad employees, and the Federal
18 Railroad Administration.

19 (c) The general counsel shall assign to the division of the
20 commission responsible for railroad safety the personnel and
21 attorneys necessary to fully utilize the powers granted to the
22 commission by any state ~~law~~, *law* and by any federal law relating
23 to rail transportation, to enforce safety laws, rules, regulations,
24 and orders, and to collect fines and penalties resulting from the
25 violation of any safety rule or regulation.

26 (d) The activities of the division of the commission responsible
27 for railroad safety that relate to safe operation of common carriers
28 by rail, other than those relating to grade crossing protection, shall
29 also be supported by the fees paid by railroad corporations, if any,
30 pursuant to Sections 421 to 424, inclusive. The activities of the
31 division of the commission responsible for railroad safety that
32 relate to grade crossing protection shall be supported by funds
33 appropriated therefor from the State Highway Account in the State
34 Transportation Fund.

35 ~~SEC. 6.~~

36 *SEC. 7.* Section 318 of the Public Utilities Code is repealed.

37 ~~SEC. 7.~~

38 *SEC. 8.* Section 350 of the Public Utilities Code is repealed.

1 ~~SEC. 8.~~

2 *SEC. 9.* Section 353.13 of the Public Utilities Code is amended
3 to read:

4 353.13. (a) The commission shall require each electrical
5 corporation to establish new tariffs on or before January 1, 2003,
6 for customers using distributed energy resources, including, but
7 not limited to, those that do not meet all of the criteria described
8 in Section 353.1. However, after January 1, 2003, distributed
9 energy resources that meet all of the criteria described in Section
10 353.1 shall continue to be subject only to those tariffs in existence
11 pursuant to Section 353.3, until June 1, 2011, except that
12 installations that do not operate in a combined heat and power
13 application will be subject to those tariffs in existence pursuant to
14 Section 353.3 only until June 1, 2006. Those tariffs required
15 pursuant to this section shall ensure that all net distribution costs
16 incurred to serve each customer class, taking into account the actual
17 costs and benefits of distributed energy resources, proportional to
18 each customer class, as determined by the commission, are fully
19 recovered only from that class. The commission shall require each
20 electrical corporation, in establishing those rates, to ensure that
21 customers with similar load profiles within a customer class will,
22 to the extent practicable, be subject to the same utility rates,
23 regardless of their use of distributed energy resources to serve
24 onsite loads or over-the-fence transactions allowed under Sections
25 216 and 218. Customers with dedicated facilities shall remain
26 responsible for their obligations regarding payment for those
27 facilities.

28 (b) In establishing the tariffs, the commission shall consider
29 coincident peakload, and the reliability of the onsite generation,
30 as determined by the frequency and duration of outages, so that
31 customers with more reliable onsite generation and those that
32 reduce peak demand pay a lower cost-based rate.

33 ~~SEC. 9.~~

34 *SEC. 10.* Section 353.15 of the Public Utilities Code is amended
35 to read:

36 353.15. (a) In order to evaluate the efficiency, emissions, and
37 reliability of distributed energy resources with a capacity greater
38 than 10 kilowatts, customers that install those resources pursuant
39 to this article shall report to the commission, on an annual basis,
40 all of the following information, as recorded on a monthly basis:

1 (1) Heat rate for the resource.

2 (2) Total kilowatthours produced in the peak and off-peak
3 periods, as determined by the ISO.

4 (3) Emissions data for the resource, as required by the State Air
5 Resources Board or the appropriate air quality management district
6 or air pollution control district.

7 (b) The commission shall release the information submitted
8 pursuant to subdivision (a) in a manner that does not identify the
9 individual user of the distributed energy resource.

10 *SEC. 11. Section 380.3 is added to the Public Utilities Code,*
11 *to read:*

12 *380.3. The commission shall consider the Energy Commission's*
13 *recommendations made pursuant to Section 25229 of the Public*
14 *Resources Code in determining whether to revise its*
15 *ratepayer-funded energy efficiency programs.*

16 ~~SEC. 10.~~

17 *SEC. 12. Section 454.1 of the Public Utilities Code is amended*
18 *to read:*

19 454.1. (a) Except as provided in subdivision (b), if a customer
20 with a maximum peak electrical demand in excess of 20 kilowatts
21 located or planning to locate within the service territory of an
22 electrical corporation receives a bona fide offer for electric service
23 from an irrigation district at rates less than the electrical
24 corporation's tariffed rates, the electrical corporation may discount
25 its noncommodity rates, but may not discount its noncommodity
26 rates below its distribution marginal cost of serving that customer.
27 For purposes of this subdivision, the costs of the electric
28 commodity shall be excluded from both the irrigation district and
29 electric corporation's rates. The electrical corporation may recover
30 any difference between its tariffed and discounted service from its
31 remaining customers, allocated as determined by the commission.
32 However, the reallocation may not increase rates to its remaining
33 customers by any greater amount than the rates would be increased
34 if the customer had taken electric distribution service from the
35 irrigation district and the irrigation district had paid the charge
36 established in subdivision (e) of Section 9607. Further, there shall
37 be a firewall preventing the reallocation of such differences
38 resulting from discounting to residential customers or to
39 commercial customers with maximum peak demands not in excess
40 of 20 kilowatts.

1 (b) Subdivision (a) does not apply to a cumulative 75 megawatts
2 of load served by the Merced Irrigation District, determined as
3 follows:

4 (1) The load is located within the boundaries of Merced
5 Irrigation District, as those boundaries existed on December 20,
6 1995, together with the territory of Castle Air Force Base which
7 was located outside the district on that date.

8 (2) For purposes of this section, a megawatt of load shall be
9 calculated in accordance with the methodology established by the
10 Energy Commission in its Docket No. 96-IRR-1890.

11 (c) Subdivision (a) applies to the load of customers that move
12 to the areas described in paragraph (1) of subdivision (b) after
13 December 31, 2000, and such load shall be excluded from the
14 calculation of the 75 megawatts in subdivision (b).

15 (d) If an electrical corporation seeks to apply the discounts
16 permitted under subdivision (a) within the geographic area
17 described in subdivision (b) of Section 9610, the electrical
18 corporation's resulting rate for distribution service may not be less
19 than 120 percent of the electrical corporation's marginal
20 distribution cost of serving that customer.

21 ~~SEC. 11.~~

22 *SEC. 13.* Section 740.5 of the Public Utilities Code is amended
23 to read:

24 740.5. (a) For purposes of this section, "21st Century Energy
25 System Decision" means commission Decision 12-12-031
26 (December 20, 2012), Decision Granting Authority to Enter Into
27 a Research and Development Agreement with Lawrence Livermore
28 National Laboratory for 21st Century Energy Systems and for
29 costs up to ~~\$152.19 million~~, *one hundred fifty-two million one*
30 *hundred ninety thousand dollars (\$152,190,000)* or any subsequent
31 decision in Application 11-07-008 (July 18, 2011), Application of
32 Pacific Gas and Electric Company (U39M), San Diego Gas and
33 Electric Company (U902E), and Southern California Edison
34 Company (U338E) for Authority to Increase Electric Rates and
35 Charges to Recover Costs of Research and Development
36 Agreement with Lawrence Livermore National Laboratory for
37 21st Century Energy Systems.

38 (b) In implementing the 21st Century Energy System Decision,
39 the commission shall not authorize recovery from ratepayers of
40 any expense for research and development projects that are not

1 for purposes of cyber security and grid integration. Total funding
2 for research and development projects for purposes of cyber
3 security and grid integration pursuant to the 21st Century Energy
4 System Decision shall not exceed thirty-five million dollars
5 (\$35,000,000). All cyber security and grid integration research
6 and development projects shall be concluded by the fifth
7 anniversary of their start date.

8 (c) The commission shall not approve for recovery from
9 ratepayers those program management expenditures proposed,
10 commencing with page seven, in the joint advice letter filed by
11 the state's three largest electrical corporations, Advice
12 3379-G/4215-E (Pacific Gas and Electric Company), Advice
13 2887-E (Southern California Edison Company), and Advice 2473-E
14 (San Diego Gas and Electric Company), dated April 19, 2013.
15 Project managers for the 21st Century Energy System Decision
16 shall be limited to three representatives, one representative each
17 from Pacific Gas and Electric Company, Southern California
18 Edison Company, and San Diego Gas and Electric Company.

19 (d) The commission shall require the Lawrence Livermore
20 National Laboratory, as a condition for entering into any contract
21 pursuant to the 21st Century Energy System Decision, and Pacific
22 Gas and Electric Company, Southern California Edison Company,
23 and San Diego Gas and Electric Company to ensure that research
24 parameters reflect a new contribution to cyber security and that
25 there not be a duplication of research being done by other private
26 and governmental entities.

27 ~~SEC. 12.~~

28 *SEC. 14.* Section 747.5 of the Public Utilities Code is repealed.

29 ~~SEC. 13.~~

30 *SEC. 15.* Section 910.4 of the Public Utilities Code is amended
31 to read:

32 910.4. By February 1 of each year, the commission shall report
33 to the Joint Legislative Budget Committee and appropriate fiscal
34 and policy committees of the Legislature, on all sources and
35 amounts of funding and actual and proposed expenditures, both
36 in the two prior fiscal years and for the proposed fiscal year,
37 including any costs to ratepayers, related to both of the following:

38 (a) Entities or programs established by the commission by order,
39 decision, motion, settlement, or other action, including, but not
40 limited to, the California Clean Energy Fund, the California

1 Emerging Technology Fund, and the Pacific Forest and Watershed
2 Lands Stewardship Council. The report shall contain descriptions
3 of relevant issues, including, but not limited to, all of the following:

4 (1) Any governance structure established for an entity or
5 program.

6 (2) Any staff or employees hired by or for the entity or program
7 and their salaries and expenses.

8 (3) Any staff or employees transferred or loaned internally or
9 interdepartmentally for the entity or program and their salaries and
10 expenses.

11 (4) Any contracts entered into by the entity or program, the
12 funding sources for those contracts, and the legislative authority
13 under which the commission entered into the contract.

14 (5) The public process and oversight governing the entity or
15 program's activities.

16 (b) Entities or programs established by the commission, other
17 than those expressly authorized by statute, under the following
18 sections:

19 (1) Section 379.6.

20 (2) Section 399.8.

21 (3) Section 739.1.

22 (4) Section 2790.

23 (5) Section 2851.

24 ~~SEC. 14.~~

25 *SEC. 16.* Section 910.5 of the Public Utilities Code is repealed.

26 ~~SEC. 15.~~

27 *SEC. 17.* Section 910.6 of the Public Utilities Code is repealed.

28 ~~SEC. 16.~~

29 *SEC. 18.* Section 913.2 of the Public Utilities Code is amended
30 to read:

31 913.2. By February 1 of each year, the commission shall report
32 to the Governor and the Legislature on the commission's
33 recommendations for a smart grid, the plans and deployment of
34 smart grid technologies by the state's electrical corporations, and
35 the costs and benefits to ratepayers.

36 ~~SEC. 17.~~

37 *SEC. 19.* Section 913.3 of the Public Utilities Code is repealed.

38 ~~SEC. 18.~~

39 *SEC. 20.* Section 913.4 of the Public Utilities Code is amended
40 to read:

1 913.4. (a) Notwithstanding subdivision (g) of Section 454.5
2 and Section 583, no later than May 1 of each year, the commission
3 shall release to the Legislature for the preceding calendar year the
4 costs of all electricity procurement contracts for eligible renewable
5 energy resources, including unbundled renewable energy credits,
6 and all costs for utility-owned generation approved by the
7 commission.

8 (1) For power purchase contracts, the commission shall release
9 costs in an aggregated form categorized according to the year the
10 procurement transaction was approved by the commission, the
11 eligible renewable energy resource type, including bundled
12 renewable energy credits, the average executed contract price, and
13 average actual recorded costs for each kilowatthour of production.
14 Within each renewable energy resource type, the commission shall
15 provide aggregated costs for different project size thresholds.

16 (2) For each utility-owned renewable generation project, the
17 commission shall release the costs forecast by the electrical
18 corporation at the time of initial approval and the actual recorded
19 costs for each kilowatthour of production during the preceding
20 calendar year.

21 (b) The commission shall report all electrical corporation
22 revenue requirement increases associated with meeting the
23 renewables portfolio standard, as defined in Section 399.12,
24 including direct procurement costs for eligible renewable energy
25 resources and renewable energy credits.

26 (c) The commission shall report all cost savings experienced,
27 or costs avoided, by electrical corporations as a result of meeting
28 the renewables portfolio standard.

29 (d) This section does not require the release of the terms of any
30 individual electricity procurement contracts for eligible renewable
31 energy resources, including unbundled renewable energy credits,
32 approved by the commission. The commission shall aggregate
33 data to the extent required to ensure protection of the confidentiality
34 of individual contract costs even if this aggregation requires
35 grouping contracts of different energy resource type. The
36 commission shall not be required to release the data in any year
37 when there are fewer than three contracts approved.

38 ~~SEC. 19.~~

39 *SEC. 21.* Section 913.5 of the Public Utilities Code is amended
40 to read:

1 913.5. In order to evaluate the progress of the state’s electrical
2 corporations in complying with the California Renewables Portfolio
3 Standard Program (Article 16 (commencing with Section 399.11)
4 of Chapter 2.3), the commission shall report to the Legislature no
5 later than November 1 of each year on all of the following:

6 (a) The progress and status of procurement activities by each
7 retail seller pursuant to the California Renewables Portfolio
8 Standard Program.

9 (b) For each electrical corporation, an implementation schedule
10 to achieve the renewables portfolio standard procurement
11 requirements, including all substantive actions that have been taken
12 or will be taken to achieve the program procurement requirements.

13 (c) The projected ability of each electrical corporation to meet
14 the renewables portfolio standard procurement requirements under
15 the cost limitations in subdivisions (c) and (d) of Section 399.15
16 and any recommendations for revisions of those cost limitations.

17 (d) Any renewable energy procurement plan approved by the
18 commission pursuant to Section 399.13, schedule, and status report
19 for all substantive procurement, transmission development, and
20 other activities that the commission has approved to be undertaken
21 by an electrical corporation to achieve the procurement
22 requirements of the renewables portfolio standard.

23 (e) Any barriers to, and policy recommendations for, achieving
24 the renewables portfolio standard pursuant to the California
25 Renewables Portfolio Standard Program.

26 (f) The efforts each electrical corporation is taking to recruit
27 and train employees to ensure an adequately trained and available
28 workforce, including the number of new employees hired by the
29 electrical corporation for purposes of implementing the
30 requirements of Article 16 (commencing with Section 399.11) of
31 Chapter 2.3, the goals adopted by the electrical corporation for
32 increasing women, minority, and disabled veterans trained or hired
33 for purposes of implementing the requirements of Article 16
34 (commencing with Section 399.11) of Chapter 2.3, and, to the
35 extent information is available, the number of new employees
36 hired and the number of women, minority, and disabled veterans
37 trained or hired by persons or corporations owning or operating
38 eligible renewable energy resources under contract with an
39 electrical corporation. This subdivision does not provide the

1 commission with authority to engage in, regulate, or expand its
2 authority to include, workforce recruitment or training.

3 ~~SEC. 20.~~

4 ~~SEC. 22.~~ Section 913.6 of the Public Utilities Code is repealed.

5 ~~SEC. 21.~~

6 ~~SEC. 23.~~ Section 913.8 of the Public Utilities Code is repealed.

7 ~~SEC. 22.~~ Section 913.9 of the Public Utilities Code is amended
8 to read:

9 ~~913.9. (a) The Energy Commission shall report annually on~~
10 ~~the state's efforts to fund energy efficiency programs, including~~
11 ~~identifying programs similar to one another that are administered~~
12 ~~by the Public Utilities Commission, the State Air Resources Board,~~
13 ~~the California Alternative Energy and Advanced Transportation~~
14 ~~Financing Authority, and other agencies. The Energy Commission~~
15 ~~shall make recommendations to revise programs, as necessary, to~~
16 ~~ensure that the programs complement one another and do not~~
17 ~~duplicate efforts.~~

18 ~~(b) The Public Utilities Commission shall consider the Energy~~
19 ~~Commission's recommendations made pursuant to subdivision (a)~~
20 ~~in determining whether to revise its ratepayer-funded energy~~
21 ~~efficiency programs.~~

22 ~~SEC. 24.~~ Section 913.9 of the Public Utilities Code is repealed.

23 ~~913.9.~~ The commission shall report annually on its efforts to
24 identify ratepayer-funded energy efficiency programs that are
25 similar to programs administered by the Energy Commission, the
26 State Air Resources Board, and the California Alternative Energy
27 and Advanced Transportation Financing Authority in its annual
28 report prepared pursuant to Section 913 and to require revisions
29 to ratepayer-funded programs as necessary to ensure that the
30 ratepayer-funded programs complement and do not duplicate
31 programs of other state agencies.

32 ~~SEC. 23.~~

33 ~~SEC. 25.~~ Section 913.10 of the Public Utilities Code is amended
34 to read:

35 913.10. (a) On or before February 1, 2010, and biennially
36 thereafter, the commission, in consultation with the Independent
37 System Operator and the Energy Commission, shall study and
38 submit a report to the Legislature and the Governor on the impacts
39 of distributed energy generation on the state's distribution and
40 transmission grid. The study shall evaluate all of the following:

1 (1) Reliability and transmission issues related to connecting
2 distributed energy generation to the local distribution networks
3 and regional grid.

4 (2) Issues related to grid reliability and operation, including
5 interconnection, and the position of federal and state regulators
6 toward distributed energy accessibility.

7 (3) The effect on overall grid operation of various distributed
8 energy generation sources.

9 (4) Barriers affecting the connection of distributed energy to
10 the state's grid.

11 (5) Emerging technologies related to distributed energy
12 generation interconnection.

13 (6) Interconnection issues that may arise for the Independent
14 System Operator and local distribution companies.

15 (7) The effect on peak demand for electricity.

16 (b) In addition, the commission shall specifically assess the
17 impacts of the California Solar Initiative program, specified in
18 Section 2851 and Section 25783 of the Public Resources Code,
19 the self-generation incentive program authorized by Section 379.6,
20 and the net energy metering program specified in Sections 2827
21 and 2827.1.

22 ~~SEC. 24.~~

23 ~~SEC. 26.~~ Section 913.11 of the Public Utilities Code is repealed.

24 ~~SEC. 25.~~

25 ~~SEC. 27.~~ Section 913.13 of the Public Utilities Code is repealed.

26 ~~SEC. 26.~~

27 ~~SEC. 28.~~ Section 913.14 is added to the Public Utilities Code,
28 to read:

29 913.14. On or before July 30, 2020, and by July 30 of every
30 third year thereafter through 2029, the commission shall submit
31 to the Legislature an assessment of the Multifamily Affordable
32 Housing Solar Roofs Program. That assessment shall include the
33 number of qualified multifamily affordable housing property sites
34 that have a qualifying solar energy system for which an award was
35 made pursuant to Chapter 9.5 (commencing with Section 2870)
36 of Part 2 and the dollar value of the award, the electrical generating
37 capacity of the qualifying renewable energy system, the bill
38 reduction outcomes of the program for the participants, the cost
39 of the program, the total electrical system benefits, the
40 environmental benefits, the progress made toward reaching the

1 goals of the program, the program’s impact on the CARE program
2 budget, and the recommendations for improving the program to
3 meet its goals. The report shall include an analysis of pending
4 program commitments, reservations, obligations, and projected
5 demands for the program to determine whether future ongoing
6 funding allocations for the program are substantiated. The report
7 shall also include a summary of the other programs intended to
8 benefit disadvantaged communities, including, but not limited to,
9 the Single-Family Affordable Solar Homes Program, the
10 Multifamily Affordable Solar Housing Program, and the Green
11 Tariff Shared Renewables Program (Chapter 7.6 (commencing
12 with Section 2831) of Part 2).

13 ~~SEC. 27.~~

14 *SEC. 29.* Section 913.15 is added to the Public Utilities Code,
15 to read:

16 913.15. (a) The commission shall require each participating
17 electrical corporation to prepare and submit to the commission,
18 by 60 days following the conclusion of all research and
19 development projects, a joint report summarizing the outcome of
20 all funded projects, including an accounting of expenditures by
21 the project managers and grant recipients on administrative and
22 overhead costs and whether the project resulted in any
23 technological advancements or breakthroughs in promoting cyber
24 security and grid integration. The commission shall, within 30
25 days of receiving the joint report, determine whether the report is
26 sufficient or requires revision and, upon determining that the report
27 is sufficient, submit the report to the Legislature in compliance
28 with Section 9795 of the Government Code.

29 (b) This section shall remain in effect only until January 1, 2023,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2023, deletes or extends that date.

32 ~~SEC. 28.~~

33 *SEC. 30.* Section 914.3 of the Public Utilities Code is amended
34 to read:

35 914.3. By December 31 of each year, the commission shall
36 submit to the Governor and the Legislature a report that includes,
37 based on yearend data, on an aggregated basis, the information
38 submitted by holders pursuant to subdivision (b) of Section 5960.
39 All information reported by the commission pursuant to this section
40 shall be disclosed to the public only as provided for pursuant to

1 Section 583. No individually identifiable customer or subscriber
2 information shall be subject to public disclosure.

3 ~~SEC. 29.~~

4 *SEC. 31.* Section 918.1 of the Public Utilities Code is amended
5 to read:

6 918.1. (a) The commission shall hire an independent entity
7 for not more than two hundred fifty thousand dollars (\$250,000)
8 to, in consultation with carrier trade associations for industries
9 under the jurisdiction of the commission, assess the capabilities
10 of the commission's Transportation Enforcement Branch to carry
11 out the activities specified in subdivision (b) of Section 5102 and
12 subdivision (b) of Section 5352. The commission shall report to
13 the Legislature no later than February 1, 2017, on licensing matters
14 and no later than July 1, 2017, on enforcement matters. The report
15 shall contain an analysis of current capabilities and deficiencies,
16 and recommendations to overcome any deficiencies identified.

17 (b) The report shall be submitted in compliance with Section
18 9795 of the Government Code.

19 (c) Pursuant to Section 10231.5 of the Government Code, this
20 section shall remain in effect only until January 1, 2021, and as of
21 that date is repealed, unless a later enacted statute, that is enacted
22 before January 1, 2021, deletes or extends that date.

23 ~~SEC. 30.~~

24 *SEC. 32.* Section 918.2 of the Public Utilities Code is repealed.

25 ~~SEC. 31.~~

26 *SEC. 33.* Section 956 of the Public Utilities Code is amended
27 to read:

28 956. (a) On or before July 1, 2012, the commission shall open
29 an appropriate proceeding or expand the scope of an existing
30 proceeding to establish compatible emergency response standards
31 that owners or operators of commission-regulated gas pipeline
32 facilities shall be required to follow for intrastate transmission and
33 distribution lines. The commission shall establish the standards to
34 ensure that intrastate transmission and distribution lines have
35 emergency response plans that adequately prepare them for a
36 natural disaster or malfunction that could cause injury to human
37 life or property, with the purpose of minimizing the occurrence of
38 both.

39 (b) The commission shall establish the compatible emergency
40 response standards in consultation with the California Emergency

1 Management Agency, the State Fire Marshal, and members of
2 California's first responder community including, but not limited
3 to, members of the California Fire Chiefs Association.

4 (c) The compatible emergency response standards shall require
5 owners or operators of intrastate transmission and distribution lines
6 to implement emergency response plans that are compatible with
7 the United States Department of ~~Transportation~~ *Transportation*,
8 Pipeline and Hazardous Materials Safety Administration's
9 regulations concerning emergency plans contained in Section
10 192.615 of Title 49 of the Code of Federal Regulations, and those
11 plans shall include, but not be limited to, all of the following
12 requirements:

13 (1) Emergency shutdown and pressure reduction shall be utilized
14 whenever deemed necessary and appropriate by the owners or
15 operators to minimize hazards to life or property. An owner or
16 operator shall notify appropriate first responders of emergency
17 shutdown and pressure reduction.

18 (2) During an emergency response effort, the incident
19 commander may direct coordination between first responders and
20 owners or operators to ensure timely and ongoing communication
21 on decisions for emergency shutdown and pressure reduction.

22 (3) Owners or operators of intrastate transmission and
23 distribution lines shall establish and maintain liaison with
24 appropriate fire, police, and other public officials to do all of the
25 following:

26 (A) Learn the responsibility and resources of each government
27 organization that may respond to a gas pipeline emergency,
28 including, but not limited to, the role of the incident commander
29 in an emergency.

30 (B) Acquaint the officials with the owner's or operator's ability
31 in responding to a gas pipeline emergency.

32 (C) Identify the types of gas pipeline emergencies of which the
33 owner or operator notifies the officials.

34 (D) Plan how the owner or operator and officials can engage in
35 mutual assistance to minimize hazards to life or property.

36 (E) Identify and update information on individual personnel
37 responsible for the liaison with the appropriate first responder
38 organizations.

39 (4) Owners and operators of intrastate transmission lines shall
40 provide the State Fire Marshal and the chief fire official of the

1 applicable city, county, city and county, or fire protection district
2 with instructions on how to access and utilize the National Pipeline
3 Mapping System developed by the United States Department of
4 Transportation, Pipeline and Hazardous Materials Safety
5 Administration, utilizing data submitted pursuant to Section 60132
6 of Title 49 of the United States Code, to improve local response
7 capabilities for pipeline emergencies.

8 ~~SEC. 32.~~

9 ~~SEC. 34.~~ Section 958.5 of the Public Utilities Code is amended
10 to read:

11 958.5. (a) Twice a year, or as determined by the commission,
12 each gas corporation shall file with the division of the commission
13 responsible for utility safety a gas transmission and storage safety
14 report. The division of the commission responsible for utility safety
15 shall review the reports to monitor each gas corporation's storage
16 and pipeline-related activities to assess whether the projects that
17 have been identified as high risk are being carried out, and to track
18 whether the gas corporation is spending its allocated funds on these
19 storage and pipeline-related safety, reliability, and integrity
20 activities for which they have received approval from the
21 commission.

22 (b) The gas transmission and storage safety report shall include
23 a thorough description and explanation of the strategic planning
24 and decisionmaking approach used to determine and rank the gas
25 storage projects, intrastate transmission line safety, integrity, and
26 reliability, operation and maintenance activities, and inspections
27 of its intrastate transmission lines. If there has been no change in
28 the gas corporation's approach for determining and ranking which
29 projects and activities are prioritized since the previous gas
30 transmission and storage safety report, the subsequent report may
31 reference the immediately preceding report.

32 (c) If the division of the commission responsible for utility safety
33 determines that there is a deficiency in a gas corporation's
34 prioritization or administration of the storage or pipeline capital
35 projects or operation and maintenance activities, the division shall
36 bring the problems to the commission's immediate attention.

37 ~~SEC. 33.~~

38 ~~SEC. 35.~~ Section 2714.5 of the Public Utilities Code is repealed.

39 ~~SEC. 34.~~

40 ~~SEC. 36.~~ Section 2827.3 of the Public Utilities Code is repealed.

1 ~~SEC. 35.~~

2 ~~SEC. 37.~~ Section 2845 of the Public Utilities Code is repealed.

3 ~~SEC. 36.~~

4 ~~SEC. 38.~~ Section 2867.1 of the Public Utilities Code is repealed.

5 ~~SEC. 37.~~

6 ~~SEC. 39.~~ Section 2870 of the Public Utilities Code is amended

7 to read:

8 2870. (a) As used in this section, the following terms have the
9 following meanings:

10 (1) "CARE program" means the California Alternate Rates for
11 Energy program established pursuant to Section 739.1.

12 (2) "Program" means the Multifamily Affordable Housing Solar
13 Roofs Program established pursuant to this chapter.

14 (3) "Qualified multifamily affordable housing property" means
15 a multifamily residential building of at least five rental housing
16 units that is operated to provide deed-restricted low-income
17 residential housing, as defined in clause (i) of subparagraph (A)
18 of paragraph (3) of subdivision (a) of Section 2852, and that meets
19 one or more of the following requirements:

20 (A) The property is located in a disadvantaged community, as
21 identified by the California Environmental Protection Agency
22 pursuant to Section 39711 of the Health and Safety Code.

23 (B) At least 80 percent of the households have incomes at or
24 below 60 percent of the area median income, as defined in
25 subdivision (f) of Section 50052.5 of the Health and Safety Code.

26 (4) "Solar energy system" means a solar energy photovoltaic
27 device that meets or exceeds the eligibility criteria established
28 pursuant to Section 25782 of the Public Resources Code.

29 (b) (1) Adoption and implementation of the Multifamily
30 Affordable Housing Solar Roofs Program may count toward the
31 satisfaction of the commission's obligation to ensure that specific
32 alternatives designed for growth among residential customers in
33 disadvantaged communities are offered as part of the standard
34 contract or tariff authorized pursuant to paragraph (1) of
35 subdivision (b) of Section 2827.1.

36 (2) Nothing in this section shall preclude electrical corporations
37 from offering and administering a distributed energy resource
38 program, including solar energy systems, in disadvantaged
39 communities offered under current or proposed programs using
40 funds provided under subdivision (c) of Section 748.5 or programs

1 proposed to comply with paragraph (1) of subdivision (b) as
2 approved by the commission.

3 (c) The commission shall annually authorize the allocation of
4 one hundred million dollars (\$100,000,000) or 10 percent of
5 available funds, whichever is less, from the revenues described in
6 subdivision (c) of Section 748.5 for the Multifamily Affordable
7 Housing Solar Roofs Program, beginning with the fiscal year
8 commencing July 1, 2016, and ending with the fiscal year ending
9 June 30, 2020. The commission shall continue authorizing the
10 allocation of these funds through June 30, 2026, if the commission
11 determines that revenues are available after 2020 and that there is
12 adequate interest and participation in the program.

13 (d) The commission shall consider the most appropriate program
14 administration structure, including administration by a qualified
15 third-party administrator, selected by the commission through a
16 competitive bidding process, or administration by an electrical
17 corporation, in an existing or future proceeding.

18 (e) Not more than 10 percent of the funds allocated to the
19 program shall be used for administration.

20 (f) (1) By June 30, 2017, the commission shall authorize the
21 award of monetary incentives for qualifying solar energy systems
22 that are installed on qualified multifamily affordable housing
23 properties through December 31, 2030. The target of the program
24 is to install a combined generating capacity of at least 300
25 megawatts on qualified properties.

26 (2) The commission shall require that the electricity generated
27 by qualifying renewable energy systems installed pursuant to the
28 program be primarily used to offset electricity usage by low-income
29 tenants. These requirements may include required covenants and
30 restrictions in deeds.

31 (3) The commission shall require that qualifying solar energy
32 systems owned by third-party owners are subject to contractual
33 restrictions to ensure that no additional costs for the system be
34 passed on to low-income tenants at the properties receiving
35 incentives pursuant to the program. The commission shall require
36 third-party owners of solar energy systems to provide ongoing
37 operations and maintenance of the system, monitor energy
38 production, and, where necessary, take appropriate action to ensure
39 that the kWh production levels projected for the system are
40 achieved throughout the period of the third-party agreement. Such

1 actions may include, but are not limited to, providing a performance
2 guarantee of annual production levels or taking corrective actions
3 to resolve underproduction problems.

4 (4) The commission shall ensure that incentive levels for
5 photovoltaic installations receiving incentives through the program
6 are aligned with the installation costs for solar energy systems in
7 affordable housing markets and take account of federal investment
8 tax credits and contributions from other sources to the extent
9 feasible.

10 (5) The commission shall require that no individual installation
11 receive incentives at a rate greater than 100 percent of the total
12 system installation costs.

13 (6) The commission shall establish local hiring requirements
14 for the program to provide economic development benefits to
15 disadvantaged communities.

16 (7) The commission shall establish energy efficiency
17 requirements that are equal to the energy efficiency requirements
18 established for the program described in Section 2852, including
19 participation in a federal, state, or utility-funded energy efficiency
20 program or documentation of a recent energy efficiency retrofit.

21 (g) (1) Low-income tenants who participate in the program
22 shall receive credits on utility bills from the program. The
23 commission shall ensure that utility bill reductions are achieved
24 through tariffs that allow for the allocation of credits, such as
25 virtual net metering tariffs designed for Multifamily Affordable
26 Solar Housing Program participants, or other tariffs that may be
27 adopted by the commission pursuant to Section 2827.1.

28 (2) The commission shall ensure that electrical corporation tariff
29 structures affecting the low-income tenants participating in the
30 program continue to provide a direct economic benefit from the
31 qualifying solar energy system.

32 (h) Nothing in this chapter is intended to supplant CARE
33 program rates as the primary mechanism for achieving the goals
34 of the CARE program.

35 (i) The commission shall determine the eligibility of qualified
36 multifamily affordable housing property tenants that are customers
37 of community choice aggregators.

38 (j) (1) Every three years, the commission shall evaluate the
39 program's expenditures, commitments, uncommitted balances,
40 future demands, performance, and outcomes and shall make any

1 necessary adjustments to the program to ensure the goals of the
2 program are being met. If, upon review, the commission finds
3 there is insufficient participation in the program, the commission
4 may credit uncommitted funds back to ratepayers pursuant to
5 Section 748.5.

6 (2) As part of the annual workplan required pursuant to Section
7 910, the commission shall provide an annual update of the
8 Multifamily Affordable Housing Solar Roofs Program that shall
9 include, but not be limited to, the number of projects approved,
10 number of projects completed, number of pending projects awaiting
11 approval, and geographic distribution of the projects.

12 ~~SEC. 38.~~

13 *SEC. 40.* Section 2872.5 of the Public Utilities Code is amended
14 to read:

15 2872.5. The commission, in consultation with the Office of
16 Emergency Services, shall open an investigative proceeding to
17 determine whether standardized notification systems and protocol
18 should be utilized by entities that are authorized to use automatic
19 dialing-announcing devices pursuant to subdivision (e) of Section
20 2872, to facilitate notification of affected members of the public
21 of local emergencies. The commission shall not establish standards
22 for notification systems or standard notification protocol unless it
23 determines that the benefits of the standards exceed the costs.

24 ~~SEC. 39.~~

25 *SEC. 41.* Section 2892.1 of the Public Utilities Code is amended
26 to read:

27 2892.1. (a) For purposes of this section, “telecommunications
28 service” means voice communication provided by a telephone
29 corporation as defined in Section 234, voice communication
30 provided by a provider of satellite telephone services, voice
31 communication provided by a provider of mobile telephony service,
32 as defined in Section 2890.2, and voice communication provided
33 by a commercially available facilities-based provider of voice
34 communication services utilizing ~~voice~~ *Voice* over Internet Protocol
35 or any successor protocol.

36 (b) The commission, in consultation with the Office of
37 Emergency Services, shall open an investigative or other
38 appropriate proceeding to identify the need for telecommunications
39 service systems not on the customer’s premises to have backup
40 electricity to enable telecommunications networks to function and

1 to enable the customer to contact a public safety answering point
2 operator during an electrical outage, to determine performance
3 criteria for backup systems, and to determine whether the best
4 practices recommended by the Network Reliability and
5 Interoperability Council in December 2005, for backup systems
6 have been implemented by telecommunications service providers
7 operating in California. If the commission determines it is in the
8 public interest, the commission shall, consistent with subdivisions
9 (c) and (d), develop and implement performance reliability
10 standards.

11 (c) The commission, in developing any standards pursuant to
12 the proceeding required by subdivision (b), shall consider current
13 best practices and technical feasibility for establishing battery
14 backup requirements.

15 (d) The commission shall not implement standards pursuant to
16 the proceeding required by subdivision (b) unless it determines
17 that the benefits of the standards exceed the costs.

18 (e) The commission shall determine the feasibility of the use of
19 zero greenhouse gas emission fuel cell systems to replace diesel
20 backup power systems.

21 ~~SEC. 40.~~

22 *SEC. 42.* Section 3368 of the Public Utilities Code is amended
23 to read:

24 3368. (a) The authority may provide financing for natural gas
25 transportation or storage projects recommended to it by the
26 commission. In recommending a project to the authority, the
27 commission shall ensure that the project is in the public interest.

28 (b) Nothing in this section prevents the commission from acting
29 on its own authority to direct gas corporations within its jurisdiction
30 to construct, or facilitate the construction or operation, by the
31 owners or operators of pipelines not within the jurisdiction of the
32 commission, of, natural gas transportation and storage facilities
33 as the commission determines to be needed to provide adequate,
34 seasonally reliable amounts of competitively priced natural gas to
35 residential, commercial, and industrial customers, including, but
36 not limited to, electric generating plants.

37 ~~SEC. 41.~~

38 *SEC. 43.* Section 5371.4 of the Public Utilities Code is amended
39 to read:

1 5371.4. (a) The governing body of any city, county, or city
2 and county may not impose a fee on charter-party carriers operating
3 limousines. However, the governing body of any city, county, or
4 city and county may impose a business license fee on, and may
5 adopt and enforce any reasonable rules and regulations pertaining
6 to operations within its boundaries for, any charter-party carrier
7 domiciled or maintaining a business office within that city, county,
8 or city and county.

9 (b) The governing body of any airport may not impose vehicle
10 safety, vehicle licensing, or insurance requirements on charter-party
11 carriers operating limousines that are more burdensome than those
12 imposed by the commission. However, the governing board of any
13 airport may require a charter-party carrier operating limousines to
14 obtain an airport permit for operating authority at the airport.

15 (c) Notwithstanding subdivisions (a) and (b), the governing
16 body of any airport may adopt and enforce reasonable and
17 nondiscriminatory local airport rules, regulations, and ordinances
18 pertaining to access, use of streets and roads, parking, traffic
19 control, passenger transfers, trip fees, and occupancy, and the use
20 of buildings and facilities, that are applicable to charter-party
21 carriers operating limousines on airport property.

22 (d) This section does not apply to any agreement entered into
23 pursuant to Sections 21690.5 to 21690.9, inclusive, between the
24 governing body of an airport and charter-party carriers operating
25 limousines.

26 (e) The governing body of any airport shall not impose a fee
27 based on gross receipts of charter-party carriers operating
28 limousines.

29 (f) Notwithstanding subdivisions (a) to (e), inclusive, nothing
30 in this section prohibits a city, county, city and county, or the
31 governing body of any airport, from adopting and enforcing
32 reasonable permit requirements, fees, rules, and regulations
33 applicable to charter-party carriers of passengers other than those
34 operating limousines.

35 (g) Notwithstanding subdivisions (a) to (e), inclusive, a city,
36 county, or city and county may impose reasonable rules for the
37 inspection of waybills of charter-party carriers of passengers
38 operating within the jurisdiction of the city, county, or city and
39 county, for purposes of verifying valid prearranged travel.

1 (h) For the purposes of this section, “limousine” includes any
2 sedan or sport utility vehicle, of either standard or extended length,
3 with a seating capacity of not more than 10 passengers including
4 the driver, used in the transportation of passengers for hire on a
5 prearranged basis within this state.

6 ~~SEC. 42.~~

7 *SEC. 44.* Section 5381.5 of the Public Utilities Code is amended
8 to read:

9 5381.5. (a) The commission shall, by rule or other appropriate
10 procedure, ensure that every charter-party carrier of passengers
11 operates on a prearranged basis within the state, consistent with
12 Section 5360.5. The commission shall require every charter-party
13 carrier of passengers to include on a waybill or trip report at least
14 all of the following:

15 (1) The name of at least one passenger in the traveling party,
16 or identifying information of the traveling party’s affiliation, along
17 with the point of origin and destination of the passenger or traveling
18 party.

19 (2) Information as to whether the transportation was arranged
20 by telephone, written contract, or electronic communication.

21 (b) A waybill or trip report may be kept in electronic or hardcopy
22 format. When requested by any commission or airport enforcement
23 officer or any official of a city, county, or city and county
24 authorized to inspect a waybill or trip report pursuant to subdivision
25 (g) of Section 5371.4, the waybill or trip report may be provided
26 in either electronic or hardcopy format.

27 (c) A charter-party carrier of passengers shall produce in its
28 office a hardcopy of any waybill or trip report when requested by
29 the commission or one of its authorized representatives pursuant
30 to Section 5389.

31 ~~SEC. 43.~~

32 *SEC. 45.* Section 7661 of the Public Utilities Code is amended
33 to read:

34 7661. (a) The commission shall require every railroad
35 corporation operating in this state to develop, within 90 days of
36 the effective date of the act adding this section, in consultation
37 with, and with the approval of, the Office of Emergency Services,
38 a protocol for rapid communications with the Office of Emergency
39 Services, the Department of the California Highway Patrol, and
40 designated county public safety agencies in an endangered area if

1 there is a runaway train or any other uncontrolled train movement
2 that threatens public health and safety.

3 (b) A railroad corporation shall promptly notify the Office of
4 Emergency Services, the Department of the California Highway
5 Patrol, and designated county public safety agencies, through a
6 communication to the Warning Center of the Office of Emergency
7 Services, if there is a runaway train or any other uncontrolled train
8 movement that threatens public health and safety, in accordance
9 with the railroad corporation's communications protocol developed
10 pursuant to subdivision (a).

11 (c) The notification required pursuant to subdivision (b) shall
12 include the following information, whether or not an accident or
13 spill occurs:

14 (1) The information required by subdivision (c) of Section 7673.

15 (2) In the event of a runaway train, a train list.

16 (3) In the event of an uncontrolled train movement or
17 uncontrolled movement of railcars, a track list or other inventory
18 document if available.

19 (d) The division of the commission responsible for railroad
20 safety shall investigate any incident that results in a notification
21 required pursuant to subdivision (b).