

**MAILED 6/4/98**

Decision 98-06-013 June 4, 1998

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's own motion  
into identification and mitigation of local safety  
hazards on California's railroads.

Investigation 92-03-017  
(Filed March 11, 1992)

Rulemaking on Commission's own motion to  
provide for mitigation of local rail safety hazards  
within California.

Rulemaking 93-10-002  
(Filed October 6, 1993)

**ORIGINAL**

**O R D E R**

In August, 1991, the Commission instituted Investigation (I.) 91-08-029 to determine the cause of two Southern Pacific freight train derailments; one near Dunsmuir in Siskiyou County on July 14, 1991, and one near Seacliff in Ventura County on July 28, 1991.

In March, 1992, in compliance with the dictates of the Legislature, the Commission instituted I.92-03-017 for the purpose of identifying and mitigating local safety hazards on railroads operating within California. On July 1, 1992, in I.92-03-017, the Commission issued Decision (D.) 92-07-002 which designated a total of 38 potential railroad local safety hazards within California.

As a result of the findings in those two investigations, the Commission in October, 1993, issued Order Instituting Rulemaking (OIR) 93-10-002 designed to adopt rules concerning rail operations over the sites previously designated as local safety hazards. As part of that OIR, the Commission directed that I.92-02-017 be held in abeyance pending further order of the Commission.

On September 3, 1997, the Commission issued D.97-09-045 in Rulemaking (R.) 93-10-002, in which footnote 25 on page 20 (slip opinion) stated:

"In this OIR (R.93-10-002), we stated at page 6 of the original rulemaking that '[f]urther investigation in I.92-03-017 will be held in abeyance pending further order of the Commission.' The issues in that investigation have been subsumed in this Rulemaking. We therefore consolidate that proceeding with this OIR."

The last sentence of that footnote seems to have given rise to some confusion as to the present status of I.92-03-017. What we intended to convey by that language was that all issues in I.92-03-017 have been subsumed within the issues of R.93-10-002, and nothing remains to be done in I.92-03-017.

To resolve all doubt as to the status of I.92-03-017, we hereby close that proceeding.

**IT IS THEREFORE ORDERED** that Investigation 92-03-017 is closed.

This order is effective today.

Dated June 4, 1998, at San Francisco, California.

RICHARD A. BILAS  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners