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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on)
the Commission's Own Motion to)
Incorporate Safety Standards for)
Rail Fixed Guideway Systems in a)
General Order)

F I L E D
PUBLIC UTILITIES COMMISSION
APRIL 10, 1996
SAN FRANCISCO OFFICE
R.96-04-021

ORIGINAL

ORDER INSTITUTING RULEMAKING

This Order Instituting Rulemaking is issued to enable the Commission to develop requirements for a General Order that will establish safety standards that must be met by the operators of rail fixed guideway systems.

On December 27, 1995, the Federal Transit Administration (FTA) of the United States Department of Transportation issued 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight; Final Rule. The rule, which became effective on January 26, 1996, requires each State to designate an agency to oversee the safety of rail transit systems. Governor Wilson designated the Public Utilities Commission as the oversight agency for California by letter dated October 13, 1992.

As the oversight agency for California, the Commission must respond to the requirements in 49 CFR Part 659 to avoid financial penalties that the FTA might otherwise impose on federal funding for California. The Commission must issue rules and regulations for California's rail transit agencies to follow in preparing system safety program plans. These plans must be submitted to the Commission for review and approval. Requirements must be established for internal audits which each rail transit agency must perform each year. Instructions must be prepared for the rail transit agencies to follow when investigating accidents and hazardous conditions. The Commission must review and approve corrective action plans and schedules prepared by the rail transit agencies. The Commission must perform onsite, triennial reviews of each transit agency's safety program. Rules and regulations need to be established governing the procedures to be followed for conducting these reviews.

The General Order will incorporate all of the requirements which must be complied with by the Commission and the rail transit agencies pursuant to 49 CFR Part 659. This rulemaking will allow interested parties to be heard regarding the adoption of the 49 CFR Part 659 requirements in a General Order.

The time available to prepare and issue the new General Order is limited. The federal regulations require the Commission to approve each transit agency's system safety program plan before January 1, 1997. The new General Order should be issued and made effective no later than September 30, 1996, to allow the transit agencies reasonable time to obtain the Commission's approval of their system safety program plans and still meet the FTA's deadline of January 1, 1997.

THEREFORE, IT IS ORDERED that:

1. This rulemaking proceeding is instituted on the Commission's own motion to prepare a new General Order incorporating safety standards for rail fixed guideway systems to meet the requirements of 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight; Final Rule.
2. A prehearing conference will be scheduled within the next 15 days to establish a procedure that will allow the Commission staff and all interested parties an opportunity to participate in the preparation of the new General Order.
3. A schedule should be established for preparation of the new General Order that will allow completion no later than September 30, 1996.
4. The Commission will assign an Administrative Law Judge to preside over these proceedings.
5. The Executive Director shall serve a copy of this Order Instituting Rulemaking by mail on all parties on the attached service list.

This order is effective today.

Dated April 10, 1996 at Sacramento, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners