

ORIGINAL

Decision No. 57801

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
on the Commission's own motion
into the revision of General Order
No. 22-A pertaining to accident
reporting requirements of railroad
corporations. }

Case No. 6059

Robert W. Walker, for The Atchison, Topeka and
Santa Fe Railway Company; Malcolm Davis,
for Union Pacific Railroad Company;
R. E. Wedekind, for Southern Pacific
Company and Woodrow L. Taylor by R. E.
Wedekind, for Southern Pacific Company and
Great Northern Railway Company, protestants.
E. L. Van Dellen, for The Western Pacific
Railroad Company; Leonard M. Wickliffe,
for California State Legislative Committee,
Order of Railway Conductors and Brakemen;
William V. Ellis, for California State
Legislative Board, Brotherhood of Locomotive
Firemen and Enginemen; E. W. Ballard, for
Brotherhood of Railroad Trainmen ARL-CIO;
Paul L. Garver, for Department of Public
Utilities and Transportation, City of Los
Angeles, interested parties.
Elmer Sjostrom and Howard F. Christenson, for the
Commission staff.

O P I N I O N

Public hearings were held in this matter on July 15, 1958,
in San Francisco, July 22, 1958, in Los Angeles, and on September
8 and 29, 1958, in San Francisco. On these dates evidence was
adduced, oral argument presented, and on the last-named date the
matter was submitted. It now is ready for decision.

The order of investigation in this matter was instituted for the purpose of inquiring into whether or not General Order No. 22-A should be revised. Evidence presented by the staff proposes a revision of this general order, which revision is set out in Exhibit No. 1-A received in evidence. This revision makes certain technical corrections to the existing general order by eliminating therefrom reference to street railroads inasmuch as there are no longer any such companies under the jurisdiction of this Commission, and also by eliminating therefrom reference to explosions of locomotive boilers inasmuch as the carriers concerned have converted to diesel power and there is no longer any necessity for an order relating to steam-engine boilers.

The principal changes proposed relate to the reporting of accidents. Under the present General Order No. 22-A, carriers are required to report property damage and personal injury accidents generally upon the same basis as required by the Interstate Commerce Commission, with the exception of those occurring at highway crossings. The existing rules of the Interstate Commerce Commission require a report of any property damage which amounts to \$750 or more, exclusive of clearing up the wreck and personal injuries where an employee is incapacitated for three days within the first ten days following an accident. Injuries to persons other than employees are reportable when the incapacitation is 24 hours or more. The proposed revision in General Order No. 22-A would require all personal injuries to an employee, as in the case of injuries to a person other than an employee, to be reported if sufficient "in the opinion of the reporting officer" to incapacitate the injured person for a period of 24 hours or more. Also, the proposal would require the reporting of accidents resulting in property damage of \$150 or more, "including the expense of clearing the wreck".

A witness for the staff testified that these proposed changes would give the Commission a better picture of the overall accident situation which would enable the Commission staff to more adequately investigate the cause of accidents and to prescribe remedies therefor.

The staff proposal was supported by representatives of the Brotherhood of Railroad Trainmen, the Brotherhood of Locomotive Firemen and Enginemen and the Order of Railway Conductors and Brakemen. It was pointed out that the carriers now require employees to report to the carriers any personal injury no matter how trivial.

The railroad representatives presented evidence in opposition to the proposal on the grounds that the additional reports would prove a burden to the railroad, both as to employees' time and as to increased costs. Furthermore, a cross-section of accidents, according to the railroad's contention, would serve to get at the facts sufficiently to enable the Commission to perform its duties in this respect.

A consideration of this evidence leads us to find that the proposal as set out in Exhibit No. 1-A should be adopted, with the exception of that part requiring the reporting of "Damage to railroad property amounting to more than \$150.00, including the expense of clearing a wreck ...". There was evidence to show that this requirement would not prove workable since the amount is too small. Any time it is necessary to clear up a wreck, however slight the wreck may be, the expense thereof is likely to be more than \$150. The present limitation of \$750, exclusive of the cost of clearing up the wreck, appears to be reasonable and will be retained.

One other item should be noted. The staff proposal would require the reporting of all accidents at crossings of public highways or private roads or on public streets between crossings. The ensuing order will limit this to accidents in which the railroads, railroad operations or railroad property are involved.

O R D E R

An order of investigation as above entitled having been issued, public hearings having been held thereon, the Commission being fully advised in the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that General Order No. 22-A be, and it hereby is, revoked and General Order No. 22-B as set out hereinafter be, and it hereby is, adopted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 30th day of December, 1958

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

GENERAL ORDER NO. 22-B
(Superseding General Order No. 22-A)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

REGULATIONS GOVERNING REPORTS OF ACCIDENTS ON RAILROADS

Adopted Effective January 1, 1959.

IT IS ORDERED by the Public Utilities Commission of the State of California that all accidents occurring on railroads in this State be reported in accordance with the regulations outlined herein.

REPORTS BY TELEGRAPH OR TELEPHONE

1. The Commission will be furnished with immediate notice by telegraph or by telephone of the following classes of accidents:

- (a) All collisions of locomotives, cars and trains resulting in loss of life or serious injury to persons.
- (b) All derailments or other accidents to locomotives, cars and trains, resulting in loss of life or serious injury to persons.
- (c) All bridge failures.
- (d) All highway crossing accidents resulting in loss of life or serious injury to persons.

The telegraph or telephone notice shall give the date, time, place and kind of accident, the equipment involved and the

number of passengers, employees and persons killed or injured. Such notice shall be sent directly to the Commission from the office of the Superintendent upon whose division the accident occurred. He shall also advise what relief or special trains, if any, are to be run to the site of the accident, and shall state the time and place of their departure and as soon as determined by the railroad company, shall notify the Commission by telegraph or by telephone of the time and place of holding any inquiry, investigation or hearing at which testimony or statements of employees or witnesses will be taken. Said time and place of hearing shall be set so as to give the Commission or its employees time to arrive at the place of inquiry, investigation or hearing.

REPORTS BY MAIL

2. Every accident on railroads, whether or not covered in a preliminary notice by telegraph or telephone, shall be reported monthly to this Commission by the General Manager, Superintendent, or other proper officer of such railroad. Said reports shall be filed with the Commission not later than 30 days from the end of the month in which the accident occurred.

3. Such monthly reports shall be prepared by said railroads and submitted to this Commission in accordance with "Rules Governing Monthly Reports of Accidents" as issued by the Interstate Commerce Commission, and in addition the following shall be observed:

(a) Any and all accidents, involving railroads, railroad operations, or railroad property with or without casualties, occurring at crossings of public highways or private roads or on public streets between crossings shall be reported to this Commission on Form No. 17.

(b) Accidents reported on Form 17 shall not be reported on Public Utilities Commission Form "T".

(c) Each railroad shall report to this Commission on P.U.C. Form "T" accidents arising from its operation that result in one or more of the following circumstances:

(1) Damage to railroad property amounting to more than \$750.00, exclusive of the expense of clearing a wreck.

(2) Death of a person.

(3) Injury to an employee or to a person other than an employee if the injury is sufficient in the opinion of the reporting officer to incapacitate the injured employee or person other than an employee from following his customary vocation or mode of life for a period of 24 hours or more.

(d) Locomotive miles and motor miles operated in the State of California shall be shown on P.U.C. Form "V", motor miles to apply only to leading car of passenger trains, provided that where the state line divides a railroad division, the mileage may include the operation over the entire division.

(e) The railroads shall furnish the Commission a monthly report showing the number of man hours employed in

the operation of trains in the State of California. This shall be filed with the Commission not later than 60 days following the month to be reported.

Issued by order made at San Francisco, California, this 30th day of December, 1958.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By R. J. Pajalich, Secretary