ORIGINAL

Decision No. <u>58439</u>

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the reasonableness of minimum clearances on railroads and street railroads, with reference to side structures, overhead structures, parallel tracks, and crossings of public roads, highways and streets, as prescribed by General Order 26-C and Supplement 7 thereto.

Case No. 4919

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 49925 dated April 20, 1954, the Commission amended subsection 7.4 of its General Order No. 26-D providing that the requirements of Section 7 of the general order shall not apply to rail cars transporting highway trucks or trailers in a so-called piggy-back operation. By Decision No. 55025 dated May 21, 1957, the Commission again amended subsection 7.4 but this amendment did not deal with such operations. It has been represented to the Commission that these revisions have caused some uncertainty as to the applicability of the regulations of General Order No. 26-D as it pertains to the operation of rail cars transporting highway trucks or trailers in a so-called piggy-back operation.

In order to eliminate this uncertainty the staff prepared a proposed revision of subsection 7.8 of General Order No. 26-D. This proposal was distributed to interested parties for their consideration and comment. No objections were offered to the proposal or to its adoption without a public hearing.

In the circumstances, it appears and the Commission finds that subsection 7.8 of General Order 26-D should be amended as hereinafter provided. A public hearing is not necessary. Therefore,

- 1 -

IT IS ORDERED that subsection 7.8 of Section 7 of General Order No. 26-D be amended to read as follows:

"7.8 - Cars on which the lading exceeds 15'6" in height above top of rail, if otherwise in compliance with these requirements as to width of lading, and the nature of which precludes the probability of employees getting on top of or passing over them, are exempt from the conditions of this section, provided, however, that if train length permits, any such cars, except cars transporting highway trucks or trailers either loaded or unloaded, shall be trained at least five cars distant from both the caboose and the engine."

The Commission reserves the right to make such further orders relative to the operation of said loads as it may deem right and proper and to amend the provisions contained herein if, in its judgment, public interest and safety so require.

The Secretary shall serve a copy of this order on each railroad corporation subject to the jurisdiction of the Commission.

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

San Francisco Dated at _, California, this 19.700 day of ident MAY 2 0 1953 Commissioner. Date

Commissioners