

ORIGINAL

63718

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation)
on the Commission's own motion into)
the adequacy of, or need for, pro-)
tective shelter or covering over)
railroad repair track areas of)
"railroad corporations" and of)
PACIFIC FRUIT EXPRESS.)

Case No. 6452

W. A. Gregory and William R. Denton, for
respondent Southern Pacific Company.
C. M. Gibbens, for Brotherhood Railway
Carmen of America, and George W.
Ballard, for Brotherhood of Railroad
Trainmen AFL-CIO, interested parties.
Elmer J. Sjostrom, for the Commission
staff.

SUPPLEMENTAL ORDER

On May 23, 1961 an Examiner's Proposed Report was filed in this matter which, in part, found that "... the rules, practices, and facilities of Southern Pacific which require workers on the Fresno repair track (1) to continue to perform required duties in wet clothing and (2) to work in temperatures of extreme heat to the extent that their health or safety is impaired are unjust, unreasonable, unsafe, improper, inadequate and insufficient." The Examiner recommended that the Commission enter the following order:

1. Work rules should be promulgated with respect to work performed at the repair track of the Southern Pacific Company located at Fresno which should provide for (a) sufficient rest and cooling off periods on extremely hot days, and (b) facilities and opportunity to change into dry clothes at the conclusion of a task where a worker's clothes have become wet.

2. The Brotherhood Railway Carmen, Southern Pacific Company and Commission staff are requested to submit, within thirty days after the effective date of this order, suggested work rules.

3. The Commission will, after reviewing the work rules submitted by the parties, and without further hearing, order into effect work rules in accordance with paragraph 1 of this order.

Exceptions to the Examiner's Proposed Report were duly filed and carefully considered by the Commission. On August 22, 1961, the Commission entered Decision No. 62459 in which the Commission adopted as its own the findings and conclusions made by the Examiner in the Proposed Report. The order recommended by the Examiner was made the Order of the Commission. None of the parties petitioned for a rehearing or sought review of Decision No. 62459 by the Supreme Court. Subsequently, an extension of time in which to file suggested work rules was granted. The parties have filed suggested work rules. The Commission has carefully considered all of the proposed work rules and the record in this matter and finds and concludes that the following order should be entered.

O R D E R

IT IS ORDERED that the following work rules shall be placed into effect by the Southern Pacific Company at its repair track in Fresno:

1. Whenever the clothing (other than protective outer rain garments) of a worker becomes wet as the result of performing an assigned work task, the worker shall, upon the completion of said assigned work task, be allowed a period of not less than ten minutes to change into dry clothes.

2. Whenever the temperature reaches 90 degrees Fahrenheit, or above, workers shall be permitted to rest and cool off for a period of at least ten minutes every two hours as long as said temperature remains at 90 degrees Fahrenheit, or above; provided, however, that if a lunch period occurs during any such two hour period it shall interrupt the two hour calculation and the conclusion of the lunch period shall commence the running of another two hour period.

3. Salt, in some form, shall be made available to workers at each point in the vicinity of the repair track where drinking water is dispensed. Refrigerated water shall be made available in the employees' washroom in the vicinity of the repair track.

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

Dated at San Francisco, California, this 22nd day of MAY, 1962.

Geoffrey B. ...
 President

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George E. Grover

Fredrick B. Hillbluff
 Commissioners