

ORIGINAL

Decision No. 63773

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction of spur tracks with impaired side clearances in the City of Fremont, County of Alameda, State of California.

Application No. 44077
(Filed January 4, 1962)

Randolph Karr, for applicant.
William V. Ellis, for the Brotherhood of Locomotive Firemen and Engineers; Leonard Wickliffe, for the Order of Railway Conductors and Brakemen; George W. Ballard and J. E. Howe, for the Brotherhood of Railroad Trainmen, protestants.
Walter R. Frizzell, for General Motors Corporation, interested party.
T. E. Rogers, for the Commission staff.

O P I N I O N

Public hearings were held in this matter in San Francisco before Examiner Rowe on February 2 and 5, 1962, at which time evidence was adduced; on the latter date the matter was submitted for decision.

Pursuant to the request of protestants a Presiding Officer's Report was prepared and served upon the parties. Upon a careful review of the evidence the Commission is of the opinion and finds that this proposed report should not be adopted in view of the degree of proof required for deviations from safety rules, but that instead the Commission should and does find that the

evidence adduced at the hearing does not justify granting the requested exemption from the Minimum Side Clearance provisions of Section 3.4 of General Order No. 26-D. We further find that public safety, convenience and necessity require the denial of the herein requested deviation.

O R D E R

Application having been filed and public hearings having been held,

IT IS ORDERED that Application No. 44077 is denied.

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

Dated at San Francisco, California, this 17th day of JUNE, 1962.

[Signature]
President
[Signature]
George E. Trover
Fredrick B. Hill

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.