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ORIGINAL

Decision No. \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation to determine whether  
 a General Order should be adopted )  
 relating to walkways adjacent to )  
 railroad tracks and control of )  
 vegetation within railroad rights )  
 of way.

Case No. 7306  
 (Filed March 27, 1962)

Joe Cummins, for The Atchison, Topeka and Santa Fe Railway Company and Los Angeles Junction Railway Company; Marshall W. Vorkink, for Union Pacific Railroad Company; Randolph Karr, for Southern Pacific Company, Holton Interurban Railway Company, Northwestern Pacific Railroad Company, Pacific Electric Railway Company, Petaluma and Santa Rosa Railroad Company, San Diego & Arizona Eastern Railway Company and Visalia Electric Railroad Company; Richard W. Bridges, for The Western Pacific Railroad Company, Sacramento Northern Railway, Tidewater Southern Railway Company, Alameda Belt Line and Oakland Terminal Railway; respondents.

Leonard W. Wickliffe and Melvin A. Wilkie, for Order of Railway Conductors and Brakemen and Railroad Brotherhood, California Legislative Association; George Ballard, for Brotherhood of Railroad Trainmen, AFL-CIO; and William V. Ellis, for Brotherhood of Locomotive Firemen and Enginemen, interested parties.

Hugh N. Orr, for the Commission staff.

O P I N I O N

This investigation, instituted by the Commission upon its own motion, is an inquiry into the need for regulations relating to walkways adjacent to railroad tracks and the control of vegetation within railroad rights of way within this State.

Public hearing was held in San Francisco on February 4, 1963, before Commissioner Holoboff and Examiner Rowe, and the matter was duly submitted.

Representations, from time to time, have been made on the part of interested parties that in the interest of the safety of railroad employees and the public it would be desirable for the Commission to promulgate regulations concerning walkways adjacent to railroad tracks and the control of vegetation on railroad rights of way. The points raised appeared to be of sufficient importance to justify a careful study on the part of the Commission's Operations and Safety Section in the matter. This study included several conferences with representatives of many of the railroads and with the railroad brotherhoods.

As a result of the studies and understandings reached during the conferences with respondents and with some of the interested parties, there was drafted by the Commission's Operations and Safety Section a proposed general order on this subject which was introduced at the hearing and identified as Exhibit No. 7. Also received in evidence was Exhibit No. 8, setting forth standards to be filed by the railroads with the Commission in the event that the proposed general order, Exhibit No. 7, was adopted by the Commission.

The staff introduced evidence of the need for the proposed general order and that it is required for the safety of railroad personnel and the public. The respondents deferred cross-examination and presented no testimony on the understanding hereinafter mentioned.

The position of the respondents generally was that there is no necessity for any general order regarding the subject matter; however, if the Commission deems it advisable to adopt the proposed general order, Exhibit No. 7, they would be willing to file standards with the Commission conforming to those set forth in Exhibit No. 8; but if the Commission does not adopt the proposed regulations, they would want to have this matter reopened and be heard fully on the merits of any revisions to the proposed general order or of any other general order pertaining to the subject matter. The matter was submitted upon such understanding by all the parties.

The position of the representative of the Brotherhood of Railroad Trainmen was that the proposed regulations were not sufficiently effective, but he offered no definite changes or modifications.

The Commission finds that these proposed regulations and the Standards for Construction and Reconstruction of Walkways and Maintenance Thereof presented by the railroads as Exhibit No. 8 provide a reasonable standard of safety for railroad employees, passengers and customers of common carriers and the public in general. It is further found that in conformity with the recommendations agreed upon during informal conferences relative to this matter and upon the evidence presented, the proposed General Order introduced as Exhibit No. 7 herein should be adopted.

ORDER

IT IS ORDERED that General Order No. 118 attached hereto as an appendix is adopted and shall become effective twenty days after the effective date hereof.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of April, 1963.

George H. Hoover  
President

John E. Kitchin

Carl W. Page

Frederick B. Hallock

Jalman de Bransel  
Commissioners

GENERAL ORDER NO. 118

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

REGULATIONS GOVERNING THE CONSTRUCTION, RECONSTRUCTION,  
AND MAINTENANCE OF WALKWAYS ADJACENT TO RAILROAD TRACKAGE  
AND THE CONTROL OF VEGETATION ADJACENT THERETO.Adopted April 9, 1963 Effective April 29, 1963

IT IS ORDERED by the Public Utilities Commission of the State of California that each railroad corporation operating in the State of California shall file its standards for the construction, reconstruction and for the subsequent maintenance of walkways adjacent to its tracks as hereinafter required and any future changes or revisions thereof in accordance with the following provisions and shall hereafter, in the construction and reconstruction of its tracks and walkways, observe its standards filed with the Commission in accordance with the provisions of this order:

1. The standards of each railroad corporation operating in the State of California for the construction or reconstruction of walkways adjacent to its tracks shall be filed with the Commission for its approval not later than thirty days after the effective date of this order.

2. Each railroad corporation operating in the State of California shall file with the Commission any change or reissue of its standards for the construction and reconstruction of walkways adjacent to its tracks. No change or reissue of any such standard shall become effective less than five days after approval thereof by the Commission. If the Commission does not approve or disapprove any standard, change or reissue within sixty days after the filing thereof, the change or

reissue shall be deemed to be approved. If the Commission disapproves a proposed standard within the sixty day period, the railroad or railroads submitting such standard may file formal application thereafter to the Commission for approval of said standard.

3. The standards of each railroad corporation shall contain provisions for reasonably safe and adequate walkways adjacent to its tracks in all switching areas, and shall provide that all such walkways shall be maintained and kept reasonably free from vegetation as may be appropriate to prevailing conditions, and shall provide for abatement of weeds and brush adjacent to walkways as necessary to prevent the growth of objectionable vegetation encroaching upon such walkways.

4. Each railroad corporation shall furnish the Commission with the name and address of an appropriate general officer, or officers, to whom complaints relating to the provision and maintenance of walkways pursuant to this order may be reported.

5. The Commission, after hearing, may order the railroad corporation to eliminate any unsafe walkway condition and may specify such reasonable time within which the improvement shall be completed as may be appropriate under the circumstances.

6. Each railroad corporation operating within the State shall pursue a program of improvement of walkways in all switching areas where a substantial amount of switching is performed, along its main, branch and industrial trackage toward substantial conformity with its standards filed with the Commission pursuant to this order.

7. Deviations from the filed standards or the provisions of this order may be authorized by the Commission for any specific installation for good cause upon application by a railroad corporation; which application shall include a full statement of the conditions which prevail at the time and place involved, and reasons why deviation is deemed necessary.

This order shall be effective April 29, 1963.

Approved and dated at San Francisco, California, this 9<sup>th</sup>  
day of April, 1963.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

  
By R. J. PAJALICH, Secretary