

**ORIGINAL**

65987

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 PACIFIC ELECTRIC RAILWAY COMPANY )  
 for an extension of time within )  
 which to comply with General Order )  
 No. 114. )

Application No. 45583

OPINION AND ORDER

By this application, Pacific Electric Railway Company seeks an extension of time to comply with the provisions of General Order No. 114. That general order prescribes minimum safety, health and comfort requirements for cabooses used in service in California. It was adopted September 2, 1961, by the Commission in Decision No. 62558. Section 19 becomes effective August 26, 1963. Sections 2, 4, 5 and 7 become effective October 2, 1963. Other sections became effective October 2, 1962.

The application states that certain cabooses now used by applicant will not meet all of the requirements of General Order No. 114 when the provisions which are not now in force become effective October 2, 1963. The application alleges, however, that applicant will receive from Southern Pacific Company cabooses which comply with the general order in all respects after Southern Pacific Company receives and places in service the cabooses now being constructed for it.<sup>1</sup> The first of the new cabooses assertedly are scheduled to be delivered to Southern Pacific Company in August, 1963, and the remainder will follow in successive months. The

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<sup>1</sup> The Pacific Electric Railway Company is a wholly owned subsidiary of the Southern Pacific Company.

application is made to provide against the possibility that Southern Pacific Company may not receive enough cabooses before October 2, 1963, to release other cabooses as replacements for applicant's cabooses which after that date will not meet all of the requirements of General Order No. 114.

In Decision No. 65375, dated May 7, 1963, in Case No. 7499, the Commission ordered the Pacific Electric Railway Company to cease and desist from violating provisions of General Order No. 114, as stated therein. In Decision No. 65685, dated June 9, 1963, in Application No. 45159, Pacific Electric Railway Company was granted an exemption from paragraph 9(b) of General Order No. 114 (subject to certain conditions), and was authorized an extension of time to October 2, 1963, to comply with Sections 3, 8 and 12 of that general order, subject to certain conditions. That extension was granted based upon the allegation that new cabooses would be received from the Southern Pacific Company on or before October 2, 1963. The instant application seeks an extension of time to comply with any of the provisions of General Order No. 114 until such time as new cabooses are furnished to applicant by the Southern Pacific Company.

In the circumstances, the Commission finds that subject to the conditions contained in this paragraph and the following order, the safety, health and comfort of applicant's employees will not be materially impaired by the use, until January 1, 1964, of the cabooses applicant now has in service. An extension of time to comply with the provisions of Sections 2, 3, 4, 5, 7, 8 and 12 of General Order No. 114 will be granted, subject to the conditions prescribed in Decision No. 65685.

This is a matter in which a public hearing is not necessary.

IT IS ORDERED that:

1. Pacific Electric Railway Company, a corporation, is authorized to depart from the requirements of Sections 2, 3, 4, 5, 7, 8 and 12 of General Order No. 114 until January 1, 1964, provided, however:

(a) Each caboose used in service between the following stations shall be equipped with steel wheels:

Between State Street and El Monte  
Between LaVerne and San Bernardino  
Between Bellflower and West Santa Ana  
Between Stanton and Huntington Beach.

(b) Each caboose used in service, other than as a rider car in yard transfer movements, shall have a bunk with dimensions not less than 72 inches in length and 18 inches in width, which shall be provided with a cushion of the same dimensions.

2. In all other respects the application is denied.

3. The authority granted herein is not to be construed as modifying in any way Decision No. 65375 rendered by the Commission on May 7, 1963, in Case No. 7499.

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

Dated at San Francisco, California, this 10th day of September, 1963.

William K. Burnett  
President  
George L. Trover  
Fredrick B. Holbrook  
Commissioners