

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SAN DIEGO & ARIZONA EASTERN)
RAILWAY COMPANY for an extension) Application No. 45584
of time within which to comply)
with General Order No. 114.)

OPINION AND ORDER

By this application, the San Diego & Arizona Eastern 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 by the Commission September 2, 1961, in Decision No. 62558. Sections 2, 4, 5 and 7 become effective October 2, 1963. Section 19 became effective August 26, 1963. Other sections became effective October 2, 1962.

The application states that certain of the 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 on 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 which are now being constructed for it.¹ The first of the new cabooses are scheduled to be delivered to Southern Pacific Company in August, 1963, with the remainder to follow in successive months. The application is made to provide against the possibility that Southern

¹ The San Diego & Arizona Eastern Railway Company is a wholly owned and controlled subsidiary of the Southern Pacific Company.

Pacific Company may not receive enough new cabooses before October 2, 1963 to release other cabooses to applicant 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. 65276, dated April 23, 1963, in Case No. 7498, the Commission ordered the San Diego & Arizona Eastern Railway Company to cease and desist from failing to comply with any of the requirements of General Order No. 114 in effect on that date. By Decision No. 65441 of May 21, 1963, in Application No. 45132, the Commission denied the request of the San Diego & Arizona Eastern Railway Company for an exemption from Section 9(b) of General Order No. 114 concerning installation of wind deflectors. 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 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, 4, 5 and 7 of General Order No. 114 (provisions effective October 2, 1963) will be granted.

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

Good cause appearing,

IT IS ORDERED that:

1. San Diego & Arizona Eastern Railway Company, a corporation, is authorized to depart from the requirements of Sections 2, 4, 5 and 7 of General Order No. 114 until January 1, 1964.

2. In all other respects the application herein is denied.

3. The authority granted herein is not to be construed as modifying in any respect Decision No. 65276 rendered by the Commission April 23, 1963, in Case No. 7498.

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.

Helen M. Bennett
President
John E. Mitchell
Edward W. Bago
George T. Hoover
Frederick B. Heblhoff
Commissioners