

Decision No. 86809

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Southern Pacific Transportation)
Company for inclusion of cars)
transporting wood chips among those)
excepted by Sec. 7.8 of General)
Order No. 26-D from requirement)
that they be trained at least five)
(5) cars distant from caboose.)

Application No. 56273
(Filed February 11, 1976)

O P I N I O N

By this application Southern Pacific Transportation Company requests that rail cars transporting wood chips be included among those excepted by Section 7.8 of General Order No. 26-D from the requirement that they be trained at least five cars distant from the caboose. Applicant contends that compliance with the existing requirement impairs its ability to block trains and results in substantially increased costs and train delays.

The United Transportation Union (UTU) opposed the application as filed for safety reasons. It contended that granting the request would place its members in an extremely hazardous and unsafe position subject to severe personal injury from flying wood chips, dust, and wood chip particles.

An investigation was made by the Commission staff at various wood chip loading and unloading sites and cars transporting wood chips were observed. Considerable variation was noted relative to the method of loading wood chips and to the quality of covering (if any) used. Variations were noted among railroads and from site to site on the same railroad. The staff has recommended that a permissive change be made in the language of Section 7.8 of

General Order No. 26-D. This change, which is shown in Appendix A attached hereto, would permit a railroad to place loaded wood chip cars anywhere in the train provided that such cars are loaded and covered in a manner that will preclude any material from being dislodged en route. Wood chip cars not so loaded and covered would continue to be trained at least five cars distant from the caboose. The staff believes that no other hazard exists if wood chips or wood chip particles are not dislodged en route. The staff report and recommendation are received as Exhibit 1.

The file in this matter shows that on October 26, 1976 representatives of applicant and UTU met with the staff and agreed to the proposed modifications of the general order.

The application was listed on the Commission's Daily Calendar of February 13, 1976. Three other major railroads serving California and two railroad unions were notified of the application. There are no protests other than the one made by UTU. The file discloses that UTU is satisfied with the staff recommendations. A public hearing is not necessary.

Findings

1. Applicant seeks inclusion of rail cars transporting wood chips among those excepted by Section 7.8 of General Order No. 26-D from the requirement that they be trained at least five cars distant from the caboose.

2. The change to Section 7.8 of General Order No. 26-D, set forth in Appendix A hereof, will reasonably meet the needs of applicant and will promote the security and convenience of railroad employees.

It is concluded that the application should be granted to the extent reflected in Appendix A hereof.

O R D E R

IT IS ORDERED that:

1. Section 7.8 of General Order No. 26-D is amended as set forth in Appendix A hereto.

2. All wood chip cars transporting wood chips which do not meet the conditions set forth in revised Section 7.8 of General Order No. 26-D, as shown in Appendix A, must continue to be trained not less than five cars distant from the caboose.

In all other respects Application No. 56273 is denied.

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

Dated at San Francisco, California, this 5th day of JANUARY, 1977.

Robert Beckman
 President

William S. ...

...

...

Commissioners

APPENDIX AREVISED SECTION 7.8 OF GENERAL ORDER NO. 26-D

Cars on which the lading exceeds fifteen (15) feet six (6) inches above top of rail if otherwise in compliance with these requirements as to width of lading and the nature of which precludes the probability of employees getting on top of or passing over them are exempt from the conditions of this section, provided, however, that if train length permits, any such cars except cars transporting highway trucks or trailers, multi-level freight cars either loaded or unloaded, and automobile underframe cars, and wood chip cars transporting wood chips when loaded and covered in such a manner so as to preclude any material from being dislodged en route, shall be trained at least five (5) cars distant from the caboose. For the purpose of this section, automobile underframe cars are either special flat cars upon which automobile underframes are stacked and firmly secured in a horizontal position or gondola cars in which such underframes are placed on end and firmly secured to said gondola cars.

Note: Struck words are to be deleted and underlined words are to be added.