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Decision No. 89893 | JAN 16 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the operations and
 practices of Union Pacific Railway
 Company, a corporation, Southern
 Pacific Transportation Company, a
 corporation, The Atchison, Topeka and
 Santa Fe Railway Company, a corporation,
 and Mid-City Iron and Metal Corporation,
 a California Corporation, respondents.

O.I.I. No. 18

AMENDMENT TO ORDER INSTITUTING INVESTIGATION

It appearing that Union Pacific Railway Company, hereinafter referred to as Union Pacific, whose California mailing address is 5480 Ferguson Drive, Los Angeles, California 90022, is a Utah corporation with its principal place of business in Omaha, Nebraska, operates as a railroad corporation as defined by Section 230 of the Public Utilities Code.

It appearing that Southern Pacific Transportation Company, hereinafter referred to as Southern Pacific, whose California mailing address is Number One Market Plaza, San Francisco, California 94105, a Delaware corporation, operates as a railroad corporation as defined by Section 230 of the Public Utilities Code.

It appearing that The Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as Santa Fe, whose California mailing address is 114 Sansome Street, San Francisco, California 94120, a Delaware corporation, operates as a railroad corporation as defined by Section 230 of the Public Utilities Code.

It appearing that Mid-City Iron and Metal Corporation, a California corporation, hereinafter referred to as Mid-City, whose mailing address is 2104 East 15th Street, Los Angeles, California, ships scrap metal via rail from Los Angeles, California by means of certain industrial trackage located on and adjacent to its Los Angeles premises.

It further appearing that Mid-City may have failed, neglected or refused after notice, to maintain said trackage and areas adjacent thereto in accordance with safety standards prescribed in Commission General Orders 26-D and 118.

It further appearing that Union Pacific, Southern Pacific and Santa Fe, by providing rail service to Mid-City or by operating over trackage adjacent to Mid-City, may be in violation of Commission General Orders Nos. 26-D and 118 and of Section 702 of the Public Utilities Code, and good cause appearing;

IT IS ORDERED that an amended investigation is hereby instituted into the operations and practices of Union Pacific, Southern Pacific and Santa Fe which are hereby made respondents herein, to determine:

1. Whether respondents Union Pacific, Southern Pacific and Santa Fe, by providing Mid-City rail service or by operating on trackage adjacent to Mid-City may be in violation of Commission General Orders Nos. 26-D, 118, and of Section 702 of the Public Utilities Code.

2. Whether respondent Union Pacific, Southern Pacific and Santa Fe should be ordered to cease and desist from said violations.

3. Whether respondent Union Pacific, Southern Pacific and Santa Fe should be ordered to discontinue freight service over said trackage pending final decision in this matter.

4. Whether any other order or orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

IT IS FURTHER ORDERED that Mid-City by reason of its ownership or use of said trackage and its failure, neglect or refusal after notice to maintain said trackage and adjacent areas in accordance with standards prescribed in Commission General Orders 26-D and 118, is named and hereby made a respondent herein.

Public hearing in this investigation shall be held before such Commissioner or Administrative Law Judge at such time and place as may hereafter be designated and all parties hereto shall be notified at least 10 days before said hearing.

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The Executive Director is directed to cause a certified copy of this order to be personally served on respondents Union Pacific, Southern Pacific and Santa Fe and Mid-City.

Dated at San Francisco, California, this 16th day of JANUARY, 1979.

Robert B. Johnson
President
Robert W. Givelle
Clare T. Johnson

Commissioners