

ORIGINAL

Decision No. 92218 ' SEP 3 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern Pacific Transportation Company from an order authorizing deviation from General Order No. 26-D of the Public Utilities Commission of the State of California for the construction of a firewall adjacent to a spur track serving Procter & Gamble Company at Leesdale, Ventura County, California.

Application No. 59706
(Filed June 3, 1980)

ORDER OF DISMISSAL

Southern Pacific Transportation Company (SP) serves Procter & Gamble Company on a spur track at Leesdale, Ventura County, which is shown as Spur No. 5053 on its Los Angeles Division Drawing No. B-5985, Sheet 3, revised March 5, 1980, a copy of which is attached to the application. As shown on the drawing, a firewall adjacent to the spur has a clearance of only 7 feet 6 inches from the center line of the track, in violation of the 8-foot 6-inch clearance required by General Order No. 26-D (GO 26-D). By this application, SP requests a deviation from the clearance requirements for the firewall, stating that to remove the one-foot end portion would cost in excess of \$10,000.

A Notice to Intervene in this matter was filed by the United Transportation Union, State Legislative Board (UTU) on June 18, 1980. UTU pointed out that it is opposed to the proposed deviation and requested that the matter be set for hearing. By letter filed July 7, 1980, SP requested that the application be

dismissed, stating that the parties involved no longer wish to proceed with the application. By letter filed July 14, 1980, UTU advised that it would take no exception to the withdrawal of the application by SP provided that SP and the other parties involved take appropriate steps to correct the violation of GO 26-D, and requested that the application not be dismissed until the violation is remedied.

It is noted that, according to the drawing attached to the application, SP has installed wheel stops on the spur track in issue five feet ahead of the firewall and 75 feet from the metal bumping post at the end of the track to prevent rail cars from being spotted at or beyond the location of the clearance impairment. So long as these wheel stops remain in place, there is no need for the deviation. The matter will be dismissed, as requested, but SP will be cautioned that no railroad equipment may be operated or spotted on the spur track in issue at or beyond the location of the impaired clearance unless and until the impairment has been remedied and that any violation of the minimum clearance requirements specified in GO 26-D at this location will subject SP to appropriate action by the Commission.

IT IS ORDERED that:

1. Application No. 59706 is dismissed.
2. Southern Pacific Transportation Company shall not operate or spot any railroad equipment on Spur No. 5053 at or beyond the location of the firewall shown on its Los Angeles Division Drawing No. B-5985, Sheet 3, revised March 5, 1980, a copy of which is attached to the application, unless and until the firewall clearance

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impairment has been remedied to comply with the minimum clearance standard specified in General Order No. 26-D.

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

Dated SEP 3 - 1980 at San Francisco, California.

John E. Guyon
President
James L. Thompson
Richard W. Howell
Clair J. Dedyne
Samuel W. Jones
Commissioners