

MAR 17 1981

ORIGINAL

Decision No. 92802

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOCAL 1245 INTERNATIONAL BROTHERHOOD )  
OF ELECTRICAL WORKERS, )

Complainant,

vs

PACIFIC GAS AND ELECTRIC COMPANY, )  
a corporation, and PACIFIC TELEPHONE )  
AND TELEGRAPH COMPANY, a corporation, )

Defendants.

Case No. 10859  
(Filed May 9, 1980)

Joseph Freitas, Jr., Attorney at Law, for complainant.  
Robert B. McLennan and Robert Ohlbach, Attorneys at  
Law, for Pacific Gas and Electric Company; and  
Randall E. Cape, Attorney at Law, for The Pacific  
Telephone and Telegraph Company; defendants.

O P I N I O N

The complaint alleges that defendants are maintaining a jointly owned power pole at the corner of Washington and Fourth Streets in San Juan Bautista, California. Two cables are suspended from each end of a wooden crossarm near the middle of the pole. It is alleged that the cables are only 29 inches apart, which is unsafe and a violation of the Commission's General Order No. 95. It is further alleged that two pieces of metal extend out from the pole at right angles to the crossarm and below it. These are used as steps by linemen climbing or working on the pole. The complaint states that the pole steps are an obstruction in the climbing space and a hazard to linemen.

The answers filed deny any safety violations and state that the cables are exactly the required 30 inches apart, measured from the center of the bolts at the top of the crossarm holding the suspension brackets under the crossarm. It is noted that pole steps are authorized to provide handholds and a place for a lineman to stand. Their installation does not constitute a safety violation.

Both defendants allege that the Commission staff has conducted an investigation and found that no safety violation exists with respect to the climbing space or the presence of pole steps on the pole; that the United States Occupational Safety and Health Administration has dismissed a complaint filed by complainant; and that a Deputy Labor Commissioner of the California State Division of Labor Standards Enforcement also ruled adverse to complainant on August 31, 1979 after a full hearing on the issues.

A public hearing was held in San Francisco on October 20, 1980 before Administrative Law Judge Edward G. Fraser. Concurrent briefs were filed on December 1, 1980. The Commission staff was not represented at the hearing nor did it file a brief.

The stipulated facts are that on July 11, 1979 seven Pacific Gas and Electric Company (PG&E) linemen who are members of complainant union refused to climb the previously identified pole, due to an opinion that the pole was unsafe for reasons already noted. The lineman foreman decided that the pole was safe and ordered the men back to work. They continued to refuse and were temporarily suspended due to claimed insubordination.

Complainant's assistant business manager testified as follows: He has six years experience as a ground worker and lineman. He identified the climbing space as the distance between the cables suspended from the crossarm. He noted there is always

the possibility that tools in a lineman's belt will hook on the cables and throw a lineman off balance. If there is sufficient space between the suspended cables, this is less likely to happen. When a lineman is off balance his gaffs (climbing spurs) can slip out of the pole, causing a fall. If a lineman falls between the cross-arms described herein, he would come down on the pole step in a sitting position, or hook it with his knee or thigh. The witness stated that his gaffs pulled out of a pole on one occasion and he caught his right elbow on a pole step, causing a disabling injury and a bad scar. On cross-examination the witness admitted that the purpose of pole steps is to support the climbing and working lineman. He was aware that removing the steps left a hole for moisture to enter and start a process of deterioration. If the hole is plugged, there is danger of a gaff placed by a climbing lineman slipping out of the pole. The witness was aware that pole steps are required by Rule 91.3B of the Commission's General Order No. 95, but stated his opinion that pole steps are dangerous if located from four feet below to four feet above the crossarm.

The PG&E witness had 34 years experience as a lineman, foreman, and electric operations supervisor. He inspected the pole immediately after the incident was reported and found it to be in a safe condition. He testified that the cables or wires (through which the lineman ascends) are suspended from long bolts (cable bolts) extending vertically through the wooden crossarms. The distance from the center of one bolt to the center of the other is exactly 32 inches. Fastened to the lower end of each bolt, which extends several inches under the crossarm, is a hanger (cable support hanger) consisting of two plates about 2 inches wide by 7 inches long, which are clamped together around a 5/8-inch wire

about 2 feet long. Said wire (cable support messenger) is employed as a carrier for the cable, which hangs from slings at each end of the wire. The witness testified that the distance from the center of one of the suspended cables to the center of the other is more than 30 inches.

The witness stated that pole steps are installed parallel to the sidewalk for two reasons. Poles are placed as close to the curb as possible and pole steps extending over the street have been damaged by high-bodied trucks. Risers (wires extending up the pole from street level) are always installed on the side opposite to the street, which would interfere with the installation of pole steps. He testified that pole steps promote safety and are not a hazard. He reviewed PG&E's records on pole accidents for the last three years. Injuries seemed to consist of minor abrasions or sprains incurred when a lineman grabbed the step. It could be inferred that the man would have fallen if the step was not there as a handhold. It was noted that the steps start about 7 feet 6 inches from the ground and extend up the pole. Linemen use portable metal steps below seven feet. Cities usually do not permit use of gaffs from ground level because burrs are created thereby with long slivers sticking out of the pole. Clothing can catch on these slivers and they may injure any one who moves his hand along the pole.

The Pacific Telephone and Telegraph Company presented an engineering witness with 44 years experience as a lineman, supervisor, and interpreter of safety rules and regulations. He stated that the first telephone cable installed is attached to the pole itself. If it has a terminal box, pole steps are installed under the box to assist the climbing and working lineman. Later,

as circuits increase, a second cable may be required and then the two cables are suspended on crossarms. In the latter case, the steps would remain since removing them would leave holes or hard plugs, either of which can cause a lineman's gaff to slip out of the wood. Pole steps are also safer and more restful than gaffs as a means of climbing a pole.

He agreed with the PG&E witness on how working space should be measured. The telephone cable is suspended in a sling with a slight lateral movement. The sling is supported by the wire attached to the hanger, which is fastened to the end of the bolts extending through the cross arm. The wire supporting the slings is called a "cable support messenger" and is the point from which or between which the measurements are taken. The messenger is directly under the center of the cable bolt through the crossarm. He expressed the opinion that the pole is safe and the climbing space is adequate.

#### The Rule Involved

The Commission's General Order No. 95 is a compilation of all safety rules applicable to overhead electric line construction. Rule 20.6 (of General Order No. 95) quoted by complainant defines "climbing space" as the space along the length of the pole used by linemen to reach equipment and conductors on the pole. A conductor is defined as a wire suitable "for carrying electric current". (Rule 20.8, General Order No. 95.) Rule 84.7A(2) provides that "the climbing space...shall be not less than 30 inches in width and 30 inches in depth"; Rule 84.4D(1) provides for a 15-inch distance from the center line of the pole to conductors on cross-arms. The rules noted were quoted from complainant's brief, along with Rule 87.4 which provides that the clearances shall be measured "to the nearest surfaces of the cable and messenger assembly, including cable rings and messenger supports."

Defendants argue that all overhead lines are subject to the provisions of Rules 37 and 38, which provide that "all clearances of 5" or more shall be applicable from the center line of conductors concerned." It is noted that Rule 84.7A refers the reader to Figure 34 of Appendix A, which illustrates measurements taken from the center line of the conductors. Rule 84.7E provides for pole steps as an authorized obstruction in the climbing space, and Rule 91.3B specifies that steps will be extended to at least "that conductor level above which only circuits operated and maintained by one party remain."

Discussion

The difference between the method of measuring used by defendants and that suggested by complainant is approximately one inch. The applicable rules are ambiguous, but taking measurements from the center line of the conductors is most practical and is supported by the record, which indicates that the distance between the inner surfaces of the suspended cables may vary as the latter sway on supporting slings, due to wind or some other motive force. The center line is fixed as identified by the cable bolt through the crossarm and provides a permanent point of reference.

Findings of Fact

1. Defendants maintain a jointly owned pole at the corner of Washington and Fourth Streets in San Juan Bautista, California.
2. The horizontal distance between the cables suspended from this pole on wooden crossarms is not a hazard to climbing or working linemen and does not violate the safety rules of the Commission's General Order No. 95.
3. The pole steps in the climbing space are an aid to climbing and working linemen. They are not an obstruction nor a hazard to working linemen.

Conclusion of Law


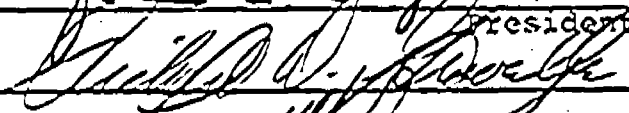

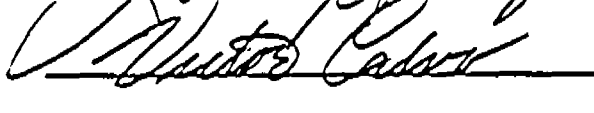
Neither the width of the climbing space nor the presence of pole steps in the climbing space constitutes a violation of any of the provisions of General Order No. 95.

O R D E R

IT IS ORDERED that the relief requested in Case No. 10859 is denied.

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

Dated MAR 17 1981, at San Francisco, California.

  
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President  
  
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Commissioners