

Decision No. 93004

MAY 5 1981

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 Southern Pacific Transportation )  
 Company for modification of )  
 D89639 re exemption from the )  
 provisions of General Order No. 26D. )

Application No. 59975  
 (Filed September 26, 1980)

OPINION AND ORDER

By Decision No. 89639 in Application No. 58316 Southern Pacific Transportation Company (SPT) was authorized to operate five excess-width railroad cars, two measuring 13' wide and three measuring 12' 0" wide, subject to seven conditions and restrictions. In the subject application SPT states that the three former 12' 0" wide cars (SP 598301, SP 598308, SP 598326) have been modified so that the cars are in full compliance with General Order 26D, therefore eliminating the need for the special handling and restrictions.

Prior to filing the application, SPT by letter dated April 28, 1980 indicated its intentions to request the sought relief. The United Transportation Union by letter dated May 1, 1980 objected on the basis that it was "an attempt on the part of Southern Pacific to dilute the intent and integrity of the existing order which allows for expedited special handling of these cars for quick transportation and movement within the State of California." However, no formal protest has been filed pursuant to requirements of our Rules of Practice and Procedure subsequent to the filing of Application No. 59975.

The Transportation Division staff has, by inspection, confirmed that the three cars have in fact been modified and now are not in excess of the maximum width of 10' 10" specified in General Order 26D. Therefore, the special handling ordered in Decision No. 89639 is no longer required, and the above numbered cars can be handled in the same manner as any other freight car having a maximum width not exceeding 10' 10".

A public hearing is not necessary and the requested modification of Decision No. 89639 should be granted.

IT IS ORDERED that Decision No. 89639 in Application No. 58316 dated November 11, 1978, is amended by adding Ordering Paragraph 4 as follows:

4. When any of the cars designated by number herein are restored to their original form or modified in such manner that a special exemption from the provisions of General Order No. 26-D would not otherwise be required, the conditions and restrictions specified in Ordering Paragraph 3 will no longer be applicable and operation of such cars by Southern Pacific Transportation Company or other railroads shall no longer be subject to the specified conditions and restrictions.

In all other respects Decision No. 89639 dated November 11, 1978 shall remain in full force and effect.

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

Dated           MAY 5 1981          , at San Francisco, California.

          John E. Byron            
 President

          Richard W. [unclear]          

          [unclear]          

          Victor Cadore          

          Prudence C. Grew            
 Commissioners