

L/avm

Decision 93463 **AUG 18 1981****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 Railroad
 Company, a corporation, and Mid-City
 Iron and Metal Corporation, a
 California corporation, respondents.

OII 18
 (Filed June 13, 1978;
 amended January 16, 1979)

ORDER MODIFYING DECISION 93105
AND DENYING REHEARING

Petitions for rehearing have been filed by Union Pacific Railroad Company and Mid-City Iron and Metal Corporation. The Commission has considered each and every allegation contained in the petitions and is of the opinion that good cause for granting rehearing has not been shown. However, to reflect the further study we have given to this matter in the course of examining the petitions for rehearing, the decision shall be modified as set forth below.

IT IS HEREBY ORDERED that Decision 93105 is modified as follows:

Finding of Fact 28 is modified to read:

"On August 15, 1978, at Mid-City on Track 9-11 a UP locomotive and crew operated past a gate of Mid-City which was open but did not provide clearance of at least 9'6" from the center of the track. There was barely enough clearance for a man standing on the side of a railroad car. Mid-City was operating overhead magnets within 22'6" from the top of rail while the UP crew was present at approximately 4:30 p.m."

Conclusion of Law 3 is modified to read:

"3. The facts set forth in Findings 9, 19, 22, 28,

L/avm, OII 18

32, 33, and 34 constitute violations of GO 26-D."

Conclusion of Law 4 is modified to read:

"4. The facts set forth in Findings 18, 19, 32, and 34 constitute violations of GO 118."

IT IS FURTHER ORDERED that rehearing of Decision 93105 as modified herein is hereby denied.

The effective date of this order is today.

Dated AUG 18 1981, at San Francisco, California.

John E. Bryan
President

Richard D. Jewell

William W. Smith

Robert Calvo

Priscilla C. Mearns
Commissioners