

Aganda Clark  
5160

TD-11

T/ctb \*

Decision 93702 NOV 3 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition to Amend General Order )  
No. 26-D to Allow the Use of )  
Double Stack COFC Equipment )  
Without Restriction. )

Application 60518  
(Filed May 5, 1981)

O P I N I O N

By this application Southern Pacific Transportation Company (SP) seeks to have General Order 26-D (GO 26-D) amended to allow the unrestricted use of double-stacked Container on Flat Car (COFC) equipment. The lading on this specially built equipment exceeds the maximum allowable height of 15'6" above the top of rail.

SP believes that its new double-stacked COFC equipment should be accorded the same unrestricted usage as multilevel auto cars, automobile underframe cars, and Trailer on Flat Car (TOFC) equipment, which contains lading of such a nature that precludes the probability of employees getting on top of or passing over them, as provided for in Section 7.8 of GO 26-D.

Notice of the application was published in the Commission's Daily Calendar on May 8, 1981. The United Transportation Union, on May 29, 1981, filed a Petition to Intervene and requested a public hearing to assure that all the facts and information are aired. Its petition cites that the lading on these cars is not properly secured to prevent shifting while in transit.

SP has operated this double-stacked COFC equipment systemwide since May 13, 1979. Within California the movements have been with adherence to the provisions of GO 26-D with respect to placarding, traincrew notification, and entrainment.



The staff has no knowledge of any incidents involving the shifting of the lading enroute. It has reviewed SP's request and concludes that, together with the incident-free operating experience, the COFC articulated equipment is adequately designed to prevent lading shift in transit and should be permitted to be entrained without restriction and that a public hearing would serve no useful purpose and is not necessary. No other protests have been received.

Findings of Fact

1. Applicant seeks to have GO 26-D amended to allow the unrestricted use of double-stacked COFC equipment.
2. The change to Section 7.8 of GO 26-D will reasonably meet the needs of applicant and will promote the security and convenience of railroad employees.
3. The United Transportation Union's Petition to Intervene and request for a hearing is concerned with shifting of the lading on these cars while in transit. SP is being relieved of placarding, traincrew notification, and entrapment. The petition is not relevant to the issues involved and a hearing is not necessary. ✓
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. ✓

Conclusion of Law

SP's application to amend GO 26-D should be granted.

O R D E R

IT IS ORDERED that:

Section 7.8 of GO 26-D is amended (underscored language added) as follows:

7.8 Cars on which the lading exceeds 15'6" above top of rail if otherwise in compliance with these requirements as to width of lading and the nature of which precludes the probability of employees getting on top



of or passing over them are exempt from the conditions of this section, provided, however, that if train length permits, any such cars except cars transporting highway trucks or trailers, multilevel freight cars either loaded or unloaded, automobile underframe cars, wood chip cars transporting wood chips when loaded and covered in such a manner to preclude any material from being dislodged en route, and doubled-stacked container on flatcar (COFC) equipment when containers are precluded from shifting or movement while in transit, shall be trained at least five cars distant from the caboose. For the purpose of this section, automobile underframe cars are either flat cars upon which automobile underframes are stacked and firmly secured in a horizontal position or gondola cars in which such underframes are placed on end and firmly secured to the gondola cars.

This order becomes effective 30 days from today.

Dated NOV 3 1981, at San Francisco, California.

JOHN E. BRYSON  
 President  
 RICHARD D. GRAVELLE  
 LEONARD M. GRIMES, JR.  
 VICTOR CALVO  
 PRISCILLA C. GREW  
 Commissioners

*I certify that this decision was approved by the above Commissioners today.*