

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

RAIL SAFETY AND CARRIERS DIVISION  
Railroad Safety Branch

RESOLUTION SR-86  
January 13, 1997

R E S O L U T I O N

RESOLUTION SR-86. AUTHORITY TO PLACE FLAGS FOR  
TEMPORARY TRACK CONDITIONS AT REDUCED CLEARANCES.

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PROPOSAL

By letter, dated September 5, 1996, the Burlington Northern Santa Fe Railway Company (BNSF) has requested authority to deviate from the minimum clearance requirements of Commission General Order 26D for the purpose of placing temporary trackside warning flags to advise train and engine crews of construction work near its tracks.

DISCUSSION

The United States Department of Transportation, Federal Railroad Administration (FRA), has placed a recent emphasis on track worker safety and is proposing regulations to address this subject. In anticipation of imminent requirements, BNSF has already implemented its Maintenance of Way Operating Rules to require the placement of flags to warn crews of the locations of temporary restrictions and of "on track" workers.

Common Carrier railroads operating within the State of California are required by Commission General Order 26D to provide a safety envelope for employees whose duties require them to work adjacent to rail rolling equipment. Historically, this has applied to all obstructions above the top of rail, including flags placed as visible warnings to trains approaching restricted areas where men and/or equipment may be fouling the track.

The General Code of Operating Rules (GCOR) governs the operations of California's railroads and is filed with this Commission and the FRA. GCOR Rule 5.4 identifies the manner in which protective flags and bulletins shall be used.

In recent years mergers, abandonments, and commuter rail operations have served to consolidate and centralize much of California's rail operations. Numerous locations exist in California that have multiple main track operations where

once there was only one track. The distance between multiple main tracks cannot provide the required clearance prescribed by General Order 26D when flags are positioned in accordance with GCOR Rule 5.4.8, "... flags must be placed to the right of the track as viewed from an approaching train ...".

The United Transportation Union (UTU) and the Brotherhood of Locomotive Engineers (BLE) have been notified of the requested relief. Both organizations have recognized the safety enhancement with the placement of visible warning flags, but have expressed concern that advance notification to affected employees of the location of such flags be provided in writing, and that employees should not be required to ride on the side(s) of equipment through said areas.

We regret the conflict between flag placement and the Commission's General Order requirements. We are never willing to compromise safety, but, under the circumstances, believe the tangible warning of flag placement outweighs the benefits of clearance compliance at the expense of no physical reminders to train crews of imminent hazards. We concur with the labor organizations that the advantage of appropriate notice to train crews will mitigate any hazard created by the close clearance of the flags.

#### FINDINGS

Safety Division staff has reviewed the requested relief and the concerns of the labor organizations and has concluded that sought authority is reasonable and should be granted subject to the conditions listed below.

THEREFORE, IT IS ORDERED that:

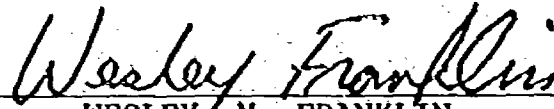
The requested authority is hereby granted subject to the following conditions:

- (1) Where adequate room exists between parallel tracks, compliance with General Order 26D shall be maintained.
- (2) Appropriate notice shall be issued in writing to all affected railroad employees advising them of the location of the reduced side clearance(s).
- (3) Appropriate notice shall be issued in writing prohibiting employees from riding on the sides of railcars past such reduced clearance temporary flags or performing switching operations where employees may be required to be on the ground at the flagged locations.

- (4) All other conditions set forth in California  
Public Utilities Commission General Order 26D  
remain in full force and effect.

The effective date of this resolution is today.

I hereby certify that this Resolution was adopted by the  
Public Utilities Commission at its regular meeting on  
January 13, 1997. The following Commissioners approved it:



WESLEY M. FRANKLIN  
Executive Director

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners