

Decision No. 18116**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
 on the Commission's own motion into
 the reasonableness of proposed mini-
 mum clearances on railroads and
 street railroads with reference to
 side structures, overhead structures,
 parallel tracks and crossings of rail-
 roads, street railroads, streets and
 public highways.

Case No. 2290.

BY THE COMMISSION:

OPINION ON ORAL ARGUMENT ON PETITION FOR REHEARING

Petitions for rehearing in this matter were filed by Southern Pacific Company, Pacific Electric Railway Company, Peninsular Railway Company, Central California Traction Company, Visalia Electric Railroad Company, The Western Pacific Railroad Company, Tidewater-Southern Railway Company, Sacramento Northern Railway, Los Angeles and Salt Lake Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, respectively, asking that Sections 1 (c), 2 (e) and 4 (e) of General Order No. 26-B, as same was authorized by this Commission's Decision No. 17795, dated December 22nd, 1926, (Case No. 2290), be set aside. The Commission thereupon set the matter for oral argument on February 23rd, at 10:00 A.M., before the Commission en banc, at which time counsel for the above petitioners (with the exception of The Atchison, Topeka and Santa Fe Railway Company) and Counsel for the Brotherhood of Railroad Trainmen, appeared and presented oral argument.

From a consideration of the argument presented at that time, the Commission is of the opinion that nothing further would be gained by reopening the proceeding for the introduction of further evidence, and that its said Decision No. 17795 should be sustained in principle. It appears, however, that certain changes can properly be made in the Order, which changes, it is believed, will tend to make the order more satisfactory to the carriers without sacrificing any important safety features as related to the clearances set forth.

The record shows that a slight modification in certain of the provisions of General Order No. 26-B can be made which will not greatly affect the safety of the public and the employees of the railroads and that such changes will permit the unrestricted operation of practically all freight cars now in operation. It therefore appears that the height to running board of freight cars, as shown in Section 1, Sub-section (c), may reasonably be changed from fifteen (15) feet to fifteen (15) feet, one (1) inch; also that the maximum overall width of freight cars, as shown in Section 2, Sub-section (e), may reasonably be changed from ten (10) feet, six (6) inches to ten (10) feet, eight (8) inches.

A sub-section under Section 12, we believe, should be added, which will permit the movement of equipment having larger dimensions than specified herein, provided adequate precautions are taken. This will permit the movement of special equipment from time to time without a change of the carrier's clearance requirements. It appears that the above changes should be made in the form of a new General Order to be designated as Commission's General Order No. 26-C.

With reference to the joint petition of The Western Pacific Railroad Company, Tidewater Southern Railway Company and Sacramento Northern Railway, filed December 31st, 1926, in which those carriers sought to be relieved from certain clearance requirements, as provided in General Order No. 26-B, it appears that this order, as

modified, will remove the necessity for the exemptions sought, and that petition will therefore be denied without prejudice.

O R D E R

Petitions having been filed for rehearing of our Decision No. 17795, in the above entitled matter; argument on said petitions having been had before the Commission en banc, and the matter being now under submission and ready for decision, therefore

IT IS HEREBY FOUND AS A FACT that the proposed rules and regulations establishing minimum clearance for railroads and street railroad tracks and structures adjacent thereto, as prescribed in this Commission's General Order No. 26-B, but with modifications as set forth in the above opinion, are reasonable, just and necessary for the public health and safety, and basing our order on the above finding of fact,

IT IS HEREBY ORDERED that this Commission's order in Decision No. 17795, dated December 2nd, 1926, in Case No. 2290, be and it is hereby set aside and the following order substituted in its place:

IT IS HEREBY ORDERED that all construction, reconstruction and operation of railroad and street railroad tracks, or structures adjacent thereto, coming within the jurisdiction of this Commission, on and after April 1st, 1927, shall conform to "Regulations Governing Clearances on Railroads and Street Railroads with reference to side structures, overhead structures, parallel tracks and crossings of public roads, highways and streets" prescribed by the Railroad Commission of the State of California in its General Order No. 26-C.

IT IS HEREBY FURTHER ORDERED that the petitions for rehearing filed by Southern Pacific Company, Pacific Electric Railway

Company, Peninsular Railway Company, Central California Traction Company, Visalia Electric Railroad Company, The Western Pacific Railroad Company, Tidewater Southern Railway Company, Sacramento Northern Railway, Los Angeles and Salt Lake Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, respectively, be and they are hereby denied; and

IT IS HEREBY FURTHER ORDERED that application filed by The Western Pacific Railroad Company, Tidewater Southern Railway Company and Sacramento Northern Railway, on December 31st, 1926, to be relieved of certain provisions of said General Order No. 26-B, relating sizes of equipment to the minimum clearances provided in said general order, be and it is hereby denied without prejudice.

The effective date of this order shall be April 1st, 1927.

Dated at San Francisco, California, this 28th day of March, 1927.

Emmert
W. B. Brundage
C. J. Seavie
Leon. Wilson
Thos. S. Powell

Commissioners.

General Order
No. 26-C.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATIONS GOVERNING CLEARANCES ON RAILROADS AND
STREET RAILROADS WITH REFERENCE TO SIDE STRUCTURES,
OVERHEAD STRUCTURES, PARALLEL TRACKS AND CROSSINGS
OF PUBLIC ROADS, HIGHWAYS AND STREETS.

Issued under Authority of Public Utilities Act.

Approved March 28th, 1927. Effective April 1, 1927.

It is hereby ordered by the Railroad Commission of the State of California that the minimum clearance requirements for railroads and street railroads hereinafter prescribed shall hereafter be observed in this State in all construction or reconstruction of tracks, or structures adjacent to tracks.

It is hereby further ordered that no railroad or street railroad corporation shall operate any cars, trains, motors, engines or other equipment over its own or other tracks, except as hereinafter provided, on which overhead or side clearances, or clearances between tracks, are less than the minimum herein prescribed, if such tracks, or structures adjacent to such tracks, were constructed or reconstructed subsequent to the effective date hereof.

RAILROADS AND STREET RAILROADS TRANSPORTING
FREIGHT CARS

1. OVERHEAD CLEARANCES:

(a) The minimum overhead clearance above the top of rail of railroad and street railroad tracks, which are used or proposed to be used, for transporting freight cars, for all overhead structures, except as hereinafter prescribed, shall be twenty-two (22) feet.

(b) The overhead clearance above top of rail of such tracks located inside of entirely enclosed buildings may be reduced to eighteen (18) feet, provided that this clearance shall apply only to tracks terminating within the building, and further provided, that when an overhead clearance of less than twenty-two (22) feet is established on tracks inside such entirely enclosed building, all cars, trains, motors, engines or other equipment shall be brought to a stop before entering such enclosed building, the conditions provided to require such stop to be approved by the Commission.

(c) Overhead clearances authorized in this section are applicable only to tracks on which freight cars having a height to running board of fifteen (15) feet one (1) inch or less are transported. On tracks over which freight cars of greater height are transported or proposed to be transported, minimum overhead clearances shall be increased by an amount not less than such additional height.

2. SIDE CLEARANCES:

(a) Minimum side clearances from center line of tangent standard gauge railroad and street railroad tracks, which are used or proposed to be used for transporting freight cars, except as hereinafter prescribed, shall be as shown below:

<u>Item.</u>	<u>Description</u>	<u>Minimum Side Clearance From Center Line of Track</u>
1.	All structures, except those specifically mentioned below. NOTE: It is recommended that posts, pipes, warning signs and other small obstructions, where practicable, have a clearance of ten (10) feet from center line of track.	8' 6"
2.	Platforms: A. Eight (8) inches or less above top of rail. B. One (1) foot nine (9) inches or less above top of rail C. Four (4) feet or less above top of rail D. Four (4) feet six (6) inches or less above top of rail when used principally for loading or unloading refrigerator cars NOTE: Stepped platforms combining two or more of the above platform clearances not permitted. Existing platforms heretofore lawfully constructed in compliance with the clearance in effect at the time of construction may be extended at the existing clearance, provided that such clearance shall not be less than six (6) feet six (6) inches from the center line of track.	4' 8" 5' 6" 7' 3" 8' 0"
3.	Poles: A. Poles supporting trolley contact conductors supplying motive power to track affected, if of bracket construction, on either single or double main track B. Poles supporting trolley contact conductors supplying motive power to track affected, for all types of construction (other than bracket construction) adjacent to main tracks, and for all types of construction (including bracket construction) adjacent to all tracks other than main tracks C. All other poles	8' 0" 8' 6" 8' 6"
4.	Through Bridges supporting track affected and Tunnels:	8' 0"
5.	Block Signals and Switch Stands: A. Switch boxes, switch-operating mechanisms and accessories necessary for the control and operation of signals and interlockers projecting four (4) inches or less above the top of rail	3' 0"

Minimum Side
Clearance From
Center Line of
Track

<u>Item.</u>	<u>Description</u>	<u>Minimum Side Clearance From Center Line of Track</u>
5.	Block Signals and Switch Stands (Cont'd.):	
	B. Block signals and switch stands three (3) feet or less above top of rail and located between tracks where not practicable to provide clearances otherwise prescribed in this order.	6' 0"
	C. All other block signals and switch stands	8' 6"
	NOTE: In order to bring switch stand targets into clear vision where pole lines are or have been constructed at legal clearance on railroads operated by overhead trolley contact the above clearance as applied to switch stands may be reduced to seven (7) feet six (6) inches.	
6.	Water Columns and Oil Columns.	8' 0"
7.	Through Bridges, Hand Rails, Water Barrels and Refuge Platforms on Bridges and Trestles, Water Columns, Oil Columns, Block Signals, Cattle Guards and Cattle Chutes, or portions thereof, four (4) feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five (5) feet distant laterally from center line of track to a point four (4) feet above top of rail and eight (8) feet distant laterally from center line of track; provided, however, that the minimum clearance for such Hand Rails shall be seven (7) feet six (6) inches and the minimum clearance for fences of Cattle Guards shall be six (6) feet nine (9) inches.	
8.	All other objects and articles	8' 6"

(b) All minimum side clearances prescribed in this section are for tangent track. In general, all structures adjacent to curved track shall have a minimum side clearance one (1) foot greater than the equivalent minimum side clearance required for tangent track. Where space is limited, the minimum side clearance for structures adjacent to tracks of not over twelve (12) degrees curvature shall be the same as for tangent track, but if over twelve (12) degree curvature, one-quarter (1/4) inch shall be added to the equivalent minimum side clearance required for tangent track for each degree of the curve. Where track contains superelevation, minimum side clearances shall be increased as necessary to give the equivalent clearances based on tangent track.

(c) The center line of any track constructed in and along a public street shall be at least ten (10) feet from the property line of said public street, or if the street has a lawfully established curb line, the track may be laid with its center line less than ten (10) feet from said property line, provided the center line of track be at least ten (10) feet from the lawfully established curb line, and not otherwise laid in violation of any

clearance prescribed in this order. The purpose of this section is to provide a space in each public street in which pole lines of public utilities may be erected and lawful clearance with railroad tracks maintained.

(d) Log rollways may be erected and maintained with impaired clearance when adjacent to tracks operated exclusively for logging purposes.

(e) Minimum side clearances authorized in this section are applicable only to tracks on which freight cars having a maximum overall width not greater than ten (10) feet eight (8) inches are transported. On tracks over which freight cars of greater width are transported or proposed to be transported, such minimum side clearances shall be increased not less than one-half of such additional width.

(f) For narrow gauge tracks, minimum side clearances from the side of widest cars operated shall be not less than the corresponding net clearance of a car of ten (10) feet eight (8) inches in width for the equivalent minimum clearances prescribed in this section for standard gauge track.

3. OVERHEAD AND SIDE CLEARANCES:

Minimum overhead and side clearances as prescribed herein in Sections 1 and 2 of this order may be decreased to the extent defined by the half circumference of a circle having a radius of eight (8) feet six (6) inches and tangent to a horizontal line twenty-two (22) feet above top of rail at a point directly above the center line of track, provided, however, that for Tunnels and Through Bridges, such radius may be eight (8) feet, and provided, further, that Subsections 1 (c) and 2 (e) shall apply hereto.

4. CLEARANCE BETWEEN PARALLEL TRACKS:

(a) The minimum distance between the center lines of parallel standard gauge railroad and street railroad tracks, which are used or proposed to be used for transporting freight cars, shall be thirteen (13) feet, except as hereinafter prescribed.

(b) The center line of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, shall be at least fifteen (15) feet from the center line of the main track or passing track; provided, however, that where a passing track is adjacent to and at least fifteen (15) feet distant from a main track, any other track may be constructed adjacent to such passing track with clearance prescribed in Subsection (a) hereof.

(c) The center line of any standard gauge ladder track, constructed parallel to any other track, shall have a clearance of not less than twenty (20) feet from the center line of such other track.

(d) Minimum clearance between center lines of two parallel team tracks may be reduced to eleven (11) feet six (6) inches, provided that clearances otherwise prescribed in this order are maintained on the opposite side of each track.

(e) Minimum distances between parallel tracks authorized in this section are applicable only to tracks on which equipment having a maximum overall width not in excess of eleven (11) feet is transported. On tracks over which equipment of greater width is transported or proposed to be transported, minimum distance between parallel tracks shall be increased not less than such increased width.

(f) For narrow gauge tracks, minimum distance between parallel tracks shall be not less than the corresponding net clearance of standard gauge equipment of eleven (11) feet in width for the equivalent clearances prescribed in this section.

5. OTHER ARTICLES ADJACENT TO TRACKS:

(a) No merchandise, material or other articles shall be placed either on the ground or on platforms adjacent to any track at a distance less than eight (8) feet six (6) inches from center line of track.

(b) A suitable line or other marker should be maintained on all platforms and at a distance of eight (8) feet six (6) inches from center line of track to indicate minimum clearance for merchandise, material and other articles placed thereon.

RAILROADS AND STREET RAILROADS NOT TRANSPORTING FREIGHT CARS

6. OVERHEAD AND SIDE CLEARANCES:

(a) The minimum overhead clearance above the top of rails of railroads and street railroads which do not transport or propose to transport freight cars shall be fourteen (14) feet.

(b) Minimum side clearances of railroad and street railroad tracks which are not used or proposed to be used for transporting freight cars shall be thirty (30) inches from the side of the widest equipment operated, except that poles supporting trolley contact conductors between main line double tracks may be not less than twenty-four (24) inches from side of widest equipment operated.

(c) Minimum overhead and side clearances as prescribed in this section may be decreased to the extent defined by a line extending diagonally downward from a point fourteen (14) feet above the top of rail and four (4) feet distant laterally from the center line of track to a point eight (8) feet above the top of rail and distant laterally thirty (30) inches from the side of the widest equipment operated.

(d) Minimum side clearances as prescribed in this section may be decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five (5) feet distant laterally from the center line of track to a point four (4) feet above the top of rail and distant laterally thirty (30) inches from the side of the widest equipment operated.

7. CLEARANCE BETWEEN PARALLEL TANGENT TRACKS:

(a) The minimum distance between the center lines of parallel tangent railroad and street railroad tracks which are not used or proposed to be used for transporting freight cars shall be sufficient to provide a clearance of twenty-four (24) inches between the sides of the widest cars transported.

8. EXCEPTIONS:

(a) Minimum clearances prescribed in Section 6 and Section 7 may be reduced at passenger loading platforms.

(b) Minimum clearances prescribed in Section 6 and Section 7 may be reduced for trackage located in subways and tunnels, or compartments thereof, which are used exclusively for railroad passenger traffic and which do not carry any other forms of traffic; provided, however, that the passenger equipment operated therein shall have all windows and other openings effectively barred.

(c) Nothing herein shall be construed as preventing the movement of material over railroad or street railroad tracks which are not used or proposed to be used for transporting freight cars which is necessary in the construction or operation of said railroad or street railroad system, nor in the movement of special work equipment used in the construction or operation of said system; provided, however, such operation shall be carried on in a safe manner.

PUBLIC ROADS, HIGHWAYS AND STREETS CROSSING UNDER OR OVER RAILROADS AND STREET RAILROADS

9. PUBLIC ROADS, HIGHWAYS AND STREETS CROSSING UNDER TRACKS:

(a) Where railroads and street railroads cross above public roads, highways and streets, a minimum overhead clearance above the surface of such roads, highways or streets of fourteen (14) feet shall be provided.

(b) Where railroads and street railroads cross above public roads, highways and streets a minimum width of opening for such public roads, highways or streets of twenty (20) feet shall be provided where only one span is used to support the railroad or street railroad structure. Where two or more spans are used to support the railroad or street railroad structure a minimum width for each opening of twelve (12) feet shall be provided.

(c) When the public road, highway or street is occupied by one or more tracks, minimum clearance dimensions shall be determined by this Commission for the case under consideration.

10. PUBLIC ROADS, HIGHWAYS AND STREETS CROSSING OVER TRACKS OF RAILROADS AND STREET RAILROADS:

(a) Where public roads, highways and streets cross above railroad or street railroad tracks which are used or proposed to be used for transporting freight cars, minimum clearances as prescribed in Sections 1, 2, 3 and 4 shall be provided.

(b) Where public roads, highways or streets cross over railroad or street railroad tracks which are not used or proposed to be used for transporting freight cars, minimum clearances as prescribed in Sections 6, 7 and 8 shall be provided, except that a minimum overhead clearance of nineteen (19) feet above the top of rail shall be provided unless modified by the Commission.

GENERAL REQUIREMENTS

11. ELECTRICAL CONSTRUCTION:

All clearances of electrical construction over, above, adjacent to, along or across railroads and street railroads shall conform to the requirements specified in General Order No. 64, or such other and further general or other orders as may be issued by the Commission superseding or amplifying same.

12. EXEMPTIONS:

(a) Equipment having greater dimensions than those stated in Sub-sections 1 (c), 2 (e) and 4 (e) of this order may be moved over tracks on which overhead or side clearances or clearances between tracks, conform to the minimum gross clearances prescribed in this order or otherwise legal at the time such clearances were established, provided, however, that such equipment shall be moved in a manner or under conditions of adequate precaution and provided, further, that a statement of the general plan by which the carrier will undertake to exercise such precaution shall be filed by the carrier with and subject to the approval of the Commission.

(b) If, in a particular case, exemption from any of the requirements herein is desired, the Commission will consider the application of a carrier for such exemption when accompanied by a full statement of the conditions existing and the reasons why such exemption is asked. It is to be understood that any exemption so granted shall be limited to the particular case covered by the application.

The Commission reserves the right to modify any of the provisions of these rules in specific cases when, in the Commission's opinion, public interest would be served by so doing.

This order supersedes all regulations covering clearances of tracks, railroads and street railroads or structures to such tracks constructed or reconstructed subsequent to the effective date hereof, heretofore promulgated under title "General Order No. 26", "General Order No. 26-A", "General Order No. 26-B", and "Section 61 (a) of General Order No. 64".

This order shall be effective on and after April 1, 1927.

Approved and dated at San Francisco, California, this 28th day of March, 1927.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
By E. G. MATHEWSON,
Secretary.