

Decision No. 1915-6.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
Southern Pacific Company, Los Angeles  
& Salt Lake Railroad Company and  
Pacific Fruit Express Company for per-  
mission to maintain and construct icing  
platforms with impaired clearances.

Application No. 14011.

E. J. Foulds and H. W. Hobbs, by  
H. W. Hobbs, for all Applicants.

L. T. Jackson, for Los Angeles and  
Salt Lake Railroad Company, Applicant.

B. S. Crittenden, for Railroad Brother-  
hoods and Orders, Protestants.

Harry See, for the Brotherhood of Railroad  
Trainmen and Order of Railroad Conductors,  
Protestants.

G. F. Irvine, for Brotherhoods of Railroad  
Engineers and Firemen, respectively,  
Protestants.

CARR. COMMISSIONER:

O P I N I O N

This is an application of Southern Pacific Company,  
Los Angeles and Salt Lake Railroad Company and Pacific Fruit  
Express Company, seeking permission to construct and maintain  
icing platforms with less side clearance than that prescribed  
in this Commission's General Order No. 26-C. Public hearings  
were held in this matter in San Francisco on October 7th,  
November 4th and November 8th, 1927.

In this Commission's former General Order No. 26-A,

prescribing legal clearances for structures adjacent to tracks, special provision was made for icing platforms (Item 6 of Table 1, Section 2), as the icing of refrigerator cars was considered as a special operation, which provision reads as follows:

The minimum clearance between the center line of a standard gauge track and icing platforms at elevation not less than 11' 0" above top of rail, provided suitable warning signs shall be maintained, (this clearance not permitted adjacent to main line, drill or important switching lead tracks) shall be six feet six inches (6' 6").

Also, the Commission, by letter dated August 31, 1916, when General Order 26 was in effect, informally granted Pacific Fruit Express Company, one of the applicants herein, permission to maintain and construct icing platforms with a minimum side clearance of six (6) feet and eight (8) inches from the center line of the track and in Decision No. 3621 formally dismissed Application No. 2391, seeking such permission, on the ground that the matter had been taken care of informally. It appears that most of the icing platforms heretofore constructed and now maintained and operated by applicants fail to meet the general side clearance requirements for other structures, as set forth in Section 2 (a) of this Commission's General Order No. 26-C now in effect.

General Order No. 26-B (effective January 1st, 1927) did not provide any special clearance exemption for icing platforms. At an engineering conference held prior to the drafting of General Order No. 26-C (effective April 1st, 1927), at which the Commission's Engineering Department was represented, it was agreed that any special clearances for icing platforms would be taken care of by subsequent formal proceedings and, therefore,

no exemption was made in this General Order specifically relating to icing platforms. In accordance with the above verbal agreement, the pending application was filed with the Commission on August 19th, 1927.

Applicants contend that icing platforms constructed with the minimum clearance of six (6) feet eight (8) inches do not present a serious hazard to trainmen in the operation of trains on adjacent tracks, supported by accident records; that if a side clearance of 8' 6" is required for icing platforms; it will increase the cost of operation, as well as the hazard to the employees engaged in icing cars; that it is a great convenience to use the icing tracks for other purposes than for the operation of icing cars; and, that it would mean a hardship to the company if the use of such tracks were restricted to icing operation, only.

Witnesses for the railroad employees' organizations, protestants to the granting of this application, urged that icing platforms constructed with less than eight (8) feet, six (6) inch side clearances, present a serious hazard to trainmen, and make it more difficult for them to perform their duties in the handling of trains on such tracks; that tracks adjacent to icing platforms are commonly used for other purposes than the icing of cars, such as for switching and storage purposes; that a regulation, restricting the use of the icing tracks, would be difficult to enforce; and that, in their opinion, future extension or new construction of icing platforms should conform to clearances as prescribed in General Order No. 26-C.

From the records, it appears that by restricting the

use of tracks adjacent to icing platforms solely to the operation of icing cars, the construction and operation of icing platforms with a minimum side clearance of six (6) feet eight (8) inches will not present an unduly serious hazard to the trainmen, provided such structures are properly illuminated, if any operation is performed on such tracks at night, and that the reduction in hazard to the trainmen that would result from increasing the side clearance to eight (8) feet, six (6) inches for this particular operation does not offset the added hazard to other employees engaged in the operation of icing the cars and the convenience and economy in such operation.

The following form of order is recommended:

O R D E R

Southern Pacific Company, Los Angeles and Salt Lake Railroad Company and Pacific Fruit Express Company, having made application for authority to maintain and construct icing platforms at clearances less than those prescribed in the Commission's General Order No. 26-C, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby granted, subject to the conditions hereinafter specified.

(1) Said icing platforms may be constructed, operated and maintained substantially in accordance with the plans submitted in this proceeding and marked "Pacific Fruit Express Company's Standard Icing Platforms," provided, that the side clearances of said platforms shall not be less than six (6).

feet eight (8) inches from the center line of adjacent tracks, and provided, further, that tracks adjacent to said icing platforms shall be used solely for the icing of cars. If tracks adjacent to icing platforms are to be used for any other operation than the icing of cars, the icing platforms shall be constructed, operated and maintained with side clearances of not less than eight (8) feet six (6) inches.

The authority herein granted shall become effective on the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 23<sup>rd</sup> day of December, 1927.

Edward J. Casey

Casey

Leon Whitehall

Thomas J. Houten

M. J. Case

Commissioners.