

ORIGINAL

Decision No. 19458

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>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.</p>

Application No. 14011.

CARR, COMMISSIONER:

OPINION ON REHEARING

A rehearing was granted at the request of the various interested parties, further hearings have been held and there has been reported to the Commission the result of a series of conferences had between the interested parties and the matter is now under submission. The understandings and agreements growing out of the conferences referred to appear to be reasonable and in line with the public interest, and the order herein should be framed accordingly.

One feature of these calls for brief reference. The carriers involved herein indicated their willingness and purpose to prepare and carry out a program affecting tracks adjacent to icing stations of the Pacific Fruit Express, which, within a period of five years, will result in the relocation of existing tracks so that all side clearances at icing platforms, of less than 7' 8" from the center line of the track, will be eliminated in so far as is practicable.

In order that the Commission may be properly informed in this matter, the carriers should file with the Commission, each year, a statement showing the tracks that have been relocated and their

program for the ensuing year, and at the end of the five-year period they should file a report showing the locations, if any, where the tracks have not been so shifted as to provide the side clearance of 7' 8" and the reason why they have not been so shifted.

The following form of order is recommended:

O R D E R

The above entitled matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the order in Decision No.19156, dated December 23rd, 1927, be and the same is hereby revoked.

IT IS HEREBY FURTHER ORDERED that the above entitled application be and it is hereby granted to applicants, subject to the modifications and conditions following:

(1) Tracks adjacent to icing platforms, having a side clearance of less than 7' 8", shall be restricted in use to service of Pacific Fruit Express Company, said service being defined as the operations of icing, heating, ventilating and storage of refrigerator cars at plants of that company. This restriction is not intended to exclude the operation over such tracks of inbound or outbound trains of mixed consist requiring Pacific Fruit Express platform service, as such operations are now conducted, nor the use of such tracks for the unloading of salt, ice and heating appliances or fuel for the latter.

(2) Icing platforms to be constructed in the future and additions to existing icing platforms with less than 7' 8" clearance shall have not less than 7' 8" clearance from the center line of the track. Restrictions as to operation over tracks with less than 7' 8" clearance in whole or in part shall be governed by the restrictions for that portion having the least clearance.

(3) Where tracks have a side clearance of 7' 8" or more

throughout their entire length, no restrictions shall be imposed upon the operation over such tracks.

(4) Applicants shall work out a program whereby all tracks adjacent to Pacific Fruit Express plants will be shifted, where practicable, to provide a clearance of 7' 8" or more, such construction to be effected within a period of five years and the carriers to make reports as indicated in the foregoing opinion.

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 10th day of March, 1928.

C. A. Cheney

Thos. S. Davis

W. J. ...

Commissioners.