

Decision No. 20881.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Southern Pacific Company for permission to operate a certain railroad track near Naud Junction, in the City of Los Angeles, County of Los Angeles, State of California, at an impaired clearance created by the maintenance by the Eureka Supply Company of a travelling crane support adjacent thereto.

Application No. 15349.

Frank Karr, for Southern Pacific Company, Applicant.
I. J. Miller, for Eureka Supply Company,
Harry See, for Brotherhood of Railroad Trainmen, Protestant.

BY THE COMMISSION:

O P I N I O N

The Southern Pacific Company filed the above entitled application with this Commission on January 24, 1929, asking for authority to maintain an impaired clearance between its spur track and the column of a travelling crane in the yard of the Eureka Supply Company, near Naud Junction, in the City of Los Angeles.

A public hearing on this application was conducted by Examiner Williams at Los Angeles on February 21, 1929; the matter was duly submitted and now is ready for decision.

One column of this travelling crane, which was built in 1924, was located adjacent to a twenty degree curve of the spur track serving this plant and at a distance of seven feet, five and one-half inches (7' 5½") therefrom, which clearance is not in accordance with the provisions of General Order No. 26 of

this Commission, said general order being in effect at the time of said construction.

The impairment referred to herein was first brought to this Commission's attention on May 4th, 1927, and after several inspections by our engineers, who were endeavoring to have this impairment corrected, the management of the Eureka Supply Company took the position that it should be allowed permanently to maintain said impairment.

D. M. Crossman, Assistant Engineer for the Southern Pacific Company, testified that the spur track serving the Eureka Supply Company was constructed in 1923; that service was performed on this track approximately once each night between the hours of 12:00 M. and 6:00 A.M., and the impaired clearance existing between the spur track and the column of the travelling crane presented a hazardous and dangerous situation.

W. F. Powers, Southern Pacific yardman, with twenty-four years of railroad experience, thirteen of which were spent in the Los Angeles Yard, testified that the conditions were such in this yard that extreme care was necessary for signalling and the handling of cars; that trainmen may be riding on either side of the cars while switching said spur; that as many as three or four trainmen may be riding the cars on the side of the impaired clearance and that the impaired clearance presented a hazardous and dangerous condition.

I. J. Miller, President and General Manager of the Eureka Supply Company, testified that he has known of the impaired clearance for the past two years, but has not endeavored to have same corrected. At the conclusion of the hearing he offered to comply with the requirements of General Order No. 28-C in sixty (60) days.

The correction of the impaired clearance by the shifting

of the spur track is not practical since such a plan would require the construction of a forty-two degree (42°) curve. It does appear practicable however, to obtain standard clearance by shifting the one column of traveling crane, which could be done at a reasonable expense.

The record further shows that other impaired clearances, caused by the placing of materials and junk adjacent to said track, have continually existed in this yard for the past two years, although the Commission on several occasions directed the management of Eureka Supply Company to correct same and thereafter maintain clearances in accordance with the provisions of General Order No. 26-C of this Commission.

From the record herein, we are of the opinion and hereby conclude that the traveling crane was constructed with clearances not in accordance with the provisions of this Commission's General Order No. 26; that the management of the Eureka Supply Company has been aware of the impairment for the past two years but made no effort to correct same; that the impairment may be corrected at a reasonable expense and that the impairment presents a hazardous and dangerous condition to trainmen who are required to work on the cars of applicant while operating said spur track.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion as appearing in the preceding opinion,

IT IS HEREBY ORDERED that this application be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that unless the impaired

clearance, existing between applicant's spur track and the column of a travelling crane located in the yard of the Eureka Supply Company, near Naud Junction, in the City of Los Angeles, be corrected so as to comply with the provisions of this Commission's General Order No. 26 C by April 15, 1929, and unless all side and overhead clearances at said track be hereafter maintained in accordance with the provisions of said General Order No. 26 C, Southern Pacific Company shall cease and desist from operating trains over said track.

Dated at San Francisco, California, this 18th day of March, 1929.

Thos. L. Ladd
Charles
Wm. J. Ladd
Leon Whitehall
W. J. Ladd
Commissioners.