

Decision No. 20962

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
Los Angeles Junction Railway Company )  
and Federal Refrigerating Company ) Application No.15383  
for permission to maintain icing )  
platforms with impaired clearances. )

Gibson, Dunn & Crutcher, by Woodward M. Taylor, for Ap-  
plicants,  
Harry See, for Brotherhood of Railroad Trainmen, Pro-  
testant.

BY THE COMMISSION:

O P I N I O N

This is an application of Los Angeles Junction Railway Company and Federal Refrigerating Company, seeking permission to maintain an icing platform with less side clearance than that prescribed in this Commission's General Order No.26-C.

A public hearing on this application was conducted by Examiner Williams at Los Angeles on March 11, 1929; the matter was duly submitted and is now ready for decision.

The plant of the Federal Refrigerating Company was constructed during 1923 at 4224 District Boulevard, Vernon, adjacent to a stub-end spur of the Los Angeles Junction Railway Company. The icing platform is constructed thirteen feet four inches (13'4") above the top of rails of said spur and at a distance of five feet ten and one-half inches (5'10½") from the center line thereof.

At the time of said construction, this Commission's General Order No.26 was in effect which order required a clearance of eight feet six inches (8'6") between the center line of the spur track and the icing platform.

The record shows that the Los Angeles Junction Railway

Company neither requested nor obtained permission from this Commission to construct said spur track with impaired side clearance.

Subsequent to the effective date of General Order No. 26-C, which does not make any special provision for the construction of icing platforms, the Commission issued its Decision No. 19458, dated March 10, 1928, in Application No. 14011, granting to Southern Pacific Company, Los Angeles and Salt Lake Railroad Company and Pacific Fruit Express Company permission to construct icing platforms with a side clearance of seven feet eight inches (7'8").

Witnesses for the applicants contended that this impaired clearance located on the south side of the spur track did not present a hazardous condition to trainmen. The record shows that Los Angeles Junction Railway Company issued a bulletin requiring trainmen to work on the north side of the track at this location and testimony of applicants' witnesses further shows that the issuance of this bulletin was occasioned by the realization of the danger presented by the impaired clearance of the icing platform on the south side of said spur track.

The record shows that at the present time two train crews carry on the operations of the Los Angeles Junction Railway Company but with an increase in business, which is expected, additional crews will be necessary.

After due consideration of all the evidence presented herein, we find that the icing platform was constructed with a side clearance not in accordance with the provision of this Commission's General Order No. 26 that the impaired clearance should be corrected so as to provide a clearance of seven feet eight inches (7'8") between the center line of said spur track and

the icing platform which is the clearance prescribed in the Commission's Decision No. 19458, referred to above, to be provided at certain other icing platforms in the State of California.

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 making its order on the conclusions 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 Los Angeles Junction Railway Company's spur track and the icing platform on the Federal Refrigerating Company, located at 4224 District Boulevard, Vernon, be corrected by October 1st, 1929, so as to provide a side clearance of not less than 7' 8", neither the Los Angeles Junction Railway Company nor any other common carriers shall operate trains over said track; provided, further, that the implied authority to operate over this track with a side clearance of not less than 7' 8" is restricted to movements incident to icing operations at the said Federal Refrigerating Company's plant and that if the track is put to any other use, the prescribed clearance of 8' 6" must be provided.

Dated at San Francisco, California, this 15<sup>th</sup> day of April, 1929.

Thos D. Lott

C. Seamy

Ernest Scott

Leon Whisely

M. A. Carr

Commissioners.