

Decision No. 22160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 THE ATCHISON, TOPEKA and SANTA FE  
 RAILWAY COMPANY, a corporation, for  
 approval of impaired clearances in  
 connection with trackage serving  
 Marine Corps Base property in the  
 City of San Diego, County of San Diego,  
 State of California.

**ORIGINAL**

Application  
 No. 15684

M. W. Reed, for Applicant.  
 Harry See, for Brotherhood of Railway Trainmen,  
 Protestant.  
 Geo. F. Irvine, for Brotherhood of Locomotive  
 Firemen and Enginemen, Protestant.  
 Capt. Geo. A. Mc Kay, Public Works Officer,  
 U. S. Navy, on behalf of the Navy Department,  
 Interested party.

BY THE COMMISSION -

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the operation of tracks with impaired clearance at the United States Marine Corps Base at San Diego, in San Diego County, State of California.

A public hearing on this application was conducted by Examiner Handford at San Diego, the matter was duly submitted and is now ready for decision.

The trackage is that owned by the United States Government and located on the government property known as the Marine Corps Base in the City of San Diego, the tracks consisting of a long switch lead track from which track three spur tracks are served, said spur tracks serving, respectively, the Quartermaster's Storehouse, the Expeditionary Storage Warehouse, and a group of buildings known as the West End Industrial group at the end of which is located the Cold Storage Warehouse. All the structures adjacent to the trackage are of a permanent nature, the buildings

being of reinforced concrete construction, and some of the trackage being laid in or adjacent to paved streets within the Government reservation.

The trackage is operated by applicant, The Atchison, Topeka & Santa Fe Railway Company, under agreement with the Navy Department. The record shows the original agreement to have been executed under date of October 10, 1924. One of the obligations of the Navy Department under this agreement is expressed as follows:

"4. That it will at all times keep a space of six feet from the nearest rail of any railroad track entirely clear of structures, material and obstructions of every sort; provided, however, that this provision shall not apply to the platform at the Quartermaster's Storehouse and the platform at the West Wing of the Industrial Group as now located."

A subsequent agreement between the applicant, The Atchison, Topeka and Santa Fe Railway Company, and the Navy Department was prepared and after receiving the approval of the officials of the applicant and recommendation for approval by the San Diego Naval Base Commandant, was forwarded to the Secretary of the Navy at Washington, D. C., on August 7, 1929, for his execution, and at the time of the hearing advice as to his approval of the agreement had not been received by the San Diego Naval authorities. The present agreement, now in process of execution, contains the following clause as one of the obligations of the Navy Department:

"4. That it will at all times keep a space of six feet from the nearest rail of any railroad track entirely clear of structures, material and obstructions of every sort; provided, however, that this provision shall not apply to the platform at the Quartermaster's storehouse, the platform at the West Wing of the Industrial Group and the platform at the Expeditionary Storehouse as now located."

The Commission by its General Order No.26, effective January 1, 1913, prescribed standard clearances to be observed thereafter unless otherwise directed or authorized by the Commission. The structures at the Marine Corps Base in San Diego, where impaired clearances exist were all erected subsequent to the effective date of the General Order. These structures are the Quartermaster's Storehouse, completed in 1921; the Cold Storage Wing of the Industrial Group, completed in 1921; and the Expeditionary Storehouse, completed in 1925. Tracks serving the first two locations were completed in April, 1923, and the track serving the Expeditionary Storehouse was completed in 1925.

Revisions of the Commission's General Order prescribing clearances have been made and the present standards are set forth in General Order No.26-C, as adopted and approved March 23, 1927, effective April 1, 1927.

At the Cold Storage Warehouse at the West End of the Industrial Group, the spur track serving the Cold Storage Warehouse presents an impaired side clearance at the northwesterly corner of the building, the distance from the building to the center of the spur track being 7' 6" and the standard clearance being 8' 6". Side clearance on this building from the center line of track varies from 7' 7" to 8' 0", standard clearance being 8' 6". An overhead impaired clearance, consisting of a mono-rail used for the unloading of meat into the cold storage warehouse, also exists at this point, said mono-rail projecting from the building at a height of 11' 2" above the top of rail and clearing the center line of track 5' 0" standard clearance being 8' 6". It appears from the record herein that this spur track has not been used for a number of years; that due to the sharp curvature of the track before reaching the side of the warehouse it is impossible for a locomotive to serve the warehouse unless a number of cars are coupled to the locomotive; also that the mono-rail is essential for the use of the cold storage

warehouse in receiving fresh meat delivered to the cold storage warehouse by motor trucks. Under such circumstances and in view of the fact that the track serving this cold storage warehouse has not been used for some years and that no future use of the track is anticipated, it is recommended that no switching of cars on the spur track serving the cold storage warehouse unit of the West End Industrial Group be performed west of the east end of the curve located just north of said cold storage warehouse, and that the end of the switching limit on this spur be established by the installation of either a standard type of bumping post, by the installation of wheel checks, or by the use of a bumping log chained to the track at the point of termination of the switching limit.

At the Expeditionary Storage Warehouse impaired clearances exist at the platform which is 3' 7" in height above top of rail and clears the center line of track 6' 0", standard clearance being 7' 3". Inadequate clearance also exists by reason of an overhanging lip of the roof and a gutter, extending over the platform and a portion of the warehouse.

These impaired clearances at heights of 13' 7", 15' 2", and 15' 7" above the top of rail of the spur track afford present clearances of 7' 0", 5' 5", and 6' 0" from center line of track, whereas standard clearance should be 8' 6" in all instances.

The record shows that since the establishment of this track but one instance of its use is of record, and in such instance the track was used for the temporary storage of two loaded cars, which cars were not unloaded from such track and could have been stored on other tracks within the Marine Corps Base. The danger existing by reason of the impaired clearance caused by the projecting lip of the warehouse roof and the gutter attached thereto is recognized by the naval authorities who propose to cut back the overhanging lip of the roof over the unloading platform and to remove the gutter thereby establishing a clearance of 7' 6" or 1' 0" less than standard clearance. In view of the fact that the track serving the

Expeditionary Storage Warehouse is laid in a concrete foundation and is paralleled by the main industry lead of the Marine Corps Base trackage, which is also laid in a concrete foundation, and that a shifting of these tracks would require a considerable expenditure and also interfere with the use of a concrete driveway, we are of the opinion that the cutting back of the roof lip and the removal of the gutter should be done, thereby improving the clearance conditions at this point, although full clearance will not be present, the revised clearance being 6" short of standard at the floor of the platform and 1'0" short at the edge of the roof over the platform. As signs are now posted informing trainmen of the limited clearance at this point, such signs should be hereafter maintained after the revised clearance will have been established.

At the Quartermaster's Storehouse located on a spur track south of the main lead into the Marine Corps Base trackage, impaired side clearances exist at the platforms and by the north wall of the building varying from 7.85 feet to 8.40 feet, standard clearance being 8.50 feet. At this location the record shows that there has been no movement of cars except in a few instances for material intended for contractors prosecuting work at the Marine Corps Base. This track is set in concrete, and with concrete pavement, and in view of the past infrequent use of this track and the slight future use which is anticipated, the record justifies authorization for the abrogated clearance now existing, provided, however, that the signs now posted warning trainmen of the impaired clearance are in future to be maintained.

#### O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that applicant, The Atchison, Topeka & Santa Fe Railway Company, a corporation, be and the same hereby is

authorized to operate service over the tracks of the Marine Corps Base in the City of San Diego, County of San Diego, said tracks having impaired clearances, said clearances being less than those heretofore prescribed by this Commission in its General Order No. 26-C, as effective April 1, 1927, subject to the following conditions:

1- Operation of the spur track serving the Cold Storage Warehouse at the west end of the Industrial Group to be limited to operation between the switch leading westerly from the main lead of the Marine Corps Base trackage to a point west of the east end of the curve located just north of said Cold Storage Warehouse, the end of the switching limit hereby authorized to be established by the installation of either a standard type of bumping post, by the installation of wheel chocks, or by the use of a bumping log chained to the track at the termination of the switching limits herein authorized.

2- Operation of the spur track extending from and just north of the main lead of the Marine Corps Base trackage is hereby authorized, provided that the existing lip of the roof on the north side of Expeditionary Storage Warehouse, and the gutter attached to such roof, are cut back to afford a side clearance of 7' 6" from the center line of said spur track, and provided, further, that a warning sign giving notice to switchmen, trainmen and enginemen be maintained advising such employees of the existence of said impaired clearance.

3- Operation of the spur track extending westerly from and south of the main lead of the Marine Corps Base trackage and serving the Quartermaster's Storehouse is hereby authorized with impaired clearances on the north side of said Quartermaster's Storehouse and platform of 7.65 feet at the northerly end wing walls of said storehouse, and 8.40 feet at the loading platform, and provided, further, that a warning sign giving notice to switchmen, trainmen and enginemen be maintained, advising such employees of the existence of said impaired clearance.

The Commission reserves the right to make such other and further orders in this proceeding as to it may appear just and proper, or to revoke its permission if, in its opinion, the safety of operation at these locations so demands.

Dated at San Francisco, California, this 26th day of February, 1930.

C. Seamy  
John C. O'Connell  
W. H. Miller