

Decision No. 22344

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
Yosemite Valley Railroad Company,
to be Relieved from the Provisions
of Chapter 494, California Statutes
of 1915, Relative to Transmission
of Train Orders.

Application No. 16398.

BY THE COMMISSION:

ORDER

Yosemite Valley Railroad Company has filed with the Commission the above numbered application requesting an order relieving applicant from the provisions of Chapter 494, California Statutes of 1915, referring to the receipt, delivery and transmission by engineers, firemen, conductors, brakemen and trainmen at any receiving or forwarding instrument of any telegraph or telephone line of orders for the operation of trains.

Chapter 494, laws of 1915, reads as follows:

"An Act to promote the safety of employees and the traveling public upon railroads by prohibiting certain persons, firms and corporations operating railroads in this state from requiring or permitting certain employees to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains, except in such cases or classes of cases as may be permitted by the Railroad Commission.

"The People of the State of California do enact as follows:

"Section 1. It shall be unlawful for any person, firm or corporation operating a railroad with more than four trains each way every twenty-four hours, to require or permit any engineer, fireman, conductor, brakeman or trainman to receive, deliver or transmit at any receiving

"or forwarding instrument of any telegraph or telephone line, any order for the movement of any train, except in such cases or classes of cases as may be permitted by the Railroad Commission; provided, however, that the foregoing provisions shall not apply to interurban or street railroads. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment."

The matter of relief from the provisions of this statute by certain railroads in this state has had the attention of the Commission and formal action taken after hearing in Decision No. 2798 on Application No. 1825, the order in that proceeding providing relief in certain classes of cases for various applicants in said proceeding.

This case is analogous to the proceeding above referred to and there are no apparent reasons why applicant, Yosemite Valley Railroad Company, should not be granted the relief from this statute which has been granted to other railroad companies.

It appears to the Commission that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore

IT IS HEREBY ORDERED as follows:

Yosemite Valley Railroad Company is hereby authorized to deviate from the provisions of Chapter 494, laws of 1915, in the following cases and classes of cases:

(a) Chapter 494, laws of 1915, shall not apply in any case in which an engineer, fireman, conductor, brakeman or trainman voluntarily asks for a train order.

(b) Chapter 494, laws of 1915, shall not apply in any case

of casualty or unavoidable accident, or act of God, or to any delay or wreck caused by obstructions on the track through collision or other cause, or to the failure of block signals.

(c) Chapter 494, laws of 1915, shall not apply to prevent the receipt, delivery or transmission of train orders by engineers, firemen, conductors, brakemen or trainmen on passenger, mixed and all other trains after the expiration of fifteen (15) minutes from the time the train arrives at a train telephone; provided, that the provisions of said Chapter 494, laws of 1915, shall not apply to crews of wrecking or relief trains; and provided, further, that crews of work trains may be instructed to report by telephone for orders at stated hours not exceeding three (3) per day.

Nothing in this order contained shall be construed as preventing Yosemite Valley Railroad Company from requiring engineers, firemen, conductors, brakemen and trainmen to call up a dispatcher over the telephone to report his whereabouts, and to give and receive information not amounting to a train order.

This order shall become effective thirty (30) days from date.

On or before the effective date of this order, applicant Yosemite Valley Railroad Company shall revoke all rules and regulations in conflict herewith.

Dated at San Francisco, California, this 16th day of April, 1930.

Cl. Seaver

Thos. L. Curtis

M. J. Carr

Commissioners.