

Decision No. 22876

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE BROTHERHOOD OF RAILROAD TRAINMEN,
by HARRY SEE, its State Representative,
THE BROTHERHOOD OF LOCOMOTIVE FIREMEN
AND ENGINEERS, by G. F. IRVINE, its
State Chairman,

Complainants,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

ORIGINAL

Case No. 2821.

Harry See, for Complainants
Joseph Anderson, for San Francisco Incinerator
Henley C. Booth, for Defendant.

BY THE COMMISSION:

OPINION

Complainants herein allege that defendant is requiring its train crews to deliver cars to the garbage incinerator served by defendant's spur track No. 516 at Alameda and De Horo Streets, in the City of San Francisco; that such deliveries are made in violation of the clearance prescribed in this Commission's General Order No. 26-C, to the imminent danger of the persons and lives of said train crews. Defendant, in its answer, denies the jurisdiction of the Commission in the premises; alleges any unsafe conditions are being remedied, and denies the right of complainants to bring the action.

Public hearings were conducted by Examiner Williams at San Francisco.

San Francisco garbage incinerator is served daily with cars for the removal of inorganic waste from the plant. The cars are placed along a platform ten feet high and the loading is accomplished by automatic conveyors and human labor to the cars. There is no dispute that, when the platform is in horizontal position its clearance is only from five feet two inches to five feet six inches from the center of the spur track. In order to provide the clearance required by G.O. No. 26-C the platforms have been hinged to permit them to be lowered, and thus provide the standard clearance of eight feet six inches. When so lowered full clearance is obtained.

The testimony of John J. Katz, yardman for defendant, and W. F. Black, Assistant Engineer for defendant, shows that when train movements are being accomplished on this spur the platform is not always lowered, but that crews, under order of the yard master, have made deliveries or removed cars when the clearance was impaired. Mr. Katz testified that one investigation showed that the uprights used to support the platform had been nailed. It is also shown that a new small shed has been erected with a clearance of seven feet six inches, which is a foot short of standard.

Joseph Anderson, representing the San Francisco Incinerator, appeared at one hearing and agreed that train movements should only be made when the platforms are lowered, and conditions safe. At the last hearing in August it still appeared that train crews were delivering cars when the clearance is impaired, although defendant, by its order of Superintendent E. R. Anthony, (Exhibit No. 1), dated May 24, 1930, forbade any such deliveries. The

testimony also shows that such movements are essentially dangerous.

In view of these plain facts, and the failure of train crews to obey the orders issued as to this movement, the complainants, we believe, are entitled to an order directing defendant to perform no service on this spur alongside the incinerator when there exists any impairment of clearance.

O R D E R

In the above entitled matter, after public hearings thereon and submission by the parties and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that defendant Southern Pacific Company, from and after date hereof, do not deliver or receive cars on the spur track of San Francisco Incinerator at Alameda and De Haro Streets, in the City of San Francisco, except and until the clearances provided in our General Order No. 26-C are provided for such movements, nor to suffer or permit train crews to make any such movements.

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

C. L. Harvey
Leon C. Harvey
Wm. E. Smith
Commissioners.