

Decision No. 24833

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

HARRY SEE, the Brotherhood of Rail-
road Trainmen, by Harry See, its
State Representative,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

ORIGINAL

)
)
) Case No. 3243
)
)
)
)
)

BY THE COMMISSION:

OPINION AND ORDER

The complaint in this matter alleges a violation by defendant of the Full Crew Law (Statutes 1911, p. 65, as amended.) It is alleged that defendant on January 3, 1932, operated a freight train of more than 49 cars on its main line between Fresno and Fowler, approximately ten miles, with a train crew consisting of one conductor, one engineer, one fireman and two brakemen, and that such operation was in violation of Section 2 of the above statute.

The answer of defendant states that the omission of a third brakeman was partly due to unforeseen emergency and partly to inadvertence, alleging that freight train 59 on that date was having engine trouble and that the engine failed at Selma. The yardmaster at Fresno was notified to take the engine and engine crew which was lined up to handle No. 59 out of Fresno and back them to Selma to get No. 59's train; further, that

they were to take one of the brakemen off Extra 3253 East to act as a pilot for this crew in backing to Selma to get the train. This left Extra 3253 East with only two brakemen on a 71 car train. The third brakeman accompanied the light engine to Selma, where No. 59 was picked up, and he stayed with this train until arrival at Fowler, where he detrained and waited for Extra 3253 East to move from Fresno to Fowler.

It is alleged further in the answer that the circumstances of the operation complained of are such that the violation of the law was largely excusable and entirely lacking in any wilfulness.

The violation of law being admitted by defendant, there is no occasion for a hearing, and

IT IS ORDERED that a copy of the complaint and answer herein, and of this opinion and order, be transmitted to the District Attorney of the County of Fresno, California, for such action in this matter as may be proper.

Dated at San Francisco, California, this 13th day of June, 1932.

O. C. Seavey
Leon Whitney
W. A. Cunn
W. B. Cunn
Fred G. Stevenson
Commissioners