

Decision No. 25260

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

Harry See, the Brotherhood of Railroad
Trainmen, by Harry See, its State Re-
presentative,

Complainant,

vs.

The Western Pacific Railroad Company,

Defendant.

ORIGINAL

) Case No. 3346

BY THE COMMISSION:

OPINION AND ORDER

Complainant alleges that on August 8, 1932, defendant operated a freight train designated as Train No. 62 out of Stockton, California, said train consisting of a locomotive and 76 cars, with a train crew consisting of a conductor and three brakemen, in violation of section 2 of the Full Crew Act (Statutes 1911, p. 65, as amended; Deering's General Laws, Act 6478), which requires a train crew consisting in part of not less than one conductor and four brakemen.

Defendant's answer admits the allegations of the first three paragraphs of the complaint, and alleges that the act complained of was unintentional and resulted from an error, primarily, upon the part of defendant's yard forces at Stockton in omitting to properly record one of the cars placed in said train. Defendant alleges that the failure to disclose this information prevented those in charge from ascertaining that there were more than 75 cars in the train, whereas, if the fact had been disclosed, proper

arrangements would have been taken to prevent the violation complained of.

A violation of the act being admitted by defendant, a public hearing appears unnecessary, and IT IS HEREBY ORDERED that a copy of this opinion and order, together with a copy of the complaint and answer herein, be forwarded to the District Attorney of San Joaquin County.

Dated at San Francisco, California, this 10th day of October, 1932.

O. Seamy

M. A. Lee

M. B. Harris

Commissioners

