

Garnett A. Joslin,  
Complainant,

vs

Southern Pacific Company,  
Defendant.

ORIGINAL

Case No. 600

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C. E. Joslin, for complainant,  
Henley C. Booth, for defendant.

LOVELAND, Commissioner.

O P I N I O N

The complainant in this case asks that the Southern Pacific Company be required to open for commercial use a spur track leading off from its main line between Tunnels Nos. 7 and 8, located between the stations of Cuesta and Serrano on its Coast Division, the use of which, as a loading track for crushed rock shipments, it has demanded and been refused by the defendant because of alleged operating difficulties.

The complainant is the lessee of a large and valuable deposit of rock suitable, when crushed, for road and concrete work which is situated alongside this spur track and he proposes to install a plant for quarrying and crushing this rock if the spur is opened for commercial use and proper rates established. The complainant alleges that there is a great and immediate demand for the crushed rock that can be secured from this deposit, by the State Highway Commission for use in constructing the State Highway in the vicinity of San Luis Obispo, and in addition that there is also a large local demand in and about San Luis Obispo which is likely to continue and perhaps increase; that the rock in the proposed quarry is the most suitable and the only known deposit in the immediate vicinity which meets the requirements of the specifica-

tions and demands of the road work contemplated. While it does not appear from the records that the complainant has in any instance closed contracts to furnish rock from the proposed quarry, it does appear that there would be no difficulty in securing the contract from the State Highway Commission and other contracts for contemplated work in the vicinity of San Luis Obispo if the spur were opened and the usual rate of transportation established therefrom on crushed rock.

The spur track now laid is a temporary one, with ties spaced far apart and unballasted and of unstable construction, and was originally installed as a temporary construction spur track to be used in connection with the repair and reconstruction of Tunnel No. 7, which was badly damaged by fire during the latter part of the year 1913. The spur leads off from the main line 372 feet east of the east portal of Tunnel No. 7 and approximately 915 feet west of the west portal of Tunnel No. 8 and the grade of the track is approximately 1.65% in the reverse direction from the grade of the main line and were the spur established as a loading place for commercial shipments it would have to be practically reconstructed. The complainant, however, is willing to stand the expense necessary to put the track in shape for commercial use. The main line between the east portal of Tunnel No. 7 and the west portal of Tunnel No. 8, has a double reverse curve and the ruling grade from the east portal of Tunnel No. 7 to San Luis Obispo is 2.20%.

The section of the line of the defendant between Santa Marguerita and San Luis Obispo, on account of the tunnels, its grades and curvatures, is considered by the carrier more dangerous to operate than any similar piece of track on its Coast Division. The carrier has provided special rules to govern the speed of trains over this particular piece of track including the use of retaining valves on all trains passing over this district. Additional air brake tests are required at both Santa Marguerita and San Luis Obispo on all trains before proceeding over this piece

of track, and, in general, every safe-guard has been placed around the operation of what is unquestionably a hazardous section of track. Helper engines are employed each way on all through freight trains and many of the local freight trains passing over this track.

If a commercial spur were opened at the east portal of Tunnel No. 7 the crushed rock shipments therefrom and the empty cars thereto would be handled on local freight trains generally handled by one engine, and in picking up carloads of crushed rock at that point the engine would have to uncouple and let the balance of the train stand on the main line where the grade is heavy until the loaded cars were picked up and placed in the train. In picking up eastbound shipments, in which direction it is estimated the preponderance of shipments would move, the rear end of the train standing on the main line would generally extend into Tunnel No. 7 as the switch leading to the spur is but <sup>714</sup>372 feet east of the east portal of that tunnel. The flagman going to the rear to protect the standing train, for the distance required by the standard rules, would have to proceed through Tunnel No. 6, filled with the smoke from the engine on his train. Empty cars moving <sup>westbound</sup> to this point would have to be pushed in front of the engine up a heavy grade and through Tunnels Nos. 8, 9 and 10, so that they could be set out for loading by the engine at this spur track as there is no open siding between Tunnels No. 7 and 10 where the empties could be switched out of the train and ahead of the engine, and likewise, loaded cars for points west of Tunnel No. 7 would have to be switched out of the spur by the engine and pushed ahead of the engine through Tunnel No. 6 to Cuesta, at which point there is a siding where the cars could be switched and properly placed in the train, unless such trains had two or more engines attached. That this manner of operating trains would be dangerous hardly need be stated. Some of these operating difficulties could be overcome but to do so would necessitate that the trains be assembled at the terminals with the idea principally in view of serving this particular spur, or that an exclusive train serve this spur, which would materially increase the cost of the

service and if reflected in the rate of transportation charged make the profitable operation of the crushed rock plant doubtful. Nor is it practicable to construct a run-around track between Tunnels Nos. 7 and 8 to take care of any switching movement necessary to properly serve the spur, for the reason that any further excavation in the mountain side will greatly increase the possibility of land slides during the winter months which might result in great injury to or loss of life and block this division for long periods. The hazard of operating trains over this section of track would undoubtedly be increased by opening this spur for commercial use and it is my opinion that the carrier should not be required thus to add to what is already a hazardous operation. I therefore recommend that the complaint be dismissed and that it be so ordered.

I submit the following form of order.

O R D E R

Garnett A. Joelin having filed a complaint with this Commission against the facilities and service of the Southern Pacific Company at the spur track near the east portal of Tunnel No. 7 on its Coast Division and a hearing having been held and being fully apprised in the premises and basing its order on the findings of fact in the preceding opinion;

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the complaint be and the same is hereby dismissed.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 30th day of June, 1914.

*John M. Cashman*  
*W. H. ...*  
*...*

*Edwin W. Edgerton*

Commissioners.