

Decision No. ✓

ORIGINAL

Decision No. 2796

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
 San Diego and South Eastern Railway )  
 Company for an order exempting said ) Application No: 1802  
 company from the provisions of Chapter )  
 494 of the Laws of 1915. )

Read G. Dilworth for applicant.

THELEN, Commissioner.

O P I N I O N

This is an application for an order authorizing San Diego and South Eastern Railway Company to require or permit its engineers, firemen, conductors, brakemen and trainmen to receive, deliver and transmit at any receiving or forwarding instrument of any telegraph or telephone line, any order for the movement of any train.

Chapter 494 of the Laws of 1915 specifically authorizes the Railroad Commission to exempt common carriers from the operation of this statute in such cases or classes of cases as the Commission may find to be proper.

San Diego and South Eastern Railway Company is operated in part by electric energy and in part by steam. In so far as the company is operated by electric energy, it falls within the policy this day declared by the Railroad Commission in its decision in Application No. 1825, being a similar application filed by the Southern Pacific Company and other carriers. In this decision, the Commission adopts the suggestion of the Brotherhoods to the effect that Chapter 494 is not properly applicable to common carriers operated by electric energy.

On only 5.8 miles of its line of railway, being the

portion from Coronado Junction to Tia Juana, does San Diego and South Eastern Railway Company operate by steam more than four trains each way every twenty-four hours.

The particular facts in connection with the operations of this carrier, as shown by the evidence, are such that the safety of employees and the traveling public does not require the application of Chapter 494 of the Laws of 1915 to these 5.8 miles of railroad. The representatives of the Brotherhoods at the hearing stated that they are entirely willing that San Diego and South Eastern Railway Company shall be exempted from the operations of Chapter 494.

I recommend the following form of order:

#### ORDER

San Diego and South Eastern Railway Company having filed its petition asking that the Railroad Commission make its order authorizing the company to require or permit its conductors, engineers, firemen, brakemen and trainmen to receive, deliver or transmit at any receiving or forwarding instrument of any telephone or telegraph line, any order for the movement of any of its trains, and the Railroad Commission finding that said request is reasonable and should be granted,

IT IS HEREBY ORDERED that said application be and the same is hereby granted, and that San Diego and South Eastern Railway Company be and the same is hereby authorized to require or permit any of its conductors, engineers, firemen, brakemen and trainmen to receive, deliver or transmit at any receiving or forwarding instrument of any telephone or

telegraph line, any order for the movement of any train.

The foregoing opinion and order are 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 30<sup>th</sup> day of September, 1915.

Max Theiler

H. D. Howard

Alfred J. ...

Edwin O. Edgerton

Francis ...

Commissioners.