

Decision No. 2290

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the )  
 Commission's own motion into the reason- )  
 ableness of proposed minimum clearances )  
 on railroads and street railroads with )  
 reference to side structures, overhead )  
 structures, parallel tracks, and crossings )  
 of railroads, street railroads, streets, )  
 and public highways. )

Case No. 2290

ORIGINAL

BY THE COMMISSION:

SUPPLEMENTAL ORDER

The Atchison, Topeka and Santa Fe Railway Company, on April 21, 1941, filed an application in writing asking for authority to construct and operate in this State a limited number of freight cars having a maximum outside height above top of rails of seventeen feet and one-half inch (17'  $\frac{1}{2}$ ").

Applicant alleges that a freight car of special design with a maximum outside height of seventeen feet one-half inch (17'  $\frac{1}{2}$ ") is necessary for the transportation of airplane wings and accessories for and in connection with the National Defense Program.

At an informal conference in Sacramento on April 16, 1941, at which representatives of the railroads, railroad brotherhoods, and the Commission were present, the matter was discussed and the consensus of opinion appeared to be that all airplane wings and accessories and other materials for and in connection with the National Defense Program must be moved and no serious objections were made to the granting of the request, except that such operation should be conducted in accordance with every reasonable condition essential to the safety of all railway employes and other persons whose duties connect them with such operation.

It appears that these freight cars of excess height can be operated over the lines of the applicant, The Atchison, Topeka and Santa Fe Railway Company, with reasonable safety, and that the application should be granted, therefore,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is authorized to construct and operate a limited number of the type of freight cars described in the application, of a maximum outside height of seventeen feet and one inch (17' 1") above the top of the rails over its trackage in California, subject, however, to the following conditions:

(1) Applicant shall, whenever said cars are in transit in California, advise all train and engine men and other employes affected of the movement of said cars by Form 19 train orders.

(2) Applicant shall stencil in yellow paint on all four corners of each such car at the ladder or handholds, the following:

"This car excess height - Height above rails  
17 feet 1 inch."

(3) No member of the train crew of any train, the consist of which includes cars of a height in excess of 15' 6" shall be required to ride on top of any such cars while the train is being operated intact over the main line tracks or siding tracks.

(4) The authority herein granted for the construction and operation of excessive height cars is restricted solely to the transportation of airplane wings and accessories with routings through the State of California for and in connection with the National Defense Program, and shall be discontinued upon the termination of the present National Defense emergency, or whenever, in the opinion of the Commission, the need for such high cars no longer exists.

For all other purposes the provisions of General Order No. 26-C shall remain in full force and effect.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, April 29, 1941.

Ray H. Wiley

Frank R. Havenner  
Commissioners