

Decision No. 35027

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the)
 Commission's own motion into the reasonable-)
 ness of proposed minimum clearances on rail-)
 roads and street railroads with reference to) Case No. 2290
 side structures, overhead structures, parallel)
 tracks and crossings of railroads, street)
 railroads, streets and public highways.)

BY THE COMMISSION:

THIRD SUPPLEMENTAL ORDER

Union Pacific Railroad Company on January 27, 1942
 filed written request seeking a modification of the Commission's
 order of its Decision No. 33707, dated December 4, 1940, which
 authorizes this carrier to move cars over its main line railroad
 only, between the California-Nevada Line and North Long Beach via
 Los Angeles, having a height of 16' 3" above the top of the rail
 under certain conditions. ⁽¹⁾ In the instant request, authority is
 sought to revise condition ⁽²⁾ (3) of said Decision No. 33707 and
 also to authorize this carrier to move excess height cars over
 its entire system in California, as well as a blanket order to
 move such cars over the lines of connecting carriers.

(1) Maximum height of rail cars under General Order 26-C is 15' 1"
 above top of rail and a width of 10' 8".

(2) "(3) Tell-tales shall be established at all locations where
 overhead structures are located with less than 23'
 vertical clearance and suspended wires having a height
 of less than 25' above the top of rail."

This condition was revised by the terms of the Commission's
 order in Decision No. 33792, dated January 3, 1941, to exempt
 the carrier from maintaining tell-tales over its tracks at
 the Vernon Avenue viaduct in San Bernardino and the viaduct
 at First Street in Barstow.

As a justification for this request, applicant alleges that:

"At the time this supplemental order was requested, it was in connection with the movement of airplane wings and accessories from Detroit, Michigan, to North Long Beach, California, and the order was sufficient for such movements. However, recently we have learned that we will be obliged to move these cars carrying such commodities to other points in the state, and I would very much appreciate it if the orders above referred to might be modified to permit the movements of these cars over any of our trackage or the trackage of our connecting lines in California."

"...would appreciate it if condition (3) be eliminated, since it is very difficult to determine just where these cars will be moved in sufficient time to erect tell-tales, and, too, the movements may be so infrequent to any particular location as not to warrant the necessity for the construction of such tell-tales. I understand that the first movement to locations other than North Long Beach is expected early in February, and I would very much appreciate it if action on this request might be expedited."

It appears that, due to the fact the movement involved is in connection with the National Defense operations and is restricted to the emergency period, the application should be granted, in part, without the necessity of a public hearing, provided suitable restrictions are imposed to safeguard the trainmen employed in this service. Accordingly, the following order will so provide.

IT IS HEREBY ORDERED that the ordering paragraph in said Decision No. 33707 is amended to read as follows:

"IT IS HEREBY ORDERED that the Union Pacific Railroad Company is authorized to equip not to exceed 100 freight cars and operate same in either direction over its tracks in the State of California having a height from top of rail to top of running board not to exceed 16' 3"; also to operate cars delivered to it by connecting carriers over its system, having a height from top of rail to top of running board not to exceed 16' 3", all subject to the following conditions:

- (1) The use of these cars shall be restricted to the transportation of airplane equipment and accessories. The cars shall be used only during the present national defense program.
- (2) The cars shall be stenciled on all four corners approximately 5' above the top of rail with yellow letters 3" high, reading as follows:

"THIS CAR EXCESS HEIGHT 16'
3" HIGH ABOVE TOP OF RAIL"

- (3) When any train containing cars of excess height, limit 16' 3", is operated, such cars of excess height shall be blocked in a single unit; and, if the total number of cars in the train permits, such cars of excess height shall be so located in the train as to be at least five cars distant from either the caboose or the engine.
- (4) The crew of all trains containing cars of excess height, the operation of which is authorized herein, shall be furnished a Form 19 train order advising that the consist of the train includes cars of excess height and specifying number thereof, and advising that no member of train crew is required to ride on top of any such cars while train is moving through passing tracks or over main line between stations."

IT IS HEREBY FURTHER ORDERED that request to operate excess height cars over connecting carriers' lines is hereby denied without prejudice.

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

Dated at San Francisco, California, this 11th day of February, 1942.

Justin T. Caenen

Ray H. Wiley

A. J. Smith

Francis J. Havenue

Richard Jackson

 COMMISSIONERS