

ORIGINAL

Decision No. 35362

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) Case No. 2290
 reference to side structures, overhead)
 structures, parallel tracks, and crossings)
 of railroads, street railroads, streets,)
 and public highways.)

BY THE COMMISSION:

FOURTH SUPPLEMENTAL OPINION

This supplemental order deals with an application filed
 by various railroads operating in California ⁽¹⁾ seeking authority to
 operate freight cars, over their respective lines, having a height
 from top of rail to top of running board in excess of the maximum
 height prescribed by the Commission in its General Order No. 26-C.

Applicants refer to the Commission's Decision No. 35027,
 dated February 11, 1942, in which the Union Pacific Railroad
 Company was authorized to operate freight cars, having a maximum
 height of 16'3", under certain conditions and Commission's
 Decision No. 34119, dated April 29, 1941, authorizing The Atchison,
 Topeka and Santa Fe Railway Company to operate freight cars having
 a maximum height of 17'1", and further call attention to the fact
 that the handling of such excess height freight cars is necessary
 in connection with the movement of war materials under the present
 National Emergency. The applicants further state their belief
 that such freight cars may be operated over their respective

(1) Southern Pacific Company, Los Angeles and Salt Lake Railroad
 Company, Union Pacific Railroad Company, Pacific Electric
 Railroad Company and The Western Pacific Railroad Company.

trackage in the State of California substantially pursuant to the conditions contained in Decision No. 35027 of this Commission.

The operation involved herein is restricted to the shipments of materials to, from, or between defense industries located in California and carrying defense material in at least one direction. This includes not only the operation of freight cars owned by the respective carriers, but also foreign freight cars delivered to them.

In view of the fact that the matter involved in this application is directly connected with war activities which require immediate action and is restricted to duration of the National Emergency and the further fact that the Commission has authorized two carriers to operate excess height freight cars over their lines in California, it appears appropriate to issue an ex parte order placing all the carriers on the same basis of operation, with respect to operation of freight cars over their respective lines having a height from top of rail to top of running board in excess of that prescribed by the Commission in its General Order No. 26-C, and the following order will so provide.

FOURTH SUPPLEMENTAL ORDER

IT IS HEREBY ORDERED that the common carrier railroads operating in California are hereby authorized, where physically possible, to move freight cars having a maximum height in excess of 15'1" from top of rail to top of running board, subject to the following conditions:

- (1) The authority herein granted for the operation of excess height freight cars is restricted solely to the transportation of airplane wings and accessories in at least one direction with routings through the State of California for and in connection with the present War Emergency.

- (2) The owned freight cars having a height of 16'3", or greater, from top of rail to top of running board, 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 _____'
 _____" HIGH ABOVE TOP OF RAIL"

(Note: The carrier shall supply the actual height of the car)

In the case of such foreign freight cars, the carrier shall have such freight cars marked with placards in lieu of the stencil.

- (3) When any train containing freight cars having a height of 16'3", or greater, from top of rail to top of running board is operated, such freight cars of excess heights shall be blocked in a single unit; and, if the total number of cars in the train permits, cars of such 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) Each member of the crew of each train containing freight cars having a height of 16'3", or greater, from top of rail to top of running board, the operation of which is authorized herein, shall be informed through an appropriate train order that the consist of the train includes freight cars of such excess heights and specifying the number thereof and advising that no member of the train crew is required to ride on top of any such freight cars while train is moving through passing tracks or over main line between stations.
- (5) Any yard crew required to handle freight cars having a height of 16'3", or greater, from top of rail to top of running board shall be notified through their supervising officials of the presence of such freight cars in said yard.
- (6) When freight cars are interchanged having a height of 16'3", or greater, from top of rail to top of running board, between carriers in the State of California, the delivering carrier shall give sufficient advance notice to the receiving carrier that such excess height cars are to be placed on the interchange track, as will enable the receiving carrier to comply with all the conditions of the instant decision.
- (7) No member of the crew shall be required to ride on top of a freight car having a height of 15'6", or greater, from top of rail to top of running board.
- (8) The authority herein granted shall remain in effect only during the War Emergency, or until further order of this Commission.

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

The authority herein granted is in lieu of and supercedes the authority to operate prescribed cars over the tracks of certain common carriers in the State of California as authorized by Decisions Nos. 33707, 33792, 34119 and 35027 in Case No. 2290.

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

Dated at San Francisco, California, this 17th day of May, 1942.

Ray K. Bailey
H. B. Baker
Francis K. Havenner
Edward Jackson
COMMISSIONERS