

Decision No. 35857

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
on the Commission's own motion in- )  
to the reasonableness of proposed )  
minimum clearances on railroads and )  
street railroads with reference to )  
side structures, overhead struc- )  
tures, parallel tracks and cross- )  
ings of railroads, street rail- )  
roads, streets and public highways.)

Case No. 2290

ORIGINAL

BY THE COMMISSION:

FIFTH SUPPLEMENTAL OPINION

On September 4, 1942, the Los Angeles and Salt Lake Railroad Company, Union Pacific Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and The Western Pacific Railroad Company filed an application with the Commission for a modification of the Commission's Fourth Supplemental Order in Case No. 2290.

Applicants refer to the Commission's Decision No. 35362, dated May 12, 1942, authorizing the common carrier railroads operating in the State of California, where physically possible, to move freight cars having a maximum height in excess of fifteen (15) feet, one (1) inch from top of rail to top of running board, subject to certain conditions contained in said Decision.

They allege that since the aforesaid Decision No. 35362 was issued the transportation of airplane wings and accessories into and out of the State of California in over-size cars has temporarily materially decreased and state that more complete and full utilization of these cars to the benefit of the present war effort could be achieved if Condition (1) of said Fourth Supplemental Opinion and Order, as set forth in Decision No. 35362, could be

amended so that all types of commodities could be transported in the excess height cars, the operation of which was authorized in said Decision No. 35362.

In a conference held in the Commission's offices in San Francisco, 2 P.M., October 6, 1942, participated in by representatives of applicants, railroad employees' organizations and the Commission's staff, it was the consensus of this Committee that a supplemental order should be issued in due course which would consolidate all previous supplemental opinions, orders and interpretations of the Commission's General Order No. 26-C and that, for the immediate purposes of handling the instant application and making cars of excess height available for all types of commodities, an interim order, effective until January 2, 1943, amending Condition (1) of Decision No. 35362 should be issued by the Commission.

It appears appropriate to issue an ex parte interim order placing all rail carriers on the same basis of operation and the following order will so provide:

FIFTH SUPPLEMENTAL ORDER

IT IS HEREBY ORDERED that Condition (1) in the Commission's Fourth Supplemental Order, Decision No. 35362, reading as follows:

"(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 "

is amended to read as follows:

(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 provided, however, that, until January 2, 1943, such excess height freight cars may be employed for the transportation of other general commodities.

In all other respects Fourth Supplemental Order, Decision No. 35362, shall remain in full force and effect.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of October, 1942.

*Justus F. Gaven*  
*H. J. Park*  
*Francis S. Haven*  
*Robert G. Gack*

COMMISSIONERS