

Decision No. 36007

**ORIGINAL**

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 structures, )  
parallel tracks and crossings of )  
railroads, street railroads, streets )  
and public highways. )

Case No. 2290

BY THE COMMISSION:

SIXTH SUPPLEMENTAL OPINION

This order deals with the matter of prescribing rules and regulations governing the movement of rail equipment which impairs the clearances prescribed in the Commission's General Order No. 26-C, effective on and after April 1, 1927, and authorized by the Commission's Decision No. 18116, dated March 28, 1927. Subsequent to that time the Commission has issued a number of orders authorizing deviation from the provisions of this General Order, particularly incident to the movement of shipments to war industries and the movement of war materials, all on a temporary basis, for the duration of the present hostilities. Also, deviations have been authorized in connection with operation adjacent to icing platforms. The purpose of this Order is to assemble all these various orders into one statement and, at the same time, coordinate the time limit so as to meet prevailing conditions, as well as permanently consolidate numerous informal directives relating to the operation of freight cars of excess height and width and standardize the minimum clearance authorized at icing docks.

By Decision No. 35362, fourth supplemental order, the Commission authorizes the Common Carrier railroads operating in California, 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 8 special conditions. The authorized operation is restricted solely to the transportation of airplane wings and accessories and remaining in effect only during the War Emergency or until further order of this Commission.

Decision No. 35857, fifth supplemental order, amends Condition (1) of the Commission's fourth supplemental order in Decision No. 35362 so as to permit the operation of excess height freight cars, authorized in Decision No. 35362, to be extended for use in the transportation of other general commodities, effective until January 2, 1943.

Pursuant to requests from the various carriers seeking authority to transport equipment and loads over their respective lines which impaired the standard clearances, a number of informal conferences were had in the Commission's office participated in by representatives of

The various carriers  
Employees' organizations  
The Commission's staff

As a result of these conferences, an agreed program was reached which is now before the Commission.

It is apparent that rail shipments of war materials and movements to war industries must be made with all dispatch, surrounded by all reasonable rules and regulations to safeguard trainmen and others whose duties require their presence near the trains. To this end we are viewing this situation in the light of prevailing conditions with the thought of reconsidering the matter at a later date when normal conditions are at hand.

In conformity with the recommendations offered during the mentioned conferences, it appears appropriate to issue an ex parte order placing all rail carriers on the same basis of operation and consolidating all previous supplemental opinions, orders and interpretations, both formal and informal, which have followed the promulgation of the Commission's General Order No. 26-C, and the following order will so provide.

SIXTH SUPPLEMENTAL ORDER

IT IS HEREBY ORDERED:

I. That the Common Carrier Railroads, operating in

California, are hereby authorized to operate freight cars adjacent to icing platforms where the side clearance to such platforms is 7' 8" or more from center line of tangent track, throughout their entire length, without restrictions being imposed upon the operation over such tracks.

II. That the common carrier railroads operating in California are hereby exempted from compliance with the requirements of Paragraphs 1 (c) and 2 (e) of the Commission's G. O. 26-C in the movement of freight cars of a height exceeding 15' 1" but less than 15' 6" from the top of rail to the top of running board and cars exceeding 10' 8" but not greater than 10' 11" in width over all, which have been in service prior to the effective date of this order, subject to the following conditions:

- (a) Each car of excess height, the movement of which is herein authorized, shall be permanently marked, stenciled or equipped with placards, and such markings maintained in a legible condition to read

"This Car  
EXCESS  
HEIGHT."

The words Excess Height to consume the greater portion of the space of 7" x 10".

- (b) Each car of excess width, the movement of which is herein authorized, shall be permanently marked, stenciled or equipped with placards, and such markings maintained in a legible condition to read

"This Car  
EXCESS  
WIDTH."

The words Excess Width to consume the greater portion of 7" x 10".

- (c) The markings required in Conditions (IIa) and (IIb), immediately preceding, shall be permanently marked or stenciled on owned cars as soon as practicable and placed adjacent to the ladder or handholds near the floor line of the car and on the side or same at each of the four corners of all cars of excess height or width, the operation of which in California is hereby authorized.

III. That the Common Carrier Railroads operating in California are hereby exempted from compliance with the requirements of Paragraph 1 (c) of the Commission's G. O. 26-C, during the present war emergency and where physically possible, in the movement of freight cars having a maximum height of 15' 6" or greater, from top of rail to top of running board, subject to the following conditions:

- (a) The authority granted herein is for the operation of freight cars of a height of 15' 6" or greater, from top of rail to top of running board, for use in the transportation of airplane wings and accessories without restriction as to the height of lading. Authority is also granted for the use of such excess height cars for the transportation of other general commodities, provided that in such transportation the lading shall not exceed a height of 11' (eleven feet) from top of the car floor.
- (b) The owned freight cars having a height of 15' 6" or greater, from top of rail to top of running board, shall be stenciled on the sides adjacent to the ladder or handholds at 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.
- (c) When any train containing freight cars having a height of 15' 6" 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.
- (d) Each member of the crew of each train containing freight cars having a height of 15' 6" or greater, from top of rail to top of running board, the operation of which is authorized herein, shall be informed by an appropriate train order that the consist of the train includes freight cars of

such excess heights, 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.

- (e) Any yard crew required to handle freight cars having a height of 15' 6" 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.
- (f) When freight cars are interchanged, having a height of 15' 6" 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 order affecting the movement of such cars.
- (g) No member of a road or yard 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.
- (h) The authority herein granted shall remain in effect only during the War Emergency, or until further order of this Commission.

IV. That the Common Carrier Railroads operating in California are hereby exempted from compliance with the requirements of Paragraphs 1 (c) and 2 (c) of the Commission's G. O. 26-C during the present war emergency and where physically possible in the movement of loads of freight in excess of 10' 8" in width or in excess of 15' 1" in height, subject to the following conditions:

- (a) Permission to load and operate cars, the contents of which are of excessive height or width extending beyond the sides of said cars, shall be restricted to freight shipments the size or dimensions of which it is impractical to reduce or that cannot be reduced. Such manner of loading shall be discontinued upon the termination of the present war emergency or whenever, in the opinion of the Commission, the need for such operation no longer exists.

- (b) All open top cars with loads in excess of 10' 8" in width or 15' 1" in height shall be placarded on load in a conspicuous place when practicable, and on all four corners of such cars at the ladders or handholds of such cars.
- (c) On any train, the consist of which includes cars so loaded that the contents extend beyond the sides of the cars, such cars shall be blocked in a single unit in the train and if the length of train permits, such cars shall be located so as to be at least 5 cars distant from either the caboose or the engine.
- (d) Each member of the crew of each train containing such cars loaded as hereinbefore described, and the operation of which is authorized herein, shall be informed by an appropriate train order that the consist of the train includes freight cars with loads extending beyond the sides of the cars or above 15' 1" in height, or both, as the case may be. The information transmitted shall also specify the number of such cars and advise that no member of the train crew is required to ride on the top or sides of any such freight cars while train is moving through passing tracks or over main line between stations.
- (e) Each member of the crews of trains whose operations may be affected by the presence or operation of other trains having such wide loads shall be informed by an appropriate train order advising them of that condition.
- (f) Yard crews, carmen, and yard clerks shall be notified through appropriate supervisors of the movements and presence of such wide or high loads within the working limits of such employees.
- (g) At all locations where clearance of 32" or more is not provided between the outer limits of the car loading and the side of a structure, either fixed or rail equipment, employees whose duties require their presence on or around trains containing cars so loaded, or on and along the tracks over which such trains are to be operated, shall be advised by bulletin, or otherwise, that trains containing cars with loads of a width in excess of 10' 8" and a height in excess of 15' 1" may move at any time and that such employees shall be governed accordingly.
- (h) Where freight cars containing high or wide lading, as hereinbefore described, are interchanged between carriers in the State of California, the delivering carrier shall give sufficient advance notice to the receiving carrier that cars so loaded are to be placed on the interchange track,

as will enable the receiving carrier to comply with all the conditions of the instant order affecting the transportation of high and wide loads.

V. The authority herein prescribed is in lieu of, annuls, and supersedes, all other supplemental orders, directives, and interpretations shown on Appendix A, attached hereto and made a part hereof, following Decision No. 18116, Case No. 2290, authorizing the promulgation of the Commission's General Order No. 26-C, effective April 1, 1927.

In all other respects 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, this 8th day of December, 1942.

*Justus F. Casner*

*11/2/42  
Francis K. Havens  
Richard Kachner*

COMMISSIONERS.

~~CERTIFIED TRUE AND CORRECT COPY~~

~~SECRETARY, PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA~~

APPENDIX "A"

LIST OF AUTHORITIES HERETOFORE ISSUED BY THE COMMISSION TO BE  
SUPERSEDED BY FOREGOING ORDER

ICING PLATFORMS

<u>Decision</u>	<u>Application</u>	<u>Date</u>	<u>Applicant</u>	<u>Location</u>
19458	14011	3-10-28	Pacific Fruit Express Co.	Various
23187	14011	12-15-30	ditto	Various
	(1st Supp.Order)			
25848	14011	4-17-33	ditto	Various
	(2nd Supp.Order)			
26807	14011	2-19-34	ditto	Various
	(3rd Supp.Order)			
21732	16018	10-28-29	The A.T.&Santa Fe R.R.Co.	Calwa
31756	22543	2-14-39	Pacific Elec.Railway Co.	Mesmer
21911	16135	12-16-29	Santa Maria Valley R. R.	Santa Maria
22812	16814	8-25-30	Northwestern Pacific R.R.	Petaluma
22899	16901	9-25-30	Petaluma&Santa Rosa R.R.	Petaluma
23771	17408	6- 8-31	The A.T.&Santa Fe R.R.CO.	Hanford
24465	17930	2- 8-32	The Western Pac. R.R.Co.	Bieber
25134	17930	8-29-32	" W.P.R.R.&Gt.NorthernRR.	Bieber
24466	17931	2- 8-32	" Western Pac. R.R.Co.	Stockton
25141	18368	8-31-32	" A.T.&Santa Fe R.R.Co.	San Diego
25575	18649	1-23-33	San Diego & Ariz. R.R.Co.	Boal Station
27884	19896	4- 8-35	The A.T.&Santa Fe R.R.Co.	Escondido
28704	20411	4- 6-36	ditto	Claremont
30554	21695	1-24-38	Pacific Elec.Railway Co.	Rialto
32697	23180	12-27-39	Visalia Electric R.R.Co.	Wirts Station

EXCESS HEIGHT CARS

<u>Decision</u>	<u>CaseNumber</u>	<u>Date</u>	<u>Applicant</u>	<u>Height</u>
33707	2290	12- 4-40	Union Pacific R.R.	16' 3"
	(Supp.Order)			
33792	2290	1- 3-41	ditto	Amends Dec 33707
	(2nd Supp.Order)			
34119	2290	4-29-41	The A.T.&Santa Fe R.R.Co.	17' 1"
	(Supp.Order)			
35027	2290	2-17-42	Union Pacific R.R. Co.	Amends Dec 33707
	(3rd Supp.Order)			
35362	2290	5-12-42	Common Carrier R.R.	16' 3" or greater
	(4th Supp.Order)			
35857	2290	10-13-42	ditto	Amends Dec 35362
	(5th Supp.Order)			



## INFORMAL DIRECTIVES

All informal directives relating to the marking or placarding of freight cars exceeding 10' 8" in width, and 15' 1" from top of rail to top of running board.

### LOADS OF EXCESS WIDTH AND HEIGHT

Resolution No. S-160, dated April 29, 1941, File G.O. 26-C authorizes the Common Carrier railroads, operating in California, to move loads of freight in excess of 10' 8" in width and in excess of 15' 1" in height, subject to 6 special conditions named therein, which include restriction of such transportation to airplane parts, material and accessories in connection with the then existing National Defense Program and providing that such loading be discontinued upon termination of the National Defense Emergency or whenever, in the opinion of the Commission, the need for such operation no longer exists.

Resolution No. S-174, issued October 14, 1941, File G.O.26-C, supersedes the Commission's Resolution No. S-160, dated April 29, 1941, and authorizes the Common Carrier railroads, operating in California, to move loads of freight in excess of 10' 8" in width and in excess of 15' 1" in height, subject to 6 special conditions named therein, the principal change in which eliminates the restriction on lading, confining such transportation to airplane parts, material, accessories, etc.