

Decision No. 36504

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations of)
railroad corporations to determine)
the sufficiency of manpower avail-) Case No. 4676
able for the efficient and safe)
operation of their facilities.)

Leo E. Sievert, for The Atchison, Topeka
and Santa Fe Railway Company.

Harry See, for Brotherhood of Railroad
Trainmen.

G. F. Irvine, for Brotherhood of Locomotive
Firemen and Enginemen.

Fred E. Reynolds, for Brotherhood of
Locomotive Engineers.

BY THE COMMISSION:

SECOND INTERIM OPINION AND ORDER
(Re supplemental petition of The
Atchison, Topeka and Santa Fe
Railway Company).

In addition to the general authorization heretofore granted by Decision No. 36467 in the above proceeding, The Atchison, Topeka and Santa Fe Railway Company requests specific authority to deviate from the provisions of Section 6902 of the Labor Code on two particular sections of its railroad.

For the twelve mile distance between Needles and the California State Line, involving a grade of not in excess of 1%, petitioner requests relief from complying with the requirements of Subdivision (e) to furnish brakemen in excess of three on its freight trains, in excess of 75 cars, operating in either direction between Needles, California, and the California State Line, thus obviating the necessity of stopping such trains at Topock, Arizona,

for additional brakemen, and eliminating the "deadheading" of such additional brakemen on other trains. Arizona law requires a maximum of three brakemen, regardless of the length of freight trains.

Between South Klondike and Siberia, both in California, petitioner's eastbound line has a descending grade in excess of $1\frac{1}{2}\%$ for 2.3 miles of the total distance of 4.1 miles, thus requiring additional brakemen on eastbound freight trains. The petition alleges that eastbound trains must be stopped at Ludlow to pick up such extra brakemen, who then ride to Siberia (14.3 miles), or Bagdad (21.6 miles), although their presence is required only for a distance of 2.3 miles; and that to return such brakemen to Ludlow, it is necessary to stop a westward train at either Bagdad or Siberia, and again at Ludlow.

Each of the four transportation brotherhoods have signified that they are not opposed to the granting of the petition. In authorizing the requested deviations, it should be understood that such action is not to be construed as a general authorization applicable to all carriers, or elsewhere on the lines of the petitioner, nor as an indication of future action, but is based upon the particular circumstances here involved.

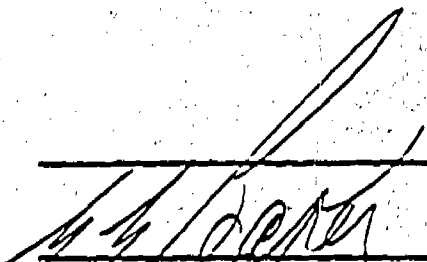
Public hearing having been had upon the supplemental petition of The Atchison, Topeka and Santa Fe Railway Company, and the Commission being of the opinion that it is necessary and proper that such action be taken, IT IS ORDERED that said petitioner be and it is hereby temporarily authorized, pending further direction by this Commission, to deviate from the provisions of subdivisions (e) and (g) of Section 6902 of the Labor Code as follows:


(1) The provisions of subdivision (e) shall not operate to require the services of more than 3 brakemen on freight trains in excess of 75 cars between Needles, California, and the California-Arizona State Line, near Topock, Arizona.


(2) The provisions of subdivision (g) are suspended between South Klondike and Siberia, California.

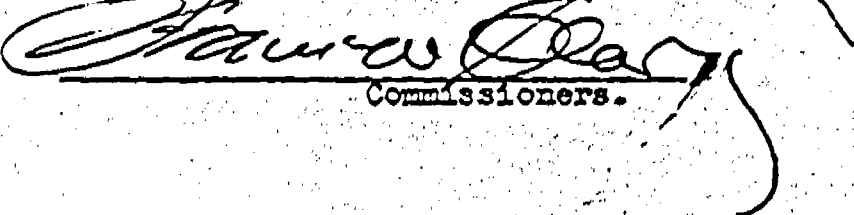
This order shall become effective immediately.

Dated at San Francisco, California, this 20th day of July, 1943.








Commissioners.