

Decision No. 38537

ORIGINAL

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)
available for the efficient and safe operation)
of their facilities.)

Case No. 4676

ON FURTHER HEARING TO DETERMINE
WHETHER DECISION NO. 36467 SHOULD
BE REVOKED, SUSPENDED, OR MODIFIED.

Appearances:

R. E. WEDEKIND, for Southern Pacific Company.
LEO E. SIEVERT and ROBERT W. WALKER, for Santa Fe Ry. Co.
EDWARD C. RENWICK, for Union Pacific Railroad Company.
HARRY SEE, for Brotherhood of Railroad Trainmen.
F. W. SPINNEY, W. N. BARNEY, J. E. CARDWELL, and C. L. EBERT,
for Order of Railway Conductors.
G. F. IRVINE, for Brotherhood of Locomotive Firemen and
Enginemen.
EUGENE MORTON, for Switchmen's Union of North America.
C. W. DOOLING, for The Western Pacific Railroad Company.
W. W. STEVENS, for Brotherhood of Locomotive Engineers.
J. J. DEUEL, for California Farm Bureau Federation.

BY THE COMMISSION:

O P I N I O N

At the Commission's direction, a further hearing was ordered and held in this matter on January 14, 1946, for the purpose of determining whether it should now cease entirely to exercise the special powers granted by the legislative act authorizing it to permit, during the continuance of the war, deviations from the railroad full crew requirements imposed by Section 6902 of the Labor Code. Of the orders that the Commission has issued in the exercise of that authority its Decision No. 36467 is the only one still effective. In general, these orders have permitted the railroads to operate trains with less than the number of brakemen required by law when a sufficient number of men were not available at the time the train was made ready for departure.

It was conceded by all the railroads that they are now able or soon will be able to fully man their trains operating throughout the State in accordance with the Labor Code provisions. The Western Pacific Railroad Company declared that at least the possibility exists for some further use of our order over its Feather River Canyon division, and Southern Pacific Company likewise foresees the need for continued relief at times on its Shasta division, both these carriers suggesting that the Commission not revoke its order prior to March 1st this year.

Representatives of the several railroad employee organizations expressed the view that the above conditions do not result from the want of manpower and would not justify the Commission in extending permission for further deviations from the full crew law.

In the light of the representations thus made by the railroads and by their employee organizations, we are of the opinion that the need for the permissives contained in Decision No. 36467 no longer will exist after March 1, 1946, and accordingly the order herein made will be effective on that date. We believe that our order of revocation should become effective as against all the carriers on the date fixed. Some time must be allowed for the making of necessary adjustments, and we cannot overlook the fact that for several weeks to come there will be a continued burden cast upon the railroads in the transportation of Army and Navy personnel. Until our revocation order becomes effective, the railroads, of course, will be required to man all trains with crews of the number provided by the statute except when the required number of men are not available.

O R D E R

Based upon the conclusions and findings expressed in the foregoing opinion, and the Commission being fully advised in the matter,

IT IS HEREBY ORDERED that the Order contained in the Commission's Decision No. 36467, issued June 30, 1943, authorizing Southern Pacific Company, The Atchison, Topeka & Santa Fe Railway Company, The Western Pacific Railroad Company, and Union Pacific Railroad Company to deviate from the provisions of subdivisions (e), (f), and (g) of Section 6902 of the Labor Code, be and it is hereby revoked. This order shall become effective on the first day of March, 1946.

Dated at San Francisco, California, this 27th day of January, 1946.

David Anderson
Justice J. Calverley
James W. Dow
Irving A. Lammell
Harold A. Hills
COMMISSIONERS