

The Commission in its General Order 26-C, effective April 1, 1927, prescribed among other things minimum overhead and side clearances to be provided when freight equipment is operated over steam and electric railroads. The minimum overhead clearance prescribed in this General Order is 22' 0" between the top of the rail and the lowest portion of an overhead structure above the track. Based upon this minimum overhead clearance the carriers are authorized to operate freight cars having a height of not to exceed 15' 1" from top of rail to top of running board. The Commission, by its Decision No. 36007, dated December 8, 1942, in Case No. 2290, modified General Order No. 26-C to permit of the operation, under certain conditions, of cars having a height in excess of 15' 1".

Applicant's Exhibit No. 1 shows the number of overhead structures having a height of less than 23' 5" from top of rail to the under side of the structure above the track on the section of the line over which it proposes to operate the "Excess Height" cars in California. (1) This tabulation shows the following:

| <u>TYPE OF STRUCTURE</u> | <u>NO. OF STRUCTURES</u> | <u>RANGE OF OVERHEAD CLEARANCE</u> |
|----------------------------|--------------------------|------------------------------------|
| Signal Bridges | 6 | from 22' 1" to 23' 0" |
| Highway Overpass (Viaduct) | 7 | from 22' 0" to 22' 10" |
| River Bridges | 4 | from 21' 0" to 22' 2" |
| Railroad Overpass | 2 | from 22' 0" to 22' 5" |

In addition to the structures referred to above, the section of applicant's track involved passes under two overhead trolley wires of the Pacific Electric Railway Company. There is a conflict in the testimony as to the height of these trolley wires above this track. One witness testified the clearances were slightly over 22' and the other fixed the distance as approximately 25'.

(1) The overhead clearance between the top of running board of a car 15' 1" in height and an overhead structure of 22' 0" as prescribed in G.O. 26-C is practically the same as in the case of a car having a height of 16' 4-3/4" and an overhead structure of 23' 5".

Representatives of the Chrysler Corporation testified that their company was prepared to assemble "Dodge" cars in the Central Manufacturing District provided applicant is authorized to transport the "Dodge" bodies in "Excess Height" cars, as proposed herein. It is estimated that the assembly plant will need ten carloads of bodies a day. ⁽²⁾ These witnesses also testified that if this service cannot be provided, the Chrysler Corporation will not assemble cars in the Los Angeles area.

A representative of the Los Angeles Chamber of Commerce testified in support of the granting of the application on the ground that it would bring to Los Angeles a new industry with the attendant employment of not only this particular business but other related businesses; also, that it was the policy of the Chamber to attract industries to the Los Angeles area and, in the Chamber's opinion, it would be in the public's interest to grant this application.

A number of witnesses representing the railroad brotherhood organizations testified in opposition to the granting of this application. They testified their organizations have been willing to cooperate in every reasonable way with the movement of "Excess Height" cars during the war period but that they felt this practice should now be discontinued since the emergency has passed. It is their contention that standard clearance rules, which are common throughout the country, should be observed in the postwar period. Considerable testimony was also introduced through their witnesses purporting to show that applicant had not always in the past observed the restrictions prescribed in the Commission's Decision No. 36007 governing the operation of "Excess Height" cars. It is their position that the operating safeguards upon which these provisions are predicated are open to man-failure under the many conditions which arise in

(2) Each car contains 15 bodies.

freight train operation, resulting in added hazard to the men riding on top of freight trains.

By letter dated June 13, 1946, applicant requested that this matter be reopened for the purpose of receiving from applicant the following stipulations subject to the concurrence of the representatives of the railroad brotherhoods.

1. On the Los Angeles Division, First District, Signal Bridge No. 431 and 432 (East of Esperia); Signal Bridge No. 462 and 461 (West of Esperia); Signal Bridge No. 731 and 732 (West of Verdmont); Signal Bridge No. 761 and 762 (West of Ono); and on the Los Angeles Division, Third District, Cantilever Bridge No. 23 (at Colton) will be raised so that the lowest point of each structure will be at least 23 feet 5 inches above the top of rail. The alteration of these structures will commence immediately and will be completed by January 1, 1947.
2. The operation of the loaded cars referred to in the application will follow the route set forth in the application, with the further provision that they will be removed from westward trains at Hobart Yard, turned over to the Los Angeles Junction Railway for delivery to the assembly plant industry consignee, and the empty cars will be received from Los Angeles Junction Railway at Hobart Yard for movement eastward over the designated route. (This provision is to avoid the bringing of these cars into the Los Angeles yard).
3. Representatives of the engineering department of the railway company, with representatives of the Commission, will make a study as to the operating practicability and the economic feasibility of lowering the railway company's tracks under the following structures:

United States Highway 66 overpass at Essex (Railroad designation Bridge C-624); United States Highway overpass at Barstow (Railroad designation Bridge C-747); Highway overpass at Victorville (Railroad designation Bridge aA-33); Crossing of westbound main track over eastbound main track at Frost (Railroad designation Bridge aA-40); Mt. Vernon Viaduct at San Bernardino (Railroad designation Bridge aA-82); P. E. overhead bridge at Rialto Avenue (Railroad designation Bridge B-1); Overhead highway Palm Avenue, Highgrove (Railroad designation Oc-6); Highway overpass near Pachappa (Railroad designation Bridge aA-12).

This letter also informed the Commission that the Signal Bridge over both main tracks at Needles (Railroad designation Mile Post 578-1790 Needles Yard) has been raised to a clearance of 23 feet 5 inches above top of rail.

Applicant also stated that it would make arrangements with Pacific Electric to raise the trolley wire at Santa Fe Springs to an elevation of 23 feet 5 inches above the top of the Santa Fe rails. The Commission was also informed that plans were under way for the construction of new bridges in the Third District of the Los Angeles Division which will replace the through truss bridge over the San Gabriel River near Los Nietos (Railroad designation Bridge C-152); and the through truss bridge over Rio Hondo River (Railroad designation Bridge B-151). When this construction is completed, these bridges will have no overhead obstructions. Plans are also under way for replacing the Mojave River Bridge near Leon (Railroad designation Bridge A-35) with a through girder bridge.

The Attorney for the Railway Brotherhoods informed the Commission by letter dated June 18, 1946, that in view of the above stipulations and plans of the Santa Fe, the Brotherhoods have no objection to the granting of the application.

Upon consideration of all the facts of record, we are of the opinion and find that the application should be granted, subject to the conditions set forth in the following order:

O R D E R

IT IS HEREBY ORDERED;

The Atchison, Topeka and Santa Fe Railway Company is exempted from the provisions of paragraph 1(c) of the Commission's General Order No. 26-C in the operations of freight cars having a height of 16' 4-3/4" from top of rail to top of running board for the sole purpose of transporting automobile bodies, subject to the following conditions:

(1) The authorization shall apply only over the following route in California:

From the Topock Bridge at the California-Arizona State line via Needles, Barstow, San Bernardino, Fullerton, Hobart Yard, thence via Los Angeles Junction Railway to the assembly plant of the Chrysler Corporation and the empty cars to be returned over the same route.

(2) That on or before January 1, 1947, on the Los Angeles Division, First District, Signal Bridge Nos. 431 and 432 (East of Hesperia); Signal Bridge Nos. 462 and 461 (West of Hesperia); Signal Bridge Nos. 731 and 732 (West of Verdmont); Signal Bridge Nos. 761 and 762 (West of Ono); and on the Los Angeles Division, Third District, Cantilever Bridge No. 23 (at Colton) shall be raised so that the lowest point of each structure will be not less than 23 feet 5 inches above the top of the rail.

(3) That the trolley wires of Pacific Electric Railway at Santa Fe Springs and at any other points along this route, shall immediately be raised to an elevation of not less than 23' 5" above the top of the rails.

(4) Until such time the construction of new bridges in the Third District of the Los Angeles Division replacing the through truss bridge over the San Gabriel River near Los Nietos

(Railroad designation Bridge C-152) through truss bridge over Rio Hondo River (Railroad designation Bridge B-151); and the replacing of the Mojave River Bridge near Leon (Railroad designation Bridge A-35) with a through girder bridge, applicant shall maintain adequate "tell-tales" on either side approaching these structures.

(5) Each car herein authorized to be operated shall be permanently stenciled or equipped with placards, and such markings maintained in a legible condition 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 16 FEET 4-3/4 INCHES
ABOVE TOP OF RAIL."

(6) When any train contains freight cars herein authorized to be operated, such freight cars 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 located in the train so as to be at least five cars distant from either the caboose or the engine.

(7) Each member of the crew of each train containing freight cars herein authorized to be operated 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 the main line between stations.

(8) Any yard crew required to handle freight cars herein authorized to be operated shall be notified through their supervising officials of the presence of such freight cars in said yard.

(9) No member of a road or yard crew shall be required to ride on top of the freight cars herein authorized to be operated.

(10) No new overhead construction on the route herein authorized shall be less than 23' 5" above top of rail.

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

Dated at San Francisco, California, this 18th day of June, 1946.

Harold Ruden

Justin J. Quinn

Wm. B. Brown

Irving P. Lowell

Harold P. Tule

COMMISSIONERS