

Decision No. 39472

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the
Commission's own motion into 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

ORIGINAL

SEVENTH 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, authorized by the Commission's Decision No. 18116, dated March 28, 1927, and the movement of high and wide loads as specified herein. During the war emergency the Commission issued a number of orders authorizing deviations from the provisions of General Order No. 26-C, incident to the movement of shipments to war industries and the movement of war materials, all on a temporary basis for the duration of hostilities; also, deviations had been authorized in connection with operation adjacent to icing platforms.

For the purpose of assembling all of these various orders into one statement, and coordinating the time limit so as to meet the then-prevailing conditions as well as permanently consolidate numerous relative informal directives, the Commission, by its Decision No. 36007, effective December 8, 1942, promulgated its Sixth Supplemental Order in Case No. 2290.

Pursuant to the expression in its Sixth Supplemental Opinion that the instant matter would be reconsidered at a later date when normal conditions were at hand, the Commission reopened Case No. 2290, and hearings were held before the Commission en banc at San Francisco on May 15 and 16, 1946, June 12, 1946, and August 14, 1946. At the adjournment of the hearing held on August 14, 1946, the Commission suggested that informal conferences between all interested

parties and representatives of the Commission's Safety Division should be held for the purpose of resolving controversial issues involved and agreements arrived at to be submitted at a reconvened hearing. Accordingly, such conference was held and a form of order was agreed upon which was submitted at a final hearing before Commissioner Huls on September 30, 1946.

In conformity with the recommendations agreed upon during the mentioned conference, it appears appropriate to issue an order placing all rail carriers on the same basis of operation and more completely adapting the provisions of our Sixth Supplemental Order to peacetime conditions. The matter being under submission, and the Commission being fully informed, we concur in the form of order submitted and it will be adopted.

SEVENTH 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 (c) of the Commission's General Order No. 26-C in the movement of freight cars of a height exceeding 15' 1" but not greater 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, subject to the following conditions:

- (a) Each car of a height exceeding 15' 4" but not greater than 15' 6" from top of rail to the top of running board, the movement of which is herein authorized, shall be permanently marked, stenciled, or placarded 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 a width exceeding 10' 10" over all, the movement of which is herein authorized, shall be permanently marked, stenciled, or placarded and such markings maintained in a legible condition to read.

"This Car
EXCESS
WIDTH."

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

- (c) The markings required in Conditions II(a) and II(b) immediately preceding, shall be made permanent on owned cars as soon as practicable with a 3/4" stripe outlining an area not less than 7" x 10", such stripes and lettering to be of a color contrasting with the car body color. All such required markings and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners.

III. That no movements of open top cars containing lading extending in excess of 15' 6" in height above top of rail or extending laterally in excess of 5' 5" from center line of car, shall be made except under the following conditions:

- (a) The operation of cars, the lading of which extends laterally in excess of 5' 5" from center line of car, shall be restricted to lading the size or dimensions of which cannot be reduced.
- (b) All open top cars with lading extending laterally in excess of 5' 5" from center line of car or in excess of 15' 6" in height above top of rail, shall be placarded on load in a conspicuous place when practicable, and the car marked, stenciled, or placarded at locations described in Paragraph II(c).
- (c) On any train, the consist of which includes cars loaded as described in Condition (b), such cars shall be blocked in a single unit and if the length of the train permits, so located as to be at least 5 cars distant from both the caboose and the engine.
- (d) Each member of the crew of each train containing cars the lading on which extends laterally in excess of 5' 5" from center line of car or in excess of 15' 6" in height above top of rail, shall be informed by an appropriate train order that the consist of the train includes such cars. The information transmitted shall also specify the total number of such cars and advise that no member of the train crew is required to ride on any such cars.
- (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, described in Condition (d), shall be informed by an appropriate train order advising them of that condition.
- (f) Yard supervisors will be given notifications sufficiently in advance of the arrival of cars, the lading on which extends laterally in excess of 5' 5" from center line of car, to enable them to take necessary precautions to safeguard employees in yard.

- (g) Cars on which the lading exceeds 15' 6" in height above top of rail, if otherwise in compliance with these requirements as to width of lading, and the nature of which precludes the passing over by employees, are exempt from the foregoing conditions with the exception of Condition (c):

IV: That until April 1, 1947, the common carrier railroads operating in California are hereby exempted from compliance with Paragraph 1(c) of the Commission's General Order No. 26-C in the movement of freight cars having a height in excess of 15' 6" but not greater than 17' 1" from top of rail to top of running board, where physically possible, subject to the following conditions:

- (a) Such owned cars shall be stenciled on the sides adjacent to the ladder or handholds at all four corners approximately 5' 0" above top of rail, with letters 3" high, reading as follows:

"This Car Excess Height _____"
"_____ " above top of rail."

(NOTE) The carrier shall supply the actual height of the car. Placards shall be applied in case such foreign cars are not so stenciled.

- (b) The space occupied by the stenciling required in Condition (a) shall be outlined with a 3/4" stripe, such lettering and stripe to be of a color contrasting with the car body color.
- (c) When such cars are included in the consist of any train, they shall be blocked in a single unit, and if the train length permits, so located as to be at least 5 cars distant from both the caboose and engine.
- (d) Each member of the crew of each train containing such cars shall be informed by an appropriate train order that the consist of the train includes such cars. The information transmitted shall also specify the total number of such cars and advise that no member of the train crew is required to ride on top of any such cars.
- (e) Any yard crew required to handle such cars shall be notified by an appropriate supervisor of the presence of such cars in said yard. If in any yard all vertical clearances exceed 24' 0" above top of rail, this requirement shall not apply.
- (f) No employee shall be required to ride on top of such cars on yard or lead tracks where vertical clearances are less than 24' 0" above top of rail.
- (g) When such cars are interchanged 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 of the conditions set forth herein.

(h) Each carrier in the State of California shall furnish a written report of the movement of such cars, giving the car number, contents, and route over which the said cars were moved. Such reports will be filed with the Commission not later than 30 days from the end of the calendar month in which the movement was made.

V. The authority herein prescribed is in lieu of, annuls, and supersedes Decision No. 36007, Case No. 2290, effective the eighth day of December, 1942, with the exception of Paragraph V which reads as follows:

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.

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

Dated at Los Angeles, California, this 1st day of October, 1946.

Harold P. Kula
Justice F. Calmes
Francis J. ...
A. J. ...
COMMISSIONERS

APPENDIX "A"

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

ICING PLATFORMS

<u>Decision</u>	<u>Applica- tion</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 Suppl. Order)				
25848	14011	4-17-33	ditto	Various
(2nd Suppl. Order)				
26807	14011	2-19-34	ditto	Various
(3rd Suppl. Order)				
21732	16018	10-28-29	The A.T. & S.F. 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. & S.F. R.R. Co.	Hanford
24465	17930	2-8-32	The Western Pac. R.R. Co.	Bieber
25134	17930	8-29-32	The W.P. R.R. & Great Northern R.R.	Bieber
24466	17931	2-8-32	The Western Pac. R.R. Co.	Stockton
25141	18368	8-31-32	The A.T. & S.F. 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. & S.F. R.R. Co.	Escondido
28704	20111	4-6-36	ditto	Claremont
30554	21695	1-24-38	Pacific Elec. Railway Co.	Rialto
32697	23180	12-27-39	Visalia Elec. R.R. Co.	Watts Station

EXCESS HEIGHT CARS

<u>Decision</u>	<u>Case Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Height</u>
33707	2290	12-4-40	Union Pacific R.R.	16' 3"
(Suppl. Order)				
33792	2290	1-3-41	ditto	Amends Dec. 33707
(2nd Suppl. Order)				
34119	2290	4-29-41	The A.T. & S.F. R.R. Co.	17' 1"
(Suppl. Order)				
35027	2290	2-17-42	Union Pacific R.R. Co.	Amends Dec. 33707
(3rd Suppl. Order)				
35362	2290	5-12-42	Common Carrier R.R.	16' 3" or greater
(4th Suppl. Order)				
35857	2290	10-13-42	ditto	Amends Dec. 35362
(5th Suppl. 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 loading, confining such transportation to airplane parts, material, accessories, etc.