

Decision No. 43555

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation, on)
the Commission's own motion, into the)
number of brakemen that should be em-)
ployed by railroad corporations on their)
trains operating within this State as are) Case No. 4988
necessary to promote the safety of the)
employees of such railroad corporations,)
their passengers, and the public.)

C. E. Goeble, State Legislative Representative, Order of Railway Conductors; Clifton Hildebrand for Transportation Brotherhood, Brotherhood of Railroad Trainmen, Order of Railway Conductors, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, and Order of Railroad Telegraphers; George W. Ballard, Chairman, California Legislative Board, Brotherhood of Railroad Trainmen, also for Frank G. Pellett, State Representative, Brotherhood of Railroad Trainmen, and for A. W. Harris, General Chairman, Western Pacific Brotherhood of Railroad Trainmen; W. W. Stevens, State Legislative Representative, for Brotherhood of Locomotive Engineers; G. F. Irvine, State Legislative Representative, Brotherhood of Locomotive Firemen and Enginemen; J. E. Cardwell, Chairman, California State Legislative Committee, Order of Railway Conductors, F. W. Dickey for W. W. Stevens for Brotherhood of Locomotive Engineers; Wills & McCarthy, by Pat McCarthy, for Brotherhoods; C. E. Whitman for Brotherhood of Locomotive Firemen and Enginemen; J. F. Graham, General Chairman for Brotherhood of Railroad Trainmen; H. F. Brown, Vice General Chairman, Order of Railway Conductors; W. O. Parks, General Chairman, Order of Railway Conductors; L. T. Foley, General Chairman, Brotherhood of Railroad Trainmen; Clyde E. Whitman, General Chairman, Western Pacific Railroad, Brotherhood of Locomotive Firemen and Enginemen; William P. Avery, State Legislative Representative, Switchmen's Union of North America;

E. E. Bennett for Union Pacific Railroad Company; Robert W. Walker for The Atchison, Topeka & Santa Fe Railway Company; C. W. Dooling for Western Pacific Railroad Company, Tidewater Southern Railway Company and Sacramento Northern Railway; R. E. Wedekind and H. Burton Mason for Southern Pacific Company, Northwestern Pacific Railroad Company, Visalia Electric Railway Company, Holton Inter-Urban Railway Company, Sunset Railway Company, Petaluma & Santa Rosa Railroad Company, San Diego and Arizona Eastern Railway Company, and Central California Traction Company; A. Larsson, for Arcata & Mad River Railroad; Clair W. MacLeod and J. L. Robinson for Trona Railway Company; P. N. Myers and Clair W. MacLeod for McCloud River Railroad; A. T. Nelson and Clair W. MacLeod for California Western Railroad Company; Clyde E. Brown and Clair W. MacLeod for San Francisco and Napa Valley Railroad; C. W. Cornell and R. E. Wedekind for Pacific Electric Railway Company; Lester T. Davis, State Assemblyman, George Miller, Jr., Member of State Legislature, Chris J. Jespersen, Member of State Senate, and Robert L. Condon, Member of State Legislature; J. T. Phelps, for Operations and Safety Division, Public Utilities Commission.

O P I N I O N

On November 17, 1949, at San Francisco, California, public hearings were held in this matter before Commissioner Potter and Examiner Syphers, and testimony was presented relating to the lines of the Southern Pacific Company in California. Hearings previously have been held in connection with the Western Pacific Railroad, and this Commission has issued Decision No. 43373, dated October 4, 1949, as a result of those hearings. Inasmuch as this is a continuing proceeding and in conformity with the policy announced at the hearings, the evidence previously adduced, which is relevant to the instant matter, will be considered in reaching a decision concerning the lines of the Southern Pacific Company.

The causes giving rise to these proceedings and the nature and extent of this Commission's jurisdiction in this connection were set out in Decision No. 43373, supra.

A member of the staff of the Operations-Safety Division of this Commission testified that this division had conducted a field survey of all of the main lines of the Southern Pacific Company in California, and, in addition thereto, about 1500 miles of branch lines. During this survey, which commenced early in April, 1949, and continued intermittently until the last part of October, 1949, members of the staff rode on 324 freight trains making observations and inspections as to the conditions existing, with particular reference to the number of brakemen "necessary to promote the safety of its (Southern Pacific Company's) employees, passengers, and the public;" as set out in Section 6902.5 of the Labor Code of the State of California.

As a result of these investigations, the staff had formulated certain recommendations which were presented by the witness. These recommendations were generally divided into two major classes, those relating to local freight trains and those relating to through freight trains.

Local trains were described by the witness as those operating between specified points, usually within the limits of a division. On the lines of the Southern Pacific Company, such trains rarely have through cars in their consist, but rather are devoted to performing so-called local work. At the present time, it is the practice of the Southern Pacific Company to operate these local trains with crews of two or more brakemen, as the exigencies of the situation require. The witness testified that the investigations of the staff developed the fact that the officials of the Southern Pacific Company had provided an adequate number of brakemen to conduct local service. Because of the many variables existing in this service, such as changing conditions and changing volume of traffic, it was recommended that no hard and fast rule as to the necessity for a third brakeman on local freight trains could practicably be formulated, but rather that the matter be left to the discretion of the officials of the Southern Pacific Company, and that the company be admonished to continue to provide a third brakeman on local trains whenever necessary to promote the safety of operations.

In connection with the number of brakemen on through freight trains, it was recommended that the Southern Pacific Company be permitted to operate such trains with a conductor and two brakemen, except on trains operating between the following designated

points, on which it was recommended that there be employed at least one conductor and three assigned brakemen:

1. Between Alturas and Wendell;
2. Between Alturas and the California-Oregon State line near Hatfield;
3. Between Dunsmuir and the California-Oregon State line near Calor;
4. Between Dunsmuir and the California-Oregon State line near Gregory;
5. Between Dunsmuir and Gerber;
6. Between Roseville and the California-Nevada State line near Verdi;
7. Between Eurekafield and Los Angeles;
8. Between Los Angeles and Santa Barbara;
9. Between Los Angeles and Indio;
10. Between Santa Barbara and San Luis Obispo.

It was also recommended that no through freight trains be operated between San Luis Obispo and Santa Marguerita on which there is not employed at least one conductor and two assigned brakemen plus a third brakeman who may be an extra man not assigned.

Exhibit No. 1 is a map of the Southern Pacific Company lines in California, showing, in red, those portions of the lines wherein it is recommended by the staff that a third brakeman is necessary to promote safety. Exhibits Nos. 2 to 15, inclusive, are copies of the Southern Pacific Company's time tables and special instructions for the San Joaquin, Shasta, Salt Lake, Sacramento, Los Angeles, Coast, and Western Divisions. The points between which it was recommended a third brakeman be used all are located within these divisions. Accordingly, these time tables show the points involved in the recommendations, the distances, the capacity of the sidings, the types of signaling systems, the scheduled trains, and other pertinent information. Exhibits Nos. 16 to 24, inclusive, are profile sheets showing all of the lines of the Southern Pacific Company between the points involved in the foregoing recommendations.

These profile sheets present additional pertinent data as to operating conditions, including the elevations of the various points, the grade and curvature of the track; and those portions of the lines wherein helper engines are assigned.

The general manager of the Southern Pacific Company testified that that company would not contest any order which followed the recommendations of the Operations-Safety Division. He further testified that, in his opinion, a third brakeman on those runs included in the recommendations would result in expedited handling of the trains, and because of this the addition of a third brakeman in those areas would not, in his opinion, result in feather-bed practices. According to this witness, there are no conditions on the lines of the Southern Pacific Company in California which are appreciably different from conditions generally encountered in the operation of other railways elsewhere. Representatives of the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the Brotherhood of Locomotive Engineers each concurred in the Operations-Safety Division's recommendations.

After a careful consideration of all of the evidence presented in this matter, and having in mind the principles which we enunciated in Decision No. 43373, supra, the recommendations of the parties involved, and the exhibits setting out pertinent details as to the operations of the Southern Pacific Company's lines in California, we find that safe operations, as defined in Section 6902.5 of the Labor Code of California, require a train crew consisting of a conductor and three brakemen on each of the through freight trains operating between the points heretofore set out in the recommendations of the Commission staff. We further find upon

this record that the promotion of safety does not require the employment of a third brakeman on local freight trains at this time.

We further find that the foregoing requirements as to a third brakeman on through ^{Q2.2} and ~~local~~ freight trains will not result in feather-bed practices.

O R D E R

A proceeding having been instituted upon the Commission's own motion, public hearings having been held, and the Commission being fully advised in the premises and hereby finding that the promotion of the safety of railroad employees, passengers, and the public so require,

IT IS ORDERED:

(1) That the Southern Pacific Company, on those portions of its lines between the points hereinafter designated, shall not permit to be run on any part of the main tracks or branch lines any through freight train on which there is not employed at least one conductor and three assigned brakemen:

1. Between Alturas and Wendell;
2. Between Alturas and the California-Oregon State line near Hatfield;
3. Between Dunsmuir and the California-Oregon State line near Calor;
4. Between Dunsmuir and the California-Oregon State line near Gregory;
5. Between Dunsmuir and Gerber;
6. Between Roseville and the California-Nevada State line near Verdi;
7. Between Bakersfield and Los Angeles;
8. Between Los Angeles and Santa Barbara;
9. Between Los Angeles and Indio;
10. Between Santa Barbara and San Luis Obispo.

(2) That the Southern Pacific Company, on that portion

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of its line between San Luis Obispo and Santa Marguerita, shall not permit to be run any through freight train on which there is not employed at least one conductor and two assigned brakemen and a third brakeman who may be an extra man not assigned.

The effective date of this order shall be five (5) days after the date hereof.

Dated at San Francisco, California, this 22nd day of November, 1949.

R. E. [Signature]
Justus J. [Signature]
[Signature]
Harold P. [Signature]
[Signature]
COMMISSIONERS