

ORIGINALDecision No. 45461

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE ATCHISON,
TOPEKA AND SANTA FE RAILWAY
COMPANY, A CORPORATION, FOR
PERMISSION TO OPERATE FREIGHT
CARS OF THE OVER-ALL HEIGHT OF
16 FEET 4-3/4 INCHES OVER CER-
TAIN DESIGNATED ROUTE IN THE
STATE OF CALIFORNIA

Application No. 32166O P I N I O N

In its application of March 1, 1951, The Atchison, Topeka and Santa Fe Railway Company requested authority to operate cars having a height of 16' 4-3/4" from top of rail to top of running board within the State of California, over a route specifically described in its application. The applicant states that these cars will be used for the purpose of transporting airframe assemblies manufactured by Ryan Aeronautical Company in San Diego, California, and comprising component parts of airplanes being manufactured by Boeing Aircraft Company in Connell, Kansas. Said assemblies are of such length and dimensions that they can not be loaded in cars of a height of less than 16' 4-3/4".

Applicant is advised that the transportation of said airframe assemblies is urgently required in connection with the program of the Department of Defense of the United States in strengthening the national defense and prosecuting the military operations in which the United States is now engaged and consequently believes it necessary in the public interest that a suitable exemption from the applicable requirements of General Order No. 26-D be granted applicant to enable it to furnish such transportation service.

The Commission's General Order No. 26-D, effective February 1, 1948, prescribes that minimum overhead clearances between the top of rail and the lowest portion of an overhead structure above the track shall be 22' 6". Based on these clearances the carriers in the State of California are authorized to operate freight cars having a height not exceeding 15' 6" from top of rail to top of running board. However, practically the same overhead clearance from the running board of a freight car 16' 4-3/4" in height to the under side of a structure 23' 5" above top of rail would be provided as in the case of freight cars 15' 6" in height and overhead structures 22' 6" above top of rail. In this connection The Atchison, Topeka and Santa

Santa Fe Railway Company in its application listed those 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 its railroad between San Diego and Atwood, California, over which it proposes to operate the excess height cars. Authority to operate such cars in other service has heretofore been granted from Atwood, California to the state line by Decision No. 39122 in Application No. 27161, dated June 18, 1946.

An inspection on the ground of these structures has been made by the Commission's Engineering and Operations-Safety Divisions, together with representatives of the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the carrier's Engineering Department, for the purpose of reviewing certain operating conditions in order to place the transportation of the excess height cars on as safe a basis as possible where it was not practicable to provide an overhead clearance of 23' 5". Understandings were reached in this connection as contained in the following order. Airplane parts are now at the San Diego plant awaiting shipment.

Mr. F. G. Pellett, State Representative of the Brotherhood of Railroad Trainmen, alleges that the Santa Fe Railway is lax in the observance of the Commission's previous orders in controlling the movement of such excess height freight cars. In a letter dated March 8, 1951 he requested that this application be set for formal hearing in order to determine what control improvements the Santa Fe might wish to propose and how many of the overhead impaired clearances will be eliminated.

As to elimination of impaired overhead clearances the study hereinbefore mentioned has determined the practicability of raising any of the structures or lowering track to provide clearances of not less than 23' 5". The matter of ascertaining any improvements by Santa Fe Railway in controlling the observance by its employees of the conditions contained in any order of this Commission is a separate issue from the necessity for the movement of airframe assemblies and component parts in promoting the national defense. We are of the opinion that the issues Mr. Pellett brings up can be handled separately from the matter here under consideration and that there should be no delay in granting the carrier permission to operate the cars necessary for the movement of such commodities.

It appearing that a public hearing is not necessary herein and that application should be granted, subject to certain conditions as set forth in the following order:

O R D E R

IT IS HEREBY ORDERED:

The Atchison, Topeka & Santa Fe Railway Company is exempted from the provisions of Subsections 2.1, 2.3, and 2.5 of the Commission's General Order No. 26-D in the operation 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 airframe assemblies and component parts of airplanes, subject to the following conditions:

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

Originating at San Diego, California, thence via applicant's main line from San Diego via Orange, Atwood, San Bernardino and Barstow, and leaving California at the Tepeck Bridge at the California-Arizona state line, and the empty cars to be returned over the same route.

(2) The two cantilever signals, one west of Santa Ana and the other 500' west of Placentia Depot, and the pedestrian overpass bridge DA-245 near Del Mar shall be raised so that the lowest point of each structure will not be less than 23' 5" above top of rail.

(3) Applicant shall maintain telltales on either side approaching the following structures where clearances of less than 23' 5" above top of rail are in existence:

Through truss steel bridge	
Santa Margarita River	Bridge A-223
Concrete highway overpasses	
Irvine	Bridge Da-184
Calivan	Bridge Ea-192
Fallbrook Jct.	Bridge Aa-225
Carlsbad	Bridge C-229
Solano Beach	Bridge E-243
Del Mar (north)	Bridge Aa-244
Del Mar (south)	Bridge Ca-246
Linda Vista	Bridge E-253

(4) Applicant shall issue bulletins and yard notices to employees handling such excess height cars advising them of an impaired clearance of 22' above top of rail created by one overhead conveyor in the yards at 22nd Street, San Diego.

(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 hand-holds at all four corners approximately 5' above the

top of rail with letters 3" high of a color contrasting with the car body color, reading as follows:

"THIS CAR EXCESS HEIGHT 16 FEET
4 3/4 INCHES ABOVE TOP OF RAIL"

The space occupied by such stenciling shall be outlined with a 3/4" stripe of the same color as the letters.

(6) When any train contains freight cars herein authorized to be operated, such freight cars shall be blocked together in a single unit; and, if the total number of cars in the train permits, they 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 total 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 between San Diego and Atwood shall be less than 23' 5" above top of rail so long as the movements of such excess height freight cars as herein authorized are made.

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

Dated at San Francisco, California, this 13th day of March, 1951.

[Handwritten signatures of four commissioners]
COMMISSIONERS