

ORIGINAL

Decision No. 47893

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 employed by railroad corporations on their trains operating within this State as are necessary to promote the safety of the employees of such railroad corporations, their passengers, and the public.

Case No. 4988

R. E. Wedekind and George L. Morrison for Northwestern Pacific Railroad Company, G. W. Ballard for Brotherhood of Railroad Trainmen, G. F. Irvine for Brotherhood of Locomotive Firemen and Engineers, Fred G. Seig for Order of Railway Conductors, and G. R. Mitchell for Brotherhood of Locomotive Firemen and Engineers, respondents. H. L. Engelhardt, Superintendent of Transportation Operations, Public Utilities Commission.

O P I N I O N

By Decision No. 43966, dated March 21, 1950, in Case No. 4988, this Commission ordered "that the Northwestern Pacific Railroad Company shall not permit to be run any through freight train between Redwood Valley and Willits on which there is not employed at least one conductor and three brakemen." In that decision the Commission referred to and adopted the principles previously enunciated in Decision No. 43373, dated October 4, 1949, in Case No. 4988, wherein the causes giving rise to these proceedings and the nature and extent of this Commission's jurisdiction were set out. It was also announced

that the proceeding was a continuing one and, therefore, the evidence adduced in the prior hearings which is relevant to the instant matter will be considered in reaching a decision herein.

Under date of October 7, 1952, this Commission issued an order reopening these proceedings for further hearing for the purpose of determining whether Decision No. 43966 should be amended so as to require additional trainmen on through freight trains on the Northern Division of the Northwestern Pacific Railroad Company between Willits and Eureka. This reopening came about as a result of a request made on August 26, 1952, by a representative of the Order of Railway Conductors who asked that a survey be made of the portion of the line hereinabove indicated.

A public hearing was held before Commissioner Potter and Examiner Syphers in San Francisco on October 22, 1952, at which time evidence was adduced and the matter submitted.

A member of the staff of the Operations-Safety Section of this Commission testified that this section had conducted a field survey of the Northern Division of the Northwestern Pacific Railroad Company during the period September 8 to 19, 1952. This survey disclosed that, whereas in 1950 when a previous survey was conducted, the railroad was operating through freight trains of about 35 cars in length, they are now operating through freight trains of approximately 75 cars in length. Likewise, the motive power has changed from a light type of steam power to diesel power, which is used in the following proportions: on the southbound or westbound trains, 93 per cent diesel and seven

per cent steam, and on the eastbound or northbound trains, 72 per cent diesel and 28 per cent steam power. This change has been brought about largely because of the growth of the lumber industry and the consequent increase in the shipments of lumber. The witness pointed out that, in spite of this increase in the length of trains and the change of power, the passing tracks are only long enough to accommodate from 25 to 50 cars, with two exceptions, one at Scotia and the other at Rohnerville.

As a result of these changed operating conditions the meeting and passing of trains has resulted in increased switching movements. Oftentimes these switches are made under conditions where hand signals must be passed and, according to the witness, the operation of freight trains with but two brakemen has resulted in such practices as blind shoves which, in the opinion of this witness, do not constitute safe practices. Furthermore the witness testified that the underfoot conditions were generally unfavorable due to a lot of brush, overhanging trees and berry vines which have grown very close to the tracks. Likewise there are numerous bridges in the territory, most of them without walks or hand rails. In addition it was testified that there are numerous curves and tunnels, and that the range of vision in many places is quite restricted. Inasmuch as the railroad parallels the Eel River, the noise therefrom frequently makes it impossible to satisfactorily use whistle signals. Because of these conditions, coupled with the severe rainfall experienced during the winter months, it was the opinion of this witness that an additional brakeman should be used in the operation.

The staff, as a result of its investigation, had formulated certain recommendations which were presented by this witness as Exhibit NWP-7. These recommendations were to the effect that it is not necessary to require the employment of additional brakemen on local freight trains inasmuch as it was found in the survey that three brakemen are assigned to these local freight trains, where the nature of the operation indicates a need for the third brakeman. As to through freight trains, it was recommended that the Northwestern Pacific Railroad Company shall employ a train crew consisting of one conductor and not less than three brakemen on each through freight train in each direction between Willits and Eureka. Exhibit NWP-6 is a map showing in orange that portion of the line wherein it is recommended that a third brakeman is necessary to promote safety of operations. The witness further noted that the railroad now is engaged in a program of providing longer passing tracks and of removing some of the difficulties noted in the survey. Therefore, the witness testified that in his opinion a resurvey might be desirable if and when terminal and passing tracks of sufficient length are provided and when the other conditions herein noted are corrected, including the use of train communication equipment.

The vice president and general manager of the Northwestern Pacific Railroad Company testified that his company would use a third brakeman on the run between Willits and Eureka whenever a third brakeman is available. He expressed some doubt as to whether a third brakeman would be available at all

times, inasmuch as the railroad now is experiencing difficulty in keeping a sufficient number of men in the area. This witness adopted the testimony previously given in the proceeding, resulting in Decision No. 43966, supra, which testimony was given by his predecessor in the position of vice president and general manager of this railroad. In general, that testimony, while not conceding that any more than two brakemen are required on freight trains to promote the safety of employees, passengers or the public, indicated that the railroad would not oppose the use of a third brakeman, as recommended by the staff. This witness also stated that in his opinion the use of three brakemen on through freight trains operating between Willits and Eureka would not result in feather-bed practices.

Representatives of the Brotherhood of Railroad Trainmen, the Brotherhood of Locomotive Firemen and Engineers and the Order of Railway Conductors, each concurred in the Operations-Safety Section's recommendations.

After a careful consideration of all of the evidence presented in this matter, and having in mind the principles previously enunciated in Decision No. 43373, supra, 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 brakeman on each through freight train operating between Willits and Eureka. We further find that this requirement 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 that the Northwestern Pacific Railroad Company shall not permit to be run any through freight train between Willits and Eureka on which there is not employed at least one conductor and three brakemen.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 03rd day of November, 1952.

[Signature]
President
Justus F. Coe
James A. Hulse
[Signature]
[Signature]
Commissioners