

ORIGINAL

Decision No. 49925

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the
 Commission's own motion into the reason-
 ableness of minimum clearances on railroads
 and street railroads, with reference to
 side structures, overhead structures,
 parallel tracks, and crossings of public
 roads, highways and streets, as prescribed
 by General Order 26-C and Supplement 7
 thereto.

Case No. 4919

E. E. Bennett, for Union Pacific Railroad Company,
E. L. R. Bissinger, for Southern Pacific Company,
 Holton Inter-Urban Railway Company, Northwestern Pacific
 Company Railroad, San Diego, Arizona & Eastern Railroad
 Company, G. W. Ballard, for Brotherhood of Railroad
 Trainmen, William V. Ellis, for Brotherhood of Locomotive
 Firemen & Engineman, G. K. Mitchell, for Brotherhood of
 Locomotive Engineers, and Fred G. Seig, for Order of
 Railway Conductors, interested parties.

L. E. Hull, for the Public Utilities Commission of
 the State of California.

O P I N I O N

An order reopening this case for further hearing was issued on March 23, 1954 because it had "come to the attention of the Commission that certain railroads have developed the practice of transporting loaded highway truck trailers on railroad flat cars hauled in fast trains to distant points for immediate unloading and delivery by truck tractors at the point of destination." This practice apparently comes within the provisions of Section 7, Subsection 7.4 of General Order 26-D, which provide as follows:

- 7.4 On any train, the consist of which includes cars loaded as described in subsection 7.3⁽¹⁾ of this order, such cars shall be blocked together in one place in the train and if its length permits, they shall be trained at least five (5) cars distant from both the caboose and the engine.

Investigation by the Operations Safety Section of this Commission resulted in a recommendation by that section that Subsection 7.4 be modified so as to permit the placing of railroad cars hauling highway vehicles in any location in the train.

A public hearing was held in Los Angeles on April 8, 1954, before Examiner Syphers on which date evidence was adduced and the matter submitted.

At the hearing a witness for the Operations Safety Section of this Commission and two witnesses for the Union Pacific Railroad presented testimony concerning the matter involved. The substance of this testimony was that certain railroads, and in particular the Union Pacific and Southern Pacific, have adopted the practice of gathering freight by motor vehicle, usually a tractor and semitrailer, and transporting the loaded vehicle, usually a semitrailer, on a railroad car to its destination. For example, the Union Pacific Railroad presently operates a merchandise train between Los Angeles and Salt Lake City. This train has in its consist cars transporting loaded highway vehicles.

Exhibits 1 to 5 received in evidence in this matter are photographs showing rail cars loaded with highway trailers

(1) Subsection 7.3 relates to open top cars with lading extending laterally in excess of 5 feet 5 inches from the center line of the car, or in excess of 15 feet 6 inches in height above top of rail.

which in turn are loaded with freight. The testimony disclosed that the usual practice is to use both open and closed or van type trailers. These trailers are loaded on the rail cars by means of a ramp at the point of origin and are rolled off of the rail cars by means of a similar ramp at point of destination. While loaded on the rail car the highway vehicle is blocked and securely fastened by means of wire ropes and turn-buckles.

The highway vehicles used conform to the requirements of the Vehicle Code of the State of California in that the total width does not exceed 96 inches (Vehicle Code Section 694), the height including any load does not exceed 13 feet 6 inches (Vehicle Code Section 697), the length does not exceed the requirements set out in Section 697 and the weight does not exceed the requirements set out in Sections 704 and 705.

The reasons for this operation were stated to be that it enables the railroad to maintain an expedited service from the point of pickup to the point of delivery and eliminates additional handling of the freight transported.

A description of the Union Pacific operation between Los Angeles, Las Vegas, Nevada and Salt Lake City, Utah, was set out to illustrate these reasons. It was testified that the trailers are loaded on rail cars in Los Angeles by 6:30 p.m. in the evening. From Los Angeles to Las Vegas the train has a running time of 8 hours and 15 minutes. As a matter of fact it runs ahead of Union Pacific passenger train No. 38 and also ahead of the Santa Fe Super Chief, No. 18, for part of the run.

Because of the present requirements of Subsection 7.4 of General Order 26-D it was testified that there are delays in this running time of about 30 minutes in Los Angeles and about 30 minutes or more in Las Vegas. If the requirements of this subsection as to blocking of these so-called piggy-back cars were eliminated, the delays likewise could be eliminated.

It was testified that the present requirements for blocking the cars do not contribute to safety of operations and that it would not create any safety hazard to block the cars at any place on the train or, as a matter of fact, to locate them any place on the train without blocking them in groups. It was pointed out that they are not a hindrance to the giving of hand signals by the train crew and that they are so constructed that the men do not go over the top of them, neither are the men required to do so by the rules of the railroads. There are no hand-holds, ladders or other attachments which would enable a man to climb on the highway trailers transported, and there is no intention on the part of the railroad to place any such attachment on the trailers nor to permit the men to climb on them. The manner of fastening these trailers to the rail cars was described and it was pointed out that they can be transported on specially constructed flat cars or any flat cars if they are properly blocked and fastened down.

There was no opposition to the elimination of the requirements of Subsection 7.4 of General Order 26-D.

After a full consideration of this record we are of the opinion and hereby find that it is not adverse to the public

interest to exempt from the requirements of Subsection 7.4, General Order 26-D, rail cars transporting highway trucks or trailers in a so-called piggy-back operation. This exemption should apply to both loaded and unloaded highway trucks or trailers since it is sometimes necessary in this type of operation to return the highway vehicles to the point of origin unloaded.

O R D E R

An order of investigation as above entitled having been instituted, a public hearing having been held thereon, the Commission being fully advised in the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that Subsection 7.4 of General Order 26-D be amended to read as follows:

7.4 On any train, the consist of which includes cars loaded as described in Subsection 7.3 of this order, such cars shall be blocked together in one place in the train and if its length permits, they shall be trained at least five (5) cars distant from both the caboose and the engine, provided, however, that the provisions of this subsection shall not apply to the transportation on rail open top cars of highway trucks or trailers either loaded or unloaded.

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

Dated at San Francisco, California, this 20th day of April, 1954.

[Signature]
President
Justus J. Collins
Lawrence Potter
John E. Hill
Gene Higgins
Commissioners