

Decision No. 53509

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BROTHERHOOD OF RAILROAD TRAINMEN, )

Complainant, )

vs. )

SOUTHERN PACIFIC COMPANY, )  
a corporation, )

Defendant. )

Case No. 5743

Hildebrand, Bills & McLeod, attorneys, by D. W. Brobst,  
for complainant.  
R. E. Wedekind & W. A. Gregory, and E. D. Yeomans &  
Walt A. Steiger, attorneys, by Walt A. Steiger,  
for defendant.  
C. E. Milne, for the Commission staff.

O P I N I O N

By Decision No. 51251, dated March 29, 1955, in Application No. 36660, this Commission set forth a requirement that in the handling of freight cars of excessive height, the railroad must block them together in a single unit. This is a safety regulation designed to prevent injury to the employees of the railroad. On December 30, 1955, on its train No. 1-803 between Los Angeles and Bakersfield, the Southern Pacific Company had three cars of excessive height near the middle of the train. These cars were not blocked together but rather one of the cars was ten cars away from the other two. Two of the excess-height cars stood 33rd and 34th ahead of the caboose, and the third excess-height car stood 55th ahead of the caboose.

On March 31, 1956, the Brotherhood of Railroad Trainmen filed a complaint in this matter and requested the Commission to

issue an appropriate request to the District Attorney for prosecution of the railroad in the matter.

The railroad answered the complaint admitting the facts and alleging that the cars were not blocked together as a result of inadvertence.

A public hearing was held on June 28, 1956, before Examiner Grant E. Syphers, in Los Angeles, at which time evidence was adduced and the matter submitted.

The railroad presented testimony through its Chief Clerk, describing the procedures for making up trains in the Los Angeles yard, and also pointing out that subsequent to December 30, 1955, a new set of instructions have been issued in connection with handling of excess-height cars. These instructions were received in evidence as Exhibit No. 1.

A consideration of this record leads us to the conclusion and we find that the defendant, Southern Pacific Company, did violate the terms of Decision No. 51251 supra. However, the procedures which it now has established appear to be reasonable and should prevent the reoccurrence of any similar incidents. The Southern Pacific Company is admonished that the safety regulations of this Commission must be strictly observed. Since the violation appears to have been inadvertent, no further action will be taken at this time and the complaint will be dismissed.

O R D E R

Complaint and answer thereto as above entitled having been filed, and public hearing being held, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that the complaint be and it is hereby dismissed.

This order shall be effective twenty days after service thereof upon complainant and defendant.

Dated at San Francisco, California, this 31st day of July, 1956.

[Signature] President  
[Signature]  
[Signature]  
[Signature]

Commissioners

Commissioner Justus F. Craemer, being necessarily absent, did not participate in the disposition of this proceeding.