

Decision No. 56263

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and practices of GREAT NORTHERN RAILWAY, THE WESTERN PACIFIC RAILROAD COMPANY, and THE ATCHISON, TOPEKA and SANTA FE RAILWAY COMPANY, with respect to the use and operation of freight cars in excess of the width prescribed by General Order 26-D.

Case No. 5972

Application No. 39450

In the Matter of the Application of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, GREAT NORTHERN RAILWAY COMPANY, and THE WESTERN PACIFIC RAILROAD COMPANY for an interpretation of General Order No. 26-D, or in the alternative for an order of exemption therefrom in connection with the movement of certain flat cars equipped with "saddles" for the movement of airplane fuselages.

The Atchison, Topeka and Santa Fe Railway Company by Richard K. Knowlton; The Western Pacific Railroad Company by Otis J. Gibson; Great Northern Railway Company by Woodrow L. Taylor; applicants and respondents.

George W. Ballard, California Legislative Board, for the Brotherhood of Railroad Trainmen, AFL-CIO, protestant.

William V. Ellis, California State Legislative Board, for the Brotherhood of Locomotive Firemen and Engineers; Leonard M. Wickliffe, California State Legislative Committee, Order of Railway Conductors and Brakemen; protestants.

E. A. McMillan for the Brotherhood of Railroad Clerks, interested party.

Hugh N. Orr and Clent E. Milne for the Commission staff.

O P I N I O N

Public hearings in these matters were held in Sacramento on December 11 and 12, 1957, before Commissioner C. Lyn Fox and

Examiner Grant E. Syphers, at which time evidence was adduced and on the last-named date these matters were submitted subject to the filing of a memorandum of law. This memorandum has now been filed.

These matters are concerned with the shipment of airplane body sections from San Diego, California, to Renton, Washington, via rail.

In Case No. 5972, the Commission instituted an investigation on its own motion to inquire as to whether or not the respondents may have violated the terms and provisions of General Order No. 26-D in the use and movement of freight cars in excess of the maximum width provided for in that General Order.

In Application No. 39450 the railroads requested the Commission to issue an order holding that the movements in question constitute loads as contemplated by Section 7.2 of General Order No. 26-D, or in the event the Commission finds that the return movements are not loads, then it is requested that an ex parte order be issued authorizing the handling of such shipments under the conditions set forth in Section 7 of General Order No. 26-D.

An engineer for Boeing Airplane Company testified as to the nature of the shipments which move from the Ryan Aeronautical Company at San Diego, California, to the Boeing Airplane Company at Renton, Washington. Each shipment consists of the principal part of the body of a KC-135 airplane. The body section is fabricated in San Diego and then shipped by rail to Renton, Washington, where it is then placed in a complete airplane. The section thus shipped is 40 feet long, 12 feet wide at one end and tapers to the width of 8½ feet at the other end; it is 13 feet 10 inches high.

Due to the fact that these sections are made to very close tolerances so that they can be readily assembled with the airplane in Renton, Washington, it is necessary that they be transported in such a manner that they do not become jarred or knocked out of line in transit. Resultantly, the Boeing Airplane Company has designed a carrying rack or cradle which is mounted on a flat car. The cost is approximately \$22,910 for each cradle, which includes the cost of mounting the cradle on the flat car. This mounting is done by welding the cradle to the rail flat car in such a manner that it cannot be readily removed. There are eight such cars assigned to this transportation service and in making the haul, they move via the lines of the Great Northern Railway Company, The Western Pacific Railroad Company, and The Atchison, Topeka and Santa Fe Railway Company. On the return trip from Renton, Washington, to San Diego, California, the cars allegedly run empty. They have bolted and welded to them, the cradles heretofore described and, in addition, they have a tool box containing the necessary tools to handle the mounting of the airplane section.

The evidence presented at the hearing discloses that these shipments are very important to the national defense in that the sections so transported are used in one of the most advanced types of airplanes and one upon which great reliance is placed by the officials of the national defense program. It would not be practicable to move these body sections by truck or water. According to the testimony, the only practicable way of handling them is by rail cars.

General Order No. 26-D provides a width limit for freight cars of 10 feet 10 inches. These shipments have a maximum width at

the widest point of the body section of 12 feet 1 inch. Accordingly, at the widest point of the load, when it is on the car, there is an excess width of approximately 7 inches on each side of the car. This maximum width point is about 8 feet above the ground. The cradle beam which holds the body section becomes wider than the 10 feet 10 inches maximum at a point about 6½ feet from the ground. The maximum width of the cradle beam is slightly over 11'9" but 6 inches of this width will be eliminated by certain adjustments. At the time of the hearing, the cradle beams had, on each side, a strap bracket which extended beyond the body of the beam itself by about three inches. The railroads now have agreed to design these strap brackets so as to remove this three-inch width. Therefore the cradle beams, at their widest point, will be not in excess of 11 feet 4 inches.

Various exhibits were received in evidence describing the shipments, including photographs and diagrams of the body sections loaded on the cars and of the empty cars with the cradle beams attached thereto. Likewise, evidence was received as to how the shipments are handled and the routes over which they move.

The principal issue raised by this evidence is one of safety. It was the position of the railroads and the shipper that these movements could be safely handled. On the other hand it was the position of the union representatives that the excess-width cars did present a safety hazard since, in many places along the route of movement, there was not sufficient clearance on the sides of these cars.

Under the terms of General Order No. 26-D, excess-width loads may be handled if the provisions of that order are complied with. Generally, these provisions require that the wide loads be placarded and that the cars carrying wide loads shall be blocked together at one place in the train. If the train length permits they shall be at least five cars distant both from the caboose and the engine. Likewise, the order provides for train orders to be issued giving notice of the movement of the wide loads.

There is no provision in General Order No. 26-D to permit the movement of wide cars. It was the contention of the railroads that the movements here in question were wide loads. It was the contention of the staff and of the union representatives that the return movements of the empty cars from Renton to San Diego constitute movement of wide cars since the cradles are welded and bolted to the railroad cars and allegedly become an integral part thereof.

The railroads which are the applicants and respondents in these proceedings are reminded that bills of lading are requisite for all loads transported.

A consideration of all of the evidence in this matter leads us to conclude and we now find that the movements in question are excess-width loads. This is clearly the case when the body section is transported from San Diego, California, to Renton, Washington. In the case of the return movement from Renton to San Diego it is true that the cradle is welded and bolted to the flat car. However, this is necessary, according to the evidence, because the body section must be transported with a minimum amount of jarring. Furthermore

there is transported, on each return movement, the necessary tools to be used in San Diego in the mounting of the body section upon the cradle. It is also noted that the title to the cradle and the tools remains with the shipper. Under these conditions we hold that the movements in both directions are excess-width loads which can be performed provided the terms of General Order No. 26-D are met.

O R D E R

Application as above-entitled having been filed, public hearings 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 The Atchison, Topeka and Santa Fe Railway Company, Great Northern Railway Company and The Western Pacific Railroad Company be, and they hereby are, authorized to transport shipments of airplane body sections from Ryan Aeronautical Company at San Diego, California, to the Boeing Airplane Company at Renton, Washington, on flat cars equipped with special carrying racks and to return these carrying racks and necessary tools from Renton, Washington, to San Diego, California, through the railroad ✓

lines within the State of California, and that such movements in both directions are hereby declared to be loads as contemplated by Section 7.2 of General Order No. 26-D, and may be made in the manner outlined in Section 7 of said General Order No. 26-D.

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

Dated at San Francisco, California, this 18th day of FEBRUARY, 1958.

E. Mitchell
 President

W. A. Intergreen

W. H. Decker

R. H. Hartzog

C. Lynn Fox
 Commissioners