

ORIGINAL

Decision No. 57175

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 UNION PACIFIC RAILROAD COMPANY, a
 corporation, for an Order of Exemption
 from the provisions of General Order
 No. 26D in connection with the pro-
 posed installation of a platform with
 an impaired clearance from the nearest
 track in a proposed new freight station
 at East Los Angeles, Los Angeles County,
 California.

Application No. 39954

E. E. Bennett and Malcolm Davis for applicant.
George W. Ballard for the Brotherhood of Railroad
 Trainmen - A.F.L.-C.I.O.; P. I. Hylton for
 the Order of Railway Conductors and Brakemen;
 protestants.
C. E. Milne for the Public Utilities Commission
 staff.

O R D E R

Public hearings were held in this matter on June 24 and 25, 1958, in Los Angeles, before Examiner Grant E. Syphers, at which time evidence was taken and on the last-named date the matter was submitted. It now is ready for decision.

The Union Pacific Railroad Company proposes to construct a new freight station at East Los Angeles in the County of Los Angeles, which station will consist of an office building, a salvage area, a block office, a dock approximately 1,326 feet in length, and three railroad tracks running parallel to the dock, each being 1,300 feet long. The tracks will be of standard construction with 13-foot centers. The dock will be 3 feet 9 inches in elevation above the top of rail.

The problem presented by these proceedings is that the track nearest the dock is proposed to be constructed at a distance of 5 feet 9 inches from the center of the track to the edge of the dock. General Order No. 26D of this Commission provides in Section 3.4 thereof for a minimum width clearance of 7 feet 6 inches from the center line of tangent standard gauge railroad track to the edge of any platform which is more than 8 inches and 4 feet or less in height above the top of rail.

The issue, therefore, is whether or not the applicant railroad should be permitted to construct the dock and track with such an impaired side clearance.

The testimony discloses that the normal widths of freight cars in present use vary from 10 feet 6 inches to 10 feet 10 inches. As a matter of fact, General Order No. 26D, in Section 3.9 thereof, provides as follows: "Minimum side clearances authorized in this section are applicable to tracks on which freight cars having a width not greater than ten (10) feet ten (10) inches are transported ..."

According to the record, under the standard lateral clearances, as provided in the General Order, a car of 10 feet 10 inches in width would leave a clearance of 25 inches between its side and the edge of a platform 7 feet 6 inches from the center of the track, whereas the same car would only leave a width of 4 inches if the clearance were reduced to 5 feet 9 inches as is proposed here. The railroad proposes to mark a white line on the dock 8 inches from the edge thereof so that any freight which is stacked on the dock will be placed back of this line, or any employees on the dock will stand back of this line.

The applicant railroad, by its evidence, attempted to show that this impaired clearance would promote safety of operations and would facilitate the loading and unloading of cars. Its position was that the safety of operations would be promoted since the side clearance of 4 inches would prohibit a trainman or other worker being caught between the dock and the side of a car. Furthermore, all engines going into the dock would be headed in an easterly direction which, in view of the proposed construction, would mean that the engineer would be on the side of the engine away from the dock. Accordingly, the railroad contended that the switching crews would normally work on the side of the train away from the dock. Furthermore, the applicant proposed safety precautions in that all trains would stop before entering the freight house and appropriate warning signs and signals would be provided so that the train crew would not be on the dock side of the train.

As to convenience, it was contended that by having the train close to the dock, loading and unloading of the cars would be greatly facilitated. Shorter loading ramps could be used between the dock and the cars and there would be less likelihood of freight falling on the ground. Likewise, the possibility of a dock worker falling in the space between the dock and the side of the car would be practically eliminated. The railroad further pointed out that this type of construction is permitted in other areas, and cited two instances where the applicant railroad now has docks with such an impaired clearance.

In opposition to the proposal, testimony was presented to the effect that the principal purpose of the minimum clearances as provided by the General Order is to allow sufficient space between

the side of the car and any obstruction so as to permit the train crew to work therein. If this clearance were reduced to 4 inches, as proposed, it might be possible for a man to catch a foot therein or to be knocked off of the car. Furthermore, there would be additional space at the end of each car in which a man or an object might become caught. It was also testified that while train crews might ordinarily work on the side of the train on which the engineer is located, yet this is not always the case, and it is entirely possible that men might attempt to work on the other side of the train.

As to the convenience of loading and unloading cars, it was pointed out that the use of shorter loading ramps would be possible only for loading and unloading those cars which were on the track immediately adjacent to the dock. For cars located on the other two tracks, the conventional loading ramps would be required so that freight could be moved from these cars through the cars nearer to the dock, thence to the dock itself.

A consideration of all of the evidence presented herein leads us to conclude and we now find that the proposed impaired clearance should not be permitted. The purpose of General Order No. 26D is to provide sufficient clearance for safe operations. Its provisions are applicable to clearances in relation to carrier and shipper docks, and we do not deem it advisable at this time to permit a variation for a major carrier dock as is proposed here and at the same time enforce the provisions of the General Order for other docks. While there was testimony as to varying clearance requirements in other jurisdictions, we now make our findings based upon our best judgment as to the requirements of safety in the State of

California. It would not be in the public interest to permit an impaired clearance as is herein proposed. The application will be denied.

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 in the public interest,

IT IS ORDERED that the application be and it is denied.

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

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

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.