

ORIGINAL

Decision No. 57286

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BROTHERHOOD OF RAILROAD TRAINMEN,
Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
a corporation,

Defendant.

Case No. 6091

D. W. Brobst, for complainant.
E. D. Yeomans, for respondent.
Thomas V. Tarbet, Department of Public Utilities
& Transportation of the City of Los Angeles;
Charles H. Lang for the Brotherhood of Railroad
Trainmen; and William V. Ellis for the
Brotherhood of Locomotive Firemen and
Enginemen; interested parties.
L. E. Hull for the Commission's staff.

O P I N I O N

Public hearings in this matter were held before Examiner Grant E. Syphers on July 9, 1958, at Los Angeles, California, at which time evidence was adduced. The matter now is ready for decision.

Decision No. 55974, dated December 16, 1957, in Application No. 3346, provides for certain restrictions on the movements of cars along Alameda Street during specified hours. One of these restrictions limits the number of movements which may be made on Alameda Street between the hours of 2 p.m. and 4 p.m. There is a further provision in the order which reads, "When especially urgent movements are involved, the Board of Public Utilities and Transportation may grant special permission upon request."

The complaint alleges, and the evidence discloses, that an excess number of movements were made on January 9 and 10, 1958, between the hours of 2 p.m. and 4 p.m., in that five movements were made during these hours on each of these two days. Likewise the evidence discloses that special permission was not obtained from the Department of Public Utilities and Transportation of the City of Los Angeles.

The railroad conceded that these movements were made, but in defense thereto presented testimony that they were made unintentionally. Decision No. 55974, supra, became effective January 6, 1958, and on that date a bulletin was issued by the defendant railroad instructing the employees involved to observe the Commission decision. According to the railroad witness, there was some confusion in the initial stages of this operation, and the movements on January 9 and 10 were made inadvertently. It was further testified that this situation has been corrected and that as a regular practice the railroad now makes no moves whatsoever on Alameda Street between the hours of 2 p.m. and 4 p.m. except on rare occasions. In these instances it obtains permission from the Department of Public Utilities and Transportation of the City of Los Angeles.

A representative of the City pointed out that when calls are received requesting authority for special movements there is a check made as to whether traffic conditions will permit such movements.

In the light of this record we now find that the railroad was in violation of Decision No. 55974. This decision was one which was issued with a view towards prohibiting unsafe practices. The ensuing order will direct the railroad to cease and desist from any further such violations.

O R D E R

Complaint as above entitled having been filed, an answer thereto having been made, public hearing having been held thereon, the Commission being fully advised in the premises and hereby finding it to be in the public interest,

IT IS ORDERED that the Southern Pacific Company be and it hereby is directed to cease and desist from any further violations of Decision No. 55974, dated December 16, 1957, in Application No. 3346.

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

Dated at San Francisco, California,
this 2nd day of September, 1958.

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

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.