

**ORIGINAL**Decision No. 62994

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the adequacy and  
sufficiency of seating space in  
passenger cars operated by Southern  
Pacific Company between points in  
California.

Case No. 6855

Randolph Karr, for Southern Pacific Company,  
respondent.

Leonard M. Wickliffe, for the California State  
Legislative Committee of the Order of Railway  
Conductors and Brakemen; James E. Howe,  
representing G. W. Ballard, for the California  
Legislative Board of the Brotherhood of Railroad  
Trainmen; and William V. Ellis, for the  
California State Legislative Board of the  
Brotherhood of Locomotive Firemen and Enginemen,  
interested parties.

William C. Bricca and William Peters, for the  
Commission staff.

INTERIM OPINION

On August 23, 1960, this Commission issued its order instituting investigation into the adequacy and sufficiency of the equipment, facilities, practices and service of Southern Pacific Company in connection with the remodeling and respacing of seats in passenger cars used by it for the transportation of passengers between points in the State of California.

Public hearings in this matter were held before Examiner Wilson E. Cline in San Francisco on April 4, 5, 6 and 7 and May 1 and 16, 1961. At the conclusion of the hearing on May 16, 1961, counsel for respondent moved that the matter be continued to a date to be set at the request of the Commission staff or the respondent, or on the Commission's own motion, in order to give the respondent an opportunity to reconvert one or two of its passenger cars from

a seat spacing of 35½ inches to a seat spacing of 39 inches and the Commission staff an opportunity to inspect the cars to determine if such spacing would be satisfactory. The motion was granted and the matter was continued to a date to be set.

On October 19, 1961, by Commission letters, copies of a supplemental report prepared as a proposed exhibit by the Transportation Division, Engineering Operations Branch, concerning the seat spacing on Southern Pacific lightweight chair cars were forwarded to all appearances and several other parties interested in this proceeding.

This supplemental report stated that on June 14, 1961, articulated cars Nos. 2406 - 2407 were inspected at the West Oakland yard, and on September 27, 1961, a single unit car No. 2202 was inspected at the Mission coach yard in Los Angeles; the seats in these three cars having been respaced to a distance of 39 inches. This supplemental report contained findings, conclusions and recommendations as follows:

"It was found that with the 39-inch spacing, the recline distance of 8½ inches has been restored and it is again possible to reverse the seats. It was also found that in the cars inspected there is now a reasonably satisfactory seat alignment with the windows.

"With regard to passenger comfort the 39-inch spaced seats result in a substantially less cramped leg position than do the seats spaced at 35½ inches, but they are not as comfortable as the seats in the cars where the original spacing of 41½ inches has been retained.

"From the inspections that have been made, it is concluded that the contour of the seats and location of

the foot rests in the "Daylight" type car are designed for a minimum spacing of approximately 41½ inches.

Closer spacing does not give the same standard of service as previously provided and thus must be considered a downgrading of service to that extent. The company has approximately 32 cars in operation with the 35½-inch spacing and for these cars at least, conversion to 39-inch spacing would represent an increase in service standards presently provided.

"It is recommended that the company be ordered to reconvert from 35½-inch spacing to 39-inch spacing, the 32 coaches with 35½-inch spacing.

"The conversion of cars with 41½-inch spacing should be deferred until the 32 cars have been completed, placed in service, and public reaction determined."

The letters of transmittal dated October 19, 1961, stated that if no objections or requests for public hearing were received on or before November 10, 1961, consideration might be given to the issuance of an interim order without further hearing with respect to 39-inch spacing of seats in chair cars in accordance with the staff recommendations on page 3 of the report.

No objections to the report or requests for public hearing have been received to date. The said Supplemental Report on Investigation of Southern Pacific Company's Program for Increasing the Seating Capacities of Lightweight Chair Cars dated October 1, 1961, and the memorandum of transmittal dated November 16, 1961, from the Director of Transportation to the presiding Commissioner and the Examiner are hereby received in evidence in this proceeding

as Exhibit No. 33, and the above quoted findings, conclusions and recommendations are hereby approved and adopted by the Commission.

INTERIM ORDER

Good cause appearing,

IT IS HEREBY ORDERED that:

1. Respondent, Southern Pacific Company, is hereby ordered to reconvert the following numbered lightweight passenger chair cars to 39-inch spacing between seats in a manner similar to the previous reconversion of cars Nos. 2202, 2406 and 2407:

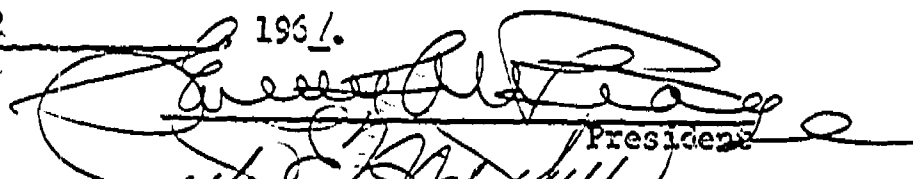
2359	2412	2469
2382	2413	2470
2395	2414	2473
2485	2415	2474
2495	2416	2479
2403	2417	2480
2409	2420	2496
2410	2421	2497
2411	2453	2498
	2454	2499

2. Respondent is ordered to defer any further reduction of seat spacing of passenger cars with 41½-inch spacing until further order of this Commission.

3. This matter is continued to a date to be set at the request of the Commission staff or the respondent, or on the Commission's own motion.

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

Dated at San Francisco, California, this  
29th day of DECEMBER, 1961.

  
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George E. Hoover  
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Frederick B. Holshoff