

ORIGINALDecision No. 65337

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations and
practices of CENTRAL CALIFORNIA
TRACTION COMPANY, a corporation,
with respect to the use in service
of cabooses in conformity with
provisions of General Order No. 114.

Case No. 7500

Geo. M. Lorenz and Robt. D. Cowger, for Central
California Traction Company, respondent.

James E. Howe and G. W. Ballard, for Brotherhood
of Railroad Trainmen; Leonard M. Wickliffe, for
California State Legislative Committee, Order
of Railway Conductors and Brakemen, interested
parties.

Hugh N. Orr and Claude W. Carlock, for the
Commission staff.

O P I N I O N

This investigation was instituted by the Commission on
December 4, 1962 and was heard and submitted before Examiner
Thompson at San Francisco on January 24, 1963.

The principal issue here is whether respondent has operated
any caboose in service within the State of California since October 2,
1962 in violation of the provisions of General Order No. 114. The
general order (Appendix A of Decision No. 62558 in Case No. 7002)
was issued September 12, 1961 and prescribes requirements concerning
the construction and the furnishing of facilities and supplies on
cabooses so as to promote and safeguard the health and safety of
railroad employees. Certain requirements were to be fulfilled prior
to October 2, 1962; others, which involve major reconstruction of

cabooses, are to be met by October 2, 1963. We are concerned here only with the former.

Respondent is jointly owned by Western Pacific Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company. Its operations generally are between Sacramento, Lodi and Stockton.

A member of the Safety Section of the Commission made an inspection of five cabooses on November 13, 1962. He testified concerning the inspections he had made and the results thereof. The general manager of respondent testified concerning the operations of the cabooses and the conditions of said cabooses as of the date of the hearing.

Respondent owns five cabooses, one of which has not been used in service by respondent. Normal operations require the use daily of at least two cabooses. During the period September 1 through October 15 each year the traffic moving on respondent's line requires the use of more than two cabooses. During the period October 2, 1962 to and including November 13, 1962 respondent conducted train operations requiring the use of cabooses other than for use as rider cars in yard transfer movements having a one-way route mileage of 16 miles or less.

The Commission finds that, on November 13, 1962, the four cabooses available to respondent for train operations were in the following conditions:

Caboose No. CCT 20

1. All eight wheels were made of cast iron.
2. The window glass on the side windows measured approximately five-sixteenths of an inch in thickness and was not safety glass.
3. The caboose had a cupola on which wind deflectors were not affixed on either side.
4. The windows were not weatherstripped or equipped with weatherproof sash.
5. There were no stanchions or grab handles in the interior of the caboose.
6. There was a single water tank with a single spigot which served both as a drinking water dispensing system and a lavatory water dispensing system.

Caboose No. CCT 19

1. Two of the eight wheels were made of cast iron.
2. The caboose had a cupola on which wind deflectors were not affixed on either side.
3. The windows other than the windows in the cupola were not weatherstripped or equipped with weatherproof sash.
4. None of the windows were equipped with shades.
5. There were no stanchions or grab handles in the interior of the caboose.
6. There was a single water tank with a single spigot which served both as a drinking water dispensing system and a lavatory water dispensing system.

Caboose No. CCT 22

1. The cushion on the bunk was 19 inches wide.
2. The caboose had a cupola on which wind deflectors were not affixed to either side.
3. The windows were not weatherstripped or equipped with weatherproof sash.
4. Seven of the windows were not equipped with shades.
5. There was a single water tank with a spigot which served both as a drinking water dispensing system and a lavatory water dispensing system.
6. No fire extinguisher was on the caboose.

Caboose No. CCT 21

1. Four of the eight wheels were made of cast iron.
2. The caboose had a cupola on which wind deflectors were not affixed to either side.
3. The windows were not weatherstripped or equipped with weatherproof sash.
4. The windows of the two doors were not equipped with shades.
5. There were no stanchions or grab handles in the interior of the caboose.
6. There was a single water tank with a single spigot which served both as a drinking water dispensing system and a lavatory water dispensing system.

Respondent was served with a copy of General Order No. 114 on or before September 18, 1961. At all times subsequent to October 1, 1962 the cabooses used in service by respondent were required by General Order No. 114 to be equipped with steel wheels, bunk cushions not less than 24 inches in width, window safety glass, wind deflectors on each side window of the cupola, weatherstripping or weatherproof sash on all windows and doors, shades on all windows except those in cupolas, stanchions, grab handles, or bars at entrances and exits and at other locations within convenient reach of employees moving about the caboose while a train is in motion, facilities for the washing of hands and face at a location where the use thereof will not result in contamination of the drinking water dispensing system, and a fire extinguisher.

We find that during the period October 2 to November 13, 1962 respondent failed to comply with the requirements of General Order No. 114, in the several respects heretofore found.

The member of the Safety Section inspected the cabooses while they were on the caboose track of respondent at Stockton.

They were not attached to trains at the time of the inspection. In addition to the conditions mentioned above, he found that the cabooses were not furnished with certain supplies, such as water, ice, fuel and towels, which are required to be on cabooses while they are used in service. Those supplies ordinarily are placed aboard the cabooses by trainmen prior to departure of the train. The conditions listed above, pertaining to wheels, bunk cushions, wind deflectors and other items, however, are facilities that require installation.

The general manager testified that all of the four cabooses were shopped at various times during the period November 13, 1962 to January 23, 1963 and that modifications were made to correct the deficiencies listed above. He stated that Cabooses Nos. 19, 20 and 21 are now fully equipped so that they comply in all respects with the provisions of General Order No. 114. Caboose No. 22 has been modified so that it has all of the facilities except the wind deflectors. The manager stated that extensive modification of the cupola of that caboose is required in order to comply with Section 2 of the general order which becomes effective October 2, 1963. The cupola has slanted sides which extend inward toward the center line of the car more than three inches from either side of the caboose. The nature of the present construction prevents the installation of effective wind deflectors. He said that Caboose No. 22 is undergoing the structural modification and except under extraordinary circumstances will not be used in service until the structural modification is completed.

Although respondent has modified its cabooses so that they comply with the requirements of General Order No. 114, those

modifications were not initiated until well after the time they were required to be completed. We point out that the general order afforded respondent one year in which to make the modifications. After the time they were to be made, respondent accomplished the modifications in a period of 60 days or less. The delay in complying with the provisions of General Order No. 114, in the first instance, is inexcusable. The cabooses could easily have been placed in proper condition for service prior to October 2, 1962.

The respondent will be ordered to cease and desist from future violations of General Order No. 114. The Commission will cause to be instituted against respondent appropriate penalty actions and also will give consideration to a contempt proceeding.

O R D E R

IT IS ORDERED that Central California Traction Company, a corporation, shall cease and desist from failing to comply with any of the requirements of General Order No. 114.

The Secretary of the Commission is directed to cause a certified copy of this order to be personally served upon respondent.

The effective date of this order shall be twenty days after completion of such service.

Dated at Los Angeles, California, this 7th day of MAY 1, 1963.

George A. Thayer
President

Frederick B. Holdhoff

William W. Bennett

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.