

ORIGINALDecision No. 65476

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the equipment,
maintenance and operation of
caboose by railroad corporations.

Case No. 7002
(Petition for Modification
filed January 18, 1963)

Leonard M. Wickliffe, for California State
Legislative Committee, Order of Railway
Conductors and Brakemen, petitioner.
John J. Balluff and Henry M. Moffat, for
The Atchison, Topeka and Santa Fe Railway
Co.; Wm. R. Denton, for Southern Pacific
Company, respondents.
Geo. W. Ballard, for Brotherhood of Railroad
Trainmen, interested party.
Hugh N. Orr and Claude Carlock, for the
Commission staff.

O P I N I O N

This petition was heard before Examiner Thompson at Los Angeles on April 10, 1963, and was submitted April 16, 1963, on the filing of late-filed Exhibits 8 and 9.

In Decision No. 62552, dated September 12, 1961, in this investigation the Commission ordered every railroad corporation to place in each caboose used in service an equipment defect and repair register for a period of one year. The California Legislative Committee of the Order of Railway Conductors and Brakemen, hereinafter sometimes called Conductors, has petitioned the Commission to require the railroads to continue the use of the equipment defect and repair register. Respondents The Atchison, Topeka and Santa Fe Railway Co. (Santa Fe) and Southern Pacific Company (SP) oppose this petition. Brotherhood of Railroad Trainmen, hereinafter sometimes called Trainmen, and the Commission staff support the granting of the petition.

In the original proceedings in this investigation a proposed report was issued by the presiding officer. The findings in the proposed report were approved and adopted by the Commission in Decision No. 62558. The proposed report recites:

"An equipment defect and repair register would assist in maintaining cabooses in accordance with the minimum requirements of the General Order. [General Order No. 114.] I find that the order herein, as distinguished from the General Order to be promulgated, should provide for an experimental period of one year in which cards for registering defects and repairs shall be placed in all cabooses. If this trial period demonstrates that the cards can be successfully utilized, any party may request that provisions for their permanent use be included in the general order."

The affirmative evidence offered by petitioner consists of a statement by its representative that the members of train crews represented by Conductors have found the equipment defect and repair register to be successful as an aid to the maintenance of cabooses. This statement was supported by Trainmen which represents other members of train crews employed by respondents.^{1/} It was indicated that the register is of assistance to the train crews because it enables a crew going on duty to determine if defects that had been reported have been repaired, and when defects are encountered, such as a rough-riding caboose, an examination of the defect and repair record sometimes can be of assistance to the conductor in deciding whether some action should be taken prior to the end of the run.

Santa Fe contends that the defect and repair register has not contributed towards the effective maintenance of cabooses and that it is merely a duplication of reports required by its

^{1/} Conductors and Trainmen both represent conductors and brakemen employed by respondents.

operating rules. For over twenty years its operating rules have provided that conductors shall prepare a report of defective cars. The form used for that report is called a Form 1523. The report is made in duplicate; one copy is to be handed to the car inspector immediately on arrival at the terminal station, the other is to be forwarded to the trainmaster with the trip report prepared by the conductor. The operating rules also provide for the use of a report by wire if the defect is of such a nature as to require immediate action.

Santa Fe's general master mechanic testified that his department works from the Form 1523 rather than from the caboos defect and repair register (called by Santa Fe the CD-10 card). He has found that there have been inconsistencies in the reports shown on the Form 1523 and on the CD-10 cards. He stated that in his opinion the CD-10 card's principal function is to record gratuitous comments intended to be humorous. He pointed out some of the comments on the CD-10 cards received in evidence as Exhibit 9. On cross-examination he stated that the instructions to employees concerning the use of the CD-10 card consisted of a recitation of the directions contained in Decision No. 62558.

It is apparent that Santa Fe placed the CD-10 cards on cabooses because of the Commission's order but has made no effort to prescribe rules for their use. Under such circumstances the equipment defect and repair registers would not be of any assistance to the company. Exhibit 9 shows that the conductors employed by Santa Fe have recorded defects on the CD-10 cards and, aside from a few gratuitous comments, the entries indicate that

the conductors are serious in making reports of defects. The CD-10 card for Caboose No. 1888R has the following entries:

<u>Date</u>	<u>Train</u>	<u>Conductor</u>	<u>Defect</u>
6/18	SRX-Q	Kobel	Cab vibrates above 30 m.p.h. writing not possible.
8/ 7	226 East	Pratt	Rough wheels and jittery rider - See Report 6-18 above.
8/ 8	X.E.	Noblock	Rough rider.
9/10	SWS-8	Dorn	Trucks out of balance. Too much vibration.
9/16	Ba34P	G (illegible)	Caboose should be shopped unable to write above 30 m.p.h.

The CD-10 card shows that the caboose was inspected by a repairman at Los Angeles on June 26, at Barstow sometime between June 26 and August 7, at Barstow sometime between September 10 and September 15 and was shopped sometime after September 16.

In this instance the CD-10 card should indicate to management that its procedures for the reporting of defects of cabooses or the repairs of those defects are not functioning properly. The above illustrates that the CD-10 card can be an effective tool to be used by management. It also illustrates the contentions of Conductors and Trainmen that the equipment defect and repair register is of value to the train crews. The continuation of the use of the CD-10 card will not be burdensome to Santa Fe. Its use does not preclude the company from continuing the use of the Form 1523 to report defects to the car inspector and the trainmaster. If Santa Fe desires to prevent further gratuitous comments from being placed on the CD-10 cards it needs only to issue rules concerning the use of the cards and enforce them.

We find that the equipment defect and repair register provided for in Decision No. 62558 can be successfully utilized

and that provisions for its permanent use should be included in General Order No. 114. We also find that respondents should be required to issue reasonable regulations for the use of the equipment defect and repair register.

O R D E R

IT IS ORDERED that:

1. Effective ninety days after the date hereof, General Order No. 114 is hereby amended to provide:

"Sec. 19 Caboose Defect and Repair Register

An equipment defect and repair register comprising a card or paper having thereon spaces to record the date and train upon which a defect occurs, the name of the person reporting the defect, the date and place at which the defect is corrected and the name of the person making the repair, shall be placed in each caboose used in service. The railroads shall provide reasonable regulations for the use of the register which shall include a provision for maintaining in each caboose the record of reported defects for not less than the previous 90-day period."

2. In all other respects General Order No. 114 shall remain in full force and effect.

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

Dated at San Francisco, California, this 28th day of May, 1963.

[Signature] President
[Signature] Acting President

Fredrick B. Halblaff
[Signature]

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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