

DECISION NO. 65685 CASE NO. _____ APP. NO. 45159

ORIGINALDecision No. 65685

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC ELECTRIC RAILWAY)
COMPANY for an extension of time)
and exemptions from General Order)
No. 114.)

Application No. 45159
(Filed February 4, 1963)

Wm. R. Denton, for applicant.
Geo. W. Ballard, for Brotherhood of
Railroad Trainmen, AFL-CIO,
protestant.
Hugh N. Orr and Clent E. Milne, for
the Commission staff.

O P I N I O N

This application was heard and submitted April 10, 1963, before Examiner Thompson at Los Angeles. Pacific Electric Railway Company requests an extension of time until October 2, 1963, in which to comply with Sections 3, 8 and 12 of General Order No. 114 and further requests an exemption from the provisions of Section 9(b) of said General Order. Brotherhood of Railroad Trainmen protests the requested exemption from the requirements of Section 9(b).

General Order No. 114 prescribes regulations establishing minimum safety, health and comfort requirements for railroad cabooses. It was adopted September 2, 1961, by the Commission in Decision No. 62558. Sections 3, 8, 12 and 9(b), involved herein, became effective October 2, 1962. Certain other sections, including Section 2, will become effective October 2, 1963.

Section 3 provides that trucks shall be equipped with steel wheels.

Section 8 requires each caboose to have a bunk of not less than 24 inches in width and not less than 72 inches in length with a cushion of the same dimensions.

Section 12 provides that stanchions, grab handles, or bars shall be installed at entrances and exits and at other locations within convenient reach of employees.

Section 9(b) provides that each cupola side window shall be equipped with a wind deflector.

Section 2 provides that after October 2, 1963, cabooses shall be of either the cupola or bay window type, and in the case of the cupola type the cupola shall not extend inwards toward the center line of the car more than three inches from either side of the caboose.

Applicant has 29 cabooses. Nine (1900 series) are not of the cupola or bay window type. The majority of others have cupolas which extend inwards toward the center line of the car more than three inches from either side of the caboose. In their present state, almost all of the cabooses operated by applicant will not meet the requirements of Section 2. Applicant intends to retire those cabooses, other than those used only as rider cars

in yard transfer movements,¹ on or before October 2, 1963, and to replace them with cabooses that do meet the requirements of General Order No. 114. It is applicant's contention that the expenditure of funds necessary to modify the cabooses which shortly will be retired is unreasonable and is not warranted because of the nature of the operations conducted by applicant.

Pacific Electric Railway Company has approximately 500 miles of track of which 311 miles is considered to be main line track. Except for operations for distances totaling 65 miles, the speed of trains is restricted to 30 miles per hour or less. On the 65 miles of track mentioned above, the train operations are restricted to a maximum speed of 40 miles per hour. The segments of main line included within the 65 miles are:

<u>Between</u>	<u>And</u>	<u>Distance (Miles)</u>
State Street (L.A.)	El Monte	10
La Verne	San Bernardino	28
Bellflower	West Santa Ana	16
Stanton	Huntington Beach	11

The trackage maintained by applicant is almost entirely within the Los Angeles metropolitan area. There are telephones available in close proximity to the tracks over which applicant conducts train operations. There are emergency hospitals as well as ambulance service in the area. Each caboose operated by applicant has a bunk with dimensions not less than 72 inches in length and 18 inches in width.

The cabooses operated by applicant that may not meet the requirements of Section 12 are the nine 1900 series cabooses.

¹ The provisions of General Order No. 114 do not apply to cabooses used as rider cars in yard transfer movements having a one-way route mileage of 16 miles or less.

They do not have stanchions or bars in the interior. Those cabooses do not meet the requirements of Section 2 and will be retired on or before October 2, 1963.

The installation of steel wheels, bunks and stanchions conforming to the requirements of General Order No. 114 will require a substantial expenditure of money. The cabooses on which the installation would be required will be retired on or before October 1, 1963.

We find that:

1. The operation by applicant for the short period of time, to and including October 1, 1963, of cabooses with cast iron wheels at speeds not exceeding 30 miles per hour will not endanger the health, safety or comfort of train crews. ✓

2. The operation by applicant during the short period of time, to and including October 1, 1963, of cabooses with cast iron wheels at speed in excess of 30 miles per hour would create a condition which would seriously endanger the safety of train crews.

3. The operation by applicant during the short period of time, to and including October 1, 1963, of cabooses equipped with a bunk and bunk cushion with dimensions not less than 72 inches in length and 18 inches in width will not endanger the health, safety or comfort of train crews. ✓

4. The operation by applicant of cabooses without stanchions in the interior of said cabooses during the short period of time, to and including October 1, 1963, will not endanger the health, safety and comfort of train crews. ✓

We come now to the matter of the requested exemption concerning the installation of wind deflectors. The cupola windows of applicant's cabooses are equipped with a heavy wire mesh. Except

for comparatively few sections of main line, the trains are operated on, alongside of, and across city streets at very slow speeds. Along these sections of track, the trainmen are not required to observe the train from the cupola nor is there any reason for them to do so. Under those circumstances, wind deflectors would serve no useful purpose. There are sections of track, however, which are not in or around paved areas and which are in areas where dirt and small particles of stone can be raised by wind or the slip stream of a train. In the Northern District of applicant, the sections are in the vicinity of San Bernardino on the main line and on the Corona branch. The caboos regularly assigned to the main line run between Los Angeles and San Bernardino is a bay window type caboose on which wind deflectors are not required. Applicant expects to obtain an additional bay window type caboose which it can assign to the Corona branch. In the Northern District conditions are such that sand and other objects at times are in the air and in the slip stream of the trains. While trainmen are protected from those objects while observing the train from a bay window type caboose, they are not protected when their faces are exposed to the objects while observing the train from an open cupola window. A wind deflector does provide some protection to the trainman when observing the train from an open cupola window.

In applicant's Western District (the area in and about Los Angeles) the operations are conducted at speeds less than 30 miles per hour and are in an area that is almost fully developed. Much of trackage in that district is in or alongside of paved areas such as city streets.

The circumstances and conditions in applicant's Southern District are similar to those in the Western District except that

on the Huntington Beach branch and on the West Santa Ana branch applicant operates at speeds in excess of 30 miles per hour. Also, it is within that district that applicant encounters numerous instances of rock-throwing by children and adults along the line. As stated above, the windows are covered with a heavy wire mesh. The screen is attached so that it opens and closes with the window. In this connection applicant's vice president testified, "So I would much rather have, on the Southern District where we have this rock problem, a good cupola caboose with the cupola windows sealed, closed and covered with heavy mesh." If the windows were in the condition stated by the vice president there would be no reason for the installation of wind deflectors.

The slip stream of a train operated at 40 miles per hour is more likely to pick up dirt and other objects from an unpaved road bed than one of a train operated at speeds of 30 miles per hour or slower. A combination of wind velocity and the speed of a train operated at 40 miles per hour can create a condition which would endanger the eyes and face exposed to the slip stream. It is not unreasonable to assume that a window that is not locked or sealed will be opened and that on the West Santa Ana branch and Huntington Beach branch a trainman may attempt to observe the train from the cupola. The operating rules of applicant do not prohibit observation in that manner nor does the record herein show that such situation does not occur and cannot occur. A wind deflector provides some protection to the trainman from dirt, particles and even rocks striking the area about the cupola window. We further find that:

5. The operation by applicant of cupola-type cabooses without wind deflectors in its Western District will not endanger the health, safety and comfort of train crews.

6. The operation by applicant of cupola-type cabooses without wind deflectors in its Northern District will endanger the health, safety and comfort of train crews.

7. The operation by applicant of cupola-type cabooses without wind deflectors in its Southern District, other than on the West Santa Ana branch and on the Huntington Beach branch, will not endanger the health, safety and comfort of train crews.

8. The operation by applicant of cupola-type cabooses without wind deflectors on the Huntington Beach branch and on the West Santa Ana branch will endanger the health, safety and comfort of train crews.

9. The operation by applicant of cupola-type cabooses without wind deflectors when the cupola windows are closed and sealed, or are protected by a heavy wire mesh so affixed that it may not be opened or removed by train personnel, will not endanger the health, safety and comfort of train crews.

Based on the above findings we conclude that:

1. Applicant should be authorized to depart from the requirements of Sections 3, 8 and 12 of General Order No. 114 until October 2, 1963, subject to the following conditions:

(a) Cabooses used in service between the following stations shall be equipped with steel wheels:

Between State Street and El Monte
Between La Verne and San Bernardino
Between Bellflower and West Santa Ana
Between Stanton and Huntington Beach

(b) Each caboose used in service, other than as a rider car in yard transfer movements, shall have a bunk with dimensions not less than 18 inches in width and 72 inches in length and shall have a cushion of the same dimensions.

2. Applicant should be authorized to depart from the requirements of Section 9(b) of General Order No. 114 subject to the following conditions:

(a) Each cupola-type caboose operated by applicant in its Northern District or on the Huntington Beach branch or the West Santa Ana branch shall be equipped with a wind deflector on each side window provided, however, that no such wind deflector is required when the window is closed and sealed so that it may not be opened by train crews or when the window is covered with a heavy wire mesh affixed in such a manner that it cannot be opened or removed by train crews.

3. In all other respects the application should be denied.

ORDER

IT IS ORDERED that:

1. Pacific Electric Railway Company, a corporation, is authorized to depart from the requirements of Sections 3, 8 and 12 of General Order No. 114 until October 2, 1963, provided, however:

(a) Each caboose used in service between the following stations shall be equipped with steel wheels:

Between State Street and El Monte
Between La Verne and San Bernardino
Between Bellflower and West Santa Ana
Between Stanton and Huntington Beach

(b) Each caboose used in service, other than as a rider car in yard transfer movements, shall have a bunk with dimensions not less than 72 inches in length and 18 inches in width which shall be provided with a cushion of the same dimensions.

2. Pacific Electric Railway Company is authorized to depart from the requirements of Section 9(b) of General Order No. 114, provided, however, that each cupola side window of cabooses used in service, other than as a rider car in yard transfer movements, in its Northern District and on the Huntington Beach and West Santa Ana branches shall be equipped with a wind deflector; however, no such wind deflector is required on any caboose when the cupola side windows are closed and sealed in such a manner that they may not be opened by train crews or when the windows are covered by a heavy wire mesh affixed in such a manner that they cannot be opened or removed by train crews.

3. In all other respects the application herein is denied.

4. The authority granted herein is not to be construed as modifying in any way Decision No. 65375 rendered by the Commission May 7, 1963, in Case No. 7499.

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

Dated at San Francisco, California, this 9th day of JULY 4, 1963.

William B. Brundage
President
George E. Hoover
Fredrick B. Haloloff
Commissioners