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ORIGINAL

Decision No. 68775

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison,
Topeka and Santa Fe Railway
Company, a corporation, and
Los Angeles Junction Railway
Company, a corporation, for
permission to operate freight
cars of an overall height of
17 feet over certain designated
routes in the State of
California.

Application No. 46234

In the Matter of the Application
of UNION PACIFIC RAILROAD
COMPANY, a corporation, for
permission to operate freight
cars of an overall height of
17 feet over certain designated
routes in the State of
California.

Application No. 46268

Robert B. Curtiss, for The Atchison, Topeka
and Santa Fe Railway Company; Marshall W.
Vorkink, for Union Pacific Railroad Company,
applicants.

George W. Ballard, for the Brotherhood of
Railroad Trainmen AFL-CIO; Lynn Fruit, for
J. L. Evans, Legislative Chairman Brother-
hood of Locomotive Firemen & Engineers,
protestants.

Randolph Karr, for the Southern Pacific
Company; Donovan P. Anderson, for the
Order of Railway Conductors & Brakeman,
interested parties.

Ted E. Rogers, for the Commission staff.

O P I N I O N

By Decisions No. 67182 and No. 67183, dated May 6, 1964,
the applicants were granted an exemption from the provisions of
Subsection 2.5 of the Commission's General Order No. 26-D in the
operation of freight cars known as high-cube cars having a height
of 17'0" from top of rail to top of running board over certain

routes in the State of California, subject to certain conditions. Condition No. 9 in each of said decisions provides that the authority contained therein shall expire November 25, 1964.

Subsequent orders extended the time to March 25, 1965. The State Representative of the Brotherhood of Railroad Trainmen opposed further extensions and the matter was set for hearing.

The applications were consolidated and heard before Examiner Fraser at Los Angeles on February 18, 1965, on which date they were submitted.

Subsection 2.5 of General Order 26-D provides that overhead clearance must be increased if freight cars are used which are higher than 15 feet 6 inches above the rails. The purpose of this proceeding is to request an exemption from the provisions of Subsection 2.5 so freight cars higher than 15 feet 6 inches can be used without providing additional overhead clearance.

Normal box cars are 15 feet high and 50-1/2 feet long. The high-cube cars are 17 feet 6 inches high and 85 feet long. They were constructed for the auto industry exclusively and are designed with special removable racks to carry auto parts from the stamp mills to the assembly plants. The Ford Company held a series of meetings during 1963 and early 1964 with the representatives of a committee selected by twenty-three railroads who were most concerned. It was agreed that 430 cars would be built by Thrall and 357 by the Greenville Manufacturing Co. The 787 cars would be placed in a pool located in Buffalo, New York, under the control of the Ford Motor Company so Ford could load the cars in Buffalo and dispatch them anywhere in the country where parts were needed. Delivery of the first 50 cars was made in July of 1964. All 787 cars have been built and all require some modification. On

September 15, 1964 the Interstate Commerce Commission issued its order in Docket No. 34398 which requires the removal of the running boards on the roof of the high-cube cars, the lowering of the hand brake and certain other minor alterations to provide more safety and convenience for those who work on the cars. The railroads were anxious to start making the alterations without delay. Ford Motor Company advised that the cars were needed on a daily basis and would have to be altered near the Ford stamping plant in Buffalo, New York, to avoid any delay in getting the cars to where the changes are made. The Erie Railroad was asked to modify the cars in October of 1964. A month later they advised they could not do the job. It was finally agreed that the work would be done by the Buffalo, New York plant of Transco, Inc.

Transco, Inc. manufactures rail car parts but is a privately owned corporation and has no affiliation with any railroad. It was first contacted on the high-cube car job in November of 1964 and submitted its first bid on December 9, 1964. Further modifications became necessary due to slight changes in design; further bids were submitted and work was started on the first experimental car about January 28, 1965. Inspections were made and the first modified car received its final approval from the Interstate Commerce Commission on February 15, 1965. The delay resulted from a long wait for parts to make necessary last minute changes and for final I.C.C. clearance. It takes about 20 hours to complete the work on a single car. A team of 15 men will be sufficient to modify five cars a day. The modification of all 787 cars should be completed by October 25, 1965 based on a five-day work week.

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High-cube cars are hauled into California every day and are returned to Buffalo, New York empty because they cannot be used to haul anything but auto parts. Applicants do not require members of train crews to walk on the top (running boards) of box cars while the train is in motion. No one has ever been injured on one of these cars and this safety record indicates that future injuries are unlikely during the extension of time requested herein.

Based upon the evidence the Commission finds that due to the shippers insistence it is most practical to have the cars modified in Buffalo, New York; also that if the cars were moved to California for the alterations the applicants would lose the business of the shipper whose special needs prompted the design and construction of the cars. We further find that the time within which to complete the modifications should be extended to October 25, 1965. Based on the findings herein we conclude that the applications should be granted.

O R D E R

IT IS ORDERED that the time limit specified in Condition No. 9 of Decisions No. 67182 and No. 67183 dated May 6, 1964 is hereby further extended to and including October 25, 1965. In all other respects Decisions No. 67182 and No. 67183 shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23rd
day of MARCH, 1965.

Frederick B. Holbrook
President

John E. Hutchins

George H. Hoover

Augustus

William L. Devault
Commissioners