

ORIGINAL

Decision No. 71492

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BROTHERHOOD OF RAILROAD TRAINMEN,)

Complainant,)

vs.)

CENTRAL CALIFORNIA TRACTION)
COMPANY, a corporation,)

Defendant.)

Case No. 8333

Investigation on the Commission's
own motion into the operating
rules and practices of CENTRAL
CALIFORNIA TRACTION COMPANY,
a corporation.

Case No. 8371

George W. Ballard, for Brotherhood of Railroad
Trainmen AFL-CIO, complainant; and for
James L. Evans, Brotherhood of Locomotive
Firemen and Enginemen AFL-CIO, interested party.
W. A. Gregory, for Central California Traction
Company, defendant.
G. R. Porterfield, for Brotherhood Locomotive
Engineers, interested party.
Chas. E. Porter, for Order of Railroad Conductors
and Brakemen, interested party.
John C. Gilman, Lynn Hull, for the Commission
staff.

O P I N I O N

Complainant filed its complaint on January 17, 1966,
alleging that the defendant was operating its trains in an unsafe
manner. Defendant filed an answer on February 4, 1966, denying
the alleged unsafe operation. The matter was consolidated with
the Commission's investigation of the defendant, instituted on
March 22, 1966, and hearing was held on June 30, 1966 in
San Francisco, before Examiner Fraser. The matters were submitted
on July 15, 1966, upon receipt of several late-filed exhibits.

A staff witness testified and introduced Exhibit No. 1, a map of the defendant's railroad system which extends from Sacramento to Stockton, and Exhibit No. 2, which consists of a stipulation of the parties quoted in full below.

- "1. Except within the Stockton Terminal (MP 0 and MP 1.8), between Norton and Youngstown (MP 9.3 and MP 16.4), within the Sacramento Terminal (MP 43 and the end of the main track), and between Lodi Junction and Lodi on the Lodi Branch, where the maximum speed shall not exceed 15 mph, meeting points of engines or trains on the main track shall be coordinated by an officer designated by the carrier and notification provided to crews of trains moving in the same direction. Train and engine crews shall be advised of maintenance crews working on the main track in these areas.
- "2. The conductor (or engineer on light engines) shall make a record of meets on the Time & Delay Report.
- "3. For the purpose of compliance with Conditions Nos. 1 and 2 of this order, radio communication shall be installed and maintained on all locomotives and cabooses, at appropriate fixed locations, and in at least one mobile unit.
- "4. The Central California Traction Company shall issue, and file with the Commission, appropriate instructions to the employees involved setting forth the requirements contained in Conditions Nos. 1, 2, and 3."

It was further stipulated that these conditions could be incorporated in the order to be issued herein by the Commission.

During the hearing the operating brotherhoods introduced Exhibit No. 3 which contained three additional proposed conditions which are set forth below:

- "1. The carrier official coordinating the meeting points of trains shall be required to keep a written record of such instructions.
- "2. Crews shall be notified in writing of any cars or equipment left standing on the main line at any point.
- "3. Instructions shall be issued that all main line switches shall be left locked and lined for the main line."

Defendant's counsel objected to Exhibit No. 3 on the basis that the proposals made therein were either superfluous or unnecessary. It was admitted that Exhibit No. 3 was not distributed prior to the date of hearing and that it was not discussed at the May 17, 1966 meeting when the parties adopted the suggestions set out in Exhibit No. 2. The staff witness stated that Condition No. 1 of Exhibit No. 3 was discussed at the May 17, 1966 meeting of the parties and rejected as unnecessary, since the keeping of information on the meeting points of trains was settled by Condition 2 of Exhibit No. 2. Defendant's counsel stated that the defendant has already adopted the suggestions noted as Conditions 2 and 3 of Exhibit No. 3 in its operating instructions to its train and maintenance crews. Defendant filed late-filed Exhibits Nos. 4 and 5 on July 8, 1966. These exhibits are included in their entirety below:

Exhibit No. 4

"Central California Traction Company

Stockton, California
July 5, 1966

"Bulletin No. 41.

"Effective at once, cars of track material must not be left unattended on the main track.

"G. M. Lorenz /s/
G. M. Lorenz
General Manager".

It was suggested by staff counsel that Bulletin No. 41 (Exhibit No. 4) should be amended by adding the paragraph quoted below. This suggestion was based on testimony from the staff witness that some protection should be afforded disabled cars or engines that might be left unattended on the main track under emergency conditions:

"Train and engine crews or employees operating mobile equipment over the main track shall be advised of the presence of any disabled cars or engines left standing on the main track under emergency conditions."

Exhibit No. 5

"Central California Traction Company

Stockton, California
July 5, 1966

"Bulletin No. 40.

"Effective July 5, 1966, Bulletin No. 29 dated Stockton, California, January 3, 1966, is cancelled and the following will govern,

"Effective at once, all main track switches after being used must be left locked and lined for the main track.

"G. M. Lorenz /s/
G. M. Lorenz
General Manager".

None of the parties suggested that Exhibit No. 5 be amended.

The Commission finds that defendant should amend its operating regulations to include the four suggestions in Exhibit No. 2; that the suggestion in paragraph 1 of Exhibit No. 3 should be rejected for the reason previously stated; that the conditions imposed by paragraphs two and three of Exhibit No. 3 have already been adopted by the defendant; and that Bulletin No. 41, issued by the defendant on July 5, 1966, should be amended by the addition of the extra paragraph submitted by the Commission staff. Defendant should be ordered to incorporate the terms of the agreement in its operating regulations.

O R D E R

IT IS ORDERED that:

1. Central California Traction Company shall amend its operating regulations not later than the effective date of this order unless otherwise stated herein to incorporate the following four conditions:

- (a) Except within the Stockton Terminal (MP 0 and MP 1.8), between Norton and Youngstown (MP 9.3 and MP 16.4), within the Sacramento Terminal (MP 43 and the end of the main track), and between Lodi Junction and Lodi on the Lodi Branch, where the maximum speed shall not exceed 15 mph, meeting points of engines or trains on the main track shall be coordinated by an officer designated by the carrier and notification provided to crews of trains moving in the same direction. Train and engine crews shall be advised of maintenance crews working on the main track in these areas.
- (b) The conductor (or engineer on light engines) shall make a record of meets on the Time & Delay Report.
- (c) By not later than December 31, 1966, radio communication shall be installed and maintained on all locomotives and cabooses, at appropriate fixed locations, and in at least one mobile unit, and its use is authorized for compliance with this order.
- (d) The Central California Traction Company shall issue, and file with the Commission, appropriate instructions to the employees involved setting forth the requirements contained in Conditions Nos. (a), (b) and (c).

2. Central California Traction Company shall require crews to leave all unattended main track switches lined and locked for the main track.

3. Central California Traction Company shall amend its Operating Bulletin No. 41, dated July 5, 1966, not later than the effective date of this order by adding the following paragraph thereto:

Train and engine crews or employees operating mobile equipment over the main track shall be advised of the presence of any disabled cars or engines left standing on the main track under emergency conditions.

4. The requirements of Central California Traction Company's Operating Bulletin No. 41 as amended shall remain in effect until further order of this Commission.

The Secretary of the Commission is directed to cause a certified copy of this order to be personally served upon Central California Traction Company and the effective date of this order shall be twenty days after such service.

Dated at San Francisco, California, this 15 day of NOVEMBER, 1966.

[Signature] President
George G. Crover
Friedrich B. Holoboff
Augustus
Sullivan W. Bennett Commissioners