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ORIGINAL

Decision No. 73863

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Brotherhood of Railroad Trainmen,
Complainant,

vs.

The Atchison, Topeka and Santa Fe
Railway Company, a corporation,
Defendant.

Case No. 8519

Filed August 31, 1966

Brotherhood of Locomotive Firemen
and Enginemen,

Complainant,

vs.

The Atchison, Topeka and Santa Fe
Railway Company, a corporation,
Defendant.

Case No. 8521

Filed September 2, 1966

Order of Railway Conductors and
Brakemen,

Complainant,

vs.

The Atchison, Topeka and Santa Fe
Railway Company, a corporation,
Defendant.

Case No. 8536

Filed September 28, 1966

Investigation of the rules of
The Atchison, Topeka and Santa Fe
Railway Company governing the use
of radio communications in its
railroad operations.

Case No. 8550

Filed October 18, 1966

ORDER OF DISMISSAL

These several matters deal with a question of whether the health and safety of employees and passengers of The Atchison, Topeka and Santa Fe Railway Company and of the public generally require that rules of the company governing the use of radio communication in connection with its operating procedures should be clarified, modified, added to, deleted or otherwise changed.

Since the time that these proceedings were initiated, the company has revised the rules in issue. The present rules have been accepted by the Commission. They are acceptable to the complainants in these matters also.

The Atchison, Topeka and Santa Fe Railway Company now seeks dismissal of the complaints and of the Order of Investigation. On December 15, 1967, it filed a motion to that effect. Regarding any future changes or modifications that the company may have occasion to make in its present rules,^{1/} the company has stipulated as follows:

"Notice of any change or modification in the existing rules and regulations governing the use of radio communication will be given to the Commission fifteen days before the effective date thereof; provided, however, that the Commission may waive said fifteen-day notice period, or any part thereof, for good cause shown."

In the circumstances complainants have agreed to the dismissal of their complaints. The investigation which is the subject of Case No. 8550 should be terminated. Therefore,

^{1/} The present rules are set forth in Exhibit "A" attached to the company's motion for dismissal of the complaints and the Order Instituting Investigation and are reproduced in Appendix "A" heretc.

C. 8519, 8521, 8536, 8550 ds **

IT IS ORDERED that:

1. Cases Nos. 8519, 8521 and 8536 be dismissed and the proceedings in Case No. 8550 be terminated.
2. The Atchison, Topeka and Santa Fe Railway Company shall comply with the provisions of the foregoing stipulation in undertaking to make any changes or modifications in its instructions and rules governing the use of radio communications in connection with its operations within California.

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

Dated at San Francisco, California, this 19th
day of MARCH, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

THE USE OF RADIO COMMUNICATION BY
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

SECTION A: General Instructions

- A-1. Radio communications shall be confined to the conduct of company business.
- A-2. Should trainmen and enginemen at the initial terminal be unable to establish communication between their engine and caboose, the wire chief shall be advised of the inoperative radios. If the radio equipment fails after leaving the initial terminal, the wire chief shall be advised at the first opportunity but not later than at the first open office.

SECTION B: Instructions Applicable to Transmitting and Receiving Train Orders By Radio

- B-1. Operators shall not use the radio to inform a train of the contents of a train order unless authorized by the dispatcher.
- B-2. When available, and except under emergency conditions, train orders advising of the location of bad-order equipment or of speed restrictions and messages relating to the occupancy of sidings and unsafe conditions shall be issued to train and engine crews at their initial station or at any open station.
- B-3. Train orders shall not be transmitted by radio direct to a train unless reception is clear and distinct.
- B-4. When a train order is to be transmitted to a train by radio, the dispatcher or operator shall call the train and state his intention to transmit a train order.

- B-5. When a train order is being transmitted to a train by radio, employees not affected, except in case of emergency, shall not use the radio until the train order has been completed.
- B-6. Before a train order is transmitted, the conductor or the engineman shall give his name, train identification and location to the dispatcher or the operator and state that he understands that a train order is to be transmitted.
- B-7. Train orders transmitted shall be copied in the prescribed form by a member of the train crew or engine crew. Train order blanks shall be made available at on-duty points.
- B-8. Train orders shall not be transmitted by radio to a moving train unless in the judgment of the conductor or the engineman the train order can be copied without interfering with the performance of duties, and the dispatcher has not required the train to stop. Train orders shall not be copied or repeated by an employee operating the controls on a locomotive of a moving train.
- B-9. Subject to the provisions of paragraph B-8, after the train order has been transmitted, the conductor or the engineman shall repeat the train order one to the other, then to the dispatcher or the operator, and the dispatcher shall then issue "complete", the time, and the superintendent's initials.
- B-10. Before a train order is acted upon, both the conductor and the engineman shall have a written copy of the train order and both the conductor and the engineman must understand its contents.

- B-11. Copies of train orders shall be furnished the rear brakeman.
- B-12. Any train order which is not completed and fully understood in accordance with the Rules and these instructions shall not be acted upon and shall be treated as though not sent.
- B-13. The information contained in train orders shall not be acted upon by other than those to whom the train orders are addressed.

SECTION C: Instructions Applicable to Transmitting and Receiving Instructions and Messages Other Than Train Orders by Radio

- C-1. When a message or instruction is to be transmitted to a train by radio, the employee operating the radio shall listen a sufficient interval to be sure that the circuit is not already in use, particularly for distress traffic or for train orders, which have priority status as provided in carrier's paragraph B-5 of these instructions.
- C-2. Prior to the transmission of instructions or messages by radio, the parties shall identify themselves by name, occupation, train or engine number, maintenance-of-way gang number, and their nearest milepost location.
- C-3. Instructions or information relating to the movement of trains or engines received by radio communication shall be repeated to the sending station. All other instructions and messages received by radio shall be acknowledged to the sending station.
- C-4. Any instruction or message which is not repeated or acknowledged and fully understood in accordance with procedures C-1, C-2 and C-3 hereof shall not be acted upon and shall be treated as though not sent.