

ORIGINAL

Decision No. 88288 DEC 20 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES,

Complainant,

vs.

THE ATCHISON, TOPEKA AND SANTA
FE RAILWAY COMPANY, a Corporation,

Defendant.

Case No. 10296
(Filed March 23, 1977)

COUNTY OF LOS ANGELES,

Complainant,

vs.

THE ATCHISON, TOPEKA AND SANTA
FE RAILWAY COMPANY, a Corporation,

Defendant.

Case No. 10349
(Filed June 10, 1977)

Owen L. Gallagher, Attorney at Law, and
Douglas King, for the County of Los
Angeles, complainant.

F. G. Pfrommer, Attorney at Law, for
The Atchison, Topeka and Santa Fe
Railway Company, defendant.

James P. Jones, for California Legislative
Board, United Transportation Union;
and M. Toni Perry, Attorney at Law,
for the County of Orange; intervenors.

INTERIM ORDER

The county of Los Angeles (County) seeks an order of the Commission directing The Atchison, Topeka and Santa Fe Railway Company (AT&SF) to operate passenger train service between Los Angeles and San Diego.

By its motion filed November 21, 1977 County requests an order of the Commission temporarily restraining AT&SF from transferring or modifying its Class 5940-48 locomotives; modifying or removing any "ATS" (Automotive Train Stop) equipment in said locomotives; selling, transferring, or modifying those steam boilers, which were removed from passenger locomotives between 1971 and the present, and which are now in the possession of AT&SF; and transferring or modifying any of its equipment commonly known as steam tender cars or steam generating cars, pending the Commission's rendering its decision or decisions in this proceeding.

The motion is based upon a declaration of Douglas Ring, a deputy in the office of Supervisor Baxter Ward, county of Los Angeles, who alleges upon information and belief that it is defendant's intention to make such alterations or modifications as are necessary to effectively eliminate all 90 mph locomotives from its freight locomotives; that such modifications will be made, in part, with the specific intent of increasing the costs of beginning operations of the service sought in this proceeding; that the increased costs will be so burdensome that County will find it fiscally impossible to subsidize, should it be ordered to subsidize as a condition precedent for the requested service; and that defendant is prepared to take all steps necessary to insure that it is divested of all mechanical capacity to provide the requested service.

Oral argument on the motion was heard before Administrative Law Judge Daly on December 5, 1977 at San Francisco.

County claims that certain discrepancies in the depositions of two representatives of AT&SF prompted County to seek the relief requested. AT&SF argues that it neither owns nor operates passenger locomotives; that although it has nine locomotives geared for 90 mph, they are presently being used in the operation of high-speed freight trains for the transportation of traffic for United Parcel Service and parcel post; and that AT&SF has no intention of changing or modifying these locomotives unless such traffic is lost.

IT IS ORDERED that until further order of this Commission AT&SF shall not (1) transfer or modify its Class 5940-48 locomotives; (2) modify or remove any ATS equipment in said locomotives; (3) sell, transfer, or modify steam boilers, which were removed from passenger locomotives between 1971 and the present, and which are now in its possession; and (4) transfer or modify any of its equipment commonly known as steam tender cars or steam generating cars.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th
day of DECEMBER, 1977.

Robert Batistich
President
William Lyons Jr.
Veronica L. Sturgeon
Richard D. Howell

Commissioners

Commissioner Claire T. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.