

Decision No. 89341**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the use of excess width cars
 by Southern Pacific Transportation
 Company.

OII No. 23
 (Filed August 22, 1978)

Application of Southern Pacific
 Transportation Company for an Exemption
 from the Provisions of General Order
 26D.

Application No. 58316
 (Filed August 29, 1978)

W. Harney Wilson and Harold S. Lentz,
 Attorneys at Law, for Southern Pacific
 Transportation Company, respondent and
 applicant.
James P. Jones, for United Transportation
 Union, California Legislative Board;
Michael J. Leahy, Attorney at Law, for
Northrop Aircraft Group; and David O.
Wente, Attorney at Law, for Lockheed-
 California Company; interested parties.
Peter Fairchild, Attorney at Law, and
Herman W. Privette, for the Commission
 staff.

INTERIM ORDER

The temporary restraining order issued August 22, 1978,
 in OII No. 23 enjoined Southern Pacific Transportation Company
 (Southern Pacific) from operating five excess width cars used in the
 transportation of aircraft sections for Lockheed-California Company
 (Lockheed) and Northrup Aircraft Group (Northrup). Three days of
 hearing were held in OII No. 23 and in Application No. 58316, which
 was submitted on September 5, 1978.

OII 23, A.58316 fc

OII No. 23 has been taken off calendar temporarily. Submission in OII No. 23 awaits the receipt of certain evidence regarding the assessment of penalties against Southern Pacific.

The delivery schedules of the shippers (Lockheed and Northrup) require that shipments of the involved aircraft parts be made in early September and October. It is uncertain whether transportation by airplane can be arranged if rail shipment is prevented. In any event, aircraft transportation is as much as 10 times more expensive than rail transportation. In the case of Northrup this means \$36,000 for transport by U.S. Air Force C-5 on a space-or-plane available basis versus \$3,600 for rail shipment. Northrup is shipping the rear fuselage and vertical stabilizers of the F-18 fighter plane from Southern California to Missouri for final assembly. Lockheed is shipping the flight station (cockpit), the wings, and the stub wing section of the P-3C Orion anti-submarine aircraft from Montreal, Canada, to Southern California for final assembly.

Delays in delivery of the F-18 assemblies will impede the development program of the F-18, a fighter aircraft intended to replace the Phantom. Eight hundred F-18s are to be built over the next 10 years. Delays in the delivery of the P-3C assemblies will delay construction and delivery of some 150 planes to the Governments of Canada, the United States, Japan, and Australia.

In view of the importance of these shipments to our national defense and to our international commitments, and in view of the imminence of these essential shipping dates, the use of the specially designed, excess width cars should be authorized on an interim basis only and subject to certain conditions suggested by our staff. The issuance of this temporary authority will allow the Commission adequate time to fully consider the lengthy record in this proceeding.

Findings

1. The nature of the shipments and the necessary shipment dates constitute this matter as an unforeseen emergency condition requiring action by the Commission more promptly than would be permitted if advance publication were made on the regular meeting agenda.

2. The five excess width cars, identified in OII No. 23, can be operated on a temporary basis with reasonable safety to the public and to railroad operating personnel, equipment, and facilities if such cars are operated subject to the conditions and restrictions set forth in the following order.

3. The temporary restraining order should be vacated for a period of 60 days.

IT IS ORDERED that:

1. The temporary restraining order is vacated for a period of sixty days from the date hereof.

2. Southern Pacific Transportation Company is authorized to operate the five cars identified in the temporary restraining order, subject to the following conditions and restrictions:

- a. Such cars shall be operated subject to the provisions of Section 7 of General Order No. 26-D.
- b. Such cars and any cars containing lading in excess of 10-feet, 10-inches wide shall be blocked together in the train.
- c. Such cars shall not be left standing on tracks where adjacent track centers are less than 15 feet apart.
- d. A train containing such cars shall not meet, pass, or be passed on curves, turnouts, or locations where track centers are less than 14 feet apart by any rail movement in excess of 10-feet, 10-inches wide.

- e. Such cars shall have alternating red and white iridescent 4-inch wide diagonal stripes from floor to top on the end portion which extends beyond 5 feet, 5 inches from centerline.
- f. Movement of such cars shall be expedited and handled in through trains and mainlined wherever operations will permit.
- g. Employees shall be prohibited from riding such cars or on cars moving past such cars on adjacent tracks.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th
day of SEPTEMBER, 1978.

Robert Bateman
President
William J. Gannon
Jean L. Stagg
Charles P. Howell

Commissioners

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