

ORIGINALDecision No. 92641 JAN 21 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Application of THE ATCHISON, TOPEKA) | |
| AND SANTA FE RAILWAY COMPANY for) | Application No. 60009 |
| exemption from General Order 26-D) | (Filed October 17, 1980) |
| commensurate with exemption pre-) | Petition for Interim Exemption |
| viously granted Southern Pacific) | From General Order No. 26-D |
| Transportation Company in Decision) | (Filed January 9, 1981) |
| 89639.) | |

INTERIM OPINION AND ORDER

The Atchison, Topeka and Santa Fe Railway Company (ATSF) seeks exemption from General Order No. 26-D to move two excess-width railroad cars (13 feet wide) over its lines in California. These are Southern Pacific Transportation Company's (SPT) Cars Nos. 598376 and 598380. Authority heretofore was granted SPT to move the same cars over its lines by D.89639 dated November 9, 1978. It is the position of ATSF that operation of these two cars over its lines would not be any more hazardous than their operation over SPT, and if the superstructures had not been fastened to the flatbeds, the cars would not violate General Order No. 26-D (citing Finding 4 of D.89639). ATSF requests that the authority it seeks be subject to the same conditions stated in D.89639.

The two excess-width cars are used for transportation of military aircraft assemblies from the plant of Northrop Corporation (Northrop) which has moved its facility from Hawthorne, California, on SPT to a new plant at El Segundo. This move was necessitated because of projected increased production. The new plant is served only by ATSF. There is a continuing need for rail movement of these cars containing military aircraft assemblies from Northrop to St. Louis, Missouri. Since the authority granted by D.89639 is

restricted to SPT's lines, the aircraft assemblies can no longer be moved by rail unless trucked from El Segundo to a rail car loading point on SPT. This requires physical transfer of the aircraft assemblies from trucks to the two rail cars involved. This adds substantially to the cost of transportation and risk of damage. Because of the oversize nature of the assemblies, the truck movements contribute significantly to congestion on streets and highways.

The application was verified by a vice president of ATSF and was supported by an attached affidavit of Melvin D. McKinney, manager - traffic and transportation, McDonnell Douglas Corporation, St. Louis, the firm for whom Northrop manufactures, and to which Northrop ships, military aircraft assemblies. On December 3 Northrop separately filed corroborating affidavits of Fred J. Sahli, traffic control manager, and Ward Stewart, director FA-18-A development.

On November 3, 1980 the United Transportation Union State Legislative Board (UTU) filed a protest to the application. UTU contends, among other things, that to expand the authorization of D.89639 to another railroad would aggravate an already unsafe condition.

On January 9, 1981 ATSF filed a petition for interim exemption from General Order No. 26-D, urging immediate interim authority. Among other things, the petition states that the movement of aircraft assemblies for the F-18 prototypes is now completed and actual production is beginning. Assertedly, one shipment is scheduled for January 16 and another about February 13; two shipments are scheduled for March and three in April; and by mid-summer, five or six shipments per month will be made.

Immediate authority is needed for the two excess-width cars to move over ATSF on the same terms as would apply if they moved over SPT. The sought interim authority should be granted to and including April 21, 1981. The matter will be set for hearing during the interim period to hear the protest of UTU.

The following order should be effective the date of signature and acted on immediately as facilitating the movement by rail is in the interest of national defense, which constitutes an emergency situation.

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company is authorized to operate Southern Pacific Transportation Company's Cars Nos. 598376 and 598380, to and including April 21, 1981, 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 ten feet ten 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 fifteen 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 fourteen feet apart by any rail movement in excess of ten feet ten inches wide.
- e. Such cars shall have alternating red and white reflective four-inch-wide diagonal stripes from floor to top on the end portion which extends beyond five feet five inches from center line.
- f. Movement of such cars shall be expedited and handled in through trains and main lined 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 JAN 21 1981, at San Francisco, California.

John E. Bayson

President
Richard C. Stoeckle

Samuel M. Smith

Commissioners