

ORIGINAL

Decision No. 92899 APR 7 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA )  
AND SANTA FE RAILWAY COMPANY for )  
exemption from General Order 26-D )  
commensurate with exemption pre- )  
viously granted Southern Pacific )  
Transportation Company in Decision )  
89639. )

Application No. 60009  
(Filed October 17, 1980)

Frederick G. Pfrommer, Attorney at Law,  
for The Atchison, Topeka and Santa Fe  
Railway Company, applicant.  
James P. Jones, for United Transportation  
Union, protestant.  
Frank R. Smith, Attorney at Law, for  
Northrup Corporation, interested party.  
Peter Fairchild, Attorney at Law, and  
Francis Blackwill, for the Commission  
staff.

O P I N I O N

By D.92641 dated January 21, 1981, The Atchison, Topeka and Santa Fe Railway Company (ATSF) was authorized to move two excess-width railroad cars (13 feet wide) over its lines in California on an interim basis to and including April 21, 1981. These are Southern Pacific Transportation Company (SPT) cars Nos. 598376 and 598380. The interim authorization is an exemption from General Order No. 26-D (GO 26-D) and is subject to seven conditions and restrictions. These are the same conditions and restrictions contained in D.89639 dated November 9, 1978 which authorized SPT to operate the same two cars over its lines. The application is protested by the United Transportation Union (UTU).

Public hearing was held at Los Angeles on February 19, 1981 before Administrative Law Judge Norman Haley and the matter was submitted.

The two excess-width cars are used to transport military fighter aircraft assemblies from Northrup Corporation (Northrup) at El Segundo, California, to McDonnell Douglas Corporation (Douglas) at Robertson, Missouri, which is near St. Louis. These are center-aft fuselage sections for the Douglas F-18 Hornet. Prior to the interim authorization in D.92641 Northrup trucked the fuselage sections from its El Segundo plant (located only on ATSF) to Hawthorne (located only on SPT). Nine such truck movements were made. Circumstances which prompted ATSF to seek to operate the two excess-width cars are outlined in the interim decision.

Presentation of ATSF

Counsel for ATSF asserts that the question raised by the application is whether it would be any more hazardous to operate the two excess-width cars on ATSF than on SPT, and if it is not, it would follow that the application should be granted.

Evidence received from ATSF consisted of a statement contained in the application which was verified by R. E. Welk, one of its vice presidents; an affidavit attached to the application of Melvin D. McKimey, manager-traffic and transportation for Douglas; and separate affidavit of Fred J. Sahli, traffic control manager of Northrup, dated December 2, 1980. Counsel for ATSF also introduced three photo exhibits. Exhibit 1 is a photo of a Douglas F-18 Hornet in flight. Exhibits 2 and 3 are photos of one of the center-aft fuselage

sections manufactured by Northrup for Douglas. Exhibit 2 shows a section mounted on a skid ready for loading. Exhibit 3 shows the section loaded inside SPT excess-width car No. 598376. The rear fuselage section includes two jet engine compartments constructed side by side. Mounted above the two engine compartments are two stabilizers canted outboard from vertical. The tops of the stabilizers fit into the upper corners of the excess-width rail car with about two inches to spare on each side.

Four witnesses were made available by the railroad for cross-examination. Two railroad officials familiar with statements in the application were called. Delbert Miller is superintendent of ATSF's Los Angeles Terminal Division which has jurisdiction over the move from the plant of Northrup at El Segundo to Hobart Yard in Vernon. Donald G. McInnes is superintendent of ATSF's Los Angeles Division which has jurisdiction from Hobart Yard to Needles at the California-Arizona line. Messrs. McKinney and Sahli were called relative to their affidavits. Each of the witnesses was cross-examined by counsel for UTU and the staff. Neither of these parties sponsored any evidence.

Further facts disclosed by cross-examination include the following. The delivering carrier at Robertson, Missouri, of the excess-width cars is the Norfolk and Western Railroad. Shipments of fuselage sections are made FOB El Segundo. To date of hearing 16 shipments had been made by rail (plus 2 by air). Douglas is the shipper and the debtor of the freight charges. Upon receipt of billing Douglas pays the Norfolk and Western Railroad the joint through single factor rate for

the through transportation from El Segundo. Freight charges are divided by the railroads among those participating in the through move. Douglas, being the shipper, controls the routing and the interchange points.

Up to day of hearing ATSF had moved two of the excess-width cars empty from SPT's Taylor Yard to El Segundo. On the day of hearing the first loaded move by ATSF was scheduled. Routing and procedure for handling the loaded cars will be for ATSF to pull them from the Northrup plant at El Segundo to the ATSF Lairport run-around track near the plant where they will be set off. Tracks there have minimum 15-foot centers. The cars will be picked up later by the train from ATSF's Watson Yard at Wilmington and taken northeasterly past Redondo Junction<sup>1/</sup> to ATSF's Hobart Yard in the city of Vernon. At that point they will be placed on Western Carloading's lead track for storage until ATSF has an SPT delivery. When it does, the cars will be taken by ATSF to SPT's Taylor Yard in Los Angeles for interchange to that railroad.

An ATSF supervisor of operations is responsible to see that the train crew actually moving an excess-width car, and any other crews affected by the presence or movement of the wide car, are given a blue form clearance message and a copy of the seven restrictions contained in the interim decision. The seven restrictions also are to be attached to the waybill for the car. The same information will be given to ATSF yard supervisors. It is the responsibility of the out-bound crew from Redondo Junction to Lairport to determine through the Redondo Tower where other crews are working with

---

<sup>1/</sup> Redondo Junction is near the intersection of Santa Fe Avenue and Washington Boulevard in Los Angeles.

road switchers, etc., and to notify them through the tower. This notification is in addition to the blue form notification. Procedures to prevent conflicts are published in the ATSF timetable.<sup>2/</sup>

ATSF recently investigated whether there are any obstructions or structures on the route from El Segundo to SPT's Taylor Yard in Los Angeles which may present a problem as far as clearance is concerned in the movement of the excess-width cars. ATSF received computer printouts in Los Angeles from its Chicago clearance bureau. The printouts show a bridge and one curve between Redondo Junction and Hobart Yard. Between Redondo Junction and Mission Tower<sup>3/</sup> there are four curves. The restrictions in the interim decision assertedly can be met when the excess-width cars are moved past these locations.

The excess-width cars cannot be left on tracks with less than 15-foot track centers because of restriction in the interim decision. The record does not show that there are proper facilities in the Los Angeles area (including El Segundo) where the excess-width cars can be interchanged between ATSF and SPT, other than at Taylor Yard.

Douglas has scheduled 24 shipments of fuselage sections in 1981 and that number may be increased. ATSF desires to compete for the long haul and hopes that in the future Douglas will route at least some of the excess-width car movements over its line all the way to eastern railroad connections. ATSF mainline train movements from Hobart Yard to points east to Needles are controlled by the dispatching office in San Bernardino.

---

<sup>2/</sup> ATSF's Los Angeles and Los Angeles Terminal Divisions Time Table No. 11, Rule 93, page 14.

<sup>3/</sup> Mission Tower is in Los Angeles on the route to SPT's Taylor Yard from ATSF's Hobart Yard.

Position of UTU

It is the position of UTU that the two extra-width cars involved are unsafe and that they should not be allowed to operate in California. With respect to this application UTU believes that expansion of the right to operate these cars by including another railroad would be detrimental to the safety of its members operating trains in California and to the general public. UTU had hoped a feasible way could be found to interchange the cars with SPT at El Segundo. As stated above, UTU sponsored no evidence.

Position of Northrup

Counsel for Northrup explained that the product his company produces and is involved in transporting is for the navy and marine corps and is essential to the military defense. He said the military sets production schedule requirements on Douglas and, in turn, Douglas sets those requirements on Northrup. He stated that it is essential from both the standpoint of production and transportation to Robertson, Missouri, that those schedule requirements be met.

Counsel for Northrup commented on testimony of witness Sahli relative to past truck movements. He explained that although it is only four miles by highway from the Northrup plant to the SPT loading point at Hawthorne, and shipments are made between midnight and 6 a.m., there are problems making the move by truck over the route involved. He said that traffic around the airport does not stop at midnight; that there are a number of manufacturing plants in the area that have second and third shifts; and that there is considerable traffic on the thoroughfares. He said that oversize permits obtained from the cities of El Segundo and Hawthorne are revocable and it is a problem to obtain them. Northrup supports the application because it will result in a saving of time and cost.

Position of Staff

Staff takes no position on whether the application should be granted. It believes the decision should make it clear that all provisions of GO 26-D would apply to the operation of the cars in question. In response, counsel for ATSF said he believes that to the extent the general order is now applicable, it should remain so unless a specific exemption is granted.

Findings of Fact

1. By D.89639 dated November 9, 1978 SPT was authorized, among other things, to operate two excess-width cars (13 feet wide) in California. These were SPT cars Nos. 598376 and 598380.
2. By D.92641 dated January 21, 1981 ATSF was authorized to operate the same two SPT excess-width cars in California on an interim basis to and including April 21, 1981.
3. Use of the excess-width cars is required in order to enclose the outer dimensions of Douglas F-18 Hornet center-aft fuselage sections manufactured by Northrup at El Segundo. One of the sections fills an excess-width car with only about two inches to spare on each side.
4. Northrup moved its F-18 fuselage section production from Hawthorne, served only by SPT, to El Segundo, served only by ATSF.
5. If ATSF is not authorized to move the two excess-width cars Northrup will have to truck the fuselage sections from its El Segundo plant to some rail car loading point on SPT such as Hawthorne. This will cause delay in transit to Douglas at Robertson, Missouri.

6. Physical transfer of the fuselage sections from trucks to the excess-width rail cars involved adds to the cost of transportation and to risk of damage.

7. Because of the oversize nature of the fuselage sections involved, truck movements require that special measures be taken which can contribute to congestion on streets and highways in the vicinity of Los Angeles International Airport, even between midnight and 6 a.m.

8. Railroad transportation of the fuselage sections involved between El Segundo, California, and Robertson, Missouri, is essential to the national defense.

9. The two rail cars involved were constructed by permanently welding excess-width bodies to open top (flat) cars.

10. Containers, the same size and shape as the bodies of the two excess-width cars involved, could be temporarily fastened to open top cars and operated by ATSF subject to the provisions of Section 7 of GO 26-D without the type of exemption requested here.

11. All relevant provisions of GO 26-D will apply to movements of the two excess-width cars.

12. Conditions and restrictions in the order in D.92641 will greatly reduce risk to the public, to railroad operating personnel, and to railroad equipment in connection with the operation of the two excess-width cars.

13. The record does not show that it would be any more hazardous to operate the two excess-width cars on ATSF than on SPT.



Conclusions of Law

1. The interim authority in D.92641 should be made permanent.

2. Since ATSF's temporary operating authority expires on April 21, 1981, the following order should be effective immediately.

O R D E R

IT IS ORDERED that the order in Decision No. 92641 is made permanent.

The effective date of this order is the date hereof.

Dated APR 7 1981, at San Francisco, California.

John E. Coyne President  
Michael D. Gendelke  
Leonard J. Smith  
Arthur Calvo  
Priscilla C. Grant Commissioners