

No. 28000 (SUB-NO. 162)

IN THE MATTER OF APPLICATION FOR APPROVAL OF
PROPOSED MODIFICATIONS OF SYSTEMS OR DEVICES
UNDER PARAGRAPH (b), SECTION 25 OF THE INTER-
STATE COMMERCE ACT, AS AMENDED

GULF, COLORADO & SANTA FE RAILWAY COMPANY
MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS
UNION TERMINAL COMPANY
DALLAS TERMINAL RAILWAY AND UNION DEPOT COMPANY
TEXAS AND NEW ORLEANS RAILROAD COMPANY

Decided September 17, 1958

Application of the Gulf, Colorado and Santa Fe Railway and others for approval of the removal of nine interlocked derails within interlocking No. 19 at Dallas, Tex., granted in part.

M. E. Clinton and Donald C. Fitch, Jr., for applicants.

Charles W. Phillips and D. A. Bobo for protestants.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS TUGGLE, MURPHY, AND MINOR

BY DIVISION 3:

By a joint application filed pursuant to section 25 (b) of the Interstate Commerce Act, as amended, the Gulf, Colorado and Santa Fe Railway Company, the Missouri-Kansas-Texas Railroad Company of Texas, The Union Terminal Company, the Dallas Terminal Railway and Union Depot Company, and the Texas and New Orleans Railroad Company seek approval for the removal of nine manually operated derails located at the crossing of the Missouri-Kansas-Texas Railway hereinafter referred to as the Katy, with the track of the Gulf, Colorado and Santa Fe Railway hereinafter referred to as the Santa Fe, at interlocking No. 19, at Dallas, Tex. Collectively, all of the above carriers will be referred to as applicants. Hearing has been held. The granting of the application was opposed by the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors and Brakemen, the Order of Railroad Telegraphers, and the Brotherhood of Railroad Signalmen of America. The parties waived the issuance of a proposed report.

Interlocking No. 19 is electrically controlled from a tower located at the single-track crossing of the Santa Fe with the double track of the Katy. The Texas and New Orleans Railroad Company con-

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nects with the Santa Fe east of tower 19 and with the Katy south of the Katy-Santa Fe crossing. The Union Terminal Company tracks connect with the Katy tracks north of tower 19 and with the Santa Fe east of the tower. The Dallas Terminal Railway and Union Depot Company tracks are used for industrial switching only and connect with the Santa Fe tracks east of the Katy-Santa Fe crossing and east of derails 7 and 8 on the Santa Fe.

This interlocking is jointly owned by applicants herein but, it, and all pertinent facilities including derails and derail machines, are operated and maintained by the Santa Fe. The derails sought to be removed are designated as numbers 4, 7, 8, and 51 on the Santa Fe, numbers 20, 26, 27, and 32 on the Katy and number 86 on the Dallas Terminal Railway and Union Depot Company. These derails were installed in 1918, and when applicants' so-called Dallas Master Plan went into effect in 1947 or 1948 under which certain track rearrangements and other modifications were made, some of the derail machines in this territory, which were considered obsolete, were replaced with new machines. Included in those changes was the replacement of derails 7, 8, 51, and 86 so as to these derails replacement parts therefor are presently available as contrasted with the inability to obtain parts for the older or obsolete derails.

A speed restriction of 20 miles per hour is in effect for trains operating over this crossing. The grade on the Katy tracks at the crossing with the Santa Fe is practically level. The tracks of the Santa Fe ascend eastward from the crossing in the direction of Paris, Tex., and between the crossing and the East Dallas yard, located east of milepost 52, the maximum grade is 1.16 percent. During the month of May 1958 a total of 568 passenger and 641 freight trains were operated on the Katy tracks, and 62 freight trains were operated on the Santa Fe track over the crossing at interlocking No. 19. Santa Fe passenger trains are not operated over this crossing. In addition to the above train movements, an average of 7.8 switch movements were made over this crossing on the Santa Fe track during May 1958. An additional 4,271 switch movements were made within the interlocker area during the same period, but there is no record showing how many, if any, of these movements were over this crossing.

In applicants' opinion the removal of these derails would not increase in any way the hazard of train operation but would on the contrary improve safety by the removal of the hazards incident to the derailment of a train or cars. In addition, they contend, train operation would be improved by a reduction in the number of levers to be operated in the lineup of movements through the interlocking plant and by a lessening of delays resulting from the adjustment or repair of broken switch points and derails. In fact applicants state that their main reason for seeking approval of the instant application is to im-

prove operation and to avoid maintenance and replacement costs of these derails and derail machines. Applicants' witnesses were unable to submit any figures on the cost of maintenance, but they estimated the cost of replacing and installing a new switch and derail machine, at from \$2,000 to \$2,700.

Protestants contend that the removal of these derails will increase operational hazards and particularly direct their objection to the removal of derails 7, 8, and 51. They point out that these three derails are located on a descending grade in a territory where traffic density is heavy. Numerous switching operations are performed on the tracks of the Santa Fe between the East Dallas yard in the vicinity of derail 51, and tower 19. Without these derails any uncontrolled or runaway cars or engines could roll down the descending grade and onto the Katy-Santa Fe crossing at tower 19 and result in a collision with a train that might be on the Katy tracks. While the record shows no instance of derails 7 or 8 avoiding a collision, instances were cited where these derails and derail 51 derailed runaway or uncontrolled cars thereby preventing them from fouling the Katy-Santa Fe crossing.

There are differences of opinion between applicants and protestants as to the safety value of main track derails. This question has been considered by us in a number of cases, each being determined by the particular facts surrounding it, such as traffic density, physical characteristics of the crossing, grades, and type of equipment used. See *Chicago, R. I. & P. Ry. Co. Modification of Systems*, 243 I. C. C. 586, and cases cited therein. The conditions present in the instant case are somewhat different from those present in the above referred to cases in which we have approved the removal of derails on main tracks. Here traffic density is comparatively heavy. Because of the descending grade and the numerous switching movements at the East Dallas yard and on the tracks between tower 19 and derail 51, uncontrolled or runaway engines or cars in the absence of derails 7 and 8, could roll downgrade and foul or proceed upon the Katy-Santa Fe crossing. Retention of these derails would prevent any potential collision or hazard at the crossing. Likewise, retention of derail 51 would derail any loose or runaway cars that might move downgrade from the East Dallas yard. As to the remaining derails here under consideration, there is no indication that their removal will decrease safety or create an operating hazard.

We find that the application insofar as it seeks approval for the removal of derails 4, 20, 26, 27, and 32, and 86 should be granted and in all other respects it should be denied.

An appropriate order will be entered.

COMMISSIONER MINOR was absent and did not participate in the disposition of this proceeding.