

ICC sets conditions for removing electric locks under 136.410

DIVISION 3 OF THE Interstate Commerce Commission has issued a declaratory order (Oct. 3, 1964) stating in effect that a mechanical or electric lock in main track may be removed if train speeds over the switch do not exceed 20 mph or trains are not permitted to clear the main track at such a switch. The Milwaukee Road's petition of June 16, 1964 asked for a declaratory order from the ICC (the following is abstracted from the Federal Register, Oct. 3, 1964, pages 13606-07) . . . so as to remove uncertainty as to whether the order of the Commission entered in Ex Parte No. 171 Rules, Standards, and Instructions for Signal Systems 313 I.C.C. 441, decided April 3, 1961, operates retroactively to authorize removal of locks installed before the date of that order when any one of the excepting circumstances exist and if the order does not presently authorize such removal under such circumstances it seeks an affirmative order so finding; It further appearing that the aforesaid order has no retroactive effect and does not authorize the removal of locks installed before the date of the order, but that such removal would be safe and consistent with the public interest in situations where exceptions (1) or (2) enumerated in the rule apply, provided that certain procedures and actions as herein set forth are accomplished;

It further appearing that the relief herein granted should be made applicable to the entire railroad industry and not just to the petitioner herein;

And it further appearing that hearing on the matters and things involved has been held and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon which said report is hereby referred to and made a part hereof;

It is ordered, Having in mind No. 136.410 of the rules, standards and instructions as revised on April 3, 1961, and the need for removing uncertainty as to the retroactive effect of the order of April 3, 1961, and the need for giving it retroactive effect, acting under the authority of both section 5 (d) of the Administrative Procedure

Act, and section 25 (c) of the Interstate Commerce Act, it is ordered that each rail carrier subject to section 25 of the Interstate Commerce Act, be, and it is hereby authorized to remove electrical or mechanical locks now installed within the purview of No. 136.410 when either exception (1) or (2) of the present rule is satisfied, subject to the condition that the following procedures and actions be accomplished:

1. Each carrier intending to remove a lock under the findings made herein and based on the existence of one or more of the circumstances as set forth in exceptions (1) or (2) as contained in the revised section, shall . . . (take certain steps as set forth under Note 2 in the rule quoted below).

136.410 Locking, hand-operated switch

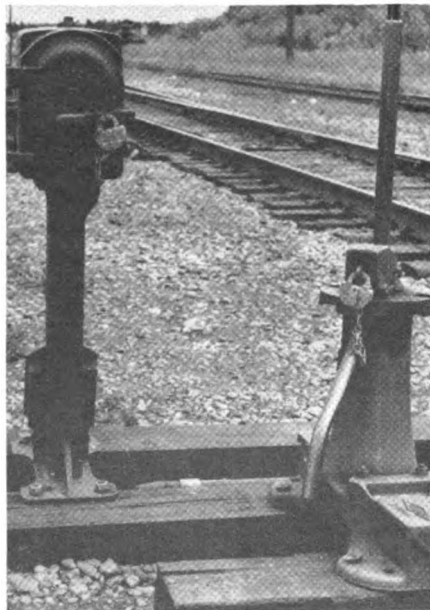
(a) Each hand-operated switch in main track shall be locked either electrically or mechanically in normal position, except where:

(1) Train speeds over switch do not exceed 20 miles per hour; or

(2) Trains are not permitted to clear the main track at such switch; or

(3) Both switch and traffic-control system were installed prior to October 1, 1950.

(b) Approach or time locking shall



be provided and locking may be released either automatically, or by the control operator, but only after the control circuits of signals governing movement in either direction over the switch and which display aspects with indications more favorable than "proceed at restricted speed" have been opened directly or by shunting of track circuit.

Note 1: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

Note 2: Each carrier subject to this rule is hereby authorized to remove electrical or mechanical locks now installed within the purview of Section 136.410 when either exception (1) or (2) of the present rule is satisfied subject to the condition that the following procedures and actions be accomplished:

1. Each carrier intending to remove a lock under the findings made herein and based on the existence of one or more of the circumstances as set forth in exceptions (1) or (2) as contained in the revised section, shall:

(a) Notify the Commission by letter setting forth the location of the lock involved and the specific exception on which removal is based.

(b) Include in the letter to the Commission an assurance that the excepting circumstance relied upon will not be changed without either reinstallation of the electric or mechanical lock, or approval by the Commission of the changed circumstances.

(c) Publish in its Time Table the not-to-exceed 20 miles per hour speed limit covering the area of the switch, when that is the exception relied upon; or, where exception (2) is relied upon, publish either in the Special Instructions part of its Time Table or in separate printed Special Instructions the location of each hand-operated switch where electric or mechanical lock is removed and, where train movements are made in excess of twenty (20) miles per hour, concurrently issuing specific instructions, by stating therein, that trains are not to be permitted to clear the main track at such switch.

2. Following the foregoing, and upon acknowledgement of the letter to the Commission, such acknowledgement to be made promptly as an administrative action by the Commission's Bureau of Safety and Service, and such acknowledging letter to be retained by the carrier as authority for the removal and as a record of the exception on which relied, the lock may then be removed.

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