

ORIGINAL

Decision No. 19158

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Establishment
of regulations governing the filing
with the Railroad Commission of re-
ports of accidents by operators of
automotive passenger stages.

Case 2415.

Morrison, Hohfeld, Foerster, Shuman & Clark
(by Coolidge Kreis) for San Diego Elec-
tric Railway.

Earl A. Bagby for California Transit Company;
Golden Gate Stages, and W. E. Travis,
President of Motor Carriers Association.

C. E. Brown, for Napa Valley Bus Company.

Brobeck, Phleger & Harrison, by F. S. Richards,
for Yosemite Park & Curry Co. and Key
System Transit Company.

Gibson, Dunn & Crutcher (by Paul R. Watkins,)
for Los Angeles Railway Company.

H. D. Turner, for Pacific Electric Railway Com-
pany and Los Angeles Motor Bus Company.

H. W. Regan, for Peninsula Rapid Transit Company.

CARR, COMMISSIONER:

O P I N I O N

This is an investigation on the Commission's own mo-
tion into the reasonableness and proper practice in the matter
of the establishment of regulations by general order for the fil-
ing with this Commission of reports of accidents by operators of
automotive passenger stages.

A public hearing was held in the Court Room of the Com-
mission on October 18, 1927, at which time the matter was taken

under submission.

The motor carriers urged, at the hearing, that physical conditions in regard to accidents resulting from the operation of motor stages and busses were materially different from those occurring at railroads, which difference in conditions rendered the immediate reporting of accidents by stage companies less necessary than the reporting of accidents by railroad companies, as required by the Commission's General Order No. 22 and Supplement No. 1 thereto. Motor stage or bus operation is generally conducted along heavily traveled main highways or streets in company with all other highway and street traffic, whereas railroads generally operate on privately owned right of way with only their own traffic, except at highway intersections.

This traffic condition on highways results in many accidents beyond the control of the motor stage or bus drivers and the responsibility for accidents is often not determined until judgment is rendered by a Court. The amount of traffic on main highways is generally so dense as to require the immediate removal of disabled vehicles from the exact location of the accident, therefore the Commission could not hope to obtain much first-hand information on the ground in most cases, when it is considered that the Commission has not sufficient inspectors to immediately investigate all accidents when notified. In the case of a railroad accident, especially of one of any material importance, the physical conditions are not usually corrected for a number of hours, which permits of a study of the causes leading up to the accident.

Also railroad companies often hold "Boards of Inquiry" on accidents whereas automotive stage companies do not.

Several of the stage companies expressed concern as to

the liability of reports on accidents of a confidential nature being allowed to pass into the hands of unauthorized parties, but this condition is amply protected by Section 28 of the Public Utilities Act.

Due consideration of the record adduced at the public hearing held October 18, 1927, leads to the conclusions that telegraphic advice to the Commission of accidents should only be required in accidents where death or serious injury occur, that monthly reports should be made to the Commission covering any and all classes of accidents that may be required and in such form as the Commission may from time to time prescribe.

The following form of order is recommended:

O R D E R

An investigation having been instituted on the Commission's own motion into the reasonableness and proper practice in the matter of the establishment of regulations by general order of the filing with this Commission of reports of accidents by operators of automotive passenger stages, and the matter being under submission and ready for decision,

The Railroad Commission of the State of California hereby finds as a fact that certain rules and regulations governing the filing with this Commission of reports of accidents by operators of automotive passenger stages, as prescribed in this Commission's General Order No. 81, are reasonable, just and necessary for the public health and safety. Basing its order on the above findings of fact,

IT IS HEREBY ORDERED that from and after the effective date of this order, regulations attached hereto shall apply to the filing with this Commission of reports of certain accidents occurring in connection with the operation of automotive passenger

stages. Said regulations shall be known as General Order No. 81.

The effective date of this order shall be Jan. 15th,
1928.

The foregoing Opinion and Order are hereby approved and
ordered filed as the Opinion and Order of the Railroad Commission
of the State of California.

Dated at San Francisco, California, this 23rd day of
December, 1927.

Edward D.
Keenan

Wm. D. Lewis

M. J. Cox

Commissioners.

GENERAL ORDER No. 81.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Regulations Governing Reports of Accidents of
Automotive Passenger Stages.

Issued by the Railroad Commission of the State
of California in pursuance with Section 44 of the Public Utilities
Act.

Approved December 23, 1927. Effective January 15, 1928.

Accidents Due to the Operation of Automotive
Passenger Stages.

1. Reports by Telegraph or Telephone.

The owner or operator of any automotive passenger stage involved in any accident resulting in death or serious injury to any person or persons shall immediately notify the Railroad Commission by telegraph or telephone and provide the following information: The date, time, place and nature of the accident; the number of persons killed or seriously injured. Notice shall be given to the Railroad Commission sufficiently in advance of the time and place of any investigation or hearing, if any is held, at which testimony or statements of employees or witnesses will be taken, to enable the Commission, or its authorized employees, to attend.

2. Written Reports.

The owner or operator of any automotive passenger stage shall also provide the Commission with monthly reports, in writing, of all accidents in which a person or persons are killed or seriously injured; and if, in the future, it is found desirable to have monthly reports filed of other classes of accidents, the motor carriers shall file such reports upon request of this Commission.

Said reports shall be filed not later than the fifth day of the month and shall contain the following information in full for each accident reported:

1. Name of carrier operating bus or stage.
2. Date of accident and time of day or night.
3. Location of accident. At or near what Town or City, County.
4. Road on which accident occurs, direction of travel and approximate distance from town or city named in 3.
5. Weather conditions and condition of road.
6. Speed of stage.
7. Estimated damage to stage.
8. Number of persons killed or injured (showing whether passenger, employee, etc).
9. Estimated time of disability of injured.
10. Nature and causes of and circumstances attending accident.
11. Name and title of officer sending report.