

**ORIGINAL**

Decision No. 22349

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 on the Commission's own motion into )  
 proposed safety rules and operating ) Case No. 2806  
 regulations governing the operation )  
 of passenger stage corporations and )  
 automotive transportation companies. )

Earl A. Bagby, for the Pickwick Stages System,  
 California Transit Company, Southern Pacific  
 Motor Transport Company, Calistoga and Clear  
 Lake Stages; Golden Gate Stages, Peninsula  
 Rapid Transit Company; Pacific Auto Stages;  
 also for F. D. Howell, Chairman of the  
 Legislative Committee of the Motor Carriers  
 Association of California.

Erobeck, Phleger & Harrison, and Chapman,  
 Trefethen, Richards and Chapman, by Frank  
 S. Richards, for the Key System Transit  
 Company.

Gibson, Dunn & Crutcher, by Woodward M. Taylor, and  
 H. G. Weeks, for the Los Angeles Railway Corporation.

Phil Jacobson for the Motor Freight Carriers Association.

Rex W. Boston for the Asbury Transportation Company  
 and the Motor Truck Transportation Association of  
 California.

Hugh Gordon, for the Motor Freight Terminal Company.

F. D. Howell, for the Motor Carriers Association.

Frank Kerr, for Pacific Electric Railway Company.

James Gunn, for the Board of Public Utilities and  
 Transportation of the City of Los Angeles.

J. D. Reardon, for the Union Oil Company of California.

Warren E. Libby, for Asbury Truck Company.

Don W. Woods, for General Petroleum Corporation of  
 California.

Robert Hutcherson and W. H. Murphy for Associated  
 Oil Company.

C. G. Lane, for Standard Oil Company.

P. R. Naylor and A. P. Sarrels for Rio Grande Oil Company.

R. A. Dutton, for Richfield Oil Company.

L. A. Mc Namara, for the Texas Company.

F. M. Hodge, for San Joaquin Valley Transportation Company,  
 and the Imperial Valley-Los Angeles Express.

R. T. Potts, for Shell Oil Company.

E. M. Crowe, for the Texas Company.

LOUPTHE, Commissioner -

O P I N I O N

This is a proceeding instituted by the Commission on its own motion, for the purpose of determining as to the reasonableness and justness of certain proposed safety rules and operating regulations for automotive passenger stage corporations and transportation companies, as such are defined, respectively, by the Public Utilities Act and the Auto Stage and Truck Transportation Act.

Public hearings were held in San Francisco and Los Angeles, at which the rules and regulations proposed, as amended, to be promulgated were fully discussed. Evidence was also taken and an order of submission made. The matter is now ready for decision.

After full consideration of all of the evidence offered, and the various arguments for and in opposition to the proposed rules, as amended, it is concluded that the rules and regulations set forth in the order herein are just and reasonable, and will, without placing an undue burden on the carriers, assist materially in the safeguarding of the lives and limbs and property of users of public highway transportation, as well as providing a maximum of comfort.

The following order is recommended.

O R D E R

An investigation having been instituted on the Commission's own motion into the operating methods and practices of automotive passenger stage corporations and transportation companies, as such are defined by the Public Utilities Act and the Auto Stage and Truck Transportation Act, for the purpose

of formulating safety rules and operating regulations, and the issuance of a General Order setting forth just and reasonable safety rules and operating regulations, public hearings having been held, and the matter being under submission and ready for decision.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AS A FACT that the safety rules and operating regulations, as set forth in the order herein, are just and reasonable, therefore

IT IS HEREBY ORDERED that from and after the effective date of this order, the following safety rules and operating regulations shall be in full force and effect, said safety rules and operating regulations to be known as General Order No. 86.

Safety rules and operating regulations governing the operation of automotive passenger stage corporations, as such are defined by the Public Utilities Act, and transportation companies, as such are defined by the Auto Stage and Truck Transportation Act.

I - EQUIPMENT:

(a) Speedometer - Every motor vehicle used for the transportation of passengers shall be equipped with a standard speedometer which shall be maintained in good working order.

(b) Windshield Wiper - Every motor vehicle used for the transportation of passengers shall be equipped with an efficient power windshield wiper. All trucks operated by transportation companies shall be equipped with either a hand or power wiper. All wipers shall be kept in good operative condition at all times.

(c) Skid Chains - Every motor vehicle used for the transportation of passengers (except motor vehicles equipped with dual tires or balloon tires mounted singly), shall at all times carry a set of skid chains which shall be applied to the rear wheels whenever necessary.

(d) Fire Extinguisher - Every motor vehicle used for the transportation of passengers shall be equipped with a liquid fire extinguisher of a capacity and a design or type approved by the Commission and such extinguisher shall be kept in satisfactory operative condition at all times.

(e) Mirror and Reflector - Every motor vehicle shall be equipped with a mirror or reflector attached to and so located and adjusted on such vehicle as to give the driver thereof a clear view of the interior of the car and of the highway directly to the rear of the vehicle.

(f) Horn - Every motor vehicle shall be equipped with a suitable horn or other similar warning device.

(g) Turn Indicator - Every motor vehicle operated by a 'Right Hand Drive' shall be equipped with a suitable signal properly installed so as to warn other motorists that the vehicle is about to stop or make either a right or left hand turn.

(h) Tools - Every motor vehicle used for the transportation of passengers shall at all times carry such tools as may be necessary to make usual and ordinary repairs while on the road, except vehicles used in urban service where extra equipment and repair cars are immediately available.

(i) Extra Tires - Every motor vehicle used for the transportation of passengers shall when leaving either terminus be equipped with at least one (1) serviceable extra tire, except vehicles used in urban service where extra equipment and repair cars are immediately available.

(j) Bell Cord or Buzzer - Every motor vehicle (except the touring car type of car seating nine (9) or less persons) used for the transportation of passengers shall be equipped with a bell cord or buzzer to enable passengers to signal to driver when stop is desired.

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#### HEATING, LIGHTING, SANITATION and VENTILATION

(a) Exhaust - The exhaust pipe of every motor vehicle used for the transportation of passengers shall be so installed as to fulfill the requirements of the California Vehicle Act and further, the floor of any motor vehicle used in the transportation of passengers where exhaust is used for heating shall be so constructed and maintained as to prevent exhaust gases from entering the bus through said floor. Where exhaust gases in pipes above the floor line are used for heating the vehicle, no mechanically connected joints of any types will be permitted in such pipes above the floor line of the vehicle.

(b) Sanitary and Clean - Every motor vehicle used for the transportation of passengers shall be maintained in a sanitary and clean condition at all times.

(c) Lighting (Interior) - Every motor vehicle used for the transportation of passengers after sunset and having a covered top or top up, shall maintain a light or lights of not less than two candle-power each within the vehicle so arranged as to light up the whole of the interior of the vehicle, except that portion occupied by the driver.

(d) Heating - All motor vehicles used for the transportation of passengers in cold weather shall be equipped with a suitable safe and effective heating system sufficient to keep the same reasonably comfortable for the occupants. This provision shall not apply, however, to the open upper deck of urban buses.

(e) Ventilation - Every closed motor vehicle used for the transportation of passengers shall be so constructed as to permit of proper ventilation. Openings for ventilators which are in direct line of air stream from side louvers in engine hood, will not be permitted.

### 3 - GASOLINE TANKS

All gasoline tanks of all passenger vehicles, except those of touring car type of car seating nine (9) or less persons, shall be located entirely outside of that part of the body of the motor vehicle utilized for the carrying of passengers with an inlet for filling which shall permit filling from the outside exclusively. Tanks must not be filled while the engine is running.

### 4 - ENTRANCE AND EXIT

Doors, Platforms and Steps - The doors, platforms and steps of all passenger-carrying vehicles used by passengers shall at all times be kept clear for the safe ingress and egress of passengers.

### 5 - INSPECTION

(a) California Railroad Commission - The Commission and its duly authorized representatives shall have the right at any time to enter into or upon any vehicle operating under these rules, for the purpose of ascertaining whether or not said rules are being properly observed. The operator of any such vehicle shall offer such representative of the Commission all reasonable facilities for making such inspection.

(b) Company Inspection - All passenger-carrying vehicles in service shall be carefully inspected daily by a competent inspector and a careful record kept of such inspection and report thereon.

### 6 - QUALIFICATION OF DRIVERS

Every person employed by any automotive passenger stage corporation or transportation company to operate a motor vehicle shall possess the following qualifications, to-wit:

(a) Age - Shall be at least twenty-one (21) years of age.

(b) License - Shall be licensed in accordance with the requirements of the California Vehicle Act.

(c) Personal Qualifications - Shall be physically sound, of good character and fully competent to operate the motor vehicle under his charge.

(d) Experience - Shall have had at least one (1) year's actual experience in operating any motor driven vehicle.

(e) Knowledge of Routes - Shall have full knowledge of the routes over which he operates.

(f) Liquor and Drugs - Shall not drink intoxicating liquors or use narcotics.

7 - SMOKING

(a) By Drivers - No driver or operator of any motor vehicle carrying passengers shall smoke a pipe, cigar, or cigarette in such vehicle during the time he is driving the vehicle.

(b) By Passengers - Smoking or the carrying of lighted or smoldering pipes, cigars or cigarettes, shall not be permitted in any passenger-carrying vehicle, except in such seats or in such compartments as the company may specially designate for smoking purposes.

8 - TRANSPORTATION OF EXPLOSIVES

(a) Transportation of explosives, inflammables or dangerous or injurious gases on vehicles used for the transportation of passengers is prohibited except such as are permitted by law.

(b) Carriers shall not permit hunters or any other person, except those permitted to do so by law, to board common carrier passenger vehicles, carrying loaded firearms.

(c) Carriers may transport moving picture films when such films are encased in safety containers.

9 - TRANSPORTATION OF PROPERTY

The amount of freight, express, or baggage that may be carried in a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to passengers.

Every motor carrier, except urban carriers, transporting passengers, taking possession of a passenger's baggage, shall give to such passenger a baggage check, so numbered or lettered as will enable the carrier to identify passenger's baggage, said check to be surrendered by passenger upon delivery of the baggage.

## 10 - TRANSPORTATION OF ANIMALS

Dogs or other animals transported in vehicle used for the transportation of passengers must be crated or muzzled.

## 11 - DUTIES OF DRIVERS

(a) Collection of Fares - No person driving a motor vehicle used for the transportation of passengers shall collect fares, make change or endeavor to take on or discharge passengers, while such motor vehicle is in motion.

(b) Unnecessary Conversation - Drivers of motor vehicles carrying passengers shall not carry on unnecessary conversation with passengers while the vehicle is in motion.

(c) Soliciting - No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(d) Closing of doors - No passenger stage shall be started until its doors have been closed, nor shall its doors be opened until stage is stopped.

## 12 - SEATING OF PASSENGERS

No greater number of passengers than permanent seats are provided for shall be transported on any piece of equipment used in automotive passenger stage service, except that in an emergency aisle jump seats or stools may be used to the following extent:

3 stools or jump seats in 21-passenger car  
5 stools or jump seats in 25-passenger car  
7 stools or jump seats in 33 (or over) passenger car,

provided, that within a reasonable distance passengers compelled to use the stools or jump seats, because of unexpected transportation demands, shall be provided with regular seating accommodations.

The seat along side of driver shall be used by a passenger only if and when all other seats are occupied.

Drivers and operators shall not allow passengers to ride on the running boards, fenders or any other part of the vehicle than the seats thereof.

No driver or operator of a motor vehicle used for passenger traffic shall permit or allow on the front seat of such motor vehicle more persons than the seat is designated to carry, inclusive of the driver; or permit or allow any person to occupy any other portion of said vehicle forward of the back of the driver's seat.

No person shall be allowed to sit on the front seat to the left of the driver if a left-hand drive motor vehicle, or to the right of the driver if a right-hand drive motor vehicle. No more than one person shall occupy the front seat of any motor vehicle with a touring car body, operated by center control.

13 - STANDERS

Standees shall not under any circumstances be permitted on any motor vehicle other than those operating in urban service and in urban service shall not be permitted, unless the head room in the motor vehicles operating in such service is six feet two inches or in excess thereof. The number of standees which shall be permitted on any motor coach operating in urban service shall not exceed the number which can reasonably and safely be accommodated without crowding, and each standee shall be supplied with a grab handle or other means of support.

14 - TRAILERS

No motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto.

15 - OBLIGATION TO CARRY PASSENGERS

No carrier operating any motor vehicle used for passenger transportation shall refuse to carry any person offering himself or herself at any regular scheduled stopping place for carriage, and who tenders the regular fare to any regular scheduled stopping place on the route of said motor vehicle or between the termini thereof, if allowed to carry such passengers to such points under the certificate for such route, unless at the time of such offer the seats of said motor vehicle are fully occupied or reserved. Said carrier, may, however, refuse transportation to any person who is in an intoxicated condition or conducting himself or herself in a boisterous or disorderly manner or is using profane language.

16 - RAILROAD CROSSING

Drivers of every vehicle operated by automotive passenger stage corporations and by transportation companies, as such are defined, respectively, by the Public Utilities Act, and the Auto Stage and Truck Transportation Act, shall before crossing the tracks of any steam or electric interurban railroad bring such vehicle to a full and complete stop not less than 10 feet, nor more than 50 feet, from the nearest rail of the railroad over which the highway crosses. After making the stop hereby required, the driver or operator of the vehicle shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it has been ascertained that there are no cars or trains approaching the crossing in either direction. This order shall apply at all times except when traffic officers are on duty and directing traffic at said crossing, but it shall not apply at crossings over street railway tracks within municipalities.



After making the stop provided for in this rule, the motor vehicle shall not be placed in a different gear in which start has been made until tracks have been crossed. Coasting on approach to railroad crossings is absolutely prohibited.

17 - HOURS OF SERVICE

No transportation company owning, controlling, operating or managing any motor vehicle used in the transportation of persons or property as a common carrier for compensation shall cause or allow, except in an absolute emergency, any driver or operator of any motor vehicle to work as a driver or operator for more than ten consecutive hours in any twenty-four hour period; provided, that where time between schedules or runs is sufficient to permit of relaxation or relief from duty, the ten working hours may be spread over a total of fifteen hours in any one twenty-four hour period; and, provided, further, that in urban service (as defined in these rules), when said driver at the end of said ten hours is at some point other than a regularly established relief point, the time required for return to relief point, provided it does not exceed one hour, shall not be included in the ten-hour period.

18 - STATION FACILITIES

Every motor carrier transporting passengers shall provide and maintain adequate rest rooms and facilities at sufficient intervals for the accommodation of passengers, which said rest rooms and facilities shall be kept clean and comfortable for the accommodation of the traveling public. Motor carriers, except those whose equipment is provided with toilet facilities, shall be required to stop at such rest stations at least once approximately every hour and forty-five minutes for a reasonable period.

19 - INSTRUCTIONS TO DRIVERS

It shall be the duty of each motor carrier by such method as it may elect, to see that every driver or operator is fully instructed as to the requirements of these rules and of the California Vehicle Act.

20 - BRAKES

(a) Service Brake Every motor vehicle shall be provided with a good and efficient service brake capable of stopping the vehicle in accordance with the provisions of California Vehicle Act.

(b) Emergency Every motor vehicle shall be equipped with a manually operated emergency brake, no part of the rods, levers or connections of which shall be the same or a part of the rods, levers and connections of the service brake.

Such emergency brake shall be maintained in a serviceable condition at all times, and be of sufficient power, when operated, to bring the vehicle to a stop under all conditions of speed, load and grade encountered in the service to which the vehicle is assigned.

21 - SIGNS

(a) All equipment used by automotive passenger stage companies in common carrier service must carry a sign indicating that it is a public automotive stage.

(b) Where schedule is operated in sections, loaded cars going through shall bear a sign indicating, "car following."

22 - LOCKING

No motor vehicle shall be left by the operator or driver with the engine running or the brakes released.

23 - CAREFUL DRIVING

Operators of motor vehicles used in the transportation of persons or property shall at all times operate such vehicles in a safe and prudent and careful manner, having due regard to the traffic and use of the high-way by others. All the requirements of the California Vehicle Act and the safety rules and operating regulations of this Commission must be strictly observed at all times.

24 - URBAN CARRIER

An urban carrier is hereby defined as a carrier whose service is similar to that usually performed by street cars, or a service performed as an extension of or in lieu of street car service, provided such urban service is performed in full or in part in an area whose development is urban; but in no case shall a service be considered urban when the distance between the terminal points served extends over a distance of more than fifteen miles.

25 - EXCEPTIONS

The above rules and regulations are subject to such changes and modifications as the Commission from time to time may deem necessary and advisable, and are also subject to such exceptions as may be considered just and reasonable by the Commission. However, no such exceptions shall be made except upon written authority of the Commission. Exceptions may be granted only on written request from carrier, who in such request must fully set forth good and sufficient reasons for said exceptions.

NOT RETROACTIVE

Nothing in these rules, the observance of which makes necessary the reconstruction of equipment, shall apply to equipment now in use or on order. All equipment not in conformity with the requirements of these rules must, however, be reconstructed to conform or be retired from service within a reasonable time.

IT IS HEREBY FURTHER ORDERED that the safety rules and operating regulations set forth in the order herein shall supersede the safety rules and operating regulations contained in Railroad Commission's Decision No.4814, dated November 6, 1917, and issued on Case No.1110, and

IT IS HEREBY FURTHER ORDERED that General Order No.63 of the Railroad Commission of the State of California be, and it is hereby revoked and annulled.

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 21 day of April, 1930.

O. J. Leary

Leon Coville

W. B. Lott

M. J. Linn  
COMMISSIONERS.