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Decision No. 24641.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion to consider the promulgation of a General Order dealing with regulations governing the stopping of motor vehicles carrying passengers for hire at spur track railroad grade crossings.	Case No. 3160.

ORIGINAL

SEAVEY, COMMISSIONER:

O P I N I O N

This is an investigation on the Commission's own motion to consider the promulgation of a general order dealing with the establishment of signs at certain spur track crossings pursuant to the provisions of Section 135 of the California Vehicle Act, as amended and effective August 14th, 1931.

A public hearing was held on this proceeding at San Francisco on February 26th, 1932, at which time the matter was taken under submission, and it is now ready for decision.

Section 135 (a) of the Motor Vehicle Act, as amended and effective August 14th, 1931, provides, among other things, that drivers of motor vehicles carrying passengers for hire be not required to stop at spur track crossings where, with the approval of the Railroad Commission, distinctive signs are displayed indicating that no such stop need be made unless a train is approaching.

The Commission has for consideration a number of applications from motor vehicle organizations carrying passengers for hire,

asking authority to have established suitable signs, as referred to above, at a great many spur track crossings in the State of California. In response to the legislative act empowering the Commission with authority to approve the type of such signs and the locations where they may be installed and maintained, it was concluded that consideration should be given to the issuance of a general order prescribing a suitable type of sign and the position where it should be maintained with respect to the spur track crossing in question. All interested parties were provided a copy of a proposed draft of a general order which later was presented at the hearing.

The rail carriers represented at the hearing registered their objection to the application of that section of the Motor Vehicle Act permitting motor vehicles carrying passengers for hire to pass over spur track crossings without first coming to a stop under any conditions, whether or not signs are established and maintained at particular locations authorized by the Commission.

The Legislature having authorized the Commission to permit distinctive signs to be displayed at such spur track crossings as it may deem safe for vehicles carrying passengers for hire to cross without coming to a full stop and it appearing that the Commission has full power to determine the particular crossings at which such signs shall be located, it seems proper that the Commission should, by general order, first prescribe a suitable type of sign and outline its general location, in respect to any spur track crossing which later might be approved. Careful consideration will be given to each case where exemption is sought and authority granted for the location of such signs only where the public safety permits.

The record shows that, in the interest of public safety, rules and regulations should be issued governing the movement of certificated motor vehicles carrying passengers for hire over all

spur track crossings where the Commission approves the establishment of such "exempt signs." To this end, a modification will be made by separate order in Section 16 of the Commission's General Order No.86.

Accordingly, the following Order is recommended.

O R D E R

An investigation having been instituted on the Commission's own motion in the above entitled proceeding, a public hearing having been had and the matter now being under submission and ready for decision,

The Railroad Commission of the State of California Hereby Finds as a Fact that public convenience and necessity will be served through the issuance of a general order prescribing the type and location of installation of exemption signs in this state where motor vehicles carrying passengers for hire will not be required to stop before crossing spur tracks, as prescribed by Section 135 of the California Vehicle Act, as amended and effective August 14th, 1931; therefore,

IT IS HEREBY ORDERED that the attached general order, designated as General Order No. 89, will become effective on April 15, 1932.

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 4th day of April, 1932.

C L Seavey

Leon O Whitsell

W. J. Carr

M B Harris

Fred G. Stevenot

Commissioners.

GENERAL ORDER NO. 89.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATIONS GOVERNING THE TYPE AND POINT OF INSTALLATION OF EXEMPT SIGNS WHERE MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE WILL NOT BE REQUIRED TO STOP AT SPUR TRACK RAILROAD GRADE CROSSINGS.

Issued under authority of the Public Utilities Act and Section 135 of the California Vehicle Act.

Approved April 4, 1932. Effective April 15, 1932.

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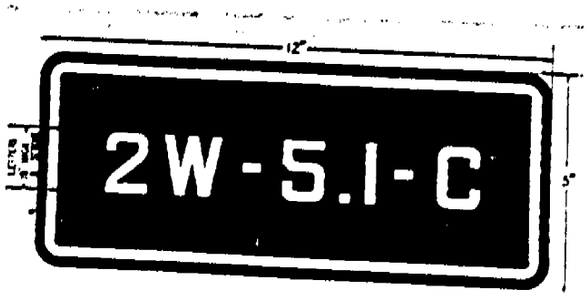
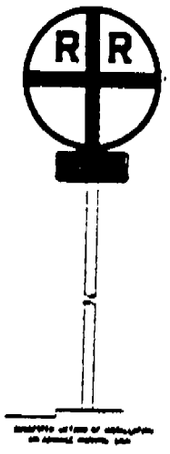
WHEREAS, Section 135 of the California Vehicle Act, as amended and effective August 14th, 1931, provides that motor vehicles carrying passengers for hire are permitted to cross over spur track crossings without coming to a stop where, with the approval of the Railroad Commission, distinctive signs are displayed indicating that no stop need be made unless a train is approaching; therefore,

IT IS HEREBY ORDERED:

I. That the distinctive signs referred to above shall meet the following plan and specifications:





Every such sign shall consist of a metal plate, having a black field with white border and white letters and numerals and having approximately the following dimensions; width of plate, 5 inches, length 12 inches, width of border one-quarter inch, set in one-quarter inch from the outside of the plate. Each sign shall display the crossing number assigned by this Commission to the crossing which the sign governs, in numerals and letters 1½ inches in height and with lines of one-quarter inch stroke.

GENERAL ORDER
No. 89

Railroad Commission of the State of California

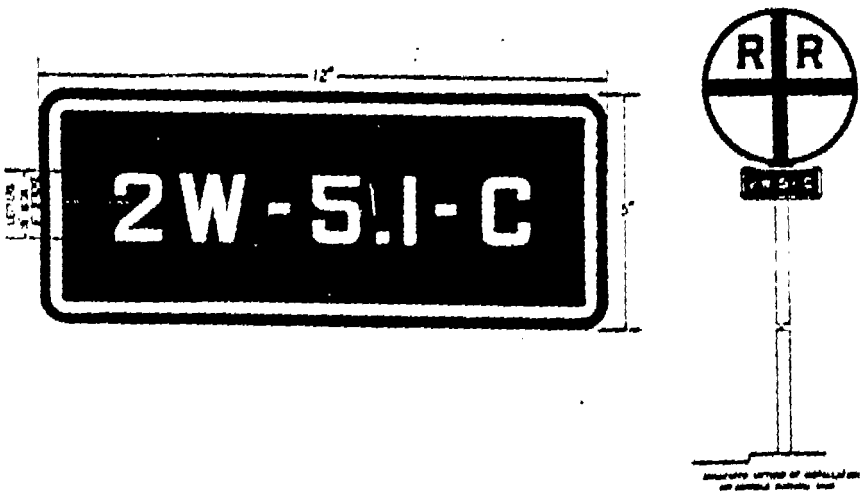
REGULATIONS GOVERNING THE TYPE AND POINT OF INSTALLATION OF EXEMPT SIGNS WHERE MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE WILL NOT BE REQUIRED TO STOP AT SPUR TRACK RAILROAD GRADE CROSSINGS.

Issued under authority of the Public Utilities Act and Section 135 of the California Vehicle Act.
Approved April 4, 1932. Effective April 15, 1932.
Authorized by Dec. 2464. Case 3160.

WHEREAS, Section 135 of the California Vehicle Act, as amended and effective August 14th, 1931, provides that motor vehicles carrying passengers for hire are permitted to cross over spur track crossings without coming to a stop where, with the approval of the Railroad Commission, distinctive signs are displayed indicating that no stop need be made unless a train is approaching; therefore,

IT IS HEREBY ORDERED:

1. That the distinctive signs referred to above shall meet the following plan and specifications:



Every such sign shall consist of a metal plate, having a black field with white border and white letters and numerals and having approximately the following dimensions; width of plate, 5 inches, length 12 inches, width of border one-quarter inch, set in one-quarter inch from the outside of the plate. Each sign shall display the crossing number assigned by this Commission to the crossing which the sign governs, in numerals and letters 1½ inches in height and with lines of one-quarter inch stroke.

II. That such signs shall be installed only at spur track crossings which have been specifically approved by the Railroad Commission and at or near the advance warning sign which is erected for the protection of the grade crossing, as provided by Section 117 of the California Vehicle Act; and in no case shall the special sign be more than four hundred (400) feet, nor less than fifty (50) feet from the crossing. Two such signs shall be installed, one on each side of the crossing over which the motor vehicle operates, except that where vehicular traffic moves in but one direction, one sign only will be required, to be located in advance of the track and on the right side of the highway.

III. That the Commission reserves the right to make such changes in this General Order as conditions seem to warrant.

Dated at San Francisco, California, this fourth day of April, 1932.

H. G. MATHEWSON, *Secretary.*

II. That such signs shall be installed only at spur track crossings which have been specifically approved by the Railroad Commission and at or near the advance warning sign which is erected for the protection of the grade crossing, as provided by Section 117 of the California Vehicle Act, and in no case shall the special sign be more than four hundred (400) feet, nor less than fifty (50) feet from the crossing. Two such signs shall be installed, one on each side of the crossing over which the motor vehicle operates, except that where vehicular traffic moves in but one direction, one sign only will be required, to be located in advance of the track and on the right side of the highway.

III. That the Commission reserves the right to make such changes in this General Order as conditions seem to warrant.

Approved and dated at San Francisco, California, this 4th day of April, 1932.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

By H. G. MATHEWSON,
Secretary.