

Decision No. 22819

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)
 automotige transportation companies.)

ORIGINAL

SEAVEY, Commissioner -

SUPPLEMENTARY OPINION
AMENDING ORDER

In the hearing upon Case No. 3160, a proceeding instituted by the Commission on its 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, where distinctive signs are located with the approval of the Commission in accordance with Section 135 of the Vehicle Act, it appeared from the testimony produced and by concurrence of all parties present that the promulgation of an order permitting exemptions from stopping passenger motor vehicles for hire at grade crossings would present conflict with our General Order No. 86, Rule 16,

General Order No. 89, providing for the type of sign and general location near such spur track crossings at which the Commission may hereafter permit their erection, having been promulgated by the Commission, it is obvious that Rule 16 of General Order No. 86 should be amended to conform with the new situation created by such exemptions when the same are granted.

The rule, as amended in the draft proposed herein, requires the driver to operate his passenger vehicle, within the 100-foot distance before reaching an exempt crossing, at a speed not greater than fifteen (15) miles per hour, thus providing a speed at which a stop may be made within a few feet in case of any need for emergency action. This is consistent in both letter and

spirit with the Vehicle Act. The rule has also been amended by changing the phrase "it shall not apply at crossings over street railway tracks within municipalities" by the substitution of the following: "it shall not apply at crossings over street railway tracks in business or residence districts within municipalities." This change is consistent with Section No. 135 of the Vehicle Act of 1931. The "business or residence districts" are defined by Motor Vehicle Act, Section 28½ (a) and (b) and it is only these defined districts in which the full stop rule may be disregarded by the operator.

As this rule affects two hundred and thirty (230) certificated stage operations under the jurisdiction of the Commission and amenable to General Order No. 26, I propose the following form of order to clarify the duty of each:

SUPPLEMENTARY ORDER NO. 1

Good cause appearing,

IT IS HEREBY ORDERED that Rule 16 of General Order No. 26, promulgated by this Commission by Decision No. 22349 in the instant proceeding, and effective May 11, 1930, be and it hereby is amended to read as follows:

Railroad Crossing.

Drivers of every vehicle operated by automotive passenger stage corporations and by transportation companies, as such are defined, respectively, by any 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 ten (10) feet, nor more than fifty (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 in business or residence districts within municipalities, nor to spur track grade crossings at which exemption signs are maintained by authority of the Railroad Commission, as provided for by General Order No. 89; provided, however, that no driver shall approach within one hundred (100) feet of such exempted crossing, nor cross same at a speed in excess of fifteen (15) miles per hour and shall in all other respects comply with the provisions of the Motor Vehicle Act.

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 crossing is absolutely prohibited.

AND IT IS FURTHER ORDERED that the Secretary of the Railroad Commission send by mail to each passenger carrier under the jurisdiction of the Commission immediate notice of the change herein ordered.

The above Supplementary Opinion amending Order is hereby approved and ordered filed as the Opinion and Supplementary Order No.1 of the Railroad Commission.

For all other purposes the Supplementary Order No.1 herein shall become effective within twenty (20) days from the date hereof.

Dated at San Francisco, California, this 4th day of

April, 1932.

C. L. Starnes
Leon Whittle
W. G. Carr
W. B. Langer
Fred G. Peterson
COMMISSIONERS.