

Decision No. 25355.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on  
the Commission's own Motion in the  
matter of extending the provisions of  
General Order No. 86, as amended, and  
General Order No. 83, in whole or in  
part, so as to apply to automotive  
passenger and/or freight carriers op-  
erating in interstate or foreign com-  
merce; and/or in the matter of revis-  
ing said General Orders Nos. 86 and  
83.

ORIGINAL

Case No. 3275.

- E. E. Bennett, for Interstate Transit Lines, Union Pacific Stages of California and Union Pacific Stage Company.
- H. C. Lucas, L. G. Markel and T. Finkbohner, for Pacific Greyhound Lines.
- W. J. Perry, for Nevada-California Stage Line.
- Richard E. Wedekind, for Pacific Electric Railway Company and Pacific Motor Transport Company.
- A. S. Groocox, for the Board of Public Utilities of the City of Los Angeles.
- D. G. Shearer, for California Interurban Motor Transportation Association.
- G. E. Duffy, for The Atchison, Topeka and Santa Fe Railway Company.
- John Smalley, for Amador Stage Lines.

SEAVEY, Commissioner:

O P I N I O N

This is a proceeding instituted by the Commission on its own motion, for the purpose of extending the provisions of General Order No. 86, as amended, and General Order No. 83 in whole or in part so as to apply to automotive passenger and/or freight carriers operating in interstate or foreign commerce;

and/or in the matter of revising said General Orders Nos. 86 and 83.

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

After careful consideration of all of the evidence offered, it is concluded that the rules and regulations set forth in the order herein are just, reasonable and nondiscriminatory, necessary in the interest and aid of the health, security, safety, convenience and general welfare of the public, and place no undue burden on interstate carriers.

The following order is recommended.

#### O R D E R

An investigation having been instituted on the Commission's own motion in the matter of extending the provisions of General Order No. 86, as amended, and General Order No. 83, in whole or in part, so as to apply to automotive passenger and/or freight carriers operating in interstate or foreign commerce; and/or in the matter of revising said General Orders Nos. 86 and 83, 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, reasonable and non-discriminatory and in the interest and aid of the health, security, safety, convenience and general welfare of the public, 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. 90.

SAFETY RULES AND OPERATING REGULATIONS FOR AUTOMOTIVE  
PASSENGER CARRIERS OPERATING IN INTERSTATE SERVICE

RULE

1. INTERSTATE CERTIFICATE OF REGISTRATION

- (a) Every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged as a common carrier, for compensation, in the ownership, control, operation or management of any vehicle used in the business of transportation of persons over any public highway in this state, through, into or out of the State of California, must obtain an Interstate Certificate of Registration for each and every vehicle before using said vehicle in such service in this state.
- (b) All applications for Interstate Certificate of Registration shall be made in writing, filed in triplicate, verified by the applicant or its managing officer and shall specify and set forth the following matters:
  - 1. The name and place of business in California.
  - 2. The make, seating capacity, engine number and California license number of the vehicle.
  - 3. Statement showing the route over which it is proposed to operate.
  - 4. The names and addresses of both applicant and owner of the vehicle.
  - 5. The name and address of a statutory agent residing in the State of California upon whom the orders of this Commission and all lawful process of any court against such applicant, or owner, may be served.
- (c) A copy of the Interstate Certificate of Registration shall be displayed in a prominent place in each vehicle.

2. 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.
- (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.

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- (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.
- (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.
- (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.

3. 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 type 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

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covered top or top up, shall maintain a light or lights of not less than two candlepower 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.
- (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.

### 4. 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.

### 5. 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.

### 6. INSPECTION

- (a) Railroad Commission of the State of California - 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.

RULE

7. QUALIFICATION OF DRIVERS

Every person employed by a transportation company as defined in Rule 1(a) 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.

8. 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.

9. TRANSPORTATION OF EXPLOSIVES

- (a) Transportation of explosives, inflammable 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.

10. 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.

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11. TRANSPORTATION OF ANIMALS

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

12. 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 motor vehicle shall be started until its doors have been closed, nor shall its doors be opened until stage is stopped.

13. 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 alongside 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.

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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.

14. STANDEES

Standees shall not under any circumstances be permitted on any motor vehicle used in interstate service.

15. TRAILERS

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

16. RAILROAD CROSSING

Drivers of every motor vehicle 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.

17. HOURS OF SERVICE

No transportation company as defined in Rule 1(a) 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.



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18. STATION FACILITIES

Every transportation company as defined in Rule 1(a) 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 transportation company as defined in Rule 1(a), 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 the 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

Equipment used by transportation companies as defined in Rule 1(a) must carry a sign indicating the name of the company and the final destination of the vehicle.

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 shall at all times operate such vehicles in

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a safe and prudent and careful manner, having due regard to the traffic and use of the highway 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. REPORTING ACCIDENTS

- (a) Reports by Telegraph or Telephone - Every transportation company as defined in Rule 1(a) involved in any accident occurring in the State of California resulting in death or serious injury to any person or persons shall immediately notify the Railroad Commission of the State of California 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 of the State of California 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.
- (b) Written Reports - Every transportation company as defined in Rule 1(a) shall also provide the Railroad Commission of the State of California with reports in writing, of all accidents occurring in the State of California in which a person or persons are killed or seriously injured. Said reports shall be filed on forms provided by the Railroad Commission of the State of California.

25. FILING TIME SCHEDULES

All transportation companies as defined in Rule 1(a) shall file a time schedule with the Railroad Commission of the State of California, which time schedule shall show the following information:

- (a) All time schedules must show the name under which service is operated; be filed with the Railroad Commission of the State of California in duplicate in advance of their effective date; must be numbered in sequence beginning with No. 1 and must be on paper of good quality (size 8½ by 11 inches). All reissues of time schedules must show the number of the time schedule it supersedes.
- (b) Distance in miles between points, naming all points in California from or to which interstate service is rendered.
- (c) No time schedule shall, as between points in California, require operation at a speed in excess of the lawful rate of speed between such points.
- (d) If a receipt for the time schedule filings is desired, filings must be accompanied by a letter of transmittal, in duplicate, the carbon copy of which will be returned with the date of receipt stamped thereon.

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26.

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.

27.

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.

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.

The order herein shall become effective on January 1, 1933.

Dated at San Francisco, California, this 14<sup>th</sup> day of November, 1932.

C. L. Loney  
Leon Whittier  
W. B. Harris  
Jos. G. Alexander  
Commissioners.