

Decision No. 4814

ORIGINAL

Decision No. 4814

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

In the Matter of Rates, Fares, Charges,)
Classifications, Rules and Regulations)
of Transportation Companies as defined)
in Chapter 213, Laws of 1917.)

Case No. 1110.

BY THE COMMISSION:

O P I N I O N.

This is an investigation on the Commission's own motion into the matter of the rates, fares, charges, classifications, rules and regulations of transportation companies as defined in Chapter 213, Laws of 1917, which became effective August 27, 1917. This statute embodies a comprehensive state-wide plan for the regulation of the transportation of persons or property by horse drawn or automobile stages or trucks operating as common carriers. We believe this statute to be of sufficient importance to be set forth here in full:

"CHAPTER 213.

"An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; providing for the issue by incorporated cities and towns, cities and counties, and counties of permits for the operation of such automobiles, jitney busses, auto trucks, stages and auto stages; empowering incorporated cities and towns, cities and counties, and counties to enact ordinances for the supervision and regulation of automobiles, jitney busses, auto-

trucks, stages and auto stages and providing penalties for the violation of such ordinances; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts and parts of acts inconsistent with the provisions of this act.

"(Approved May 10, 1917.)

"The people of the State of California do enact as follows:

"Section 1. (a) The term 'corporation,' when used in this act, means a corporation, a company, an association or a joint stock association.

(b) The term 'person,' when used in this act, means an individual, a firm or a copartnership.

(c) The term 'transportation company,' when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any automobile, jitney bus, auto truck, stage or auto stage used in the transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route and not operating exclusively within the limits of an incorporated city or town or of a city and county; provided, that the term 'transportation company,' as used in this act, shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, in so far as they own, control, operate or manage taxicabs, hotel busses or sight-seeing busses, or any other carrier which does not come within the term 'transportation company,' as herein defined.

(d) The term 'public highway,' when used in this act, means every public street, road or highway in this state.

(e) The words 'between fixed termini or over a regular route,' when used in this act, mean the termini or route between or over which any corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, usually, or ordinarily operate any automobile, jitney bus, auto truck, stage or auto stage, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any automobile, jitney bus, auto truck, stage or auto stage is operating 'between fixed termini or over a regular route' within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review.

"Sec. 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property for compensation on any public highway in this state except in accordance with the provisions of this act.

"Sec. 3. (a) No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property as a common carrier for compensation on any public highway in this state between any fixed termini between which or over any route over which such corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, are not actually operating in good faith on May 1, 1917, unless a permit has first been secured as herein provided.

(b) Application for such permit shall be made by such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, to the legislative or other governing board or body of each incorporated city or town, city and county, and county within or through which applicant intends to operate. Such application shall be in writing, verified by applicant, and shall specify the following matters:

(1) The name and address of applicant and the names and addresses of its officers, if any.

(2) The public highway or highways over which and the fixed termini or the regular route, if any, between which or over which applicant intends to operate.

(3) The kind of transportation, whether passenger or freight or both, in which applicant intends to engage, together with a brief description of each vehicle which applicant intends to use, including the seating capacity thereof if for passenger traffic or the tonnage if for freight traffic.

(4) A proposed time schedule, if any.

(5) A schedule or tariff showing the passenger fares or freight rates to be charged between the several points or localities to be served.

(c) Upon the filing of said application, the legislative or other governing board or body with which the same has been filed may in its discretion fix a time and place for a hearing on said application, which time shall not be less than five days subsequent to the filing of said application. No application shall be granted without a hearing. When a time and place for hearing have been fixed the applicant shall, at least three days prior to said hearing, cause to be published in a newspaper of general circulation in the incorporated city or town, city and county, or county within which applicant desires to exercise a permit, a notice reciting the fact of the filing of said application, together with a statement of the time and place of the hearing of said application.

(d) At the time specified in said notice or at such later time as may be fixed by said legislative or other governing board or body, a public hearing upon said application shall be held by or under the direction of said legislative or other governing board or body. After such hearing, said legislative or other governing board or body may issue the permit as prayed for or refuse to issue the same, or may issue the same with modifications and upon such terms and conditions as in its judgment the public convenience and necessity may require.

(e) Each permit issued under the provisions of this act shall contain the following matters:

(1) The name of the grantee.

(2) The public highway or highways over which, and the fixed termini, if any, between which the grantee is permitted to operate.

(3) The kind of transportation, whether passenger or freight, in which the grantee is permitted to engage, together with a statement of the number and of the maximum seating or tonnage capacity of the vehicles which the grantee is permitted to operate.

(4) The term for which the permit is granted, which term shall not exceed five years.

(5) Such additional matters as said legislative or other governing board or body may deem necessary or proper to be inserted in said permit.

No permit issued under the provisions of this act may be assigned or transferred without the consent of the granting authority.

(f) Each incorporated city or town, city and county, and county shall have the power, by ordinance, to supervise and regulate every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any automobile, jitney bus, auto truck, stage or auto stage, used for the transportation of persons or property for compensation over any public highway within their respective territorial limits, and in the exercise of such power may provide for the licensing of all drivers, the filing of indemnity bonds, the enactment of traffic rules and regulations, the regulation of the rates, service and safety of all corporations and persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, and all other matters affecting the relationship between such carriers and the traveling and shipping public, with power to prescribe penalties for the violation of such ordinances; provided, that the power in this act granted to incorporated cities and towns, cities and counties, and counties shall at all times be subject to and in no instance be construed to impair the jurisdiction of the railroad commission of the State of California as conferred by the constitution of this state or by this act.

(g) Nothing in this act shall be construed as in any way limiting or impairing the power of any incorporated city or town, city and county, or county, to prevent corporations and persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged on May 1, 1917,

in the transportation of persons or property for compensation over any public highway or highways in this state from thereafter using any public highway or highways within the territorial limits of such incorporated city or town, city and county, or county, unless they shall first have secured from such incorporated city or town, city and county, or county, a franchise or permit for the use of such public highway or highways in accordance with the organic law of such incorporated city or town, city and county, or county.

"Sec. 4. The railroad commission of the State of California is hereby vested with power and authority to supervise and regulate every transportation company in this state; to fix the rates, fares, charges, classifications, rules and regulations of each such transportation company; to regulate the accounts, service and safety of operations of each such transportation company; to require the filing of annual and other reports and of other data by such transportation companies; and to supervise and regulate transportation companies in all other matters affecting the relationship between such companies and the traveling and shipping public. The railroad commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations applicable to any and all transportation companies. The railroad commission, in the exercise of the jurisdiction conferred upon it by the constitution of this state, and by this act, shall have power and authority to make orders and to prescribe rules and regulations affecting transportation companies, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulation and any such ordinance or permit, the order, rule or regulation of the railroad commission shall in each instance prevail.

"Sec. 5. No transportation company shall hereafter exercise any right or privilege under any franchise or permit hereafter granted by any incorporated city or town, city and county, or county, without having first obtained from the railroad commission a certificate declaring that public convenience and necessity require the exercise of such right or privilege, but no such certificate shall be required of any transportation company as to the fixed termini between which or the route over which it is actually operating in good faith on May 1, 1917. A transportation company may apply for a certificate of public convenience and necessity in advance of securing any franchise or permit for the use of the public highways constituting the proposed route. The railroad commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

"The railroad commission may at any time for a good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard revoke, alter or amend any certificate issued under the provisions of this section.

"Sec. 6. No transportation company may issue any stock or stock certificate, or any bond, or any note or other evidence of indebtedness payable at a period of more than twelve months after the date thereof in such an amount that the aggregate amount of notes or other evidences of indebtedness at any one time outstanding shall exceed the amount of two thousand five hundred dollars, unless such transportation company, in addition to the other requirements of law, shall first have secured from the railroad commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied and that, in the opinion of the railroad commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order and that, except as otherwise permitted in the order in the case of bonds, notes and other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. Such order may be made, in the discretion of the railroad commission, either with or without a public hearing. Except as in this section otherwise provided, the provisions of section fifty-two of the public utilities act referring to the purposes for which stocks and stock certificates, bonds, notes and other evidences of indebtedness, may be issued and the application of and the accounting for the proceeds thereof, the powers and duties of the railroad commission and the rights and duties of public utilities with reference thereto, the legal status of stocks and stock certificates and of bonds, notes and other evidences of indebtedness, issued without an order of the railroad commission then in effect, and the relationship of the State of California to such stocks and stock certificates, and such bonds, notes and other evidences of indebtedness, shall apply to and govern the issue of stocks and stock certificates, and of bonds, notes and other evidences of indebtedness, of transportation companies with the same force and effect as though section fifty-two of the public utilities act were restated in this section with the substitution of the words 'transportation company' for the words 'public utility' and of the words 'transportation companies' for the words 'public utilities.' The provisions of section fifty-seven of the public utilities act referring to fees to be charged and collected by the railroad commission for certificates authorizing the issue of bonds, notes or other evidences of indebtedness of public utilities shall apply to and govern authorizations by the railroad commission of the issue by transportation companies of bonds, notes or other evidences of indebtedness.

"Sec. 7. In all respects in which the railroad commission has power and authority under the constitution of this state or this act, applications and complaints may be made and filed with the railroad commission, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review or mandate filed with the supreme court of this state, considered and disposed of by said court, in the manner, under the conditions and subject to the limitations and with the effect specified in the public utilities act.

"Sec. 8. Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provision of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the railroad commission, or who procures, aids or abets any corporation or ~~any~~ person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or any part or provision thereof, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

"Sec. 9. Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress.

"Sec. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

"Sec. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. The provisions of an act entitled 'An act providing for the sale of street railroad and other franchises in counties and municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts, (Approved March 22, 1905, Stats. 1905, p. 777)' are declared not to apply to the use of highways for the kind of transportation herein regulated."

We believe it is unnecessary to discuss all the provisions of this statute. There are certain provisions, however, to which we desire to draw attention. In the first place, the statute draws a distinct line between the power of incorporated cities and the power of the Railroad Commission with reference to the regulation of transportation by stages and trucks. When such transportation is conducted wholly within the limits of an incorporated city, the municipality has exclusive jurisdiction with reference to the regulation thereof. When, however, such transportation is not confined within the limits of an incorporated city, regulation of such transportation is vested in the Railroad Commission. This line of demarcation between the powers of incorporated cities and the powers of the Railroad Commission was made in accordance with that indicated and approved by the Supreme Court in Western Association of Short Line Railroads v. Railroad Commission, 173 Cal. 802.

(a) Local permits must be obtained.

The statute provides in section 3 that no corporation or person "shall operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property as a common carrier for compensation on any public highway in this state between any fixed termini between which or over any route over which" such transportation is not actually being carried on by said corporation or person "in good faith on May 1, 1917, unless a permit has first been secured as herein provided," from the local authorities over whose highways it is proposed to operate.

In other words, a permit must be obtained from the local authorities before any one can engage in such transportation business as a common carrier between fixed termini or over defined routes, except as such operation was being made in good faith on May 1, 1917. The statute then sets out in detail the manner in which an application for permit shall be made to the municipality or county authorities and the manner in which the same shall be granted. The statute further contains an affirmative grant to municipalities and counties of the power to supervise and regulate such transportation within their limits and to grant or refuse permits.

(b) Certificates of public convenience and necessity.

Stage or truck transportation conducted wholly within the limits of an incorporated city does not require a certificate of public convenience and necessity from the Railroad Commission. A certificate of public convenience and necessity must, however, be obtained in certain cases in which such transportation is conducted otherwise than wholly within the limits of an incorporated city. Section 5 of the act requires such a certificate to be obtained from every "transportation company" except as to the operations of such company between fixed termini or over regular routes which were being conducted in good faith on May 1, 1917.

The term "transportation company" is specifically defined in section 1(c) of the statute. The jurisdiction of the Railroad Commission is confined to transportation companies as thus defined, and when the term "transportation company" is used in the opinion and order herein, it must be understood that the term is used according to the defini-

tion in section 1(c) in the statute. We desire to point out also that the statute gives to the Railroad Commission in section 1(e) the final determination of whether a transportation company, any automobile, jitney bus, auto truck, stage or auto stage is operating "between fixed termini or over a regular route" so as to make the same a transportation company under the jurisdiction of the Railroad Commission.

(c) Issue of securities.

Section 6 of the statute requires that the consent of the Railroad Commission be obtained before any transportation company may issue any stock or stock certificate or any bond, or any note or other evidence of indebtedness payable at a period of more than twelve months after the date thereof in such an amount that the aggregate amount of notes or other evidences of indebtedness at any one time outstanding, shall exceed the amount of \$2500.00.

(d) Power of Railroad Commission
with reference to transportation companies.

The Railroad Commission is vested with power and authority to fix the rates, fares, charges, classifications, rules and regulations of such companies; to regulate the accounts, service and safety of operation of such companies; to require the filing of annual and other reports, and to supervise and regulate such companies in "all other matters affecting the relationship between such companies and the traveling and the shipping public."

(e) Railroad Commission regulations supersede local regulations.

The statute specifically provides in section 4 that the exercise by the Railroad Commission of the jurisdiction conferred upon it under the constitution or statutes

of this State shall supersede any conflicting exercise of municipal or county jurisdiction. In other words, any order, rule or regulation made by the Railroad Commission in the exercise of the authority conferred upon it shall supersede the conflicting provisions of any municipal or county ordinance.

Furthermore, the Railroad Commission is given specific authority to prescribe rules and regulations with reference to transportation companies either "by general order or otherwise."

We believe it unnecessary to refer to the other provisions of the statute, which relate more particularly to the procedure to be followed by the Railroad Commission and the courts in carrying out the powers of regulation provided in the statute.

NOTICE AND HEARINGS.

Two public hearings were held in this proceeding, one in Los Angeles on July 25, 1917, and the other in San Francisco on August 8, 1917. A copy of the order instituting this investigation and a notice of the hearings were served by the Railroad Commission on every transportation company so far as known. In addition, very widespread publicity of the hearings was given in the public press. As a result the hearings were very largely attended by representatives of counties, municipalities and other public organizations, transportation companies and representatives of the railroads. These hearings revealed a universal spirit of cooperation by all interested parties in the

matter of the successful regulation of transportation companies under the statute, and the Railroad Commission received many helpful suggestions from those present at the hearings.

PURPOSE OF PROCEEDING.

The purpose of the present proceeding is to make a complete investigation into the operation of transportation companies and to formulate such a set of rules and regulations governing these transportation companies as to the Railroad Commission may seem reasonable.

The business of transportation by stage and trucks, while having its origin in California, is still in its early development. We believe that such transportation has come to stay, and that properly developed it will become a very necessary public convenience. In working out, therefore, the matter of the regulation of these transportation companies we hope for a continuance of the cooperative spirit which has been heretofore displayed. In preparing the rules and regulations governing the operations of these transportation companies we have had in mind the convenience and safety of the public and also the convenience of the transportation companies themselves. We believe that we have formulated a set of rules and regulations which provide the greatest amount of convenience and safety to the public combined with the minimum of burden on the transportation companies. Of course, the future may reveal that certain of these rules and regulations will have to be modified or changed, and the Commission will be glad to entertain applications therefor as occasion arises.

We have also formulated certain rules and regulations governing the matter of rates and the selling of tickets. Concurrently with the order in this proceeding in the form of a General Order No. 51 the Railroad Commission is issuing/a tariff circular prescribing the rules and regulations under which the transportation companies shall file their tariffs with the Railroad Commission. There must, of course, be uniformity in the filing of tariffs, and every transportation company will be directed to file its tariffs in accordance with such circular.

RATES AND TIME SCHEDULES.

The Railroad Commission, on January 18, 1917, issued its General Order No. 47, calling upon Automobile Passenger and Freight Carriers to file with the Railroad Commission their schedules of rates, fares, charges, classifications and time schedules. This general order was issued prior to the passage of Chapter 213, Statutes of 1917. The term, "transportation company", as defined in said statute is broader than automobile passenger and freight carriers to which General Order No. 47 applies. The Railroad Commission will accordingly issue an order in this proceeding requiring all transportation companies to file the same in accordance with the provisions of the tariff circular to be issued concurrently herewith as General Order No. 51.

All transportation companies will be directed to strictly adhere to the rates, fares, charges and classifications on file with the Railroad Commission. No change in any rate can be made without the authority of the Railroad Commission having been first obtained, as provided

in Rules 10 and 11 of the Tariff Circular this day being issued.

The question of when and under what circumstances a transportation company may furnish free or reduced rate transportation was brought up at the hearings in this proceeding. We do not believe that it is necessary to authorize free or reduced rate transportation in all the instances named in section 17 of the Public Utilities Act as applicable to railroad corporations. We favor the issuance of free or reduced rate service of all public utilities in as few instances as possible. We believe it is sufficient with reference to transportation companies to confine the issuance of free or reduced rate transportation to the officers, agents and employees of transportation companies and to the members of their families, and for charitable and patriotic purposes. It should be clearly understood that the authority herein given is merely permissive and that transportation companies need not issue such transportation unless they desire to do so. In the event that other instances arise warranting the issuance of free or reduced rate transportation, the Railroad Commission may, at that time, be requested to make the necessary authorizations.

The Railroad Commission will require the filing with it of time schedules and the posting of the same at each station where tickets are sold, and that a copy thereof be in the possession of each driver. Furthermore, the Railroad Commission must be advised in advance of changes in time schedules, as provided in the order herein.

TICKETS.

Considerable abuse was shown to exist in the matter of selling and honoring tickets. In some instances, individuals have made a practice of collecting a group of prospective passengers and then turning them over to whatever transportation company will pay them the greatest compensation as "commission." Also, competing transportation companies have been reported to honor the tickets of competitors, and after delivering the passenger at his destination, to sell the competitor's ticket for what it will bring. These are merely illustrations of the possibilities which ~~may~~ exist with reference to such abuses. The consensus of opinion among the representatives of the transportation companies represented at the hearings was in favor of definite regulation with reference to the selling and honoring of tickets which will eliminate the possibility of these and other abuses.

BONDS AND INDEMNITY AGREEMENTS.

The matter of filing bonds or indemnity agreements by transportation companies to cover damage and injuries resulting from negligence, defects in equipment and accidents of transportation companies is very important. Several cities and counties now have, by ordinance, provided for the filing of such bonds or indemnity agreements. The practice has been frequently followed of having the original bond or agreement filed with the principal municipality through which the transportation company operates, duplicates of such bond or agreement being filed in the other cities and counties. This question, however, presents certain difficulties. The requirements of the different cities and counties as to the amount and conditions of such bonds and agreements are not at present uniform. The transportation companies accordingly asked the Railroad Commission to make a regulation requiring the filing with the Railroad Commission of the necessary bond or indemnity agreement and have the same apply wherever the company operates. We believe that the amounts, terms and conditions and regulations for the filing of bonds and indemnity agreements should be made uniform. It appears to us, however, that this uniformity is not best attained by having bonds and indemnity agreements filed with the Railroad Commission. The character and responsibility of the sureties who go upon these bonds or agreements can best be determined in the locality in which they are made, and if

it becomes necessary to inspect or sue upon the bond or agreement, the same should be available in the locality to which they apply. For these reasons among others, it would be impracticable to have all these bonds and agreements filed with the Railroad Commission.

We accordingly recommend to every city and county the adoption of a uniform regulation with reference to this matter. The form of bond or indemnity agreement must generally in effect at present is required to be made in the sum of \$10,000 upon each vehicle in operation (giving its manufacturer's number and the State license number) and conditioned that the transportation company will pay all loss or damage which may result to any person or property from the negligent operation or defective construction of said vehicle or which may arise or result from any violation of any of the provisions of the laws of this State or local ordinances. The recovery upon said bond is limited to \$5,000 for the injury or death of one person, \$10,000 for the injury or death of two or more persons in the same accident, and \$1,000 for the injury or destruction of property. We believe that this is a reasonable bond to require, and we urge upon every city and county to put into effect a regulation requiring the sort of bond above outlined. Furthermore, we believe that the regulation should provide that a bond or ^{agreement} may either be provided separately for each vehicle, or one aggregate bond or agreement covering the entire business of the company, and that the original bond or agreement be filed with the municipality or county authorities at either terminus of the transportation company's route, and that a duplicate thereof may be filed in each of the other municipalities and counties through which the transportation company operates.

A copy of this order will be sent to each city and county authority, in order that they may be advised as to the recommendations of the Commission with reference to the establishment of a uniform practice with reference to this matter.

SAFETY RULES AND OPERATING REGULATIONS.

The order herein will provide 16 safety rules and operating regulations for transportation companies. We do not believe it necessary to discuss these rules and regulations, as we believe their purpose is, in each instance, obvious. These rules cover all the matters which at this time seem to the Commission to require the Commission's regulation. Such alterations or conditions as future developments may show to be needed may, of course, hereafter be made.

O R D E R.

This proceeding having been regularly instituted on the Railroad Commission's own motion and hearings having been had, at which all interested parties were given an opportunity to appear and present evidence, and the Railroad Commission being duly advised in the premises,--

IT IS HEREBY ORDERED as follows:

1. RATES.

Each transportation company shall, within sixty (60) days from the date of this order, file with the Railroad Commission, in accordance with the provisions of the Tariff Circular being issued concurrently herewith, as General Order No. 51, schedules of its rates, fares, charges and classifications charged and collected by it in its service as a common

carrier. Every transportation company to which General Order No. 47 does not apply, shall file the rates, fares, charges and classifications in effect on August 27, 1917, when Chapter 213, Statutes 1917 became effective, or such rates, fares, charges and classifications as have since been lawfully filed with the Railroad Commission.

No such transportation company shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such transportation company refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon an order or permission from the Commission, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

No transportation company shall, directly or indirectly, issue, give or tender any free ticket, free pass, or free or reduced rate transportation except to its officers, agents, employees, and members of their families or for charitable or patriotic purposes.

2. TIME SCHEDULES.

Every transportation company shall, within thirty (30) days from the date of this order, file with the Railroad Commission two copies of a working time schedule. Such schedules shall be typewritten or printed on good paper at least eight and one-half by eleven inches in size. Such schedule shall show the name of the operating company, the date and hour effective, the time of arrival and departure from and at all termini, and time of departure from all intermediate points between termini. Also distance between all stops scheduled to be made either regularly or on application by intending passengers. A copy of time schedule shall be posted at each terminus and at all intermediate stations where tickets are sold, and a copy of such schedule shall be in the possession of each operator or driver of any vehicle used in the transportation of passengers. Time schedules as filed with this Commission and posted for the information of the public must be strictly adhered to in the operation of passenger-carrying vehicles.

Whenever a change is made by a transportation company in the scheduled time of arrival or departure of any regular passenger-carrying vehicle, such information shall be posted by such transportation company in a conspicuous place at each terminus, at each intermediate point where an agency is maintained, and filed with this Commission, at least five days before the change is to become effective.

Whenever a change in time schedule is to be made by a transportation company which will effect a reduction in the number of passenger vehicles operated over any scheduled route or which will effect a reduction in the amount of

passenger vehicle service rendered at any terminal station or intermediate stop, such transportation company must submit to the Railroad Commission at least thirty (30) days before the change is to become effective an approximate time schedule outline showing the proposed reduction in service. The approval of the Commission must be received for such reductions in service before such time schedules are filed with the Commission as hereinabove provided.

3. TICKETS.

No transportation company may accept for passage via its line any ticket other than its own issue, except it be a coupon of a through joint ticket reading via its line issued by a connecting carrier or in case where optional route arrangements are provided for under the terms of joint tariffs on file with the Commission and in which tariffs the line honoring is shown as a participating carrier.

No transportation company may in any manner, pay a commission to any party or person, ticket agent or ticket agency, for the sale of tickets, unless a bona fide contract or agreement has been executed making such party the lawful agent of the transportation company, and copy of such contract or agreement has been filed with and approved by the Commission. Party appointed becomes the agent of the transportation company and as such will be held responsible as its agent. If any part of the compensation paid by a transportation company to such agent is used, either directly or indirectly, in such way as to reduce ~~reduces~~ for any person the lawful tariff charges of such transportation company causing or permitting such departure from tariff charges shall be subject to the penalties set forth in Section 8, Chapter 213, Statutes 1917.

4. SAFETY RULES AND OPERATING REGULATIONS.

Every transportation company shall, within thirty (30) days from the date of this order, put into effect and comply with the following safety rules and operating regulations:

MAINTENANCE.

1. Every motor vehicle shall be maintained in a safe and sanitary condition at all times and shall be at all times subject to the inspection of the Commission and its duly authorized representatives.

SPEEDOMETERS.

2. Every motor vehicle shall be equipped with a standard speedometer which shall be maintained in good working order.

INSIDE LIGHTS.

3. Every motor vehicle used in the transportation of passengers 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 and so arranged as to light up the whole of the interior of the vehicle and such light or lights shall be kept constantly lighted between the hours of sunset and sunrise at all times when vehicle is occupied by passengers.

EXTRA TIRES.

4. Every motor vehicle used in the transportation of passengers shall when leaving either terminus be equipped with at least one (1) extra, serviceable tire.

BRAKES.

5. Every motor vehicle shall be equipped with satisfactory brakes and such brakes shall at all times be maintained in good condition and with a braking power sufficient to lock the rear wheels of said vehicle when brakes are fully applied and vehicle is

operated at a speed of ten miles per hour.

SKID CHAINS.

6. Every motor vehicle used in the transportation of passengers shall at all times carry a set of skid chains which shall be applied to the rear wheels whenever necessary to prevent skidding.

WARNING DEVICE AND FIRE PROTECTION.

7. Every motor vehicle shall be equipped with a suitable horn or other similar warning device.

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

AGE AND COMPETENCY OF DRIVERS OR MOTORS.

8. Drivers of vehicles shall be at least twenty-one (21) years of age, of good moral character, shall be fully competent to operate the vehicles under their charge and shall hold license from the State Motor Vehicle Department as required by Section 24, Paragraph (a) of the Motor Vehicle Act.

USE OF INTOXICATING LIQUOR.

9. No driver or operator of any motor vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty or at any time use intoxicating liquor to excess.

USE OF TOBACCO.

10. No driver or operator of any motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

11. 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 any driver or operator of such motor vehicle to work as driver or operator for more than a maximum of ten (10) hours in any twenty-four (24) hour period.

OBLIGATION TO CARRY PASSENGERS.

12. No driver or operator of any motor vehicle for passenger transportation shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of said motor vehicle or between the termini thereof unless at the time of such offer the seats of said motor vehicle are fully occupied; provided, however, that the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language.

OVERCROWDING OF VEHICLES.

13. No motor vehicle used in the transportation of passengers shall be allowed to carry more passengers than the rated carrying capacity as filed with the Commission. Drivers and operators will not be permitted to 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 passengers than the seat is designed to carry, exclusive of the driver; or permit or allow any passenger to occupy any other portion of said vehicle forward of the back of the driver's seat.

No passenger 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 passenger shall occupy the front seat of any motor vehicle with a touring car body, operated by center control.

TRAILERS.

14. Except when specially authorized by the Railroad Commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to run ^{from} its own power, such disabled car may be towed to the nearest point where repair facilities are available.

LOADS ON RUNNING BOARD.

15. No motor vehicle used for the carriage of passengers shall be operated carrying or transporting any luggage, baggage, package, trunk, crate or other load which shall extend more than eight inches beyond the running board of said motor vehicle.

JURISDICTION OVER REGULATIONS.

16. These rules and regulations shall prevail over and supersede every county or municipal rule or regulation in conflict therewith but shall not be construed to prevail over or supersede any other rule or regulation lawfully in effect.

Every transportation company should procure and acquaint itself with the provisions of the State Motor Vehicle Act concerning lights as appearing in Section Thirteen (13) Paragraphs "a", "c" and "d". Also with the provisions covering rules of the road and method of operation as contained in Section Twenty (20), Paragraphs "a", "b", "c", "d", "e", "f", "g", "h", "i", "j", "k", "l", and "p". Also with the provisions covering speed of vehicles as contained in Section Twenty-two (22), Paragraphs "a" and "b".

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that all of the rules and regulations prescribed in the foregoing order are just and reasonable.

Dated at San Francisco, California, this 6th day of November, 1917.

Max Shelen

H. D. Loveland

Alex Gordon

Edwin O. Edgerton

Frank R. Devlin

Commissioners.