

Decision No. 26896

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

PACIFIC GREYHOUND LINES, INC.,
a corporation,

Complainant,

vs.

GEORGE A. BOYD, doing business
under the fictitious names and
styles of "Boyd's Dollar Line,"
and/or "Colonial Stages,"

Defendant.

Case No. 3566.

ORIGINAL

PACIFIC GREYHOUND LINES, INC.,
a corporation,

Complainant,

vs.

GEORGE A. BOYD, doing business
under the fictitious names and
styles of "Boyd's Dollar Line,"
and/or "Colonial Stages,"

Defendant.

Case No. 3575.

H. C. Lucas and Orla St. Clair, by Orla St Clair,
for complainant.

George A. Boyd, in propria persona, for defendant.

BY THE COMMISSION:

O P I N I O N

Pacific Greyhound Lines, Inc., a corporation, herein complains of George A. Boyd and alleges that he is operating passenger stages over the public highways of and into and out of the State of California, on trips between Portland, State of Oregon, and San Francisco, State of California, without having procured an Interstate Certificate of Registration as required by General Order No. 90 of this Commission and that numerous violations of

said General Order No. 90 have been observed, also that no certificate of registration has been placed in certain of the cars operated between Portland, Oregon, and San Francisco, California.

Formal answers were filed by defendant herein, said answers generally denying the material allegations of the complaints and containing the assurance of the defendant of the desire to legally operate in full compliance with General Order No. 90 and all other lawful orders or regulations of this Commission.

A public hearing on these complaints was conducted by Examiner Handford at San Francisco, the matters were duly consolidated for the receipt of evidence and for decision, were duly submitted and are now ready for decision.

At the hearing the complaint was amended to include Boyd's Auto Line, Inc., a corporation, as defendants.

George A. Boyd, defendant, testified that he was in charge of operating the stage line between Portland, Oregon, and San Francisco, California; that the line was organized in the State of Oregon; that witness at all times had charge of the operation of the line; that the witness was familiar with the provisions of General Order No. 90 of this Commission relative to requirements for interstate passenger operation and the equipment thereunder operated, and that it was his intention to fully comply with all regulations therein required.

Mr. W. P. Jackson, a safety inspector of this Commission, testified as to the result of inspections of some of the stages operated by defendant, said inspections having been made at San Francisco. The result of these inspections is as follows:

Bus No. 1. Date Inspected: August 1, 1933.

California State License F & R. P.S. 26694 - 1933.

Oregon State License F & R. B. 588 - 1933.

Oregon P.V.C. F & R. 558-1.

California Interstate Certificate No. 440.

Violations G. O. 90 observed;

Rule 2(b) No rubber in windshield wiper.

" 2(j) No bell cord or buzzer.

" 4 Inlet for filling on gas tank is located inside of body of car.

" 20(b) Emergency brake will not bring bus to stop in accordance with this requirement.

Bus No. 2. Date Inspected: August 3, 1933.

California State License (Rear only) P.S. 26697 - 1933.

Oregon State License F & R. B-524 - 1933.

Oregon P.V.C. F & R. 560-1.

California Interstate Certificate No. 453.

Violations of G. O. 90 observed:

Rule 2(j) No bell cord or buzzer.

Rule 4 Inlet for gas tank is located inside body of car.

Rule 20 (b) Emergency brake will not bring bus to stop in accordance with this requirement.

Bus No. 9. Date Inspected: August 4, 1933.

California State License - None.

California Emergency Permit. Expires August 11, 1933.

Oregon State License F & R. B-721 - 1933.

Oregon P.V.C. F & R. 564-1.

California Interstate Certificate - None.

Violations of G. O. No. 90 observed:

Rule 2 (a) Fire extinguisher empty.

Rule 3 (a) Mechanical joint in exhaust heater pipe above floor line, front right.

Bus No. 10. Date Inspected: August 7, 1933.

California State License - None.

California Emergency Permit. Expires August 11, 1933.

Oregon State License F & R. B-661 - 1933.

Oregon P. V. C. F & R. 979-1.

California Interstate Certificate - None.

Violations of G. O. 90 observed:

- Rule 2(a) Speedometer not working.
- " 2(j) No bell cord or buzzer.
- " 3(a) Mechanical joint in exhaust heater pipe above floor line front right.
- " 2(b) Windshield wiper not working.
- " 20(b) Emergency brake will not bring bus to stop in accordance with this requirement.

Bus No. 2. Date Inspected: August 9, 1933.

California State License F & R. P.S. 26-696-1933.

Oregon State License F & R. B-660 - 1933.

Oregon P.V.C. F & R. 563-1.

California Interstate Certificate No. 442.

Violations of G. O. No. 90 observed:

Rule 2(a) Tetrachloride type fire extinguisher filled with other liquid, apparently water.

Rule 2(j) No bell cord or buzzer.

Rule 4 Inlet for gas tank is so located that gas has to be filled through opening in floor inside of body.

Bus No. 5. Date Inspected: August 11, 1933.

California State License F & R. 26-695 - 1933.

Oregon State License F & R. B-663 - 1933.

Oregon P.V.C. F & R. 559.

California Interstate Certificate No. 439.

Violations of G. O. 90 observed:

Rule 4. Inlet for filling on gas tank is located inside the body.

Rule 20 (a & b) Both service and emergency brakes not properly effective.

Note: Road test made 15 minutes prior to scheduled departure at 1:00 p.m. Mr. Fullerton advised office and was instructed to take bus to Licensed Brake Station No. 26 when, upon removal of right rear wheel, the brake drum fell off, being entirely cut through adjacent to wheel center. Repairs were made.

M. O. Rogers testified that on April 4, 1933, he purchased a ticket San Francisco to Portland from J. O. Smeltzer, ticket agent at the Manx Hotel, San Francisco, paying \$7.00 for the same. Witness left San Francisco at 4:39 p.m. being transported in a Lincoln car carrying Oregon License No. 84635, and no California License, although California Permit No. 7769 was on windshield. No California Interstate Certificate was posted in the car. No fire extinguisher was carried nor was any bell cord or buzzer available for passengers. The gas tank on this car was filled from the inside of the car. The first driver drove from San Francisco to Dunsmuir; the second from Dunsmuir to Eugene. There was a delay at Roseburg, Oregon, when the stage was attached by a constable. Witness returned from Portland on the same car and with the same driver on April 7, 1933, leaving at 8:30 a.m. One passenger was observed to be seated to the left of the driver, a violation of the Commission's operating rules.

Mr. J. M. Thomas and C. D. Bilgar made a round trip from San Francisco to Portland, being transported on the going trip in Bus No. 6 in which there was no certificate of interstate registration. The floor of this car was dirty and there was no ventilation of the car other than the windows, one of which, near the front of the car, was broken. There was no arrangement as regards portion of the car in which smoking was permitted. These passengers returned on Car No. 1 on April 10, 1933. Said car contained no bell cord or buzzer, had no ventilation and the steps of car were narrow and were not lighted. This car had a capacity of 12 passengers but was loaded with 17 passengers leaving Portland, and from Eugene, Oregon, to Redding, California, was carrying 19 passengers, and from Davis Junction, California, to Oakland, California, was carrying 15 passengers. Mr. J. M. Thomas also testified that on April 16, 1933, he purchased a ticket at Portland for Los Angeles, leaving Portland via Boyd's Dollar Line

and being transported to San Francisco. At the point of arrival at the Manx Hotel, San Francisco, he was transferred to another car and was obliged to sign a membership receipt in the United States Touring Association (Exhibit No. 1). The original ticket purchased in Portland was issued by the Colonial Stages, G. A. Boyd, General Manager, and the price paid for same was \$13.00, ticket having been sold by "U.C.A." as Agent at Portland. (Exhibit No. 2)

The record also shows that drivers have often exceeded the period of ten hours on duty in the operation of stages and although a check of drivers' time on duty was to be furnished by defendant, the Commission is advised that the record of defendant does not show times of arrival and departure of defendant's stages.

We have carefully considered the record in this proceeding. It appears therefrom that defendant G. A. Boyd has done practically nothing in the way of compliance with the provisions of this Commission's General Order No. 90; that little attention has been given to the safety or cleanliness of cars operated in interstate service; that drivers are permitted to operate long and unreasonable hours; all in violation of the Commission's Order; and that no accurate record exists of the operation that is being conducted. An order to cease and desist such character of service and operations will issue, and future operations, if complained of and such complaint be sustained, will be considered just cause for revocation of interstate operating certificate.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is in its effect not unlike an injunction issued by a court. The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event a party is adjudged guilty of contempt, a fine may be imposed in the amount

of \$500. or he may be imprisoned for five (5) days, or both. C.C.P. Sec. 1218; Motor Freight Terminal Co. v. Bray, 37 C.R.C. 224; re Ball and Hayes, 37 C.R.C. 407; Wermuth v. Stamper, 36 C.R.C. 458; Pioneer Express Company v. Keller, 33 C.R.C. 571.

It should also be noted that a person who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000., or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Likewise a patron or other person who aids or abets in the violation of an order of the Commission is guilty of a misdemeanor and is punishable in the same manner.

O R D E R

IT IS HEREBY FOUND that George A. Boyd, doing business under the fictitious names and styles of "Boyd's Dollar Line" and/or "Colonial Stages" and "Boyd's Dollar Lines, Inc.," a corporation, has operated auto stages in the transportation of passengers over the highways of the State of California without having posted in the stages a certificate of interstate registration as required by the General Order of this Commission, and has also operated said busses without compliance with the provisions of General Order No. 90 of this Commission, said requirements pertaining to the safety and convenience of passengers transported on interstate trips.

IT IS HEREBY ORDERED that George A. Boyd, doing business under the fictitious names and styles of "Boyd's Dollar Line" and/or "Colonial Stages" and "Boyd's Dollar Lines, Inc.," a corporation, shall immediately cease and desist directly or indirectly or by any subterfuge or device from continuing any operation of cars without displaying therein certificate of interstate registration and having said cars equipped fully in compliance with the provisions of this

Commission's General Order No. 90 in all respects and fully complying with the provisions of said General Order No. 90 as regards hours of employment by drivers and with all other provisions and requirements of said General Order.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon George A. Boyd, doing business under the fictitious names and styles of "Boyd's Dollar Line" and/or "Colonial Stages" and upon "Boyd's Dollar Line, Inc.," a corporation, that he cause certified copies hereof to be mailed to the District Attorney of the City and County of San Francisco, to the District Attorneys of the Counties of Alameda, Contra Costa, Solano, Yolo, Colusa, Sutter, Yuba, Butte, Tehama, Shasta and Siskiyou, and to the Department of Public Works, Division of Highways at Sacramento.

The effective date of this order shall be twenty (20) days after the date of service hereof upon defendant.

Dated at San Francisco, California, this 3rd day
of January, 1934.
of ~~January, 1934.~~

C. Leary
Leon White
M. J. Am
M. B. Harris
M. S. [unclear]
Commissioners.