

DECISION NO. 27714

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 )  
Regulations for automotive passenger )  
carriers operating in interstate )  
service, as contained in General )  
Order No. 90 and as proposed to be )  
amended. )

Case No. 3275.

**ORIGINAL**

BY THE COMMISSION:

ORDER INSTITUTING INVESTIGATION

WHEREAS, it is the intention of this Commission to establish, by a new general order, amended safety rules and operating regulations for automotive passenger carriers operating in interstate service; and

WHEREAS, the proposed amended general order is in words and figures as follows, to-wit:

"General Order No. \_\_\_\_\_

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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

Approved \_\_\_\_\_

Effective \_\_\_\_\_

This General Order cancels and supersedes General Order No. 90.

(a) The term "Commission" when used in this order means the Railroad Commission of the State of California.

(b) The term "passenger stage" when used in this order includes every stage, auto stage or other motor vehicle used in the transportation of persons, or persons and baggage and express, or persons or baggage or express when such baggage or express is transported incidental to the transportation of passengers.

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(c) The term "passenger stage corporation" when used in this order includes 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 passenger stage over any public highway in this State between fixed termini or over regular routes; provided, however, that this term shall not include those whose operations are exclusively within the limits of a single incorporated city, town or city and county, unless owned, controlled or operated by a utility operating under this Commission's jurisdiction; and provided further that this term shall not include operations consisting solely of the transportation of bona fide pupils attending an institution of learning between their homes and such institution of learning.

Rule No. 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.

3. The name and address of a representative residing in the State of California who will be delegated to adjust complaints and ticket refunds.
6. 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.

#### SUMMARY RULES

#### Rule No. 2. EQUIPMENT.

##### (a) Speedometer.

Every passenger stage shall be equipped with a standard speedometer which shall be maintained in good working order and be illuminated when said passenger stage is in service at night time.

##### (b) Windshield Wiper.

Every passenger stage shall be equipped with an efficient power windshield wiper. All wipers shall be kept in operative condition at all times and shall be so installed as to keep clear a sufficient area of the windshield to provide the driver with the necessary clear vision of the roadway.

##### (c) Skid Chains.

Every passenger stage except those 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.

##### (d) Fire Extinguisher.

Every passenger stage shall be equipped with a foam, carbon dioxide or carbon tetrachloride type of fire extinguisher of a type approved by the Underwriters' Laboratories which shall be placed at a convenient and easily accessible location on the vehicle. If foam types of extinguishers are used they must be of at least one gallon capacity, shall be inspected, tested and charged at least once a year, and shall have attached a tag stating the date of the last inspection.

If carbon tetrachloride extinguisher is used it must be of the pump type of at least one quart capacity. If carbon dioxide type of extinguisher is used it must be of at least ten (10) pounds capacity. All extinguishers must be kept fully charged with the proper liquid and in operating condition at all times.

(e) Mirror and Reflector.

Every passenger stage 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 highway to the rear of the vehicle.

(f) Horn.

Every passenger stage shall be equipped with a suitable horn or similar sounding device. When air whistles or air horns are used they must not be operated at night to make unnecessary noise when passing through residential sections.

(g) Turn Indicator.

Every passenger stage 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 passenger stage shall at all times carry such tools as may be necessary to make usual and ordinary repairs when on the road, and in addition thereto shall carry a pinchbar of at least 24 inches length and one inch in diameter which shall be placed in an accessible position for use in an emergency.

(i) Tires.

Every passenger stage when leaving a terminal shall be equipped with at least one serviceable extra tire. Retreaded tires or tires with patched cord sections shall not be used on front wheels, and tires which show wear into the first main body ply of cords shall be removed.

(j) Bell Cord or Buzzer.

Every passenger stage (except the touring car type of car seating nine (9) or less passengers) shall be equipped with a bell cord or buzzer to enable passengers to signal to driver when stop is desired.

Rule No. 3. BRAKING, LIGHTING, SANITATION AND VENTILATION.

(a) Exhausts.

The exhaust pipe of every passenger stage shall be so installed as to fulfill the requirements of the California Vehicle Act. Every passenger stage shall be so constructed and maintained as to prevent its exhaust gases or engine fumes from entering the passenger compartment through the floor or front end of the vehicle.

The engine or engines and appurtenances of every passenger stage must be maintained in a condition which will reduce to a minimum the obnoxious or harmful elements in exhaust fumes and if necessary, devices which will accomplish this result should be installed.

(b) Sanitary and clean.

Every passenger stage shall be maintained in a sanitary and clean condition at all times.

(c) Interior lighting.

Every passenger stage operating after sunset shall maintain a light or lights of not less than two candle-power each within the vehicle, so arranged as to light up the whole of the interior of the vehicle without affecting the driver's vision.

(d) Heating.

All passenger stages operating in cold weather when schedule running time between terminals exceeds one hour shall be equipped with a suitable, safe and effective heating system sufficient to keep the interior of said vehicle reasonably comfortable for the occupants. Where exhaust gases contained within pipes or radiators are used for heating the vehicle, no mechanically connected joints of any type will be permitted in such pipes or radiators which contact and heat the

air for circulation in the interior of the vehicle. All such pipes shall be shielded so as to protect passengers and their clothing from contact with them.

(e) Ventilation.

Every passenger stage shall be so constructed as to permit proper ventilation regardless of weather conditions. Openings for ventilators which are in direct line of air stream from side louvers in engine hood must be shielded to deflect the air stream away from such openings.

Rule No. 4. FUEL TANKS.

(a) All fuel tanks, pipe lines, filling inlets, drains and vents of all passenger stages shall be located entirely outside of that part of the body of the passenger stage utilized for the carrying of passengers and must be maintained free from leaks. Fuel tanks must be constructed of a material of adequate mechanical strength and firmly attached to the vehicle in an available location best suited to protect the tank from contact with other vehicles or objects. The joints and seams of all fuel tanks must be soldered, brazed or welded.

(b) The barriec use of liquefied petroleum gases for fuel on passenger stages will not be permitted unless the installation of the special equipment and devices required in such use has been approved by the Commission. In making inspections of fuel installations of this type the Commission's inspectors will be guided in general by the safety orders governing the use of liquefied petroleum gases issued by the Industrial Accident Commission of the State of California.

Rule No. 5. ENTRANCE AND EXIT.

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.

Rule No. 6. INSPECTION.

(a) The Commission and its duly authorized representatives shall have the right at all times to enter into or upon any passenger stage for the purpose of ascertaining whether or not these rules are being properly observed. The driver or operator of any such vehicle shall offer to such representative of the Commission all reasonable facilities to make such inspection.

(b) All passenger stages in service shall be carefully inspected daily or on a mileage basis by a competent inspector, and a correct record kept of such inspection report made thereon.

Rule No. 7. QUALIFICATION OF DRIVERS.

Any person employed by any passenger stage corporation to operate a passenger stage before being permitted to operate such stage in regular service 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 laws of the State of California.

(c) Personal qualifications - shall be physically sound, of good moral character, and fully competent to operate the motor vehicle under his charge.

(d) Experience - shall have had at least two (2) years' experience in operating an automobile.

(e) Knowledge of routes and service - shall have had such course of instruction as will result in such driver or operator having sufficient driving experience on the type of vehicle which he is to operate as to fully qualify him as a competent driver, with a full knowledge of the routes over which he is to operate and the kind and type of equipment to be operated. A complete record of such instruction is to be available to the Commission for inspection.

(f) Liquor and Drugs - shall not drink intoxicating liquors or use narcotics.

Rule No. 8. SMOKING.

(a) No driver or operator of any passenger stage shall smoke a pipe, cigar or cigarette in any passenger stage during the time that he is driving the vehicle.

(b) Smoking or the carrying of lighted or smoldering pipes, cigars or cigarettes shall not be permitted in any passenger stage except in such seats or passenger compartments as the company may specially designate for smoking purposes.

Rule No. 9. TRANSPORTATION OF EXPLOSIVES, ETC.

(a) The transportation of explosives, inflammables or dangerous or injurious gases on passenger stages in service is prohibited, except such as are permitted by law.

(b) Passenger stage corporations shall not permit hunters or any other persons except those permitted to do so by law to board passenger stages carrying loaded fire-arms.

(c) Passenger stage corporations may transport moving picture films when such films are encased in safety containers.

Rule No. 10. TRANSPORTATION OF PROPERTY.

(a) The amount of freight, express or baggage that may be carried in a passenger stage shall not be greater than can be safely or conveniently carried without causing discomfort to the passengers.

Rule No. 11. TRANSPORTATION OF ANIMALS.

Dogs or other animals transported in passenger stages must be crated or muzzled, except that when guiding a blind person a "Seeing Eye" dog (trained female German police dog) may be carried without being crated or muzzled, provided such blind person holds a permit issued for this purpose.

Rule No. 12. DUTIES OF DRIVERS.

(a) Collection of fares.

No driver or operator of a passenger stage shall collect fares, make change, or endeavor to take on or discharge passengers while such passenger stage is in motion.

(b) Unnecessary conversation.

The drivers of stages shall not carry on unnecessary conversation with passengers or porters while the stage is in motion.

(c) Closing of doors.

No passenger stage equipped with operative doors shall be started until such doors have been closed, nor shall such doors be open until the vehicle is stopped.

Rule No. 13. SEATING OF PASSENGERS.

No greater number of passengers than permanent seats are provided for shall be transported in any passenger stage, except that in an emergency side jump seats may be used to the following extent:

- 3 jump seats in 17 passenger car
- 4 jump seats in 21 passenger car
- 5 jump seats in 25 passenger car
- 7 jump seats in 33 passenger car
- 8 jump seats in 37 (or over) passenger car,

provided that within a reasonable distance passengers compelled to use the jump seats because of unexpected transportation demands shall be provided with regular seating accommodations. Emergency side jump seats shall not be used by any one passenger for a greater distance than 125 miles.

The seat alongside of the driver, if connected with the driver's seat 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 passenger stage shall permit or allow on the front seat of such 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 driver's

seat.

No person shall be allowed to sit on the front seat to the left of the driver if a left-hand drive passenger stage, or to the right of the driver if a right-hand drive passenger stage.

Rule No. 14. STANDERS.

Standees shall not under any circumstances be permitted on any passenger stage used in interstate service.

Rule No. 15. TRAILERS.

No passenger stage in service shall be operated or driven with any trailer or any other vehicle attached thereto, nor shall trailers be used for the transportation of passengers.

Rule No. 16. RAILROAD CROSSINGS.

(a) The driver of every passenger stage shall approach all railroad and street railway crossings at a speed not exceeding twenty-five (25) miles per hour during the last one hundred (100) feet or approach, and shall before crossing the tracks of any railroad bring such vehicle to a full and complete stop at a point where he can see the track clearly in both directions, but not less than ten (10) feet nor more than fifty (50) feet from the nearest rail of such railroad and, when so stopped, said driver or operator of the vehicle, unless the conductor acts as a flagman, shall open the front door, listen, and carefully look in each direction for approaching cars or trains and shall not start the vehicle until he has ascertained that no cars or trains are approaching the crossing from either direction.

(b) Such stop need not be made:

(1) When traffic officers are on duty and directing traffic at such crossings, nor at crossings over street railway tracks in business or residence districts.

(2) At crossings of railroads in business or residence districts where such railroad and vehicular traffic over said crossing is controlled in all traffic directions by a "Stop" and "Go" signal.

provided that the railroad company concerned agrees in writing to reduce the speed of all cars, trains or engines approaching the crossings to fifteen (15) miles per hour or less at a point not less than one hundred (100) feet from the crossing, and to maintain such speed reduction until passing the center of the intersection.

A copy of such agreement must be filed with the Railroad Commission.

(3) At crossings at which exemption signs are maintained by authority of the Commission as provided for in its General Order No. 89; provided, however, that such step must be made in foggy weather or during falling snow or when the driver or operator cannot read the exempt sign on account of an obstruction or poor visibility. The exemption provided for in this rule affects only such open track crossings as the driver may find plainly marked with this exemption sign in advance of the crossing, to-wit:

(Illustration of Exempt Sign)

(a) After making the stop provided for in this rule the passenger stage shall not be placed in a different gear in which start has been made until all the tracks have been crossed. Coasting on approach to railroad crossings is absolutely prohibited.

(b) Said driver shall in all other respects comply with the provisions of the California Vehicle Act.

#### Rule No. 17. HOURS OF SERVICE.

No passenger stage corporation operating any motor vehicle used in the transportation of persons as a common carrier for compensation shall cause or allow, except in an absolute emergency, any driver or operator of any passenger stage to work as a driver or operator for more than ten (10) hours in any one working period, provided the said working period shall not be spread over a greater period than fifteen

(15) hours; and provided further that every driver or operator of a passenger stage shall have at least nine (9) hours rest from duty between every two working periods.

Rule No. 18. STATION FACILITIES.

Every passenger stage corporation shall provide or 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. Rest rooms used after sunset must be properly illuminated. Passenger stages shall be required to stop at rest stations at least once in approximately every two hours and thirty minutes for a period of not less than five (5) minutes, unless the passenger stage is equipped with toilet facilities.

Rule No. 19. INSTRUCTIONS TO DRIVERS.

(a) It shall be the duty of each passenger stage corporation, 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 the California Vehicle Act.

(b) Drivers or operators of passenger stages shall at all times receipt for inspection reports when presented by inspectors of this Commission.

Rule No. 20. BRAKES.

(a) Service Brakes.

Every passenger stage operated by a passenger stage corporation 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. Where compressed air is used for power brakes on motor vehicles, air storage tanks must be hydrostatically tested at a pressure 25% in excess of the working pressure of such tank, and

thereafter at least once in each one hundred thousand (100,000) miles of vehicular operations. The date and pressure of such test must be stenciled on the tank in a position where it can readily be observed.

A reliable safety valve of a discharge capacity equivalent to the maximum capacity of the air compressor must be installed with an uninterrupted connection to the reservoir first in line from the air compressor. This safety valve shall be adjusted to discharge at the working pressure of the reservoir. All passenger stages using air brakes must be equipped with a reliable air pressure gauge, installed in a location readily visible from the driving position, which shall have an uninterrupted connection to the air reservoir and must be illuminated during operation after sunset.

(b) Auxiliary Brakes.

Every passenger stage as described in this rule shall be equipped with a manually operated auxiliary brake, no part of the rods, levers or connections of which shall be the same as or a part of the brake pull rods, levers or the pin connections of the service brake. Such auxiliary 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 within a reasonable distance under all conditions of speed, load and grade encountered in the service to which the vehicle is assigned.

Rule No. 21. SIGNS.

Equipment used by passenger stage corporations must carry a sign indicating the name of the company and the final destination of the vehicle.

Rule No. 22. LOCKING.

No passenger stage shall be left by the driver or operator with the engine running or the brakes released. When necessary to leave a passenger stage on a grade the car must be placed in gear in addition to the above requirements.

Rule No. 23. CAREFUL DRIVING.

(a) The drivers or operators of any passenger stage corporation shall at all times operate in a safe, prudent and careful manner and shall not drive upon any highway at a speed greater than the maximum speed prescribed by law. Passenger stages shall not be driven at a speed greater than from which the vehicle can be brought to a stop within the distance in which the road ahead is seen to be unobstructed, having due regard to traffic and the use of the highway by others, the surface and width of the highway, the hazard at intersections, and any other conditions then existent.

(b) Drivers or operators of passenger stages shall not follow another vehicle in the same traffic lane more closely than the distance in which they are able to bring their vehicles to a stop under the immediate conditions of speed, vehicle load, grade, and the surface conditions of the highway. All the requirements of the California Vehicle Act and the General Orders of this Commission must be strictly observed at all times.

Rule No. 24. REPORTING OF ACCIDENTS.

(a) Passenger stage corporations operating any passenger stage involved in any accident resulting in death or critical injury to any person, or persons, shall immediately notify the Commission at its San Francisco office by telegraph or telephone of such accident.

This preliminary notice shall state the date, time, place and nature of the accident and give the number of persons killed or injured. Notice shall be given to the Commission 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) All reportable accidents occurring in the service operations of a passenger stage corporation, whether or not covered in a preliminary notice by telegraph or telephone, shall be reported

monthly to the Commission by the proper officer of said passenger stage corporation. Said report shall be filed with the Commission not later than thirty (30) days from the end of the month in which the accident occurred. Written reports to the Commission shall clearly explain every reportable accident and be filed on the Commission's Form 18 (1952 revision) Report of Automotive Passenger Stage and Bus Accidents.

(c) Reportable accidents are defined as those arising from the service operations of a passenger stage corporation that result in one or more of the following circumstances:

1. Death of a person.
2. Injury to a person (other than an employee on duty) if after the consideration of all the facts in reference to the incident involved, it is the opinion of the investigating officer that the injury is sufficient to disqualify the injured person from following his customary vocation or mode of life for a period of more than one day.
3. Injury to an employee (not classed as a trespasser or passenger) sufficient to incapacitate him from performing his ordinary duties for more than three (3) days in the aggregate during the ten (10) days immediately following the accident.
4. Damage to property or equipment of the passenger stage corporation totalling more than \$100.00, including cost of clearing wreck from right of way, street or highway, but not including damage to or loss of freight or baggage, contents or property of others on or adjacent to right of way, street or highway.
5. A person so seriously injured in an accident as to die within twenty-four (24) hours after its occurrence, is reportable as killed.
6. If death ensues after a lapse of twenty-four (24) hours from the time of the accident, the casualty is reportable as an injury.

Rule No. 25. FIXING OF TIME SCHEDULES.

All passenger stage corporations 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 at its San Francisco office 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 8 1/2 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.

(4) 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.

Rule No. 25. EXCEPTIONS.

These 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 exceptions shall be made except upon written authority of the Commission, and then only on written request from the passenger stage corporation, which in making such a request must fully set forth good and sufficient reasons for said exceptions.

Rule No. 27. NOT RETROACTIVE.

Nothing in these rules not previously contained in General Order No. 20, 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 rules not previously contained in General Order No. 20, must, however, be constructed to conform to or be retired from service on or before January 1st, 1938.

Approved and dated at San Francisco, California, this \_\_\_\_\_ day of \_\_\_\_\_, 1935.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

By

H. G. Mathewson, Secretary."

WHEREAS, good cause appears for investigation into said matter,

IT IS HEREBY ORDERED that an investigation on the Commission's own motion be and the same is hereby instituted in the matter of proposed amended safety rules and operating regulations for automotive passenger carriers operating in interstate service, and to that end

IT IS HEREBY ORDERED that a hearing be had before Commissioner Ware on Wednesday, the 27th day of February, 1935, at 10:00 o'clock A.M. in the Courtroom of the Commission, Room 537, State Building, San Francisco, California, and

IT IS HEREBY FURTHER ORDERED that the Secretary of the Commission mail a copy of said order instituting investigation to each passenger stage corporation operating in interstate service at least ten (10) days before the date of the hearing above mentioned.

Dated at San Francisco, California, this 28<sup>th</sup> day of

January, 1935.

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Mr. J. P. ...  
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Commissioners