

Decision No. 29738.**ORIGINAL**

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, Operating and other Regulations governing passenger stage corporations and transportation companies and the cancellation of General Orders Nos. 67, 67-A, 81, 83, and 86.

Case No. 3963

In the Matter of the Application of Pacific Greyhound Lines, Inc., for Modification of rule 16 of General Orders Nos. 86 and 90 at railway crossings at grade where "STOP" and "GO" signals are in operation.

Application No. 19050.

In the Matter of the Application of Pacific Greyhound Lines, Inc., for modification of Rule 18 of General Orders Nos. 86 and 90, relating to station facilities.

Application No. 19363.

F. H. Asbury and D. L. Campbell, for Asbury Truck Company,
 James Gunn, for Board of Public Utilities and Transportation
 of the City of Los Angeles,
 R. E. Wedekind, for Pacific Electric Railway Company and
 Motor Transit Company,
 R. E. Wedekind and Woodward M. Taylor, for Los Angeles
 Motor Coach Company,
 Woodward M. Taylor and H. G. Weeks, for Los Angeles Railway
 Corporation,
 F. D. Howell, for Motor Carriers' Association,
 G. E. Duffy, for The Atchison, Topeka & Santa Fe Railway
 Company and the Santa Fe Motor Transport Company,
 W. S. Johnson, for Valley Motor Lines, Inc.; H. Frasher
 Truck Line and George Harms Truck Line,
 Edward Stern, for Railway Express Agency, Incorporated,
 and the Railway Express Agency, Incorporated, of
 California,
 H. C. Lucas and T. Finkbohner, for Pacific Greyhound Lines, Ltd.,
 H. C. Lucas, T. Finkbohner and E. Moulthrop, for California
 Parlow Car Tours,
 Wallace K. Downey, for Motor Freight Terminal Company,
 Daniel Marceau, for Antonini Fruit Express,
 J. P. Potter and William P. St. Sure, for East Bay Street
 Railways,
 A. Larsson, for Quincy Railroad and Quincy Transfer Company,
 R. E. McCormick, for Yosemite Park & Curry Company,
 J. B. Held, for Peerless Stages.

WARE, COMMISSIONER:

O P I N I O N

The Railroad Commission of the State of California instituted this proceeding (Case No. 3963) on its own motion for the purpose of determining the reasonableness of certain safety rules and other regulations to apply to the operations of passenger stage corporations and highway common carriers as such are defined by Section 2-1/4(b) and Section 2-3/4(a) of the Public Utilities Act, respectively. Furthermore, it is the purpose of this proceeding to formulate and adopt provisions in a general order which will be in lieu of and supersede those now contained in this Commission's General Orders Nos. 67, 67-A, 81, 83, and 86, and amendments thereto.

In Applications Nos. 19050 and 19363, Pacific Greyhound Lines, Inc., asks for certain modifications in General Order No. 86. It was agreed and stipulated that these modifications would be cared for in Case No. 3963 and that these two applications could be dismissed.

Following informal conferences between members of the Commission's staff and representatives of the carriers involved, a public hearing was held in San Francisco, at which the rules and regulations proposed to be promulgated were presented, and the matter is now ready for decision.

All of the evidence offered and the various arguments in favor of and in opposition to the proposed rules and regulations, as amended, have been given full consideration. It is therefore concluded that the rules and regulations set forth in the General Order attached hereto and made a part hereof are just and reasonable. These rules and regulations will, without placing any undue burden on the carriers concerned, assist materially in safeguarding the lives and property of users of public highway transportation

as well as provide a maximum of comfort and service. Furthermore, they will consistently serve the purpose of and replace the essential provisions now contained in General Orders Nos. 67, 67-A, 81, 83, and 86; and these last named orders may be cancelled, revoked, and set aside on the effective date of the issuance of the General Order hereto attached.

The following form of Order is recommended:

O R D E R

An investigation having been instituted on the Commission's own motion in the above entitled matter, a public hearing having been held, and the matter being duly submitted and ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AS A FACT that the safety rules, and operating and other regulations, as set forth in the General Order attached hereto and made a part hereof, are just and reasonable and with their issuance this Commission's General Orders Nos. 67, 67-A, 81, 83, and 86, and all amendments thereto, may properly be cancelled, revoked, annulled, and set aside.

IT IS HEREBY ORDERED that from and after the effective date of this Order, the safety rules and operating or other regulations attached hereto and made a part hereof, shall be in full force and effect, and said safety rules and operating or other regulations shall be known as General Order No. 93

IT IS HEREBY FURTHER ORDERED that General Orders Nos. 67, 67-A, 81, 83, and 86, and all amendments thereto, of the Railroad Commission of the State of California, be and they are all hereby revoked, annulled, and set aside, effective as of the effective date of this Order.

IT IS HEREBY FURTHER ORDERED that Applications Nos. 19050 and 19363 be and they are hereby dismissed without prejudice.

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 effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 3rd day of May, 1937.

Walter S. ...
Leon ...
Frederick ...
Ray ...
Ray ...
Commissioners.

GENERAL ORDER NO. 93.

Cancelling and Superseding General Orders
Nos. 67, 67-A, 81, 83 and 86
and amendments thereto.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

SAFETY RULES AND OTHER REGULATIONS
GOVERNING THE OPERATION OF PASSENGER
STAGE CORPORATIONS AND HIGHWAY COMMON
CARRIERS AS SUCH ARE DEFINED BY THE
PUBLIC UTILITIES ACT.

Approved May 3rd, 1937

Effective May 23, 1937

Authorized by Decision No. 29736

Case No. 3963.

DEFINITIONS

The terms "passenger stage," "passenger stage corporation," and "highway common carrier" are used in this Order as such are defined in the Public Utilities Act, as amended in 1935.

The term "urban carrier" when used in this Order means a carrier whose service is similar to that usually performed by street cars in frequent stop service or a service performed as an extension of, or in lieu of street car service, provided such service is performed in full or in part in an area whose development is urban; but in no case shall a service be considered urban when the distance between termini served exceeds twenty-five (25) miles.

The term "motor vehicle" when used in this Order means every motor truck, tractor, or other self-propelled vehicle used for transportation of property by highway common carriers over the public highways, otherwise than upon fixed rails or tracks, and any trailer, semi-trailer, dolley or other vehicle drawn thereby.

RULES AND REGULATIONS

RULE NO. 1 - EQUIPMENT:

(a) Speedometer:

Every "passenger stage" and self propelled "motor vehicle"

shall be equipped with a standard speedometer which shall be maintained in good working order and the speed indication shall be visible at all times from the driver's position.

(b) Windshield Wiper:

Every "passenger stage" and self-propelled "motor vehicle" shall be equipped with an efficient power windshield wiper or wipers. All wipers shall be kept in good operating condition at all times.

(c) Skid Chains:

Every "passenger stage" (except those equipped with dual 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" and self-propelled "motor vehicle" shall be equipped with at least one fire extinguisher of a type inspected and labelled by Underwriters' Laboratories, Inc., and utilizing an extinguishing agent which does not need protection from freezing (Minimum size: Carbon tetrachloride type - one quart capacity; Carbon dioxide type - 2-pound capacity). Fire extinguishers shall be placed at convenient and easily accessible locations and continuously maintained in an operating condition.

(e) Mirrors:

Every "passenger stage" shall be equipped with a mirror or mirrors firmly attached to and so located and adjusted on such vehicle as to give the driver thereof a clear view of the interior of the vehicle and the highway to the rear.

Every self-propelled "motor vehicle" shall be equipped with a mirror or mirrors firmly attached to and so located and adjusted on such vehicle as to give the driver thereof a view of the highway to the rear.

(f) Horn:

Every "passenger stage" and self-propelled "motor vehicle" shall be equipped with a suitable horn or other similar warning device, which shall, at all times while said stage or vehicle is in use upon the highways, be kept in proper working order.

(g) Tools:

Every "passenger stage" shall at all times carry such tools as may be necessary to make usual and ordinary repairs while on the road, except vehicles used in urban service where extra equipment and repair cars are available.

(h) Tires:

Every "passenger stage" shall be equipped with tires having a capacity adequate for the load carried.

Every "passenger stage" when leaving a terminal shall be equipped with at least one serviceable extra tire, except "passenger stages" used in urban service where extra equipment and repair cars are available. Tires should be taken out of service when they show wear through breaker strip or strips and into the first ply of cords. No tire shall be retreaded if worn through breaker strip or strips and into the first ply of cords or where the cords have been separated in the outer wall of the casing, or the casing is otherwise damaged, provided, however, that this shall not apply to "spot wear" due to the slipping of the wheels. Casings shall not be retreaded more than once.

(i) 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. 2 - HEATING, LIGHTING, SANITATION, AND VENTILATION:

(a) Exhaust Gases:

In so far as it is practicable, every "passenger stage" shall be so constructed and maintained as to prevent its exhaust gases or engine fumes from entering the passenger compartment.

(b) Cleanliness:

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

(c) Interior Lighting:

Every "passenger stage" operating during the hours of darkness between sunset and sunrise shall maintain a light or lights of not less than two (2) candle power each, within the vehicle, so arranged as to illuminate the whole of the interior of the vehicle without affecting the driver's vision.

(d) Heating:

Every "passenger stage" 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. This provision shall not apply, however, to passenger stages in "urban service." All pipes or radiators shall be shielded so as to protect passengers and their clothing.

(e) Ventilation:

Every "passenger stage" shall be so constructed as to permit proper ventilation regardless of weather conditions. Openings for ventilation which are in direct line of air stream from side louvers in engine hood will not be permitted.

RULE NO. 3 - FUEL TANKS:

All fuel tanks and appurtenances thereto of "passenger stages" shall be located entirely outside of that part of the body of the passenger stage utilized for the carrying of passengers, with an inlet for filling which will permit filling from the

outside exclusively. Said fuel system must be constructed in a substantial and recognized standard manner and maintained free from leaks. Tanks must not be filled while the engine is running.

RULE NO. 4 - ENTRANCE, EXIT:

(a) Doors, Platforms and Steps:

Doors, platforms and steps of all "passenger stages" shall at all times be kept clear for the safe ingress and egress of passengers. Where manually operated or controlled rear doors are used on passenger stages, the vehicle shall be equipped with a rear-view mirror so adjusted as to give the driver or operator a clear vision of the rear door. All doors must be constructed in a substantial and recognized standard manner and maintained to operate in a suitable and safe manner for the ingress and egress of passengers. Doors swinging inward will not be allowed.

(b) Grab Handles:

Suitable grab handles must be installed at the entrances and exits of all "passenger stages" having a capacity of nine (9) or more passengers, at convenient locations where they will be of assistance to persons in boarding or alighting safely from said vehicle.

(c) Emergency Exit:

1. Every "passenger stage" in urban service, except the following type of equipment, shall be equipped with an emergency exit on the left side of vehicle near the rear:

(a) Those provided with either a center or rear entrance or exit in addition to the front entrance or exit.

(b) Those having a seating capacity of less than ten (10) passengers.

2. All other "passenger stages" shall be equipped with an emergency door on the left hand side of vehicle near the rear, except those having a seating capacity of less than ten (10) passengers.

3. Emergency exits shall have not less than ten (10) inches of aisle space.

RULE NO. 5 - INSPECTION:

(a) California Railroad Commission:

The duly authorized representatives of this Commission shall have the right at all times to enter into or upon any "passenger stage" or "motor vehicle" for the purpose of ascertaining whether or not these rules are being properly observed. The owner, driver, or operator of any such vehicle shall afford to such representative of this Commission all reasonable facilities to make such inspection.

(b) Company Inspection:

All "passenger stages" in service shall be carefully inspected daily or on a mileage basis by a competent inspector, and a correct record shall be maintained by such inspector. Inspection records shall be kept on file for at least one year.

RULE NO. 6 - SEATING OF PASSENGERS:

(a) Subject to the provisions of Rule No. 7 hereof, no greater number of passengers than permanent seats are provided for shall be transported in any "passenger stage," except that aisle jump seats may be used to the following extent:

Three	jump	seats	in	17-passenger	car		
Four	"	"	"	21	"	"	
Five	"	"	"	25	"	"	
Six	"	"	"	29	"	"	
Seven	"	"	"	33	(or more)	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.

(b) Movable front seats shall not be considered "jump seats" when such seats are provided for the convenient loading or unloading of passengers.

(c) 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 designed to carry, inclusive of the driver; permit or allow any persons to occupy any other portion of said vehicle forward of the driver's seat; or permit passengers on front or driver's seat when other seats are available.

(d) Drivers and operators shall not allow passengers to ride on the running boards, fenders or any other part of the vehicle than within the passenger compartment.

(e) 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. 7 - STANDEES:

Standeers shall not under any circumstances be permitted on any "passenger stage" other than those operating in urban service; and in urban service shall not be permitted unless the major portion of the aisle head room in the passenger stage operating in such service is six feet two inches or more. The number of standees who shall be permitted on any passenger stage operating in urban service shall not exceed the number which can reasonably and safely be accommodated without crowding, and each standee shall be supplied with a grab handle or other means of support.

RULE NO. 8 - TRAILERS:

No "passenger stage" in service shall be operated or driven with any trailer or any other vehicle attached.

RULE NO. 9 - BRAKES:

(a) Every "passenger stage" and "motor vehicle" operated by passenger stage corporations or highway common carriers shall be provided with good and efficient service brakes which shall at all times be kept in proper and serviceable condition.

(b) Where compressed air is used for power brakes on "passenger stages" or "motor vehicles," air storage tanks must be hydrostatically tested by operator at a pressure 25 per cent in excess of the working pressure of such tank at least once in every one hundred thousand (100,000) miles of vehicle operation. The date and pressure of such test must be stencilled on the tank in a position where it can readily be observed. A record must be made of such tests, and kept on file for at least one year and made available to the Commission or its representatives when called for.

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, and maintained in good condition. This safety valve shall be adjusted to discharge at five (5) pounds above the working pressure of the reservoir. All motor vehicles using air brakes must be equipped with a reliable air-pressure gauge which shall be maintained in proper and serviceable condition and shall have an uninterrupted connection to the air reservoir, and shall be installed in a location readily visible at all hours from the driving position.

(c) Where vacuum or booster power brakes are used on "passenger stages" and "motor vehicles," there shall be installed:

1. A reliable vacuum gauge which shall have an uninterrupted connection to the vacuum supply and installed in a location readily visible at all hours from the driver's position.

2. Vacuum supply tank or cylinder shall have a capacity sufficient to provide at least one application of sufficient effect to stop the vehicle in event of engine failure.

3. A check valve shall be installed first in line from the source of vacuum supply.

(d) Every "passenger stage" and self propelled "motor vehicle" 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 or a part of brake pull rods, levers, or 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 applied to hold the vehicle standing on any grade encountered in the service in which used, and to afford complete and safe control of the vehicle under reduced speed in the event of failure of service brake. When auxiliary brake is located on drive shaft, it must be to the rear of the main transmission and the auxiliary transmission when used.

RULE NO. 10 - SIGNS:

(a) All "passenger stages" must carry a sign indicating that they are public automotive stages and showing their final destination or route.

(b) Where a schedule is operated in more than one section, loaded cars going through, except the last section, shall bear a sign indicating "car following."

(c) Effective January 1st, 1938, a permanent body number must be painted or otherwise permanently attached to each side and rear of all "passenger stages" in numerals of such size and in a position where it will be readily visible.

RULE NO. 11 - LOCKING:

When a driver or operator leaves a "passenger stage," the engine must be turned off and the brakes securely set.

RULE NO. 12 - QUALIFICATIONS OF DRIVERS:

Every person employed by any "passenger stage corporation" or "highway common carrier" to operate a "passenger stage" or "motor vehicle," before being permitted to operate such stage

or motor vehicle shall possess the following minimum qualifications:

- (a) Shall be not less than twenty-one (21) years of age.
- (b) Shall have good physical and mental health.
- (c) Shall have no physical deformity or loss of limb likely to interfere with safe driving.
- (d) Shall have good eyesight in both eyes (either without glasses or by correction with glasses), including adequate perception of red and green colors.
- (e) Shall have adequate hearing.
- (f) Shall have had experience in driving some type of motor vehicle (including private automobile) for not less than two years, including experience throughout the four seasons.
- (g) Shall have had such instruction as will result in 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, and shall have full knowledge of the route over which he is to operate and the kind and type of equipment to be operated.
- (h) Shall be competent, by reason of experience or training, to operate safely the type of vehicle or vehicles which he drives.
- (i) Shall have knowledge of rules and regulations issued by this Commission, and rules and regulations contained in the Vehicle Code of California.
- (j) Shall not be addicted to the use of narcotics.
- (k) Shall neither use nor be under the influence of any alcoholic liquor or beverage while on duty, nor otherwise make excessive use thereof.
- (l) Shall have ability to read and speak the English language and have the ability to understand traffic and warning signs.

RULE NO. 13 - SMOKING:

(a) By Driver:

No driver or operator of any "passenger stage" shall smoke or use tobacco in any form in any "passenger stage" during the time he is driving the vehicle.

(b) By Passengers:

Smoking or the carrying of lighted 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. 14 - DUTIES OF DRIVERS:

(a) Collection of Fares:

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

(b) Unnecessary Conversation:

The drivers or operators of "passenger stages" shall not carry on unnecessary conversation with any one while the stage is in motion.

(c) Closing Doors:

No "passenger stage" shall be started until its doors have been closed, nor shall its doors be opened until the vehicle is stopped.

RULE NO. 15 - HOURS OF SERVICE:

No "passenger stage corporation" or "highway common carrier" owning, controlling, operating, or managing any motor vehicle now in the transportation of persons or property as a common carrier for compensation shall cause, require, suffer, permit, 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 (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 any motor vehicle used in the transportation of persons or property as a common carrier shall have at least nine (9) hours' rest from duty between every two working periods; and provided further that in urban service (as defined in these rules) when said driver at the end of said ten (10) hours is at some point other than a regularly established relief point,

the time required for return to relief point, provided it does not exceed one hour, shall not be included in the ten-hour period.

RULE NO. 16 - INSTRUCTIONS TO DRIVERS:

(a) It shall be the duty of each "passenger stage corporation" and each "highway common carrier," by such method as it may elect, to see that every driver or operator is fully instructed as to, and has knowledge of, the requirements of these rules and regulations as well as of the Motor Vehicle Code of the State of California.

RULE NO. 17 - TRANSPORTATION OF EXPLOSIVES, ETC.:

(a) The transportation of explosives, inflammable liquids, or substances, or dangerous or injurious gasses 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 with loaded firearms not properly sheathed, to board "passenger stages," except those permitted to do so by law.

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

RULE NO. 18 - 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 discomfort or undue annoyance to the passengers.

(b) Every "passenger stage corporation," except "urban carriers," transporting passengers, taking possession of a passenger's baggage, shall give to such passenger a baggage check so numbered or lettered as will enable the carrier to identify the passenger's baggage, said check to be surrendered by passenger upon delivery of the baggage.

RULE NO. 19 - TRANSPORTATION OF ANIMALS:

Dogs or other animals transported in "passenger stages" must be muzzled or crated, except, however, a "trained" dog when guiding a blind person may be carried (without being muzzled or crated) provided such blind person holds a permit issued by the carrier for this purpose.

RULE NO. 20 - RIGHT TO REFUSE OR REJECT PASSENGERS:

Any "passenger stage corporation" may, at its discretion, refuse to admit for transportation in "passenger stages" or eject from its "passenger stages" any person who is under the influence of intoxicating liquors or narcotics, conducting himself or herself in a boisterous or disorderly manner, or using profane or obscene language.

RULE NO. 21 - RAILROAD GRADE CROSSINGS:

(a) The driver of any "passenger stage" or "motor vehicle" 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 of approach, and the driver of every "passenger stage" or "motor vehicle" 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 or more than fifty (50) feet from the nearest rail of such track and while so stopped shall listen and look in both directions along such track for any approaching railroad train, interurban car, or other vehicle using such rails, before traversing such crossing, except as hereinafter provided.

(b) No stop need be made at any such crossing where an officer is on duty and directs traffic to proceed, nor where a "Stop-and go" signal is in operation and indicates that traffic may proceed.

(c) No stop need be made at street railway tracks within a business or residential district.

(d) The driver of any "passenger stage" need not stop at railroad track grade crossings at which distinctive signs, as hereinafter illustrated, are displayed at locations approved by this Commission. However, stops must be made when, for any reason, the driver or operator cannot read such sign from the driver's position.

(e) The driver of every "passenger stage" shall approach all such grade crossings where distinctive or exempt signs are maintained at a speed not exceeding twenty-five (25) miles per hour during the last one hundred (100) feet of approach, and shall not cross the tracks at a speed in excess of twenty-five (25) miles per hour.

(f) After making a stop at any railroad grade crossing, no "passenger stage" shall be placed in a different gear than that in which start has been made until all the tracks have been crossed. Coasting on approach to railroad grade crossings is strictly prohibited.

RULE NO. 22 - STATION FACILITIES:

Every "passenger stage corporation," except urban carriers, shall provide or maintain adequate rest rooms and facilities at sufficient intervals to provide for the adequate accommodation of passengers; said rest rooms and facilities shall be kept clean and comfortable for the accommodation of the traveling public. Rest rooms used during the hours of darkness must be properly illuminated. "Passenger stages" shall be required to stop at rest stations at intervals of not more than two hours and thirty minutes of travel, for a period of not less than five (5) minutes, unless the "passenger stage" is equipped with toilet facilities.

RULE NO. 23 - TIME TABLES, RULES AND REGULATIONS:

Every "highway common carrier" and "passenger stage corporation," except "urban carriers" shall file its time table with the Commission in conformity with the following rules:

(a) Time tables shall in all instances provide for a schedule of operation between any given termini which will not require or permit the operation in question, or any portion of the same, to be made at a rate of speed, over any portion of its route, greater than the lawful speed.

(b) Hereafter, before any changes in the arrival or departure of any "passenger stage" or "motor vehicle" shall be made, written notice of such change shall be filed with the Commission, posted in all depots, and a copy thereof posted in the passenger stages operating over the route the proposed change affects, at least five (5) days prior to the effective date of said proposed new time table.

(c) Whenever a change in service is proposed, resulting in the elimination of a schedule or schedules and consequent reduction in service, the proposal shall be submitted to the Railroad Commission, in writing, listing the schedule or

schedules proposed to be eliminated and setting forth the reasons for such proposed reduction in service; shall post a copy of said proposed new time schedule in its stage depots or freight offices; and file schedule with the Railroad Commission at least ten (10) days prior to the effective date of the proposed new schedule.

(d) All "passenger stage corporations" and "highway common carriers" shall file a copy of each time table with each of the connecting carriers with whom either joint rates or interline arrangements exist concurrently with the filing of notice to this Commission, whenever the new time table makes a change at the junction point with said connecting carrier.

(e) All "passenger stage corporations" and "highway common carriers" whose operations are seasonal, shall at least ten (10) days prior to the discontinuance of seasonal service (unless said discontinuance is forced suddenly by storms or unforeseen contingency) notify the Commission of said discontinuance by proper time table filing, which shall also be posted in all depots, freight offices, and "passenger stages" on the line it is proposed to discontinue. When seasonal service is resumed, "passenger stage corporations" and "highway common carriers" shall file time tables showing resumption of service on at least one day's notice.

(f) All time tables must show the name under which the carrier is operating (which must be the same name as that appearing on its tariffs filed with this Commission) and must be numbered in sequence beginning with No. 1. Each reissue must show, directly under the time table number, the number of the time table which it supersedes, as for example, "Time Table No. 2 cancels Time Table No. 1."

(g) The distance in miles between points, naming all points served, must be shown on all time tables.

(h) If any restrictions exist, such restrictions must be so stated on the time table.

(i) If a receipt for the time table filing is desired, filing 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.

(j) All time tables shall be printed or typewritten, filed in triplicate, on paper of good quality (size 8½ by 11 inches), and shall be filed in accordance with such requirements as to form as may from time to time be required by the Commission.

(k) Supplements to time tables will not be accepted for filing with the Commission. Any change in, withdrawal of, or cancellation of a time table will require the filing of a new table bearing the next consecutive number to operator's current filing. Where a time table is filed by sections, it will be sufficient that a revision of the particular section involved be filed, bearing the same table number; for example, 1st Revised Section J of Time Table No. 1 cancels original Section J of Time Table No. 1. Subsequent revisions will follow in numerical order.

RULE NO. 24 - REPORTING OF ACCIDENTS:

(a) "Passenger stage corporations" operating any "passenger stage" involved in any accident resulting in death or serious 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 to be 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 prescribed form.

(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 due consideration of all of the facts in reference to the accident obtainable, it is the opinion of the reporting officer that the injury is sufficient to incapacitate 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 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" totaling more than \$150.00, including cost of clearing wreck from right of way, street or highway, but not including damage to or loss of freight or baggage, animals 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 having been 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 - LEASING OF EQUIPMENT:

(a) All "passenger stage corporations" and "highway common carriers" shall either own their equipment or lease such equipment for a specified amount on a trip, term, or mileage basis. The leasing of equipment shall not include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract or agreement by which the driver or operator shall bear the relation of an employee to the "passenger stage corporation" or "highway common carrier" by which such driver or operator is engaged; provided, however, that nothing contained in this rule shall be construed to prevent "highway common carriers" from contracting with city carriers holding permits from this Commission for "pick-up" or "delivery" service conducted wholly within the limits of a single incorporated city, town or city and county by means of equipment not so owned or leased. MFM

(b) The practice of leasing the equipment or employing drivers or operators on a basis of compensation dependent upon receipts per trip or for any other period of time, or per unit of weight of property transported, is hereby prohibited. In every instance where the equipment is leased for a period of ten (10) days or more, every "passenger stage corporation" and "highway common carrier" shall execute a written lease covering every unit of equipment not owned by it, which lease shall fully set forth the conditions under which the unit of equipment is acquired, and shall include the term for which such equipment is leased, the compensation to be paid, the conditions regarding cancellation, etc. A true copy of said lease shall immediately be filed with this Commission. In every instance where the equipment is leased for a period of less than ten (10) days, the lease need not be executed in writing but the lessee shall, im-

mediately upon entering into such agreement, forward to the Railroad Commission a statement describing the equipment leased, the name of the lessor, the period for which the equipment is leased, and the amount paid as rental for such equipment. Nothing in this rule shall apply to a conditional sales contract for the purchase of equipment.

A suggested form of lease covering the data necessary for compliance with this General Order follows:

This lease made and entered into at _____, California, this _____ day of _____ 19____, between _____ hereinafter called Lessor, and _____ hereinafter called Lessee,

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) each to other in hand paid, receipt whereof is hereby acknowledged and in consideration of each and every other and further payments and mutual covenants, conditions and agreements herein contained, the said Lessor does hereby lease to the said Lessee, and the said Lessee does hereby lease, hire and take from the said Lessor the following described personal property upon the terms, covenants and conditions hereinafter contained:

I.

The property hereby leased is as follows: _____ automobile(s) (or trucks), of _____ make; motor number _____, state license number _____, Lessor hereby represents that he is the owner thereof.

II.

The term of this lease is _____ months (years) (days), unless sooner canceled by either party, it being the intention and understanding of the parties that this lease may be canceled by either party upon giving to the other party written notice of _____ days of intention so to do.

III.

It is agreed that said automobile (or truck) shall be used by Lessee for the carriage of passengers (or freight) in the maintenance by him of his automobile passenger stage (or freight) line between _____ and _____, California, and that during the term of this lease, Lessee shall have the sole possession, custody and control of said automobile (or truck) at all times.

IV.

Lessor agrees to maintain and keep said automobile (or truck) in good repair and running order and pay all operating expenses (including such other or additional conditions as are agreed upon between parties), except the wages of the driver, licenses and insurance against public liability and property damage, which latter expense shall be borne by Lessee.

V.

Lessee shall employ a competent licensed driver for the operation of said vehicle and shall pay to Lessor as rental for said vehicle the sum of _____ dollars for each one way trip (or such other payments on a trip or term basis as may be agreed upon between parties), said payments to be made (daily, weekly, or monthly) and Lessee guarantees to pay in any event to Lessor a minimum rental for said vehicle of _____ dollars per (week or month).

VI.

When not in use in said stage line service or freight transportation service, said vehicle shall be stored in such garage as may be selected by Lessee.

VII.

If at any time during the lease term, Lessor shall fail properly to maintain said automobile or truck or to keep same in condition for the safe transportation of passengers (or freight), or so that said vehicle does not comply with the regulations and requirements of the Railroad Commission, Lessee shall have the right to make such repairs upon said vehicle as in his judgment may be necessary and to charge the reasonable expense of same to the Lessor.

VIII.

It is agreed that said automobile (or truck) is to be used by Lessee in the performance of his duties as a common carrier of passengers (or freight) and in the maintenance of regular schedules between points hereinabove named and that in the event Lessor fails to perform the terms of this agreement on his part to be performed, Lessee will suffer great and irreparable damage, the exact nature and extent of which are unascertainable at this time, but in the event of failure or refusal of Lessor to so furnish and maintain the said automobile (or truck), Lessor shall pay to Lessee as liquidated damages for such failure a sum equal to _____ for each and every day during which such failure shall continue and Lessee shall have a lien upon the said automobile (or truck) and upon the possession thereof until such damages shall have been paid for. (Provisions above mentioned, optional with parties).

IX.

In the event that the Lessor be hereafter employed by the Lessee as driver of an automobile stage (or truck) it is hereby agreed that such employment shall have no connection with this lease, and shall in every instance be, and be deemed to be separate and distinct therefrom.

IN WITNESS WHEREOF the said Lessor and the said Lessee have hereunto set their hands the day and year first above mentioned.

Lessor.

Lessee.

RULE NO. 26 - EXEMPTIONS:

These rules and regulations are subject to such changes and modifications as the Commission may hereafter from time to time establish. Exemptions may be made from these rules if found just and reasonable by the Commission. However, no exemption shall be made except upon the written authority of this Commission, and then only on written request from the "passenger stage corporation" or "highway common carrier," which in making such a request must fully set forth the good and sufficient reasons for said exemptions.

RULE NO. 27 - NOT RETROACTIVE:

Nothing in these rules not previously contained in General Order No. 86, the observance of which makes necessary the reconstruction of equipment, shall apply to equipment now in use.

This General Order is not to be construed as excusing any operator from complying with the provisions of the Vehicle Code of the State of California.

This Order shall become effective on and after the 23rd day of May, 1937.

Approved and dated at San Francisco, California, this 3rd day of May, 1937.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

By

H. G. Mathewson, Secretary.