

Decision No. 33675

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Los Angeles Railway Corporation, pursuant to Rule 26, General Order No. 93, for certain exemptions from said Order No. 93.) Application No. 21283

WOODWARD M. TAYLOR, for Los Angeles Railway Corporation, interested party in Case No. 3963, and for applicant in Application No. 21283.

C. W. CORNELL, for Pacific Electric Railway Company, Motor Transit Company, and Los Angeles Motor Coach Company, interested parties.

BY THE COMMISSION:

O P I N I O N

In this application Los Angeles Railway Corporation requests that it be granted certain exemptions from the rules of General Order No. 93, as follows:

1. Rule 1(b) - Windshield Wipers

Requests authority to remove windshield wipers from its motor coaches during dry season, between June 1st and September 30th of each year.

2. Rule 2(e) - Ventilation

Requests exemption from this rule on certain of the older types of its motor coaches.

3. Rule 4(a) - Doors, Platforms, and Steps

Requests exemption from the clause "Doors swinging inward will not be allowed."

4. Rule 4(c) - 1 and 3 - Emergency Exits

Requests exemption from use of rear left side emergency exits (Rule 4(c) 1) as it has in service a number of motor coaches with exit in rear (double-deck coaches), and exemption from Rule 4(c) 3, which requests 10 inches aisle space for emergency exits.

5. Rule 6(c) - Seating of Passengers

Requests permission to seat passengers ahead of driver on certain single-deck coaches and in all double-deck coaches.

6. By Supplemental Application, filed March 28, 1938, requests exemption from provisions of Rule 21 (Grade Crossings) at the crossing at grade of Normandie Avenue and Figueroa Street over the track of The Atchison, Topeka and Santa Fe Railway Company.

At the hearing on February 3, 1938, the application was amended to include the Los Angeles Motor Coach Company as an applicant.⁽¹⁾

Subsequent to the hearing in this matter the Los Angeles Railway Corporation advised the Commission that the signals had been rearranged at the crossing at grade of Normandie Avenue and Figueroa Street over the tracks of The Atchison, Topeka and Santa Fe Railway Company, and that the exemption requested in the amended application would no longer be necessary. Applicant requests that the Amended Application be dismissed.

1. Applicant is desirous of being relieved from the necessity of carrying windshield wipers (Rule 1(b) of General Order No. 93) on its buses in urban service between June 1st and September 30th each year. Applicant contends that there is little, if any, rainfall during said months and that its past experience has demonstrated not only that the rubber deteriorates but that it collects foreign matter which results in the scratching of the windshield when the wiper is used. Also it has been the experience that if the wiper blades are

(1) Public hearings were held in this matter before Examiner Hall, on February 3rd, 1938, in Los Angeles, and on April 5th, 1938, in San Francisco, and the matter was consolidated for hearing only with Case No. 3963.

not removed during this period, many of them are stolen: Furthermore, applicant stated that it reconditioned these blades before the rainy season and that this work could be done better by making all replacements at one time. After giving this matter due consideration it appears that the safety of operation of these motor coaches will not be impaired by removing the windshield wipers during the dry season.

2. Rule 2(e) of General Order No. 93 - Ventilation. Applicant asks exemption from compliance with that portion of this rule which reads "Openings for ventilation which are in the direct line of the air stream from the side louvers in the engine hood will not be permitted." Applicant stated that it had 116 motor coaches which have been in service for several years and which do not comply with this provision. To comply with this rule would occasion a cost of about \$5,800. It was further shown that these coaches are constructed with the rear end of the hood so close to the windshield that ventilators providing a cool stream of air around the driver's feet cannot be installed. In lieu thereof ventilators are installed to the left of driver's feet. The covers of these ventilators are so hinged that the air stream from the engine is deflected away from the ventilators. This type of ventilator has been in use on said coaches for several years and has occasioned no trouble from engine odors. It appears that these ventilators conform to the provisions of General Order No. 93-A and no exemption will be necessary.

3. Rule 4(a) of General Order No. 93 - Doors, Platforms, and Steps. Exemption is requested from that portion of the rule reading "Doors swinging inward will not be allowed." This portion of Rule 4(a) has been so revised in General Order No. 93-A that the coaches involved will no longer be effecting a violation. No exemption is therefore necessary.

4. Rule 4(c) 1 of General Order No. 93 - Emergency Exits. This portion of Rule 4 has been so revised in General Order No. 93-A that the coaches involved are in compliance with the order and no exemption is necessary.

Rule 4(c) 3 of General Order No. 93. This rule, as set forth in the General Order heretofore in effect, requires an aisle of ten inches for emergency exits. This has now been modified by General Order No. 93-A to provide for an aisle space "sufficient for reasonably rapid movement of the passengers in the event of an emergency." Exemption from this rule, as revised, is not necessary.

5. Rule 6(c) of General Order No. 93 - Seating of Passengers. This rule has been revised in General Order No. 93-A in such a manner that an exemption is unnecessary.

ORDER

Public hearings having been held and the matter being under submission,

IT IS HEREBY ORDERED that

I. The Los Angeles Railway Corporation and Los Angeles Motor Coach Company are exempted from complying with the following rule of General Order No. 93-A to the degree specifically set forth below:

Rule 2.0102 - Windshield Wipers, between the first day of June and the thirtieth day of September, inclusive, of each year.

II. First Supplemental Application No. 21283 is hereby dismissed without prejudice.

The effective date of this order shall be January 2,
1941

Dated at San Francisco, California, this 19th
day of November, 1940.

Ray & Rice
Edward D. Mumuk
Kathleen M. Mumuk
H. B. Mumuk
Justus J. Casseer
Commissioners