

Decision No. 34427**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Petition of THE TRUCK OWNERS ASSOCIATION OF)
 CALIFORNIA for exemption of Highway Common)
 Carriers engaged in the transportation of) Application
 livestock from Sections 2.14(b), 2.14(h)) No. 24034
 and 2.14(k) of Part II and from Part IV)
 of General Order 93-A.)

BY THE COMMISSION:

O R D E R

Applicant herein requests that Highway Common Carriers engaged in the transportation of livestock be exempted from: (1) the provisions of Rule 2.14(b) of General Order No. 93-A, which restricts highway common carriers from permitting or requiring a driver (or owner-driver) to drive for more than ten (10) consecutive hours; (2) the provisions of Rule 2.14(h) of General Order No. 93-A, which permits a driver in inclement weather to operate a motor vehicle for not more than 12 hours in the aggregate in any period of 24 consecutive hours in order to complete his run without being off duty for a period of 8 consecutive hours, even though such weather conditions are known before the trip is begun; (3) the provisions of Rule 2.14(k) of General Order No. 93-A, which provides for the filing of written monthly reports to the Commission where a driver has been required or permitted to be on duty for hours in excess of those prescribed by Rule 2.14 - Hours of Service; and (4) the filing of time tables, as provided for in Part IV of said General Order No. 93-A.

Applicant alleges that the operations of certificated carriers of livestock are not regularly conducted between the same

termini, but vary from time to time; that their operations are over hundreds of miles of highway in the State of California; that the variations in their operations are unknown to such operators at any given time; that it is impossible for operators to arrange for an interchange of drivers due to the irregularity of their operations; that it is impractical for drivers to utilize the provision with respect to rest periods since such periods would necessarily lengthen the transit time and thus cause shrinkage or other deterioration of the livestock since the drivers are not prepared and do not have the facilities with which to feed and water livestock en route; that in many instances it is impossible for the transportation to be completed within the 10-hour period; that for many years the livestock operators have been conducting their business in a manner which delivered the livestock without undue delay; and furthermore, that due to the irregular and "on call" character of the service it is impractical for such operator to file time schedules.

It appears that by extending the time to twelve (12) hours in the aggregate in which a driver (or owner-driver) is permitted or required to drive in any 24 consecutive hours, without being off duty for a period of 8 consecutive hours, livestock could be delivered in almost all cases without excessive deterioration; that in inclement weather the time may be extended to fourteen (14) hours in the aggregate for a driver to be on duty; that an operator shall file monthly reports, as prescribed by rule 2.14(k) of General Order No. 93-A in all cases where drivers are required or permitted to be on duty in excess of the hours prescribed herein; that due to the character of the hauling of livestock such carriers need not file time schedules; that this is not a matter in which a public hearing is necessary; and that the relief sought should be partially granted

as hereinafter provided.

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Highway Common Carriers when engaged in the business of transporting livestock:

I. To deviate from the provisions of Rule 2.14(b) of Part II of G. O. No. 93-A, and allow a driver (or owner-driver) to drive not more than twelve (12) hours in the aggregate in any period of 24 consecutive hours, unless such driver is off duty with opportunity for required sleep or rest for eight (8) consecutive hours during or immediately following the twelve (12) hours aggregate driving, and within said period of 24 hours.

II. In inclement weather to deviate from the provisions of Rule 2.14(h) of Part II of General Order No. 93-A, and allow a driver (or owner-driver) to operate a motor vehicle for not more than 14 hours in the aggregate in any period of 24 consecutive hours in order to complete his run, without being off duty for a period of 8 consecutive hours.

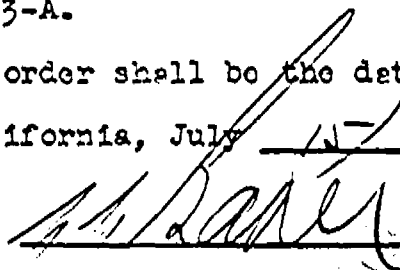
III. To file written monthly reports, as prescribed by Rule 2.14(k) in all cases where drivers are required or permitted to be on duty for hours in excess of those authorized herein.

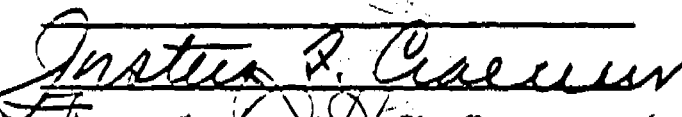
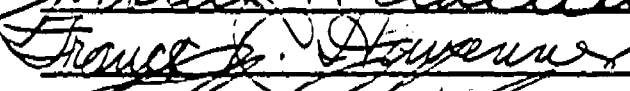

IV. To be exempted from filing time tables, as provided for in Part IV of General Order No. 93-A.

In all other respects said Highway Common Carriers when engaged in the business of transporting livestock shall comply with the provisions of General Order No. 93-A.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, July 17, 1941.






Commissioners