

ORIGINAL

Decision No. 46091

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation to determine the propriety)
of adopting a proposed General Order to)
supersede General Order No. 91-A, re-)
quiring all Highway Common Carriers,) Case No. 5298
Petroleum Irregular Route Carriers,)
Passenger Stage Corporations to provide)
protection against liability for personal)
injury (including death resulting there-)
from) and property damage.)

- Earl A. Bagby and Douglas Brookman, for Pacific Greyhound Lines
- Reginald L. Vaughan, for Gibson Lines, American Bus Lines and Burlington Transportation System
- Arthur Glanz, for Transcontinental Bus System, Inc., and Continental Pacific Lines
- Hector P. Baida and Jesse E. Anderson, for Bay Cities Transit Company
- Richard J. Glascock, for San Bernardino Valley Transit Company
- Frank S. Richards and George Hauer, for Key System Transit Lines
- Randolph Karr, for Pacific Electric Railway Company
- Philip S. Mathews and John W. Skinner, for Airport Transit
- Dan Baker, for Alameda County Draymen's Assn. and Pacific Motor Tariff Bureau
- Stanley M. Lanham, for Los Angeles Transit Lines
- D. F. Hanson, for San Diego Transit System
- W. J. Rellaford, for Asbury Rapid Transit System
- George H. Hook, for Pacific City Lines
- E. E. Bennett, for Interstate Transit Lines and Union Pacific Stage Company
- John Power, for the Commission's Staff.

INTERIM OPINION AND ORDER

On May 18, 1951, this Commission on its own motion, issued its order in the above-entitled proceeding instituting an investigation to determine the propriety of adopting a proposed general order to supersede General Order No. 91-A. The proposed general order would require all highway common carriers, petroleum irregular route carriers and passenger stage corporations to provide increased protection against liability for personal injury (including death resulting therefrom) and property damage. A copy of the

proposed general order was attached to the order instituting the investigation, both of which were served by mail on each highway common carrier, petroleum irregular route carrier and passenger stage corporation subject to the Commission's jurisdiction.

A public hearing was held at San Francisco on August 8, 1951, before Commissioner Mitchell and Examiner R. K. Hunter, at which time the matter was submitted as to highway common carriers and petroleum irregular route carriers. As to passenger stage corporations the hearing was adjourned to 10:00 A. M. September 19, 1951, at Los Angeles, California. Therefore, this interim opinion and order will consider only the proposed general order in so far as it applies to highway common carriers and petroleum irregular route carriers.

During the course of the hearing the Commission's staff introduced a new proposed general order (Exhibit No. 1) applying to Highway common carriers and petroleum irregular route carriers. The effect of this new proposal was to bring the provisions of the general order into substantial conformity with the protection requirements of Senate Bills 639 and 640 (Statutes 1951, Chapters 1725 and 1726) which were passed at the last session of the Legislature of the State of California and which will become effective on September 22, 1951.

It is our conclusion, and we so find, that the minimum requirements for highway common carriers and petroleum irregular route carriers, as to the amount of protection required, should be the same as the protection required by the Statutes, hereinabove referred to, applicable to those carriers operating under the Highway Carriers' Act and the City Carriers' Act.

No witness testified at the hearing on behalf of highway common carriers or petroleum irregular route carriers. However,

considerable testimony was introduced on behalf of passenger stage corporations concerning the desirability of allowing certain carriers to provide protection against liability imposed by law upon such carriers by means other than policies of insurance or surety bonds. The evidence showed that the cost of operations of the carriers involved in many instances could be favorably affected by permitting them to provide the required protection by other means.

It is our conclusion, and we so find, that a similar provision applying to highway common carriers and petroleum irregular route carriers would be desirable and not contrary to the public interest. The order herein will so provide.

It appears that after a full investigation and hearing of the matters involved in this proceeding concerning highway common carriers and petroleum irregular route carriers, and after adequate notice to each of such carriers under the Commission's jurisdiction, that all interested parties have had full opportunity to present to this Commission any suggested changes in the proposed general order. It is our conclusion therefore, based upon the testimony and evidence introduced during the proceeding, and we so find, that the following general order applicable to highway common carriers and petroleum irregular route carriers is reasonable, necessary, and in the public interest.

O R D E R

An investigation having been instituted on the Commission's own motion on the above-entitled matter, a public hearing having been held and based upon the evidence adduced at said hearing and the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED:

(1) That on and after September 22, 1951, the rules and regulations requiring highway common carriers and petroleum irregular route carriers to provide and thereafter continue in effect adequate protection against liability imposed by law against such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) and the damage to or destruction of property, which are attached hereto and hereby made a part hereof, shall be in full force and effect.

(2) That said rules and regulations shall be known as General Order No. 100.

(3) That General Order No. 91-A of this Commission is hereby cancelled as of the effective date of said General Order No. 100.

(4) That the Secretary shall serve a copy of this order to each highway common carrier and petroleum irregular route carrier subject to the Commission's jurisdiction as of the date of this order.

(5) That in so far as this proceeding applies to passenger stage corporations it shall be held open for an adjourned hearing at 10:00 A. M. September 19, 1951, at Los Angeles, California.

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

Dated at San Francisco, California, this 20 day of August, 1951.

R. F. Dunder
Justus F. Cull
Harold Hulse
W. H. Mitchell
Herbert L. Latta
Commissioner

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

(1) That on and after September 22, 1951, the rules and regulations requiring highway common carriers and petroleum irregular route carriers to provide and thereafter continue in effect adequate protection against liability imposed by law against such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) and the damage to or destruction of property, which are attached hereto and hereby made a part hereof, shall be in full force and effect.

(2) That said rules and regulations shall be known as General Order No. 100.

(3) That General Order No. 91-A of this Commission is hereby cancelled as of the effective date of said General Order No. 100.

(4) That the Secretary shall serve a copy of this order to each highway common carrier and petroleum irregular route carrier subject to the Commission's jurisdiction as of the date of this order.

(5) That in so far as this proceeding applies to passenger stage corporations it shall be held open for an adjourned hearing at 10:00 A. M. September 19, 1951, at Los Angeles, California.

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

Dated at San Francisco, California, this 20th day of August, 1951.

R. F. [Signature]
James F. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners

GENERAL ORDER NO. 100
(Supersedes General Order No. 91-A)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES AND REGULATIONS REQUIRING ALL HIGHWAY COMMON CARRIERS AND PETROLEUM IRREGULAR ROUTE CARRIERS, TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY IMPOSED BY LAW UPON SUCH CARRIERS FOR THE PAYMENT OF DAMAGES FOR PERSONAL BODILY INJURIES (INCLUDING DEATH RESULTING THEREFROM) AND DAMAGE TO OR DESTRUCTION OF PROPERTY.

Adopted August 20, 1951. Effective September 22, 1951.

(Decision No. 46091, Case No. 5298.)

(1) Every highway common carrier and every petroleum irregular route carrier, as defined in the Public Utilities Code, shall provide and thereafter continue in effect, so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than fifteen thousand dollars (\$15,000.00) on account of bodily injuries to, or death of, one person; and protection against a total liability of such carriers on account of bodily injuries to, or death of, more than one person as a result of any one accident, but subject to the same limitation for each person, in the amount of not less than thirty thousand dollars (\$30,000.00); and protection in an amount of not less than ten thousand dollars (\$10,000.00) for one accident resulting in damage to or destruction of property other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant.

(2) The protection required under Section (1) hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in conducting the service performed by each such highway common carrier or

petroleum irregular route carrier, of a policy or policies of public liability and property damage insurance, issued by a company licensed to write such insurance in the State of California; or of a bond of a surety company licensed to write surety bonds in the State of California.

(3) A copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the Commission in lieu of the original or a duplicate or counterpart of said policy.

(4) Said policy of insurance, or surety bond, evidencing such protection, shall not be cancelable on less than thirty (30) days' written notice to the Public Utilities Commission, such notice to commence to run from the date notice is actually received at the office of said Commission.

(5) Any highway common carrier or petroleum irregular route carrier desiring to furnish equivalent protection to the public by means other than those prescribed in the foregoing sections, whether as a self-insurer or otherwise, shall file an application for authority to do so in accordance with the Commission's Rules of Practice and Procedure.