

Decision No. 46591

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation to determine whether the)
provisions of proposed General Order)
No. 99 should be adopted and supersede)
the provisions of General Order No.93-A)
pertaining to highway common carriers,)
petroleum irregular route carriers and)
petroleum contract carriers.)
-----)

Case No. 5097

(Petitions of Truck Owners Association of California and Motor Truck Association of Southern California for modifications of General Order No. 99 and for the stay of the effective date of said General Order.)

SEE APPENDIX "A"

I N T E R I M O P I N I O N

The Tank Truck Operators Association and the Tank Truck Operators Tariff Bureau by their petition herein request an order modifying Decision No. 46089 dated August 14, 1951, in Case No. 5097 so as to eliminate from General Order No. 99, Part 8, relating to hours of service of drivers and drivers' logs or in lieu thereof to postpone the effective date of said Part 8.

The petition of the Truck Owners Association of California and the Motor Truck Association of Southern California, requests that the effective date of General Order No. 99 be postponed and specifically raises objections to the following rules of General Order No. 99:

- Rule No. 3.04 - FIRE EXTINGUISHERS
- Rule No. 5.29 - LOW AIR PRESSURE WARNING SIGNAL
- Rule No. 5.30 - PNEUMATIC SYSTEM - CHECK VALVES REQUIRED
- Rule No. 6.00 - INSPECTION AND MAINTENANCE OF VEHICLES
- Rule No. 6.20 - EQUIPMENT REPORTS
- Rule No. 7.00 - QUALIFICATIONS REQUIRED OF DRIVERS
- Rule No. 8.53 - EXEMPTIONS (DRIVERS' LOG)
- Rules Nos. 11.00, 11.10 and 11.20 - REPORTING OF ACCIDENTS BY CARRIERS
- Rule No. 14.00 - REGULATIONS CONCERNING TIMETABLES

Public hearings were held before Examiner Syphers in Los Angeles on December 19 and in San Francisco December 20, 1951, during which dates evidence was adduced and on the last named date the matter was submitted.

During the hearing testimony was presented by representatives of the Motor Truck Operators and also representatives of various shipper groups. The principal objection voiced by these witnesses was that the safety regulations set out in General Order No. 99 are not applicable to all carriers and that the carriers to whom these regulations do apply are now operating according to a high standard of safety. This same objection was considered by this Commission in Decision No. 46089 supra and we therein found that "any trucking company, upon becoming a public utility under the Public Utilities Act should be expected to exhibit a high degree of performance in the field of safety and should expect to be required to observe rigid safety rules and regulations."

Specific objections were directed principally to Part 8, "HOURS OF SERVICE"; Part 6, INSPECTION, MAINTENANCE AND EQUIPMENT REPORTS; and to the equipment reports under Part 6.20, and in particular to the following equipment requirements:

Part 3.04 - FIRE EXTINGUISHERS
Part 5.29 - LOW AIR PRESSURE WARNING SIGNAL
Part 5.30 - CHECK VALVES

Additional objections were presented as to Part 14 - TIMETABLES and Part 7 - QUALIFICATIONS REQUIRED OF DRIVERS and in particular the physical examinations required thereunder.

We have carefully considered all of the testimony presented herein and now find that it would be in the public interest to extend the time of certain parts of General Order No. 99 in order

to more fully consider the objections presented thereto. Furthermore, the chairman of the Assembly Committee on Public Utilities and Corporations of the California Legislature testified that he planned to introduce a bill during the forthcoming legislative session relative to this matter. Accordingly the effective date of the following Rules and Parts of General Order No. 99 will be extended for a period of 120 days:

Rules 3.04, 5.29, 5.30 and 6.20, including
Rules 6.21 to 6.25, and all of Parts 8 and 14.

While it was contended by some of the witnesses that the rules relating to physical requirements of drivers and all reporting of accidents should be suspended we cannot agree with these contentions. Likewise, we find that it would not be in the public interest to permit drivers to drive upon the highways for a period longer than 12 hours which is the limitation imposed by Section 602 of the Vehicle Code of the State of California upon drivers of trucks other than those operated by "a common carrier for compensation."

I N T E R I M O R D E R

Petitions as above-entitled having been filed, public hearings having been held thereon and the Commission being fully advised in the premises and hereby finding it to be in the public interest,

IT IS ORDERED:

(1) That the effective date of the following Parts and Rules of General Order No. 99 shall be extended for a period of 120 days beyond January 1, 1952:

Rule No. 3.04 - FIRE EXTINGUISHERS
Rule No. 5.29 - LOW AIR PRESSURE WARNING SIGNALS
Rule No. 5.30 - PNEUMATIC SYSTEM CHECK VALVE REQUIRED
Rule No. 6.20 - EQUIPMENT REPORTS (INCLUDING RULE
6.21 to 6.25).

Part 8 - HOURS OF SERVICE OF DRIVERS AND DRIVERS' LOGS.
Part 14 - TIMETABLES

(2) Highway Common Carriers, Petroleum Irregular Route Carriers and Petroleum Contract Carriers shall not permit or require any driver in their employ to exceed the limitation on driving hours set out by Section 602 of the Vehicle Code of the State of California.

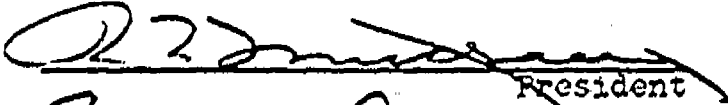
The Commission reserves the right to make such further orders as it may deem right and proper in the premises and to revoke the permission herein granted if in its judgment public interest or safety so require.


In all other respects the petitions are hereby denied.


The authority herein granted shall become effective on January 1, 1952.


Dated at San Francisco, California, this 21st day of


December, 1951.



President








Commissioners

APPENDIX "A"

Arlo D. Poe, for Motor Truck Association of Southern California and Truck Owners Association of California.

Preston W. Davis, for United Parcel Service.

Bertram S. Silver and Edward M. Berol, for Tank Truck Operators Association and Tank Truck Operators Tariff Bureau.

Lloyd R. Guerra, for Tank Truck Operators Association.

John Power, for Public Utilities Commission of the State of California.

Joseph A. Diviny, for Highway Drivers' Council of California.

Ralph Twigg, for J. A. Nevis Trucking, Inc.

Kenneth M. Sexton, for Transportation Committee of the California Wool Grower's Association and the California Cattlemen's Association.

J. J. Deuel and Edson Abel, for California Farm Bureau Federation.

J. Hills Wythe, for Security Truck Lines.

Frank F. Terramorse, for Kentner Truck Lines, Inc.

Alan McLenegan, for Intercity Motor Lines.

A. H. Gritsch, for Oregon-Nevada-California Fast Freight.

Sonny Wills, for M & M Livestock Transportation.

James Cross, for California Motor Express, Ltd.

Marquam C. George, for Marino Brothers and Spingolo Trucking.

Ralph E. Dequine, for Western Transport Company.

Glyn D. Britton, for Britton Livestock Transportation.

Frank M. Chandler, for Truck Owners Association of California.

W. M. Gavin, for J. Christenson Company.

Edward J. Willig, for Willig Transportation Co.

Guy Warren, for Warren Transportation Co.

Adolph Gotelli, for N. A. Gotelli Trucking Co.

K. D. Anderson, for Miles & Son Trucking Service, Lillie Transportation Co., Inc. and Motor Transport System.

G. A. Samuelson, for Circle Freight Lines.

Thomas R. Dwyer, for Truck Owners Association and Delta Lines, Inc.

C. W. Scott, in propria persona.

Lynn E. Hull, for Public Utilities Commission of the State of California.

Harold Culy, for Culy Transportation Co.

Gail Crawford, for Valley Express Co. and Valley Motor Lines.

Tom Harlin, for F. N. Rumbley Company.