

ORIGINAL

Decision No. 47566

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

OPINION AND ORDER

Under date of June 13, 1952, the proposed report of Examiner Grant E. Syphers was filed herein and subsequently copies thereof were served upon all parties to this proceeding. In accordance with the Rules of Procedure of this Commission exceptions were filed by counsel for the Commission's staff objecting to the proposed elimination from General Order No. 99 of the requirement that drivers' logs be kept, and to the proposed substitution of the Interstate Commerce Commission's form BMC-50-T (property carrying) for the Commission's form No. 19 in the reporting of accidents. Likewise an exception was taken to the wording of proposed Rule 8.01.

Replies to these exceptions were filed on July 17, 1952, by the Motor Truck Association of Southern California and the Truck Owners Association of California and on July 18, 1952, by the Tank Truck Operators Association and the Tank Truck Operators Tariff Bureau. Both of these replies requested that the proposed report be adopted by the Commission.

After a thorough consideration of the record in this case, the proposed report and the exceptions and replies thereto, we find it to be in the public interest to adopt the proposed report and recommended order of the Examiner with the exception of that portion providing for the elimination of drivers' logs. The evidence discloses that there is no practical way of enforcing hours of service of drivers unless some record of those hours is kept. While there was testimony relating to substitute devices such as tachographs, speedographs and service recorders being used, it becomes apparent that the records made by these devices are not records the responsibility for which can be placed upon the driver himself.

Now, therefore, IT IS HEREBY ORDERED that the proposed report and recommended order of Examiner Grant E. Syphers, filed June 13, 1952, be and it hereby is approved and adopted as the order of this Commission as hereinafter modified and amended:

(1) All references in the recommended order to Part 8--HOURS OF SERVICE OF DRIVERS AND DRIVER'S LOGS, and Sections 8.01 to 8.55 thereunder, and Appendix C of General Order No. 99 be and they hereby are cancelled.

(2) The following portions of Part 8 of General Order No. 99 shall remain in full force and effect:

Section 8.00--DEFINITIONS OF WORDS AND PHRASES AS USED
IN THIS PART

Sections 8.01 to 8.03, inclusive, 8.05, and 8.06

Section 8.10--HOURS OF SERVICE OF DRIVERS

Section 8.15

Section 8.50--DRIVER'S LOG

Sections 8.51 to 8.54, inclusive.

(3) The following portions of Part 8 of General Order No. 99 are hereby cancelled:

Sections 8.04, 8.11, 8.12, 8.13, 8.14, 8.16, 8.17,
8.18, 8.19, 8.20, 8.21, 8.55.

(4) In lieu of the parts and sections hereinabove cancelled, the following sections are hereby added to and made a part of General Order No. 99:

Section 8.11--HOURS OF SERVICE. Carriers shall not permit or require any driver in their employ to drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not be permitted to drive any such vehicle until eight consecutive hours have elapsed.

Section 8.58--EFFECT OF COMPLIANCE WITH INTERSTATE COMMERCE COMMISSION REGULATIONS. Compliance with Rule 5 (a) of Part 5 of the Interstate Commerce Commission's Motor Carrier Safety Regulations requiring the keeping of a driver's log shall be deemed compliance with Sections 8.51 to 8.54, inclusive, but shall not relieve carriers or drivers from the requirements of Sections 8.11 and 8.15.

(5) To reflect and conform to the foregoing changes, the following corrections are hereby made to the Table of Contents of General Order No. 99. Original page 8 is changed to read as follows:

PART 8--HOURS OF SERVICE OF DRIVERS AND DRIVERS' LOGS

8.00--DEFINITIONS OF WORDS AND PHRASES AS USED IN THIS PART

8.01--"ON DUTY"

- 8.02--"DRIVE OR OPERATE"
- 8.03--"COMPUTING AN INTERVAL IN EXCESS OF 10 MINUTES"
- 8.05--"24 CONSECUTIVE HOURS"
- 8.06--"BERTH"
- 8.10--HOURS OF SERVICE OF DRIVERS
- 8.15--MONTHLY REPORT OF EXCESS HOURS REQUIRED
- 8.50--DRIVER'S LOG
 - 8.51--DRIVER'S LOG REQUIRED
 - 8.52--CONTENTS OF DRIVER'S LOG
 - 8.53--EXEMPTION
 - 8.54--FORM OF DRIVER'S LOG
 - 8.55--EFFECT OF COMPLIANCE WITH INTERSTATE COMMERCE COMMISSION REGULATIONS

(6) In order to conform to the hours of service as provided in Section 8.11 as hereinabove amended, the following changes in Appendix C to General Order No. 99 are hereby made:

Original Page 59, 4(f). LINE 3, DRIVING--All time spent on a moving vehicle driving, riding or deadheading, including all regular or incidental stops not in excess of 10 minutes. Under "Remarks" give specific reasons that required driving in excess of the hours permitted by Section 8.11.

Original Page 60. REMARKS (LAST LINE)--(2) Give specific reasons that required driving in excess of the hours permitted by Section 8.11. The time should not be checked or entered in this line (Remarks), but should be included in "Line 3--Driving."

Original Page 62. That portion of the oath (Form 2) commencing on the sixth line and reading "Sections 8.11, 8.12

and 8.13, except as permitted in Section 8.16, for the month of ... is hereby changed to read "Section 8.11, for the month of ..."

Original Page 63. That portion of the report (Form 3) commencing on the third line under the heading "Excess Daily Hours" and reading "more than 10 hours in the aggregate" and ending on the tenth line with the words "on Form 4." is hereby changed to read "more than the hours permitted by Section 8.11." All of the remaining portion of the report (Form 3) from, and including, the heading "Excess Weekly Hours" to the end thereof, is hereby cancelled.

Original Page 64. Form 4 is hereby cancelled.

The effective date of this order shall be October 1, 1952.

Dated at San Francisco, California, this 11th day of August, 1952.

R. J. [Signature]
President
Justin J. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners