

ORIGINAL

Decision No. 53004

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

O P I N I O N

Under date of August 2, 1955, this Commission issued an order reopening Case No. 5097 for the purpose of determining whether any of the provisions of General Order 99, as promulgated by Decision No. 46089, dated August 14, 1951, and as modified by decisions subsequent thereto, should be modified, canceled, or superseded.

After a public hearing held in San Francisco on August 30, 1955, before Examiner Grant E. Syphers, Decision No. 51976, dated September 19, 1955, was issued. This decision contained an interim order directing each and every highway common carrier, petroleum irregular route carrier, and petroleum contract carrier to make inspections of the brake systems of each unit of equipment operated and to report the results of these inspections to the Commission.

Further hearings were held in Los Angeles on November 2 and 3, at which time evidence was presented by representatives of the trucking industry, various manufacturers of safety equipment, and by the staff of this Commission. Likewise, the assemblyman of the Twenty-fourth District of the California Assembly presented

testimony relative to the growth of the State of California, accidents on the highways, and the problems as to safety regulation.

Subsequent to these hearings the reports ordered by Decision No. 51976, supra, were submitted and on February 21, 1956, a further hearing was held in San Francisco, at which time the matter was submitted. At this last hearing a representative of the staff of this Commission presented Exhibit No. 5, which contains proposed revisions of General Order 99. These revisions were worked out after conferences with the trucking industry and after a consideration of the results of the brake system inspections made pursuant to Decision No. 51976, supra. These results are tabulated in Exhibit No. 6.

A representative of the trucking industry, who is the manager of the Safety and Personnel Section of the California Trucking Associations, Inc., and chairman of that association's Operations and Maintenance Research Committee, testified that his group was in favor of the recommendations as contained in Exhibit No. 5. ✓

The only objections to these recommendations were submitted by the United Parcel Service, which company conducts extensive operations in the delivery of small packages. In its operations it uses hundreds of small vehicles under 6,000 pounds unladen gross weight operating in service areas which do not exceed a radius of 25 miles from the terminal where the trucks are based. This company was opposed to the proposed revision of Rules 3.04 and 3.06 of General Order 99. The proposed revision of Rule 3.04 requires a fire extinguisher on every motor vehicle used in transportation outside a municipality or contiguous municipalities, or a zone adjacent to and commercially a part of such

municipality or municipalities, and Rule 3.06 prohibits the use of recapped or retreaded tires on the front wheels of any such motor vehicles.

The position of the United Parcel Service is that there is no need for fire extinguishers on their vehicles having an unladen gross weight of 6,000 pounds or less and that there has been no showing in the present record as to the number of fires, if any, occurring on highway common carrier vehicles which could have been extinguished had a fire extinguisher been carried on such vehicles. This company also contends that the requirement of Rule 3.06, as to recapped or retreaded tires, is not desirable inasmuch as that company uses different size tires on the front wheels than on the rear. It contends that at the present time it is recapping the front tires and that due to the size of the vehicles concerned and the character of their use, there is little danger of accident caused by blowouts. It further alleges that in thirty years of operation it has never experienced an accident due to a blowout of a recapped tire.

A consideration of all of the evidence presented in this matter leads us to the conclusion, and we now find it to be in the public interest to approve the revisions of General Order 99 as hereinafter set out. As was pointed out in the testimony in this matter, it is true that General Order 99 is only applicable to highway common carriers, petroleum irregular route carriers, and petroleum contract carriers. It is not applicable to the other types of carriers under regulation by this Commission, nor is it applicable to the proprietary carriers. While it may be contended that it is desirable to have uniform safety regulations for all trucks upon the highways of California, this Commission is without legal authority to impose such regulations. Under the existing

law it cannot extend the scope of its safety regulations to include other carriers.

However, the fact that this Commission's authority to regulate the safety of trucks on the highways is limited does not do away with the need for the promotion of safety. The proposed revisions of General Order 99 subject to the exceptions hereinafter noted will promote safety on the highways as to the carriers subject to the regulations. This is in the public interest. Particularly is this so in relation to the proposed changes in the rules relating to air brakes. It is of prime importance to require trucks to have adequate braking systems. The public interest requires that trucks, which usually carry heavy loads, should have adequate brakes to provide safe operations. The record herein shows, and we now find, that the proposed revisions of the rules relating to brakes will aid in the promotion of safety. Whether or not other carriers should be subjected to this type of regulation is a matter for the legislature.

The objections as to the proposed revision of Rule 3.04, relating to fire extinguishers, has received our careful consideration and we now conclude that this rule should not be modified. The allegations of United Parcel Service as to its special operations may, if proven, present a reason for a deviation from the application of these rules under Section 1.16 of General Order 99. However, the special situation of one company presents no reason for a change in the general recommendations. Accordingly, the revisions will be authorized without prejudice to any company availing itself of Section 1.16 in a proper case.

As to the proposed revision of Rule 3.06 relating to tires, we can find no warrant in this record for the prohibition against recaps or retreads on front wheels of motor vehicles used

in transportation outside a municipality or contiguous municipalities, or a zone adjacent to and commercially a part of such municipality or municipalities. We are aware of the fact that many of the carriers concerned also conduct operations in interstate commerce under the jurisdiction and regulations of the Interstate Commerce Commission. That commission has no such prohibition in its safety regulations. Likewise, this record does not disclose any compelling reason for such a prohibition. We are also aware of the fact that good safety practices would dictate that the tires used on front wheels should be in good condition. Therefore, in lieu of the prohibition against recaps or retreads, a condition will be substituted which will make such a provision.

O R D E R

An order of investigation as above entitled having been instituted, public hearings having been held thereon, the Commission having entered an interim order by Decision No. 51976, dated September 19, 1955, evidence having been adduced, and the Commission being fully advised in the premises and hereby finding it to be in the public interest and safety,

IT IS ORDERED:

(1) That the following parts and sections of General Order 99 are hereby canceled:

Section 3.04 FIRE EXTINGUISHERS

Section 3.06 TIRES

Section 3.21 MOUNTING OF FIFTH WHEEL

Section 3.25 TRACKING

Section 3.26 SAFETY CHAIN

Section 4.02 FUEL CONTAINERS-CONSTRUCTION AND INSTALLATION

Section 5.02 AUXILIARY (PARKING) BRAKES

- Section 5.03 WHEN SERVICE AND AUXILIARY BRAKES CONNECTED
- Section 5.04 AUXILIARY BRAKES ON DRIVE SHAFT
- Section 5.05 BRAKES TO BE OPERATIVE
- Section 5.06 REDUCING BRAKING EFFORT ON FRONT WHEELS
- Section 5.07 AUTOMATIC APPLICATION OF BRAKES UPON BREAKAWAY OF TRAILER
- Section 5.21 SAFETY VALVES AND PRESSURE GAUGES REQUIRED
- Section 5.22 SAFETY VALVE--TYPE REQUIRED
- Section 5.23 SAFETY VALVE--UNINTERRUPTED CONNECTION REQUIRED
- Section 5.24 SAFETY VALVE-DISCHARGE CAPACITY
- Section 5.25 SAFETY VALVE--REGULATING LIMITS
- Section 5.26 PRESSURE GAUGE
- Section 5.29 LOW AIR PRESSURE WARNING SIGNAL
- Section 5.31 RESTRICTIVE DEVICES IN AIR LINES
- Section 5.71 TUBING AND HOSE--ADEQUACY
- Section 5.75 CONNECTIONS--LEAKS AND DEFECTS
- Section 5.76 DETACHABLE CONNECTIONS
- Section 5.81 BRAKES MUST BE SET WHEN VEHICLE IS UNATTENDED
- Section 6.02 INSPECTION AND MAINTENANCE PRACTICES AND RECORDS
- Section 7.25 CARRIERS SHALL INSTRUCT DRIVERS
- Section 8.02 "DRIVE OR OPERATE"
- Section 8.03 "COMPUTING AN INTERVAL IN EXCESS OF 10 MINUTES"
- Section 8.11 HOURS OF SERVICE
- Section 8.52 CONTENTS OF DRIVER'S LOG
- Section 8.53 EXEMPTION
- Section 11.24 WHERE REPORTS ARE TO BE FILED

(2) In lieu of the parts and sections hereinabove canceled the following sections are hereby added to and made a part of General Order 99:

- Section 3.04 FIRE EXTINGUISHERS. Every motor vehicle used in transportation outside a municipality or contiguous municipalities or a zone adjacent to and commercially a part of such municipality or municipalities, shall be equipped with at least one properly filled fire extinguisher of the pump or automatic pressure type, inspected and labeled by Underwriters' Laboratories, Inc., under Classification B, the extinguishing agent of which shall be one not requiring protection against freezing. The minimum size thereof shall be one and one-half quarts for carbon tetrachloride type, four pounds for the carbon dioxide type, or four pounds for the dry chemical type. If desired, two extinguishers may be carried to obtain the required capacity. Fire extinguishers shall be securely mounted in brackets at visible and readily accessible locations, and shall be maintained continuously in an efficient operating condition.
- Section 3.06 TIRES. Every vehicle shall be equipped with tires adequate to support the maximum gross weight of such vehicle. Any such tire shall be removed from service when it shows wear through the breaker strip or to the cords, or if inspection reveals it to be in an unsafe condition. No vehicle shall be operated with tires on the front wheels which do not have sufficient tread configuration to provide a safe operation.
- Section 3.21 MOUNTING OF FIFTH WHEEL. The lower half of every fifth wheel mounted on any truck-tractor shall be fixed securely to the frame thereof by U-bolts of adequate size, tightened securely, or by other means providing equivalent security, except that the drilling or burning of holes in frame flanges shall be prohibited on equipment manufactured or remanufactured six months after the effective date of this revised section. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached.
- Section 3.25 TRACKING. Coupling devices shall be so designed, constructed, and installed, and the vehicle in combination shall be so designed, constructed and maintained as to ensure that any vehicle being towed will follow in the path of the towing vehicle without shifting or swerving from side to side of the path of the towing vehicle when it is moving in a straight line.

- Section 3.26 SAFETY CHAIN. Every full trailer and converter gear shall be coupled with a safety chain or chains (stay chains or cables) to the vehicle by which it is to be towed. No more slack shall be left in the safety chains or cables than shall be necessary to permit proper turning. Chains or cables shall be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed and shall be secured to the towing vehicle at a point on the rear of the frame other than the pintle or where the tow-bar is secured.
- Section 4.02 FUEL CONTAINERS-CONSTRUCTION AND INSTALLATION. The fuel tank or container supplying fuel for the propulsion of any motor vehicle shall be (a) substantially and properly constructed, (b) free from leaks, (c) adequately and securely fastened to the vehicle, (d) equipped with adequate baffles, and (e) maintained in good condition. No fuel system on a motor vehicle shall be so constructed as to permit gravity or syphon feed direct to the carburetor or injector.
- Section 5.02 PARKING BRAKES. Every truck or truck-tractor shall be equipped with a mechanical hand operated parking brake which shall employ a ratchet and pawl or other effective locking and releasing mechanism. Such brake shall be capable of holding such vehicle or combination of vehicles stationary under any situation.
- Section 5.03 SINGLE VALVE TO OPERATE ALL BRAKES. Every motor vehicle equipped with air brakes shall have the braking system so arranged that one application valve shall, when applied, operate all the service brakes on the power unit and combination of vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional valve to be used to operate the brakes on the trailer or trailers.
- Section 5.04 WHEN PARKING BRAKE ON DRIVE SHAFT. If mechanically practicable, when the parking brake is located on the shaft, it shall be on that portion of said shaft directly connected to the differential.

- Section 5.05 BRAKES TO BE OPERATIVE. All brakes with which vehicles are equipped shall be operative at all times the vehicle is in service; provided, however, that means may be used for reducing the braking effort on front wheels of any truck or tractor or removing the braking effort on front wheels of any truck or tractor having three axles equipped with brakes.
- Section 5.06 ADDITIONAL VALVE TO OPERATE TRAILER BRAKES. When the motor vehicle is equipped with an additional valve to operate the trailer brakes only, said valve shall be so adjusted as to deliver, when fully applied, approximately $\frac{2}{3}$ of the available air pressure in the reservoirs to the trailer brake chambers. This requirement shall not be construed as to prohibit said valve from delivering the full available air pressure at any application below normal operating range of the air brake system as defined in Section 5.24.
- Section 5.07 AUTOMATIC APPLICATION OF BRAKES UPON BREAKAWAY OF TRAILER. Every full trailer, semitrailer, and pole trailer required to be equipped with brakes, shall be equipped with brakes of such a character as to be automatically applied upon breakaway from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such case for at least 15 minutes.
- Section 5.08 TRUCK-TRACTOR PROTECTION UPON BREAKAWAY. Every truck or truck-tractor manufactured after January 1, 1952, and every truck or truck-tractor in use after (six months after enactment) and if used in any combination of motor vehicles, shall be equipped with the means for providing that in case of breakaway of the towed vehicle or vehicles, the service brakes on the towing vehicle will be sufficiently operative to stop said towing vehicle.
- Section 5.09 APPLICATION VALVE - ADJUSTMENT. The foot operated brake application valve on every motor vehicle equipped with air brakes shall be so adjusted and maintained that when fully depressed it will deliver within five pounds per square inch of the maximum air reservoir pressure available to the brake chambers on the furthestmost axle.
- Section 5.10 TRANSMISSION OF APPLIED AIR. When operating in combination of truck-trailer, tractor-semi-trailer, or trailers, the service brake application system shall be so designed and adjusted that the braking effort will not be applied to the truck or truck-tractor first.

- Section 5.21 SAFETY VALVE--TYPE, CAPACITY, INSTALLATION AND ADJUSTMENT. Every service brake installation actuated by compressed air shall be equipped with a standard type safety valve which shall be installed so as to have an uninterrupted connection with the air reservoir or tank. It shall be adjusted and maintained so that it will open and discharge the air system under any condition at a pressure of not to exceed 150 pounds per square inch and close and reseal itself at a point above the maximum air governor setting. A means shall be incorporated into the carrier's maintenance program whereby proper testing of said safety valve is accomplished at intervals not greater than 12 months; and record kept thereof as a permanent part of carrier's records.
- Section 5.24 AIR GOVERNOR ADJUSTMENT. The air governor cut-in and cut-out pressures shall be adjusted so that the maximum pressure in the air system will not exceed 120 pounds per square inch. The minimum cut-in pressure shall not be less than 85 pounds per square inch.
- Section 5.26 AIR PRESSURE GAUGE. The pressure gauge shall be of reliable and satisfactory construction and maintained in an efficient working condition, accurate within five pounds, and visible to the driver at all times.
- Section 5.29 LOW AIR PRESSURE WARNING SIGNAL. Every motor vehicle equipped with an air brake system shall be equipped with a sound alarm or a distinctive red light signal, or other effective device, readily visible or audible to the driver, which shall give a satisfactory warning when the air pressure drops to 60 pounds or less per square inch.
- Section 5.31 RESTRICTIVE DEVICES IN AIR LINES. Any valve or other device which in any manner could restrict the free flow of compressed air through the air system between the brake application valve and brake chambers shall not be permitted without prior permission of this Commission. However, nothing in this rule shall be construed as prohibiting the use of means permitted under Rule 5.05 hereof to reduce or remove the braking effort on front wheels where permitted by said rule.
- Section 5.71 TUBING AND HOSE--ADEQUACY. Brake tubing and connecting hoses shall be constructed of adequate material and of size to insure efficient continued functioning in a satisfactory manner.

- Section 5.75 CONNECTIONS--LEAKS AND DEFECTS. Connections shall be satisfactorily designed, constructed, installed and maintained so as to insure freedom from leaks. Equipment shall not be placed in service when the maximum air leakage with all brakes applied on any single vehicle or combination of vehicles exceeds five pounds per square inch in one minute with engine stopped and an air reservoir pressure of not less than 90 pounds per square inch.
- Section 5.76 DETACHABLE CONNECTIONS. Detachable connections shall be satisfactorily designed, constructed, installed, and maintained so as to insure against inadvertent or accidental disconnection. When connections are left detached it shall be the dual responsibility of the carrier and driver to adequately protect against dirt or grit entering the air lines and hoses.
- Section 5.81 BRAKES MUST BE SET WHEN VEHICLE IS UNATTENDED. The driver shall not leave the driver's compartment before securely applying the mechanical parking brake. If vehicle is to be left unattended, all other reasonably prudent precautions must be taken to prevent the movement of vehicle or vehicles.
- Section 6.02 INSPECTION AND MAINTENANCE PRACTICES AND RECORDS. Every carrier shall institute systematic inspection and maintenance practices. A systematic inspection and maintenance record shall be maintained for each vehicle controlled by a carrier for the period during which such vehicle is subject to said carrier's control. Such records shall include: (a) an identification of the vehicle, including make, model, serial number, number of tires and their size, (b) a driver's defect report reflecting any defects discovered by said driver, or reported to him as would be likely to affect the safety of operations of the motor vehicle or result in its mechanical breakdown, or shall indicate that no such defect or deficiencies were discovered by or reported to him. Such defect report shall be in writing and turned in to the motor carrier at the completion of the driver's work day or tour of duty, (c) a record of the preventive maintenance system showing date, or miles, or fuel consumed of each inspection performed, (d) the due date, or miles, or fuel consumed of subsequent inspection, (e) a record of repairs made, and (f) a lubrication record, and if leased or otherwise contracted for, such record shall also include an identification of the lessor or contractor furnishing the vehicle.
- Section 7.25 CARRIERS SHALL INSTRUCT DRIVERS. Every carrier shall so instruct and educate its drivers that they shall have a full and complete understanding of the rules and regulations of this Commission, the Vehicle Code of the State of California, and when the cargo being transported includes flammables or explosives.

- Section 7.37 UNAUTHORIZED PERSONS NOT TO BE TRANSPORTED. A driver shall not transport any persons or permit any persons to be transported in any vehicle unless specifically authorized in writing to do so by the motor carrier under whose authority the motor vehicle is being operated. When such authorization is issued, it shall state the name of the person to be transported, the origin and destination, and date upon which such authorization expires; except that no written authorization shall be necessary for the transportation of: (a) employees or other persons assigned to the vehicle by a motor carrier, and (b) any person transported when aid is being rendered in case of an accident or other emergency.
- Section 8.02 "DRIVE OR OPERATE". The term "drive or operate" includes all time spent on a moving vehicle, and any interval not in excess of 15 minutes in which a driver is on duty but not on a moving vehicle. The term "drive or operate" does not include time spent resting in a sleeper berth as defined in Section 8.06, or in the individual rest facilities provided by any other public passenger conveyance affording equivalent accommodations.
- Section 8.03 "COMPUTING AN INTERVAL IN EXCESS OF 15 MINUTES". For the purpose of computing an interval in excess of 15 minutes, all stops made in any one village, town or city may be computed as one if the driver has not driven or operated the vehicle more than 10 miles in such village, town or city.
- Section 8.07 SLEEPER BERTH--OCCUPANCY. No sleeper berth shall be occupied by more than one person at any one time.
- Section 8.11 HOURS OF SERVICE. No carrier shall permit or require a driver employed or used by it to drive or operate, as defined in Section 8.02, for more than 12 hours in the aggregate in any 15-hour period on duty. Thereafter, such driver shall have at least eight consecutive hours off duty immediately following the 12 hours' aggregate driving. Regardless of aggregate driving time, carriers shall not permit or require a driver to be on duty, as defined in Section 8.01, for more than 15 hours in any 24-hour period, as defined in Section 8.05, unless eight consecutive hours off duty have elapsed. No carrier, if himself an owner-driver, shall drive or remain on duty for more than the limits prescribed in this section. Two periods of resting or sleeping in a berth as defined in Section 8.06 may be cumulated to give the aforesaid total of eight hours off duty. Nothing herein shall be construed as exempting a carrier or driver from complying with the conditions as adopted by Part 9 of this order.

Section 8.52 CONTENTS OF DRIVER'S LOG. Entries in a driver's log shall be made by the driver, shall show place of origin and destination or most distant turn-around point, the time and location of reporting for and going off duty, the location and activity each time stopped driving but still on duty, and any other information found desirable. Entries in a driver's log shall be kept reasonably current as the trip progresses.

(3) To reflect and conform to the foregoing changes, the Table Of Contents of General Order 99 is hereby ordered to be changed as required.

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

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

Dated at San Francisco, California, this 1st day of May, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.