

ORIGINALDecision No. 55633

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation to determine whether)	
the provisions of proposed General)	
Order No. 98 should be adopted and)	Case No. 5098
supersede the provisions of General)	
Order No. 93-A pertaining to passen-)	
ger stage corporations.)	

O P I N I O N

Under date of July 16, 1957, 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 the California Bus Association, Metropolitan Coach Lines, South Los Angeles Transportation Company, Inglewood City Lines, Glendale City Lines, Inc., Pasadena City Lines, Inc., Long Beach Motor Bus Company, San Jose City Lines, Inc., Stockton City Lines, Inc., the Greyhound Corporation, and the Nu-Valve Corporation. In addition to these exceptions a reply to exceptions was filed by the Brotherhood of Railroad Trainmen.

These exceptions included various rules as proposed in the examiner's report, and will be discussed hereinafter.

Most of the parties objected to the proposed Rule 3.05, and specifically to the requirement therein that a rear vision mirror be attached to all passenger stages and trolley coaches on the right side thereof. It was contended that such a mirror would

present a hazard to waiting passengers where curb loading of buses was performed. Additionally it was contended that this proposed rule was not presented until the final day of the hearing, and accordingly certain parties did not have a full opportunity to present evidence in that respect. While this record does disclose that such mirrors are in use and, in fact, are required by the Interstate Commerce Commission by its Rule 193.80, it now appears that such a requirement should be limited to interurban service.

The Greyhound Corporation requested that Rule 5.11 relating to fueling of passenger stages should be amended by adding to such rule a proviso that "a passenger stage with passengers aboard may be fueled with diesel fuel in an open area or in a building or structure which is open on both the entrance and exit ends." This proposal was made at the hearing and was not opposed by any party to the proceeding. Under the present rules passengers must be unloaded from the bus before it can be fueled. This results in some inconvenience to passengers on the longer intercity runs, particularly when such fueling occurs at night. Furthermore, diesel fuel does not present nearly as great a hazard as does gasoline. Therefore, in the light of this record, we find that the proposed amendment should be added to Rule 5.11.

One party, Metropolitan Coach Lines, objected to proposed Rule 8.06 relating to the requirement for a standee line. The rule proposed by the examiner would require a standee line for buses in interurban service, but not for those in urban service.

Metropolitan Coach Lines and its affiliated companies use their buses interchangeably, and accordingly such a requirement would create problems for those companies. A review of the record discloses that the proposed rule was opposed by most of the operators who appeared at the hearings on the ground that it would be unenforceable. The examiner's report suggests that for urban service the movement of standees should be controlled by limitations placed thereon rather than by use of a standee line or bar. On interurban service there usually is a seat provided for each passenger. Therefore, there is no particular standee problem on interurban service.

In the light of this record we conclude that the proposed Rule 8.06 should not be adopted at this time.

The California Bus Association and Greyhound Corporation objected to proposed Rules 13.05, 13.13 and 13.16, relating to hours of service, principally on the grounds that there has been no showing that the present regulations as to hours of service have resulted in fatigue or in danger to the public.

As pointed out in the reply to exceptions to the proposed report filed by the Brotherhood of Railroad Trainmen, the "proposed changes would clearly assure to each driver a consecutive 8 hours off duty within any 24-hour period, regardless of the number of aggregate hours driven during such period. Although it is apparently the intent of the present rules that a driver have such a consecutive off-duty period during any 24 hours, clarification of the requirement is highly desirable." The recommendations made by the examiner in this connection will be adopted.

The California Bus Association and the Greyhound Corporation likewise excepted to Rules 12.33 and 14.01, and to the elimination of the present Rule 14.02. The effect of the proposed rules would be to eliminate all smoking by passengers on a bus and to prohibit the drivers from smoking "during the time they are operating in passenger service."

While it may be true, as is alleged in the exceptions, that "over-all approximately 75% of the adults smoke", it is also true that the evidence in this proceeding shows that only a small percentage of bus passengers smoke while on the bus, and that smoking can prove irritating and offensive to some people. Particularly is this true when smoking is performed in close quarters such as a bus. It is obvious that in a bus there is not nearly as much air space per passenger as there is in airplanes or in railroad cars. Likewise, this record discloses that there are municipal ordinances prohibiting smoking, and that it is difficult for passengers to know when they are permitted to smoke and when they are not. To the argument advanced by the excepters that it would be difficult to enforce a proposed ban on smoking, it may be noted that any prohibition is difficult to enforce. However, the fact that it is difficult and almost impossible to enforce the speed limit for automobiles on a particular highway is no argument against the fact that a speed limit should be imposed. Similarly, the fact that it may be difficult to have complete enforcement of a no-smoking prohibition does not mitigate against the desirability of such a prohibition. The record discloses that there are rest stops provided on long bus runs, and it would not present a hardship to the passengers to refrain from smoking while

they are on the bus. The examiner's recommendation will be sustained.

Finally, the Nu-Valve Corporation excepted to the proposed report because it did not provide for a mandatory rule requiring a safety device for the purpose of preventing loss of air pressure when an air brake line is broken or a diaphragm ruptured. It should be noted that the present Rule 10.31 now permits the installation of such devices if they are approved by this Commission. If the requirement is made mandatory it may result in check valves being installed which do not meet the Commission's standards. In any event, it does not appear that a mandatory rule should be provided at this time.

O R D E R

A proposed report of Examiner Grant E. Syphers having been issued, exceptions thereto having been filed, the Commission having considered the entire record in this case, the proposed report, the exceptions and replies thereto, and now finding it would be in the public interest,

IT IS ORDERED:

(1) That the proposed report and recommended order of Examiner Grant E. Syphers filed July 16, 1957, be, and it hereby is, approved and adopted as the order of this Commission, as hereinafter modified and amended.

- a. The following recommended rule in the examiner's proposed report and recommended order is hereby cancelled:

Rule 8.06, Standee Line.

- b. Recommended Rule 3.05 in the examiner's proposed report and recommended order is hereby amended to read as follows:

3.05. Rear Vision Mirrors. Every passenger stage and trolley coach shall be equipped with a firmly attached mirror or mirrors located and adjusted so as to reflect to the driver a view of the highway to the rear and the interior of the vehicle. In addition to the rear vision mirror in the interior of the vehicle these mirrors shall include two rear vision mirrors, one at each side firmly attached to the outside of the motor vehicle and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. The requirement of a rear vision mirror on the right side of the vehicle is not applicable to any vehicle operating exclusively in urban service.

- c. Rule 5.11 is hereby amended to read as follows:

5.11. Fueling Restrictions. A passenger stage shall not be fueled:

- (a) while passengers are aboard except as noted hereinbelow;
- (b) while the engine is running;
- (c) in areas where smoking is permitted; or
- (d) in the presence of or proximity to any source of ignition which could possibly ignite the fuel or vapors therefrom.

A passenger stage with passengers aboard may be fueled with diesel fuel in an open area or in a building or structure which is open on both the entrance and exit ends.

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

Dated at San Francisco, California,
 this 1st day of October, 1957.

[Signature]
 President
[Signature]
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 Commissioners