

Decision No. 60366

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations
and practices of NORMAN W. HOLMES,
doing business as MAYFAIR SUBURBAN
LINES. }

Case No. 6457

Norman W. Holmes, in propria persona.

William C. Bricca, for the Commission staff.

O P I N I O N

On April 19, 1960, the Commission issued an order instituting an investigation into the operations and practices of Norman W. Holmes, doing business as Mayfair Suburban Lines, for the following purposes:

1. To determine whether respondent is violating or has violated any of the provisions of General Order No. 98.
2. To determine whether respondent should be ordered to cease and desist from any or all unlawful operations and practices.
3. To determine whether any or all of the operating authority of respondent should be canceled, revoked or suspended.
4. To issue any other order that may be appropriate and lawful in the premises.

A public hearing was held before Examiner Thomas E. Daly on May 24, 1960, at San Jose and the matter was submitted.

The record indicates that respondent renders service as a passenger stage corporation in the San Jose area pursuant to authority granted by this Commission. On August 26, 1959, January 4, 1960, and March 21, 1960, a representative of the Commission's staff conducted inspections of respondent's terminal and equipment. The

results of these inspections were received in evidence as Exhibit No. 1 and disclose the following:

Respondent deviated from Parts 10, 11 (Inspection and Equipment Reports) and Part 12 (Drivers) of General Order No. 98 by failing to keep and make the following records and reports:

1. Sec. 10.21 (Safety Valve Record).
2. Sec. 11.03 (Inspection and Maintenance Practices and Records).
3. Sec. 11.03(a) (Identification of Vehicle Record).
4. Sec. 11.03(b) (Driver Defect Report).
5. Sec. 11.03(c) (Preventive Maintenance System Record).
6. Sec. 11.03(e) (Record of Repairs Made).
7. Sec. 11.03(f) (Lubrication Record).
8. Sec. 11.21 (Equipment Reports).
9. Sec. 12.06 (Physician Examination Certificate Required for Drivers).

Equipment Inspection August 26, 1959

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>1. Bus No. 55</u>	
Sec. 3.01 (Speedometer)	None.
3.07 (Tires)	Prohibited recapped tires on front axle.
3.09 (First Aid Kit)	None.
6.14 (Emergency Door Warning Device)	Inoperative.
11.03 (Periodic Inspection and Preventive Maintenance)	Repairs made on a breakdown basis.
<u>2. Bus No. 60</u>	
Sec. 3.09 (First Aid Kit)	None.
6.14 (Emergency Door Warning Device)	Inoperative.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
11.03 (Periodic Inspection and Preventive Maintenance)	Repairs made on a breakdown basis.

Equipment Inspection August 26, 1959 (Contd.)

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>3. Bus No. 56</u>	
Sec. 3.01 (Speedometer)	None.
3.07 (Tires)	Prohibited recapped tires on front axle.
6.14 (Emergency Door Warning Device)	Inoperative.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
10.75 (Air Brake Leaks and Defects)	Air brake leak in excess of 15 pounds per square inch per minute.
11.03 (Periodic Inspection and Preventive Maintenance)	The steering drag link was so loose that both the Pitman arm and steering arm were in danger of becoming detached. Repairs made on a breakdown basis.

Equipment Inspection January 4, 1960

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>1. Bus No. 66</u>	
Sec. 3.07 (Tires)	Front tires had been regrooved into breaker strips. The left rear outside tire worn to breaker strip.
10.05 (Brakes to be Operative)	Right rear brake shoes and drum had a large accumulation of grease and oil. Repairs made on a breakdown basis.
11.03 (Periodic Inspection and Preventive Maintenance)	
<u>2. Bus No. 60</u>	
Sec. 3.07 (Tires)	Front tires smooth and slick.
10.30 (Pneumatic Check Valve)	The one-way safety check valve between the air compressor and air reservoir tanks inoperative.
10.75 (Air Brake Leaks and Defects)	Left rear brake chamber diaphragm ruptured causing air leak in excess of 15 pounds per square inch per minute.
11.03 (Periodic Inspection and Preventive Maintenance)	Repairs on a breakdown basis.

Equipment Inspection January 4, 1960 (Contd.)

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>3. Bus No. 81</u>	
Sec. 6.14 (Emergency Door Warning Device)	Inoperative. (Corrected at time of inspection)
10.02 (Auxiliary (parking) Brakes)	The locking device was defective and would not hold the parking brake in the applied position.
10.29 (Low-Air-Pressure Warning Device)	Inoperative. (Correction made at time of inspection by replacing fuse)
11.03 (Periodic Inspection and Preventive Maintenance)	Repairs made on a breakdown basis.
<u>4. Bus No. 65</u>	
Sec. 6.14 (Emergency Door Warning Device)	Inoperative.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
10.30 (One-Way Safety Check Valve)	Inoperative.
11.03 (Periodic Inspection and Preventive Maintenance)	Both right and left front brake slack adjusters badly worn on the brake cam spline, reducing the effectiveness and balance of the front wheel brakes

Equipment Inspection March 21, 1960

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>1. Bus No. 224</u>	
Sec. 3.04 (Fire Extinguisher)	Not equipped.
3.07 (Tires)	Prohibited recapped tires on front axle.
3.09 (First Aid Kit)	Not equipped.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
11.03 (Periodic Inspection and Preventive Maintenance)	Steering gear drag link loose on Pitman arm. Repairs made on a breakdown basis.
<u>2. Bus No. 66</u>	
Sec. 3.07 (Tires)	Prohibited recapped tires on front axle.
3.12 (Drive Shaft Guard)	Guard had been removed.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
11.03 (Periodic Inspection and Preventive Maintenance)	Drag link loose on steering arm. Repairs made on a breakdown basis.

Equipment Inspection March 21, 1960 (Contd.)

<u>G.O. 98 Deviations</u>	<u>Description of Deviations</u>
<u>3. Bus No. 81</u>	
Sec. 3.07 (Tires)	Front tires smooth.
11.03 (Periodic Inspection and Preventive Maintenance)	Left windshield (driver's side) badly cracked interfering with driver's vision and hazardous due to weakening.
<u>4. Bus No. 60</u>	
Sec. 10.05 (Brakes to be operative)	Left rear brake binding, binding on both application and release.
10.29 (Low-Air-Pressure Warning Device)	Inoperative.
10.75 (Air Brake Leaks and Defects)	Left front and left rear brake chamber diaphragms ruptured.
11.03 (Periodic Inspection and Preventive Maintenance)	Driver's windshield wiper inoperative. The right rear spring main leaf broken in front and back of rear axle. Drag link very loose on steering arm. Repairs made on a breakdown basis.
<u>5. Bus No. 65</u>	
Sec. 10.73 (Brake Tubing and Hose Chafing)	Right front air line to air brake chamber chafing through 3-plyes. Left front air line to air brake chafing through 2-plyes.
11.03 (Periodic Inspection and Preventive Maintenance)	Very loose drag link at Pitman arm and steering arm. Repairs made on a breakdown basis.

Respondent commenced operations in 1953. He has experienced financial difficulties from the start. In 1953 he had a net operating loss of \$24,000. He owns 14 pieces of equipment, six of which are presently in operation. He employs five drivers and does his own mechanical work. To supplement his income he has outside employment and works from 5 p.m. to 1 a.m. daily, Monday through

Friday. He admits that he has not kept and maintained the preventive maintenance required by this Commission and that repairs were done on a breakdown basis. Since the first of the year, however, he stated that the operations have started to show a profit and that he has been able to reduce his personal indebtedness from \$21,000 to \$17,000.

Respondent stated that since the inspections covered in Exhibit No. 1 and with the aid of two individuals who have a financial interest in his charter bus business the required records have been maintained and the necessary reports made. He further stated that the six units of equipment presently in operation have been repaired and comply with the safety requirements set forth in General Order No. 98, except that recapped tires are still in use. He estimates that the new tires would cost approximately \$800 and that such tires will be acquired as soon as he is assured that his operative rights will not be revoked. He requests that his operative rights not be revoked and that he be afforded the opportunity to show that he can operate a safe and reliable bus service.

Although respondent has suffered financial difficulties in the operation of his transportation business, it is no excuse for jeopardizing the safety of the riding public and of the public using the streets and highways in the highly congested area where respondent's operations are largely conducted. Moreover, the repetitious nature of the vehicular mechanical deficiencies and complete failure of the respondent to maintain even the most elementary form of equipment inspection and maintenance indicates a marked indifference to the safety rules and regulations of this Commission. Furthermore, the staff witness testified that with the exception of the use of recapped tires on the front axle of buses,

the majority of mechanical deficiencies were caused by inadequate inspection and lack of lubrication. Therefore, respondent's plea of financial difficulties as being the causative factor in the failure to maintain his buses in a safe condition cannot be considered valid.

In light of the seriousness of the offenses so found, respondent's operating authority will be suspended for a period of 20 days. However, since the convenience of the using public who are dependent upon respondent's operation must be considered, and since respondent states that subsequent to the last inspection by the staff on March 21, 1960, he has corrected all deviations from General Order No. 98 with the exception of the tires, the imposition of said suspension will be deferred and suspended for a period of one year. If, at the end of the one-year period the Commission is satisfied that respondent is complying with all such orders, rules and regulations, the deferred suspension will be vacated without further order of the Commission.

O R D E R

The Commission having instituted an investigation in the above-entitled matter, public hearing having been held, and the matter having been submitted; therefore,

IT IS ORDERED:

1. That respondent, Norman W. Holmes, his managing officers, and employees are ordered to cease and desist from carrying on any operation as a passenger stage corporation without full compliance with the provisions and requirements of the Commission's General Order No. 98.
2. That all passenger stage operating rights held by respondent under Decisions Nos. 56107, 56447, 52630, and 59260 are suspended

for a period of twenty days. However, execution of said suspension is hereby deferred and suspended pending further order of the Commission. If no further order of the Commission is issued affecting such operation within one year from the date of issuance of this decision, the period of suspension shall be vacated.

3. That for one year after the effective date of this order the respondent shall report to the Commission in writing every thirty days as to his conformity to the safety provisions of General Order No. 92.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Norman W. Holmes and this order shall be effective twenty days after the completion of such service upon the respondent.

Dated at San Francisco, California, this
5th day of July, 1960.

Arnold B. Day
 President
John E. Mitchell
William J. Deal
E. J. Fox
Theodore J. Jenner
 Commissioners