ANTI-JITNEY LEGISLATION.

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A summary of measures taken by public authorities to regulate and restrict the use of motor vehicles in competition with street railways.

OCTOBER 1, 1924. 174 p. mim.

AMERICAN ELECTRIC RAILWAY ASSOCIATION,
8 WEST 40TH STREET
NEW YORK, N.Y.

ANTI-JITNEY LEGISLATION

INDEX TO CASES.

ANTI-JITNEY LEGISLATION

ALABAMA

Birmingham

In Birmingham an ordinance to define a motor bus and regulate the running of motor buses in the city was passed in August 1915. It contained various regulations as to license, type of car, seating capacity, character of driver, etc.

(Birmingham News, May 14,1915)

On May 8, 1923 the City of Birmingham enacted an ordinance against jitneys operating within four blocks of a street car line in the down town section of the city, and placing an annual license tax on each jitney of $100. In addition owners were required to take out an indemnity bond of $10,000. The jitney men asked for an election by the people on this ordinance.

At the election on August 28th, the jitney men's ordinance submitted as a substitute for the city's jitney regulations was overwhelmingly defeated; the vote in favor of it numbered 2827 whereas the vote against it numbered 9002 The result of the election proved conclusively that the people of Birmingham preferred street cars to jitneys.

After the jitneys were defeated the Birmingham Interurban Taxicab Service Corporation was organized by former jitney owners and it applied to the city for taxicab licenses. The cars of this company were inspected by W.B. Cloe, Commissioner of Public Safety, who reported the automobiles unsafe and otherwise unsatisfactory for taxicabs. On the strength of this report licenses were refused. The taxicab company then applied to Judge Roger W. Snyder of the Circuit Court who granted a temporary injunction. On motion of the city, Judge William M. Walker dissolved this injunction two days after it was granted. Then the taxicab company applied for a reinstatement of the injunction and this was denied. The taxicab people than applied to Judge B.M.Miller of the Supreme Court, who reinstated the injunction pending the appeal of the Supreme Court.

Now the Supreme Court affirms the decree of Judge Walker, which dissolves the injunction and leaves the operators of these so-called taxicabs liable to arrest by the city for doing business without a license.

Another case, in favor of the city and against the Boyles Transit Company, was decided by the Supreme Court also on Dec. 22. In this case the transit company was operating automobile buses to Boyles and Tarrant City. This company asked an injunction against the city from requiring it to give bond for operating these buses.

Birmingham, (Continued)

An injunction against the city in favor of the transit company was granted in the Chancery Court. The city appealed to the Supreme Court, and the Supreme Court upheld the city settlement ordinance.

City officials say, now that the Supreme Court has ruled on these two cases, they will put the law into effect immediately, thus the jitney in Birmingham seems to have met its doom at last, after more than a year of fighting both in the courts and at the polls.

(Electric Railway Journals of May 19, June 9, July 28, August 11, 18 and 2 September 8 and 22, October 13 and December 29,1923).

Gadsden

An ordinance was passed in Gadsden, Alabama, April 19, 1915 to permit, govern, regulate and control the operation of automobiles, motor buses or other vehicles on the streets, aven alleys and other public places of the city of Gadsden, acting as common carriers and for other purposes. It named various restrictions and regulations as to number and type of vehicle, routes, schedules, lighting, license, bonding, etc.

Jitneys have practically been legislated out of Gadsden, Alabama. On December 17,1923 the City Council of Gadsden adopted a city ordinance prohibiting the operation of jitneys on streets where street cars of the Alabama Power Company operate. This puts the jitney out of business in Gadsden's downtown section.

The city ordinance also prohibits the operation of jitneys from Gadsden to Alabama City and Attalla, both connected with Gadsden by electric railway. For some time past numerous jitneys have operated between Gadsden and these two towns. Taxicabs are excepted in the ordinance.

The jitney owners' association of Gadsden threatens to contest the ordinance in the courts.

(E.R.J. December 29,1923 P. 1105)

Mobile

of Mobile, 15,1924.

jitney own right to i under whic street car

of Mobile

Mobile

The jitney ordinance passed by the city Commission of Mobile, Alabama on December 27, becomes effective January 15,1924.

The ordinance requires heavy indemnity bonds of the jitney owners. Under the new ordinance the city will (have the right to issue what will) be known as "certificates of conveyance" under which buses can be operated to sections not covered by street car lines of the Mobile Light & Railroad Company.

In the opinion of the City Commissioners the streets of Mobile will soon be cleared of jitneys.

(E.R.J. January 5, and 12, 1924.)

ANTI-JITNEY LEGISLATION

ARIZONA

There is a motor vehicle law in Arizona which gives the Corporation Commission jurisdiction over motor buses and jitneys in the state.

(Per Correspondence to Association)

ANTI-JITNEY LEGISLATION
ARKANSAS

Little Rock

An ordinance was passed in Little Rock, Arkansas, April 12, 1915, regulating and licensing public automobiles, jitney buses and other motor-driven vehicles operated for hire, prescribing regulations for owners and operators of same, limiting their use of the streets of Little Rock, and fixing penalties for violations thereof.

(Democrat, April 22,1915.)

As a result of the enforcement of the above ordinance requiring $2,000 bonds from operators of motor buses in Little Rock, Arkansas, 40 jitney buses and 5 taxicab lines, constituting virtually the sole motor transportation of this city, were forced to suspend operation.

(Electric Traction 1915)

A permanent injunction against operation of jitney buses in those streets of North Little Rock, Arkansas where they would compete directly with the cars of the Intercity Terminal Railway has been granted in Chancery Court.

(E.R.J. June 3,1922 P.915)

Argenta

In June,1917, the Chancellor of Argenta, Arkansas, ruled that the city had no right to regulate the operation of automobiles engaged in interurban service and has issued a permanent restraining order enjoining the city from enforcing an ordinance which placed a monthly license on jitneys operating beyond the city limits. The petition for injunction was filed in Chancery Court on May 18,1917 by twenty-four operators. The ordinance exacted a license of from $4.00 to $12.00 per month on each jitney, according to its passenger capacity.

(E.R.J. June 16,1917, p.1117)

Helena

Control of the buses operated out of Helena, Arkansas, has been taken over by the Arkansas Railroad Commission, and all owners must procure a permit within the next few weeks in order to operate according to an order just issued by the commission. Bus owners must make suitable bond to the commission with the condition that they pay promptly any damage incurred through negligence of drivers. They must arrange a regular schedule, provide separate seating for whites and negroes and observe the ordinances of the city which they serve.

Helena (Continued)

The question of fares has not as yet been considered by the state body. The commission retains further jurisdictio and will issue supplemental orders as needed. The owners must provide a $1000 bond for each bus with a maximum of $5000 esta lished for large owners. They must make a detailed report, giving the type of bus operated seating capacity and other information. The action of the commission resulted from the petition filed by the Messina Bus line of Helena. The company complained of operations of "outlaw" lines.

(Bus Transportation July 1924 P.3

ANTI-JITNEY LEGISLATION

CALIFORNIA

The first control over motor carriers resulted from a decision of the Supreme Court early in 1917, wherein it was held that motor operators acting as common carriers were included in the term transportation companies as used in the State constitution. The Legislature, at the 1917 session, decided that all parties proposing to do motor transportation business should first secure a certificate of public convenience and necessity from the Railroad Commission and also permits from the governing bodies of all political subdivisions through which they proposed to operate routes. Those operating exclusively within incorporated city limits were exempted from the act. The latter clause doubtless refers largely to jitneys which would then operate under municipal jurisdiction.

(E.R.J. 12/17/21)

Long Beach

Public convenience and necessity according to a decision handed down by the California Railroad Commission do not require the operation by the Crown Stage Lines of auto service between Huntington Beach and Long Beach, nor the operation of through stages between Riverside and Long Beach via Huntington Beach and via Westminster.

The commission, therefore, denied the application of the Crown Stage Lines for certificates to operate.The Pacific Electric Railway opposed the Application of the Crown Lines.

(E.R.J. Aug. 9,1924 P. 217)

Los Angeles

Jitney-bus operation in the City of Los Angeles commenced in 1914, all of the routes being along the heavier lines of travel paralleling entirely street-car lines. They are not, however, competing with street-car lines, but are operating what is really an auxiliary service, connecting up the motion-picture plants in the Hollywood district with the ends of lines of the Los Angeles Railway Company and touching this company's lines. The operation of such jitneys are not opposed by this company, nor by the Los Angeles Railway Company.

Prior to August 1st, 1917, several hundred jitneys were operating within the metropolitan district of Los Angeles into and out of the business section, the number reaching at one time approximately 1100. Initiative ordinance was voted by the city, restricting jitneys from operating in the business district. After that date, a few jitneys continued to operate

Los Angeles (Continued)

paralleling street-car lines up to the restricted zone. The number gradually dwindled, however, until the Board of Public Utilities ordered them to discontinue operations.

There are no jitneys operating in the metropolitan district of this city.

There are, however, jitneys operating in competition with this company in outlying communities, which are a part of the City of Los Angeles.

As a result of the sentiment expressed by citizens of this city for regulative measures with regard to jitney buses, Mayor Rose submitted on Feb. 8,1915, an urgent request for immediate regulation of the jitney bus traffic.

The jitney bus ordinance which has been hanging fire for several weeks has been approved by the city council. The ordinance obliges drivers to post an indemnity of $5,000 to protect passengers in case of accident. Persons of any nationality or race must be accepted as passengers. The Auto Bus Drivers' Association made a hard fight on this point, but the council decided that the jitney bus, as a public utility, could make no discrimination against negroes and Chinese. Jitney bus may, if they desire, deviate 3 blocks on either side of their chosen route. No mention was made of the number of passengers that could be carried and no limit was placed upon the fare that might be collected.

(Municipal Journal, March 18,1915)

The Hollywood Board of Trade has registered with the City Council and the Public Utilities Board of Los Angeles, Cal a resolution protesting against the jitney bus competition existing under present regulations. The Hollywood organization asks that jitney permits be limited to street in Hollywood that are not now served by the Pacific Electric Railway and to stree that will open up new service territory. The resolution calls attention to the part the Pacific Electric Railway has taken in building up the community, and also tothe large investment the railway has made, particularly in street paving and in paymnet of taxes. The Council has referred the resolution to the Publi Utilities Board.

(E.R.J. 10/7/16 - P. 747)

A formal complaint was filed recently with the City Council of Los Angeles, Cal., by the Pacific Electric Railway against the irregularity of the jitney competition which dwindl from 407 machines on a fair day to thirty-five during rainy weather. Due to the sudden shrinkage in the number of jitney buses, the company was obliged to put on extra cars to take ca

of the traffic. The company points out that it cannot afford to employ additional men, overhaul rolling stock and increase schedules for the few months in the year when jitneys fail to operate on account of wet pavements.

(Electric Railway Journal, Nov. 18,1916 Page 1082).

In March 1917 the City Council of Los Angeles adopted an ordinance increasing license fees for jitney buses about 30 per cent.

(Electric Railway Journal, 3/24/17. Page 570).

The Committee representing the 3500 employees of the Los Angeles (Cal.) Railway has filed with the City Clerk the initiative petition signed by more than 35,000 registered voters, which asks for the adoption of an initiative ordinance intended to insure a more effective control of the operation of jitneys. The proposed ordinance will be submitted to the people at the coming election on June 5,1917.

The employees of the Pacific Electric Railway have joined forces with the men of the Los Angeles Railway in the movement for better jitney regulation and have circulated petitions in a similar way. They are pleased with the responses received and claim that when the necessary eliminations are made because of faulty signatures, they will be able to file nearly 75,000 valid signatures in addition to the 35,000 which the Los Angeles Railway employess have obtained.

(Electric Railway Journal, 5/19/17. Page 936)

The Pacific Electric Railway, Los Angeles,Cal., has instituted a fight before the California State Railroad Commission against direct auto stage competition on all parts of its system. A petition filed by the interurban system on September 24 with the Railroad Commission protests and asks that wherever such competition is authorized or permitted to exist, the Pacific Electric be allowed to cancel all of its interurban commutation fares.

(E.R.J. October 2,1920. Page 684.)

The auto bus has been defeated in its attempt to compete with the Pacific Electric Railway, Los Angeles, Cal., for business between the city and Pasadena and between Los Angeles and Alhambra.

Members of the City Commission of Alhambra asked the bus company in entering the field to reduce its fares to meet those of the Pacific Electric lines' commutation fares. The bus company replied that the best it could do would be a straight 15 cent fare each way. In consequence it withdrew its application.

(E.R.J. December 18,1920.p.1257)

Los Angeles (Continued)

Additional bus line feeder service has been commenc experimentally and on a small scale, by the Pacific Electric Railway, Los Angeles, California, in connection with its rail lines and in competition with motor lines, as a matter of sel protection. The present plan has in view immediate relief fo the Hollywood district of the city of Los Angeles, which is a present without electric railway service.

The appeal of the company to establish the service made to the Los Angeles Board of Public Utilities on May 10, 1 in the form of a request for a motor bus line running to the largest park in the city established in the outlying section attracting a large volume of travel, but reached only by auto. mobiles at present. This motor bus service will be operated conjunction with the electric railway and transfers will be gi on the electric railway good for transportation on the motor and vice versa.

(E.R.J. May 28,1921 P.1014)

The Railroad Commission of California on December 26 handed down a decision ordering twenty-three so called "outlaw auto stage carriers operating between Los Angeles and San Fran co, to discontinue service, and declared that their system of operation clearly subjected them to the regulations and rules of the California transportation act. The defendant carriers denied the latter and contended that they did not operate over any fixed route or between fixed termini. The commission poin out that they were engaged in the business of common carriers they advertised regularly in the newspapers and decided that t kind of service was dangerous as the trip which took sixteen hours was covered by one driver and no relief men were used as the practice with recognized companies. It was also stated th many drivers were not bonded and passengers were given no pro- tection against accident, loss or damage.

(Bus Transportation, January,19

The so-called McAdoo-Hellman twenty-one year motor bus franchise was defeated on May 1 by Los Angeles voters by more than 12,000 votes. The proposition for repealing the pres jitney bus ordinance was also defeated by more than 4,000 votes As a result public motor carriers will continue to be banned in the down-town district.

The People's Motor Bus Company conceding defeat, file an application with the local Board of Public Utilities immed- iately after the election withdrawing all its propositions for motor bus lines in Los Angeles over some nineteen routes parall ing all railway lines and reaching practically every section of the city. The withdrawal, however, is given as temporary. The Hellman-McAdoo interests, back of the People's Company, state there is no necessity of their company entering the field again now, as railway companies have promised Los Angeles adequate bus

Los Angeles (Continued)

lines and improved railway service to relieve the transportation congestion.

After the election the railway officials declared the promises made by them to the people of Los Angeles before the election would be fulfilled at once. Work will be started immediately on improvements to cost in excess of $6,000,000.

The failure of the voters to grant a twenty-one year irrevocable motor bus franchise and the decision not to repeal the present jitney ordinance are generally interpreted to mean that the voters were unwilling to cripple the Los Angeles railway lines.

Under the present laws of Los Angeles the Board of Public Utilities can grant motor bus permits for operation outside of the downtown district, but evidently Mr. McAdoo's company did not see fit to spend $1,000,000 for bus equipment and operate under thirty-day permits or even yearly permits.

Prior to the election the two railways filed a joint application with the Board of Public Utilities for permission to install motor bus service in the Hollywood district on a 6-cent fare basis with interchangeable transfer. This application outlined that the two railways would be consolidated and promised an extension of the Los Angeles Railway lines into Hollywood and the establishment of universal transfers. The application stipulated a 6-cent fare between bus and Pacific Electric Railway cars and a 10-cent fare between Los Angeles Railway cars and buses within defined districts. The statement filed with the board practically admits that when the State Railroad Commission completes its survey of the local railway systems and that upon consolidation provision will be made for the extension of the Los Angeles Railway lines into Hollywood territory.

"Independents" are filing applications for revocable bus permits for operation in various sections of the city, but the substantial element of the city is demanding the Los Angeles Motor Bus Company, which was organized by the two railway companies, be given all permits for motor buses to be operated in co-ordination with the railway lines. The majority members on the local city Board of Public Utilities are inclined to give permits to the independents and the railways.

(E.R.J. May 5,1923 P. 779)

Following the defeat at a public election in Los Angeles, Calif., on May 1 of two proposals for operation of buses in competition with the electric railways, the plans for extensive improvement of Los Angeles transportation facilities were approved on May 7 by the Los Angeles Board of Public Utilities, by granting permits for the operation of buses in connection with the electric cars.

Los Angeles (Continued)

The service improvement program includes constructi of new track extensions by the Los Angeles Railway, the opera of buses by the Los Angeles Railway and the operation of join buses by the Pacific Electric and the Los Angeles Railway und the name of the Los Angeles Motorbus Company.

(E.R.J. May 19,1923, P. 865)

The Los Angeles Motor Bus Company, organized by the Pacific Electric Railway and the Los Angeles Railway to operat motor-bus feeder lines in the city of Los Angeles, has ordere $750,000 of the most improved type of motor buses. This acti is in line with the promises of the two railways to the city of Los Angeles after the defeat of the McAdoo bus scheme at th May 1 election. The order for the news buses was placed on Ma 26th with the Moreland Motor Truck Company, Los Angeles. The buses will cover routes totaling approximately 70 miles.

(E.R.J. June 9,1923, P. 984)

After conducting various public hearings during the past thirty days based on applications of several bus line ope ators, the California State Railroad Commission has taken into consideration that there is a necessity of providing the fast-growing outlying district of Los Angeles with motor bus trans-portation service either by the auxiliaries of the street car lines or by privately operated bus systems; therefore the com-mission on June 23,1923 granted several motor bus certificates to furnish the desired service.

The permits authorize bus service to a portion of th San Fernando Valley; between Alhambra and South Pasadena and between Santa Monica and Venice.

At the same time the commission dismissed the appli-cation for bus line permits between Glendale, Hollywood and other points to Los Angeles.

(E.R.J. July 7,1923. P. 36)

Oakland

Ordinance prohibits operation of buses in business section.

Ordinance was adopted as a means of ridding city of jitneys.

Many interurban buses operate.

(Aera, April 1923.)

Sacramento

The jitneys operating in the city of Sacramento, Cal., were put out of commission on July 20 when an injunction was granted forbidding the City Commissioner to hold a special election on the question of whether the jitney ordinance should become effective. Hereafter, before being allowed to operate, jitneys will be required to purchase a franchise, which will be granted only in accordance with the commissioner's opinion as to the routes on which jitney service is needed.

(E.R.J.Aug.17,1918.P. 312.)

The City Commission of Sacramento has repealed the ordinance requiring every jitney to secure a permit before engaging as a common carrier. The commission had threatened to take this step unless the company withdrew its application to the California Railroad Commission for a 6-cent fare.

San Diego

Ordinance prohibits operation in business section. Its passage ended strenuous competition.

(Aera, April,1923.)

San Francisco

Jitney buses commenced operating in San Francisco in considerable numbers about January 1,1915, increasing in numbers until there were as many as 650 jitneys on Market Street, the main thoroughfare of the city, daily. The condition became such that it was unsafe to cross the street, and an ordinance regulating the operation of the jitneys and resulting in their elimination from Market Street during the hours of 10:30 A.M. and 4 P.M. was introduced in the Board of Supervisors, and after weeks of public hearings and careful consideration adopted by the Supervisors and signed by the Mayor upon the urgent representation of the Police and Fire Departments, the Grand Jury, Improvement Clubs, merchants, property owners and great numbers of pedestrians making direct appeals to the Supervisors. The jitneys drivers sought by initiative to repeal this ordinance at the general election in November 1916, but the proposed amendment (which, if passed, would have permitted jitneys to operate in unlimited numbers at all times and without any other regulation than imposed upon private vehicles) was defeated by a majority of 20,000.

(Data Sheet #213, Aug.1920)

A committee of citizens representing residents of the Twin Peaks district in San Francisco, California, have secured the approval of the Board of Supervisors for a bus line to serve this district and connect with municipal cars on the Market Street line. Two buses would be sufficient, according to the committee,

San Francisco (Continued)

to maintain the desirable service. The proposal is that the buses be put on as soon as the Market Street extension, a regrading project, is completed.

(Electric Railway Journal, 3/26/ Page 613)

After agitation for a motor bus line along the San Francisco waterfront that culminated in a public discussion on January 3,1923, members of the Board of Supervisions of San Francisco announced that steps would be taken at once to establi such a service.

The proposed route is to be about 3½ miles long follo ing the Embarcadero post the Ferry Building to a northerly terminal at the foot of Hyde Street, which is also the terminal of the Golden Gate Ferry. The construction of an electric rail over this route is said to be impracticable because about fifty cross overs would be required where spurs of the Belt Line Rail would have to be crossed.

(E.R.J. Jan. 13,1923. P. 104)

A decision of the State Railroad Commission denied authorization to the Pacific Auto Stages, Inc., to operate pass gers stages between the town of Calistoga and the city of San Francisco, which as proposed would have paralleled the railway' line between Calistoga its northern terminal and Napa a distanc of 28 miles.

The Pacific Auto Stages applied for a certificate of public convenience and necessity to operate passenger auto sta service between San Francisco, Napa, Calistoga, and intermediat points by way of Sausalito and the Golden Gate ferry, but it di not desire to operate any local service between any two points intermediate between San Francisco and Napa.

The railway company has been involved since the earl part of the year in protesting the application of this company. Representative municipal and political subdivision bodies toge with promotion organizations generally joined with the company protesting bus operation in this vicinity.

The Commission declared that because of the strong protests from the substantial interests, business and agricultur of the Napa Communities against the proposed operations and ag any proposed new transportation which would tend to direct traf from the railway in its present struggling financial condition together with the evidence tending to show that the applicant's claim to be able to provide a substantial saving in operating time was not well founded, and further, that the applicant's ti schedules would not provide for the traveling public the conven ience that is now provided by the time schedules of the railway.

San Francisco, (Continued)

it did not appear that the Pacific Auto Stages, Inc had sustained its argument that public convenience and necessity required its operation. The commission therefore rejected the petition.

(E.R.J. July 26,1924. Pages 140-141)

Pasadena

Regulation is limited, Operators are only required to operate over certain routes, and live up to filed schedules. Must pay license fee, ordinary taxes, and furnish indemnity bond.

(Data Sheet #213, August 20,1920)

The City Commissioners of Pasadena, California, have denied the applications of jitney bus owners to operate additional buses in the city until the Commissioners decide upon a fixed policy in regard to the regulation of jitneys.

The city will not allow the expansion of jitney lines within the city limits. It is pointed out by the City Attorney of Pasadena that sooner or later Pasadena must decide on a single form of local transportation.

The installation of the one-man car by the Pacific Electric Railway will doubtless lessen the increase of jitney bus competition in Pasadena.

(E.R.J. October 23,1920,Page 889)

On January 12, 1923, the Board of Directors gave out a statement on the transportation question, making public the revised plan of the Pacific Electric Railway as submitted to the city by D.W. Pontius, Vice President and General Manager, which was received shortly after the recent municipal bus bonds were defeated.

If the Directors of the city accept the company's plan, only four of the company's present local street car lines in Pasadena will be operated. The railway agrees to operate bus lines on eleven streets and to place in service at once forty-five high class motor buses and to give greater

Pasadena (Continued)

frequency of service than it has been doing with the abandoned street car lines.

The City Directors state that they will not grant franchises for bus lines but will issue permits, and hold that when a bus supersedes an electric street car line the service should be more frequent. The Directors also maintain ther there should be a revised valuation of the company's holdings in the city of Pasadena, a check should be maintaine on the company's accounts and the city shall have the right to buy the bus system at cost less depreciation.

(E.R. J. January 27, 1923. P. 18

Venice

Regulation is limited. Operators are only required to operate over certain routes, and live up to filed schedules. Must pay license fee, ordinary taxes and furnish indemnity bond.

(Data Sheet # 213, August 20,192

Visalia

Holding that the Visalia Electric Railroad, Exeter, California, is capable of taking care of the traffic between Visalia and Lemon Cove, the Railroad Commission of California has denied the application of the Sequoia National Park State Company for a permit to operate an auto stage line between the

Visalia (Continued)

two points. The stage company, however, may operate between Lemon Cove and the Sequoia National Park line during the months that the park is open and between Lemon Cove and Kaweah the rest of the year.

(E.R.J. July 12,1919. Page 96.)

ANTI-JITNEY LEGISLATION

COLORADO

Denver

The emergency jitney service in Denver, which was in operation from August 1,1920, because of the strike of the employees of the Denver Tramway, was suspended on October 5th, It was declared that although many drivers had ceased to operate buses since the strike settlement there were between 200 and 300 jitneys in operation when the order was given. During the strike the jitney men were permitted to drive buses in Denver without license or restriction.

(E.R.J. October 30,1920.p. 947)

ANTI-JITNEY LEGISLATION

CONNECTICUT

Jitneys in Connecticut are under the jurisdiction of the Public Utilities Commission. A set of rules for the operation of jitneys was adopted by the commission June 17, 1921. Copy of these rules follow:

PUBLIC UTILITIES COMMISSION

STATE OF CONNECTICUT.

JITNEY REGULATION

Rules Established by the Public Utilities Commission under the Provisions of Chapter 77 of The Public Acts of 1921.

1. Violation of any traffic ordinance, or a state law, regarding motor vehicles, or the rules of this Commission, may be sufficient cause for revocation of a certificate issued to operate a jitney.

2. Ownership in certificates to operate jitneys, issued by this Commission, shall not be transferable without approval of the Commission.

3. Every jitney shall display a sign on the front thereof, so located as not to obstruct the operator's vision, stating the termini and general route of such jitney, in letters not less than two nor more than three inches in height, with substantially three-eighths inch stroke, and which sign shall be illuminated at night.

4. Every jitney having a seating capacity of ten or more shall have permanently displayed on each outer side thereof a notice stating the seating capacity of such jitney, as follows: "Seats . . . . " (giving the number in figures), the letters and figures used in such notice to be two and one-half inches high with one-fourth inch stroke. The inside of such jitney shall be reasonably lighted at night.

5. The jitney or jitneys certified to operate over a given route shall reasonably maintain the schedule prescribed for such route, and there shall be posted in a conspicuous place inside of each jitney a timetable of the entire service prescribed for the route, and said timetable, so posted, shall also state the rates of fare.

Connecticut (Continued)

6. No owner or operator of a jitney or jitneys shall change the schedule or reduce in any particular the service spec fied, without approval by the Commission.

7. There shall be no deviation from the route specific by this Commission except in emergency.

8. Any interruption of the service required by a certi ficate, for a period of twenty-four hours, shall be reported to the Commission, together with the cause thereof, and a continuou interruption or suspension of such service for a period of five days shall automatically revoke the certificate, unless excused for cause by the Commission.

9. Every jitney shall be operated at a safe rate of speed consistent with congestion of street traffic, danger at intersecting streets, curves, street railway crossings, or other conditions requiring extra caution, and for suburban service whe the speed may reasonably exceed that maintained in urban territo the speed shall in no case exceed twenty miles per hour for jitneys having a seating capacity of ten or more passengers, and sh not exceed thirty miles per hour for all other jitneys.

10. No owner or operator of a jitney shall solicit passengers by outcry or other noise.

11. No person operating a jitney shall collect fares, make change, or take on or discharge passengers, while such jitn is in motion.

12. No jitney shall stop to receive or discharge passengers at any other place than the curb or side of the traveled wa when same is accessible.

13. No operator of a jitney shall smoke, or have in his possession a lighted cigar, cigarette or pipe, while on duty.

14. No jitney shall carry or receive for transportation any dangerous explosive or inflammable substance excepting gasoline or other fuel used for its own locomotive power, carried in the tank provided for same.

15. Before crossing the tracks of any steam railroad at grade, the operator of every jitney shall carefully observe warning signs and proceed over the tracks with due caution.

16. Any article left in a jitney by a passenger shall b reported to the Commission if unclaimed for a period of twenty- four hours, with information as to where such article may be recovered.

17. Every jitney shall be equipped with a reasonably correct speed indicator, properly connected and adjusted.

Connecticut (Continued)

18. Every jitney shall be maintained in a neat and sanitary condition.

19. There shall be posted in a conspicuous place in every jitney, the Commission's memorandum certificate, or a certified copy thereof.

The foregoing rules are subject to such changes, modifications and additions as the Commission may subsequently find necessary.

Adopted June 17,1921.

Public Utilities Commission

By Henry F. Billings,

Secretary.

The Public Utilities Commission of the State of Connecticut has denied the application of two operators to run automotive vehicles between Hartford and Manchester, a distance of 10 miles. The Commission finds the existing transportation facilities of the trolley and steam road adequate to supply transportation requirements except for about two peak hours each day, when auxiliary service would be a convenience. The applicant did not desire a certificate for this limited service. The commission prepared a lengthy decision covering the general controlling principles of competition, comfort, speed, general public requirements, permanency and continuity of service, etc. This is the first decision by the commission regarding public service motor vehicles to be made under the act of 1921 placing these vehicles under commission regulations.

Judge Keeler of the Superior Court for New Haven County in July, 1921, refused to grant a temporary injunction to the jitney men to restrain the prosecuting officers and chiefs of police in New Haven and Derby from referring complaints and making arrests under the new act regulating buses in that state. The act was attacked for its unconstitutionality on various grounds.

Judge Thomas of the United States District Court overruled Judge Keeler and issued an injunction on July 30 which terminated the jitney ban temporarily and prevented the police authorities from making arrests. The ruling was the result of the claim on the part of the busmen's attorneys that the men's constitutional rights were being invaded. The case was to be heard August 16 before a special court of the United States.

On August 8 Judge Thomas rescinded his restraining order of July 30 and gave notice that the jitneys would have to cease operating at 12 o'clock that night. The ruling of the court is that the jitneys must not attempt to operate again until the Federal Court of three judges had passed upon the application of the jitney man for an interlocutory injunction.

Connecticut (Continued)

Judge Thomas left the issue of the constitutionality of the state law to the higher court which was to sit at New Haven August 16.

Jitneys were warned that they would be arrested if they continued service and the "club membership" plan was adopt by which membership cards and coupons were used instead of cas fares. Officials of the jitney association gave orders that th service was to be continued and several drivers were ordered to appear in the Milford Town Court on the following Monday.

The application of the jitney men for an injunction against the enforcement of the new jitney law was heard August and it was expected that a decision would be forthcoming about August 22.

Judge Walsh of the Court of Common Pleas Complicated the jitney situation in Connecticut by granting an injunction restraining the Bridgeport Bus Association from operating their buses under the "club plan".

A legal skirmish with first one side and then the other the victor, continued for sometime in Bridgeport. On September 1, the buses were stopped by the police and for two days stopped running. This was followed by the injunction mentioned above and the buses began operating as free buses or on the club plan ; these operated in full force without interference from the police.

The law was however, held to be constitutional by the State Supreme court and again by the United States District Cou It is now in operation as enacted without any change whatsoever.

In October,1921 the Common Council of Bridgeport petitioned the Public Service Commission for additional jitney routes, and asked the commission to touch on electric railway fares. It is understood, however that the commission cannot give a hearing to the Bridgeport officials under the terms of the petition. The commission has already conducted hearings on the jitney question.

In November the president of the jitney association stated that if the Public Service Commission granted a 5-cent fare to the railways, the commission would be asked to revoke the licenses under which about seventy-five jitneys operate in the city.

The Gray Line Bus Corporation was organized in Bridgep the early part of March, 1921. There were twenty buses operatin on the line.

(Electric Railway Journals of May 21, July and 30, August 6,13 and 20, September 10 a 17, October 22, November 12,1921; the New York Times of August 13, 1921; the Commerc Vehicle of March 15,1922; and Bus Transportation, January,1922).

Bridgeport

The jitney first appeared in Bridgeport in 1915 and increased gradually at first and more rapidly with the increase in population and industry due to war manufacturers. The Connecticut Company operates the only street railway line in Bridgeport and had trouble first in handling the increased population and second in competing with the jitneys. These conditions forced the railway to increase its fare which made the now popular jitney more in favor than ever with its 5¢ fare. There were about 250 jitneys all operating independently. The railway company's receipts became so low that there was scarcely enough to cover salaries of employees. On July 2,1915 the board of trustees of the Connecticut Company issued an ultimatum to the Mayor in the form of a resolution and statement (see copy attached) which stated that unless action was taken by the proper authorities of the City to protect the company from jitney competition on the streets and routes upon which the company's cars operate, service would be discontinued on the Bridgeport division on July 15,1920. There were then over 300 jitneys operating and when the above resolution became known John L. Schwartz, leader of the jitneurs, organized the Bridgeport Bus Owners Protective Association (AERA October 1920)

RESOLUTION TRANSMITTED TO MAYOR - JULY 2,1920.

Whereas, the operation of the Bridgeport Division is conducted at a great and increasing loss due mainly to unregulated jitney competition, especially on the city routes and streets upon which this company operates, and interference by the jitney with out service.

Voted, that unless action be taken by the proper authorities of the City of Bridgeport which will fully protect this company from jitney competition on the routes and streets upon which the company's cars are now operated, service will be discontinued on the Bridgeport Division on July 15,1920.

The statement of the trustees which accompanied the notice to the mayor read:

As is well known jitneys have operated in the city of Bridgeport for the several years last past in direct competition with the street cars of the Connecticut company and to a greater extent than in any other city of the State. This competition has materially affected the revenues of the company, the amount received having been for a long time insufficient to meet ordinary operating costs, and recently having so fallen off as to but barely meet the payrolls, leaving not enough to pay for materials.

The company has sought to meet this competition and to improve the character of its service, having purchased a large number of safety cars, but unfortunately the financial results have not only failed to improve, but have grown steadily worse. Manifestly, this cannot continue. The company has no profits at other places which it can draw upon to make up its losses in Bridgeport. The continuance of its operations must

Bridgeport (Continued)

depend upon the revenues received.

The great cause of the competition which has proven so ruinous to the company is that the routes assigned to the jitneys by the public authorities are all on streets upon which the street railway tracks are located so that all the revenues which they receive comes from those who would otherwise pay car fares and thus directly takes away the revenues of this company. The extent of this competition is shown by the fact that the jitneys are carrying over one-half of the total number of passengers.

Under such severe and unregulated competition it is impossible for this company to operate. It is obliged to pay a percentage of its gross receipts in the form of a tax and in addition must maintain the greater portion of the pavement on the streets in which its tracks are located and contribute towards the cost of all bridge renewals. It performs a full measure of service for more than eighteen hours of each day and during snow storms keeps the streets open for the passage not only of its own cars, but for jitneys, delivery wagons and other vehicles. Its service must be continuous and dependable. No means of conveyance not confined to definite track areas can supply the amount of service required, especially in a city with narrow central streets.

The jitney operates wherever and whenever the individual owner pleases without regard to the necessity or convenience of the community and the jitneys alone cannot give an entire city such service as is necessary for its continued growth and prosperity.

There are areas in the city of Bridgeport without any means of public transportation through which motor bus routes would be of great service and would meet a real public necessity, and we are advised that it is within the power of the city to establish such routes and to confine jitney operation thereto. By so doing a material improvement in public transportation would be afforded and by eliminating ruinous competition the continued operation of street cars would be made possible. Without some action of this kind continued operation is not possible.

In making this statement the trustees desire only to point out the real situation. They have no wish to take any unreasonable attitude. The point is simply that the street railway service cannot be carried on in the face of existing jitney competition. And if such service be discontinued it will be because under existing conditions this company cannot make enough money to pay its expenses.

The trustees desire to call attention in this connection to the fact that the Connecticut company has no legal

Bridgeport (Continued)

The Connecticut Company had appealed to the General Assembly of 1919 to place the jitney under control of the Public Utilities Commission. In response to the request of the corporation, when the city passed an ordinance, which, in effect, practically elininated the jitney as a competitor, all classes denounced the action of the Mayor and Common Council. The sympathy of the people was with the jitneurs and a fund was raised to secure an injunction against the city officials restraining them from putting the ordinance into effect. A temporary injunction was issued by the judge of the Superior Court. A motion to dissolve the injunction, filed by the City Attorney was denied by the Judge. In the meantime the trolley company sent a letter to the Mayor stating that if the injunction was made permanent on Saturday, July 25, when the Judge's decision was to be forthcoming, they would cease running cars at midnight the following day. The trolleys ceased to operate on Monday, July 26 (Baltimore Evening Sun-September 6,1920)

The jitneys were reinforced from surronding towns until there were between 400 and 500 operating in the city. For two months the jitneys had a monopoly of the city. At first things went smoothly but, due to the flivvers and heretofore part-time jitneys dropping out, the service became inadequate and irregular and people began to complain. Business men reported that buying had fallen off from 25% to 50%. The jitneys were dirty, crowded and poorly lighted, and, when the drivers found they were not making much, if anything, over expenses, they became independent and discourteous.

Finally the merchants of the city demanded that the city authorities exercise their rights and restrict the jitneys to streets not in direct competition with the trolley lines. On August 26, a committee appointed by the Mayor, having investigated the entire transportation situation, recommended that jitneys be restricted to certain routes. A meeting of the City Council was called for August 30 to act upon the recommendation. The Council met on September 7 and passed an ordinance restricting the operation of jitneys to certain streets not in direct competition with the trolley lines and on September 20 the Connecticut Company resumed service.

(AERA, October,1920)

Since the popularity of the bus is due almost entirely to frequency of service, the Railway Company proposes to use the one man safety car on close schedule exclusively except during peak hours when a large two car train would be used to take care of the crowds. It also proposes to use its own buses during the rush hours which, altho run at a loss, will be taken care of by the saving in platform and power expense of the one man cars.

(Bridgeport Progress, Aug.1,1920)

New London

Up to June 1920 the jitneys ran wild in New London. On June 7,1920, an ordinance regulating motor traffic was passed by the Council. Among other things this measure rule public autos designed to carry more than seven passengers of of some of the main streets. Moreover, the measure provided that the operator of any such vehicle seeking to do business should file with the captain of police a statement showing among other data the route over which he intended to operate description of vehicle and fare to be charged, such informat also to be carried in form of placard upon vehicles. Failur to comply with terms punishable by fine of $5 to $30.

The jitney men were quick to assert themselves. T city charter provides that within fifteen days of the passag of an ordinance the Mayor shall, if requested in writing by five members of the Court of Common Council and thirty other voters of the city, call a special meeting of the voters to pass upon the matter. The question of regulation was thus brought before the city on June 29. The jitney men retained counsel and solicited the electors personally. On the other hand the electric railway trainmen also appealed to the elect among their friends. When the vote was taken an overwhelmin majority was cast for the regulatory measure. In consequenc the ordinance was continued in effect.

(E.R.J. July 3,1920. P. 34).

Hartford

The jitney situation was much the same in Hartford as in other cities in Connecticut. Early in 1920 public spi had reached such a pass that people were demanding that the jitneys obey the laws which require that they stop their over crowding and keep lights inside during night use. An action by Alderman Davis warned the counsel for the jitneymen, that the overcrowding was not stopped he would introduce a city or dinance that would put the jitneys out of business.

(E.R.J. February 21,1920.p.41

The board of directors of the Chamber of Commerce of Hartford, Connecticut on September 28,'20 appealed to the city authorities to suppress jitney competition with the loca lines of the Connecticut Company.

(E.R.J. October 2,1920. p. 69

The Board of Aldermen of Hartford, Connecticut on October 11 adopted an ordinance barring motor buses from the streets used by the Connecticut Company and from the congeste business areas of the city. The measure would go into effect on November 1, unless court action were brought by the jitney men to prevent its execution. It provided that belt-line jit ney routes must be established in sections of the city not

Hartford, (Continued)

directly served by trolley lines. The ordinance was passed under suspension of the rules, by a vote of 15 to 3.

(E.R.J. October 16,1920. p.848)

In October, 1920 an attempt was made to form one central organization embracing all the large and small jitney buses in Hartford, Connecticut. The Hartford Public Service Operatives Protective Association was back of this movement. An association to be known as the Hartford Bus Corporation was to be formed with a capitalization of $50,000.

(E.R.J. October 16,1920. P.849)

In November,1920 the Hartford city authorities enacted an ordinance barring buses from the streets. The local association of jitney operators appealed to the Superior Court for an injunction prohibiting the enforcement of this measure, but the court refused to grant them relief. They then took their case to the Connecticut Supreme Court.

(E.R.J. November 20,1920. P.1080)

In January, 1921 a report was submitted to the City Council of Hartford, Connecticut, by the special committee of that body which had been investigating the railway jitney situation in Hartford. The committee urged that the present bus competition be removed. It contended that, if steps were taken by the city authorities to aid the railway through regulation of the jitneys, the city would have the right to insist upon improved service and the payment of deferred maintenance charges.

(E.R.J. January 8,1921, p. 105)

Waterbury

The Connecticut Company operating in Waterbury, Connecticut announced in November, 1920 that because of jitney competition, it would withdraw all cars from the Waterbury Division on a certain day. This action followed the repeal by the Waterbury Board of Aldermen of an ordinance regulating buses within the city limits. The Connecticut Public Utilities Commission on November 17 directed the Connecticut Company to continue service on its lines in Waterbury pending a public hearing on the transportation situation in that city. Following the receipt of the commission's order, the company rescinded the instructions to its employees to "lay up" the cars at 6 P.M. The commission ruled that the railway must obtain its permission before making a suspension of service, and that permission to discontinue operation could only come after a formal hearing on all phases of the matter.

(E.R.J. November 20,1920.p.1080)

Waterbury (Continued)

The jitneys ceased to operate and sought an injunctio to restrain the municipal authorities from interfering with their "right" to operate where they chose.

(E.R.J. November 27,1920. p. 1

New Haven

An ordinance was passed by the Board of Aldermen of New Haven, Connecticut, ruling motor buses off a number of str in that city served by the Connecticut Company. The ordinance came about through a letter from President Storrs of the Connecticut Company to the Mayor declaring that the company might have to suspend service on its New Haven division if jitney competition were not curtailed. The Mayor sent this letter and a communication of his own, urging immediate consideration of the emergency to the Aldermen.

(E.R.J. September 18,'20.p.572)

Page #29 blank

ANTI-JITNEY LEGISLATION

DISTRICT OF COLUMBIA

On December 9, 1921 twelve motor bus operators were informed that the authority granted them by the Commission's Or No. 396, issued December 11, 1920 to operate motor vehicles for hire over certain routes had expired by limitation on November 1921. The Commission declined to authorize the renewal thereof as the route operated by them was in direct competition with th lines of the Washington Railway and Electric Company which was then furnishing adequate service to the public.

(Per letter of A.H.Ferrandou, December 21, 1921.)

Seven motor bus operators were informed December 10, that the authority granted them by the Commission's Order No.39 issued November 4, 1920, to operate motor vehicles for hire ove certain routes having expired by limitation on November 1, 1921 it would be necessary for them to submit a new application to t Commission should they desire to continue to operate vehicles over those routes.

In describing the routes they desired to follow, the mission required them to indicate the routes outside the distri and the towns or villages, or sections to be served in that sta as well as the route to be followed in the District of Columbia Upon receipt of the application, blank form for which the Commission enclosed with the notice, the Commission would consider the advisability of authorizing a renewal thereof.

(Per letter of A.H.Ferrandou, December 21, 1921.)

The Public Utilities Commission of the District of Columbia has declined to approve the application of the Washing Rapid Transit Company for an extension of its service. In ref the petition the commission stated that earlier approval for th establishment of bus lines on a number of routes now being ser had been given because at that time the street car lines were seemingly unable during the rush hours to provide adequate and convenient carrying capacity for the public. The number of car rides were then greater than at present, however, and the condi tions that warranted the comparatively large invasions of the regions already served by the railway no longer present themsel

If the Public Utilities Commission were now to grant further bus extensions of like character, while promoting the convenience of relatively few they would tend to damage the in terests of greater numbers of the people. The Commission spok further of the high investment required by the railway company installing the underground type of construction and the fact t they are required to pay a tax of 4 per cent on their gross

District of Columbia (Cont'd)

pave a large portion of the streets and pay the salaries of the street crossing policemen, all of which must be earned over and above the so called fair return out of the receipts of the car riders.

The Public Utilities Commission said that certain diagonal streets not occupies by car lines lend themselves to a more direct and more rapid transportation than can be had on the railway lines and that bus lines had been permitted for that reason. Such bus lines, however, have invariably taken from the car companies the cream of their traffic - the short-haul rider - and this not withstanding the fact that bus lines pay into the public treasury no portion of their gross receipts, no paving tax and nothing for street crossing policemen.

In the opinion of the Commission there is a legitimate field for bus service but this does not lie in the multiplication of lines or vehicles reaching the heart of the city. It lies rather in providing service in extension of the street car lines into territory so thinly settled as not to justify the large investment necessary for street railway service.

The bus lines should be feeders. They should create business and not rob the street railways of the just reward due to their heavy investment for the public benefit. The commission also stated that such public service as was justified in a city should be owned and operated by the street railway companies and co-ordinated so that transfer privileges and other desirable joint relations would result.

(E.R.J. December 2,1922 P.895)

The Capital Traction Company, Washington, D.C. began in February 1923 the operation of a bus owl service to and from Rock Creek Bridge loop, Twentieth and Calvert Streets to Chevy Chase Circle. The bus owl service will be continued for two or three months until the experiments in the laboratories of the Carnegie Institution, which are of great importance, have been completed. The change was made from electric owl cars to buses, because the current from the Chevy Chase line, leaking ever so slightly, interfered with the delicate instruments a half mile away.

(E.R. J. March 17, 1923 P.497)

A proposal to parallel the street railway lines of Washington with modern buses, "without interfering with said railroads except by fair competition," was submitted to the District of Columbia Public Utilities Commission by Arthur E. Randle, President of the East Washington Heights Traction Railway on October 31, 1923. Mr. Randle coupled with his proposal an offer to pay the District government, in return for such franchise, 1 cent per passenger carried by the buses, or $1,000-000 annually.

District of Columbia (Cont 'd)

The proposition, accompanies by a certified check for $25,000 as an evidence of good faith, was placed before th the Public Utilities Commission during consideration by that body of a proposal by the Capital Traction Company to operate bus from the terminus of one of its lines at Seventeenth Stre and Pennsylvania Avenue, Southeast, across the Anacostia River into Randle Highlands. This bus feeder will parallel for some distance the line of the East Washington Heights Traction Rail of which Mr. Randle is President.

The East Washington company operates a single-track suburban line, with two cars in service- Citizens along the li had petitioned for improved service.

The commission granted the Capital Traction Company permission to operate the bus into Randle Highlands on Novembe 1, 1923. No action was taken on the offer of Mr. Randle who d not disclose his associates in the proposition.

(E.R.J. November 10, 1923 P.839)

The Public Utilities Commission of the District of Columbia has authorized the Capital Traction Company to extend its bus line, now operating between Randle Highlands and Seven teenth Street and Pennsylvania Avenue, Southeast, to the Easte High School.

The Commission also ordered that transfers between this extension of the bus line and the railway line be issued 2 cents each. The order is to take effect May 15, 1924.

(E.R.J. April 12, 1924. P. 593.)

ANTI-JITNEY LEGISLATION

FLORIDA

arcola

A few jitneys were operated in 1916 but none since that . They were eliminated by strict ordinance requiring high ense fee, etc.
(Data Sheet #213)

i

Bus companies in Miami, Florida, will have to put up individual surety bonds with the city instead of the blanket bond which has been put up by an association of the bus lines the past year. Individual bonds of $5,000 will be demanded for each car. The blanket bond was $100,000. The cost of licenses for cars operated by the bus companies will remain the same.
(Bus Transportation , January, 1922)

In Miami the city recently took over the ownership of the electric railway. The city manager enforced an ordinance passed by the City Commission refusing the right of the buses to use streets on which the trolleys operate and later leased the railway to the Miami Beach Electric Company.

The buses were permitted to continue service or to extend their service on any streets not traversed by trolleys. The city officials believed that this restriction was necessary not only for financial reasons, but for traffic reasons as well.

(Bus Transportation, March 1922)

ANTI-JITNEY LEGISLATION

GEORGIA

The motor bus bill pending in the Georgia Legislatur appears likely to pass. The bill provides that the bus lines be placed under the Public Service Commission for supervision.

At present the bus lines are regulated by city ordina state statutes, county laws and even interstate laws.

(E.R.J. July 19, 1924 P. 102)

By vote of 131 to 5 the Georgia House has passed a bi authorizing electric railways to acquire stock in bus lines. Th bill passed the Senate and will go to the governor for his sign ture.

The measure permits railways to purchase stock in bus lines to enable the railways to extend service through the oper tion of the buses as feeders.

(E.R.J. Aug.23, 1924 P. 296)

Above bill was signed by Governor.

(E.R.J. Sept. 13, 1924 P. 403)

Atlanta

Two competing interurban bus lines and more than 200 local jitneys operate. There is no regulation. In 1915 the cit passed a regulation ordinance, requiring fixed routes, bonds, licenses, etc. Litigation, which finally ended with a decision of the supreme court of the United States upholding the validity of the ordinance, followed, but before this judgment could be entered a new city administration unfriendly to the railway company, rescinded the ordinance. The present influx of jitneys resulted.

(Aera, April 1923.)

As a means of putting the Georgia Railway and Power Company on a sound financial basis the company filed with the Atlanta City Council on December 1, 1923 a plan suggesting seven different remedies to assist the railway and has offered, provid the public does not approve any of the plans advanced to try any fair plan the public thinks will best serve its interest so long as the plan will provide the necessary revenue.

The remedies suggested are as follows: 1. Complete elimination of jitneys from streets upon which street cars are operated. 2. Renewed and effective enforcement of regulation of street traffic. 3. Ten-cent cash fare on street cars; tickets to be sold at the present rate of 6-2/3 cents Car riders will no increase in fare if they buy tickets.

Atlanta (Cont'd)

4. Two-cent charge for transfers. 5. Reasonable revision in the operating routes of the cars in the interest of more efficient operation. 6. Elimination of unnecessary car stops to effect quicker street railroad service. 7. Relief to the extent necessary from paving charges and gross receipt taxes.

After six hearings on the company's petition no settlement has as yet been reached.

Electric Railway Journals January 12, 26, February 2, 9, 16 and March 1, 1924.

Augusta

In January 1922 the Augusta-Aiken Railway proposed that if the City Council of Augusta would keep the jitneys off the streets occupied by the car lines and forbid them to take on or discharge passengers within two blocks of the company's lines, the company would concede a 7-cent fare to the general public, a 5-cent fare to school children and teachers, and require a 10-cent fare to the casual rider only, who fails or refuses to buy tokens at 7 cents in multiples of five or more.

This proposition was agreed upon between the company and the sub-committee of the general jitney committee of Council, and was reduced to writing in the shape of a letter addressed by the general manager to the sub-committee. The subcommittee presented this letter to the general committee with the recommendation that the proposed agreement contained therein be reported to Council for adoption. But the general committee declined to do so and instead adopted a report that Council require as a condition precedent to any regulation of the jitneys a 7-cent straight fare for the general public, including the casual rider and a 5-cent fare for school children and teachers, the city to "keep the jitneys off the streets now occupied by the street railway lines with permission to cross intersections at which points they are not to take on or discharge passengers."

The City Council adopted the report, discharged the general committee, and ordered the company be given one week within which to accept the city's proposition. While under this proposal the jitneys would not be permitted to take on or discharge passengers on streets occupied by the railway, or at the precise point of intersection of streets cross the same, they would be permitted to take on and discharge passengers anywhere else on all cross streets, even though it be within a few feet of the intersecting streets. The contention of the railway was that this practically defeated the very purpose of any regulation. Anxious to reach an agreement with the Council, however, the company finally signified that if Council would pass the resolution at once, the company would try to operate with the jitneys removed only one block from its lines.

Augusta (Cont'd)

In the meantime the Council as noted previously had charged the committee and ordered the company given one week in which to accept the city's proposition. The company replied that "the company could not under the terms proposed earn even its operating expenses, and, therefore, must decline the city's proposition." At the expiration of the time limit set by the Council for acceptance of the proposal of that body the railway withdrew service as its answer to the ultimatum of the Council.

The situation described above developed as a result of the war. In order to obtain a revenue sufficient to enable the railway company to continue service without falling below the actual cost of operations, the commission had authorized several increases in fare. Finally the city adopted measures that called into existence a competitive jitney service.

(E.R.J. 1/14/22 and 3/23/22)

Electric railway service was resumed on April 15, 1922 in Augusta by the Augusta Railway and Electric Corporation, after a suspension of just a month. The City Council and the general manager of the company, came to terms on April 12 at a special meeting of the Council.

Under the agreement council will so regulate the jitneys that they shall not be permitted to take on or discharge passengers nearer than one block of the street car lines. It will also prevent the jitneys from crossing at certain street intersections. The railway agrees to a 7-cent token fare sold in multiples of five, will charge the casual riders 10 cents and sell school children and teachers 5 cent tickets.

The company furthermore, agreed to maintain 15 minute schedule on all city lines and also a 7½ minute schedule on certain lines during rush hours.

The railway company, it was stated, was willing to try to operate under the condition above outlined, but that it was obvious that it could do so successfully only with the full cooperation of the riding public. The company pledged itself to do its best to make operation a success under the new conditions, but that it must remain free to exercise its legal rights and to stop cars again if after a reasonable trial the jitney competition as regulated under the new order still cuts into the railway company's legitimate revenue as reflected in the operating receipts and expenses.

(E.R.J. 4/22/22)

Savannah

An ordinance enacted by the City Council of Savannah recently regulating the operation of jitneys in that city and creating an "inspector of jitney buses," which became effective on January 1, 1922 has been upheld by a decision of the Superi

Savannah (Cont'd)

Court following a petition of jitney operators of Savannah seeking to have the ordinance annulled or at least modified. A temporary injunction restraining the city from enforcing the ordinance was obtained by the operators, but this injunction was revoked by the Superior Court and the ordinance will stand as originally enacted, except that part of it relative to the hours jitney operators are to observe, which has been somewhat modified.

The City Council on January 11 passed an ordinance prohibiting the operation of jitney buses in that city on Sundays. At the same time the Council reduced the bond required of bus operators from $5,000 to $3,000. Operators in Savannah may again take their troubles to court, it is indicated, to determine the right of the City Council to prohibit Sunday operation.

(Bus Transportation, February, 1922)

Little competitive operation. Ordinance prohibits operation on street car streets. Prior to passage of this ordinance competition was extensive.

(Aera, April 1923.)

ANTI-JITNEY LEGISLATION

ILLINOIS

Jitney operation was eliminated largely in Illinois thro a permanent injunction obtained in state court in 1916, on the gro of their not having received a certificate of convenience and nece

(Data Sheet #213)

A certificate of convenience and necessity was denied to the Argo Motor Bus Company by the Illinois Commerce Commission. Th company sought to operate a motor bus line in competition with the Chicago & Joliet Electric Railway and started operation March 15, 1921, without a permit. The railway company filed a complaint wit the commission which ordered the bus company to discontinue operat The latter failed to obey the order and the matter was referred to the Attorney General, who applied for an injunction in the Circuit Court. In the meantime the parties who operated the buses incorpo ated and filed application with the commission for a certificate. The court thereafter refused the injunction on the grounds that an application has been duly made to the commission for a permit and date for the hearing had been set.

As the result of the hearing before the commission, an order was issued denying the permit on the grounds that the servic rendered by the bus company was unreliable and uncertain and that no regular scheduled service was maintained, that no necessity exi for the operation of motor vehicles between the point specified by the application, that the applicant had not complied with the requ ments of the law. and that the electric railway was supplying suff cient and adequate transportation facilities.

The commission also stated that to grant the application would result in depriving the public of adequate and sufficient transportation facilities, since it would become necessary for the electric railway to discontinue some of its present service in orde to pay operating expenses. The public would be required to pay a higher rate of fare if both motor vehicle and electric interurban transportation were maintained.

(E.R.J. 10/22/21)

Alton

On August 17, 1921 a Federal Judge in Alton, Illinois ma permanent a temporary injunction granted in July at the request of receivers of the Alton, Granite City and St. Louis Railway, restra ing the several jitney men defendants from operating their buses. Illinois Commerce Commission law requires that a transportation li must be able to certify that it is both a necessity and a convenie and it was the enforcement of this law which put practically all of the jitney men out of business, as the jitneys were not operated by transportation companies and had no authority from the commission.

(E.R.J. 8/27/21)

Carbondale and Herrin

Protests against operation of his lines between Carbondale and Herrin, Ill., were heard by the Illinois Commerce Commission recently. The Murphysboro & Southern Illinois Railway has applied for permission to operate his lines, to which the Missouri Pacific Railroad and the Coal Belt Electric Railway have objected.

(Bus Transportation June 1924 P.289)

Decatur

By a recent vote of the City Council of Decatur, bus routes will be regulated by the City Council and not by the Illinois Commerce Commission.

Bus operation has become very active in the city of Decatur and bus owners wanted the Council to approve of routes designated by the Commission and had asked the Council to pass a resolution giving its approval to whatever routes the commission chose.

No action will be taken by the Council until it has an opportunity to go over the various routes that have been submitted.

(E.R.J. 11/19/21)

Except in minor instances bus routes will not duplicate trolley routes in Decatur, according to the recent announcement of the City Council. Final announcement of the streets on which buses may operate will soon be made, and thereafter the Commerce Commission will probably issue certificates of convenience, it is said.

(E.R.J. 12/10/21)

In March 1922 the Decatur Railway and Light Company, a subsidiary of the Illinois Traction Company, sought to negotiate a franchise extension. Among other conditions that should govern any grant made in that city at that time, the manager of the railway company stated that the new franchise must, above all, protect the company against irresponsible unregulated and unburdened competition. He stated further that until the terms that govern motor bus operation in Decatur are decided, consideration of other terms of the franchise would be a waste of time.

(E.R.J. 3/18/22)

Danville and Crawfordsville

A suit in injunction has been filed in the Circuit Court of Vermilion County, Ill., by the Reo Motor Bus Company to check the operation of the Illinois & Indiana Service Line, which recently opened bus service between Danville, Ill., and Crawfordsville, Ind., a distance of 25 miles. The complaining company states that it was organized two years ago and was granted a certificate of convenience and necessity by the Illinois Commerce Commission. It is charged that the defendant company has neglected

Danville and Crawfordsville (Cont'd)

to procure similar authority and suspension is asked until such permission is secured. The complainant avers that the defendant is acting in daily competition with the former, covering the same territory and touching the same towns along the Dixie Highway.

(Bus Transportation June 1924, P.

Mount Carroll

To obtain needed revenue for its street department, the city of Mount Carroll Ill., will adopt a wheel tax ordinance, imposing an annual tax of $1 on every sort of motor vehicle, including buses.

(Bus Transportation April 1924, P.

Rockford

The Fay Motor Bus Company which has been operating several lines of buses in Rockford for more than two years, under a certificate of convenience and necessity issued by the Illinois Public Utilities Commission, recently decided to go into full competition with the city lines of the Rockford and Interurban Railway and attempted to supply transportation throughout the city at a 5-cent fare. The bus company had heretofore charged 10 cents and had been partially in competition with the railway, which is charging a rate of fare of 8 cents. The bus company neglected to secure a certificate from the commission for this city operation and consequently the railway was able to secure an injunction which promptly put a stop to such operation.

The bus company endeavored to secure the passage of an ordinance, which, if secured, would be a strong inducement to the state commission to grant the certificate required.

(E.R.J. 8/21/21 P.333)

Springfield

Springfield, Illinois had its jitney epidemic when the craze swept the country in 1914. Regulatory ordinances were passed by the city commission requiring a license fee and a bond, which made their operation prohibitive. Later attempts were made to operate jitneys, and they did thrive for a time in the year 19 during a street car strike here. The drivers were mostly striking street car men and while they were supposed to have a 5¢ fare established, many of them took advantage of rainy weather and crowded hours to charge as high as 50¢ per passenger, and, when this treatment was frequently given to families of union sympathizers, the jitney epidemic naturally wore itself out.

Springfield (Cont'd)

An attempt was made by organized labor to promote a Motor Bus Company for Springfield. Application was made to the State Public Utilities Commission for a certificate of convenience and necessity, but it was denied.

(Data Sheet #213.)

Peoria and El Paso

The long-drawn-out controversy between the Peoria Bus Transportation Company, Peoria, Ill., and the White Star Bus Line of the same city, for a monopoly of the bus business between Peoria and El Paso, 30 miles east, has been ended, the Illinois Commerce Commission granting a certificate to the former, while at the same time an order was issued directing the latter company to cease operation.

Several public hearings were held and the attorney representing the White Star Line charged that politics had entered into the controversy and that certain interests in favor with the state administration were supporting the Peoria Bus Transportation Company. These charges were denied by the latter company. It was also asserted that the Peoria company began operating buses to El Paso before the official sanction was given. The company is headed by Michael Fahey of Toluca.

The successful company must, however, combat an application for an injunction, sought by the Toledo, Peoria & Western Railroad, which asks that the bus company be enjoined from operating, on the ground of ruinous competition and lack of necessity.

(Bus Transportation September 1924)

ANTI-JITNEY LEGISLATION

INDIANA

The 1923 session of the Indiana legislature passed an increased license bill which prescribes fees to be paid by passenger motor vehicles figured according to horse power and weight. Said fees range from $8.00 for vehicles of 25 horse power and weighing less than 2,000 pounds to $30.00 for vehicles of 40 horse power and weighing 4,000 pounds or more.

For electric propelled motor vehicle, except trucks the sum of $8.00 is required.

For motor trucks used in carrying passengers, commodities articles or merchandise of any kind, the fees for registration range from $10.00 for trucks of ½ ton capacity to $250.00 for trucks of 7½ tons capacity or more.

For trailers the fees range from $3.00 for trailers of less than one ton capacity to $40.00 for trailers of five tons capacity or greater. For trailers used for hire, the fee shall be 150% of the amounts hereinbefore prescribed.

In addition to above fees, a fee of $3.00 per person, at the rated carrying capacity, shall be paid upon the registration or re-registration for each calendar year for each auto bus operating for hire over any of the public highways of the state.

Horsepower used in computing the license fees shall be the insured horsepower, S. A.E. rating, and weight so used shall be the shipping weight as stated by the manufacturer of the motor vehicle so registered.

The law also requires adequate brakes, signal devices, and lights and forbids leaving the motor running when the car is left standing without an attendant.

Weight (including load) of vehicle shall not be more than 24,000 pounds and not more than 19,500 pounds on one axle or over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim).

The law is to be in force and effect on and after January 1, 1924.

(State Regulation of Motor Buses and Jitneys
June 1, 1923)

Anderson

A new ordinance for regulating the operation of motor buses in Anderson was introduced in the City Council recently and, after a first reading, there was a short debate among members of the Council. Further action on the ordinance was deferred until the next meeting of the Council body.

The measure proposes that motor buses be prohibited from operating along streets traversed by city street cars. It also regulates the capacity of motor buses and provides for a license fee of $25 to $35 a year, according to the size of the vehicle. The ordinance also requires bus owners to furnish an indemnity bond or liability insurance.

The bus operators assert the measure is class legislation, and said they would take the matter into court, if the ordinance is passed. The Council indicated that the measure would be adopted at the next meeting. The bus operators contended that the ordinance is favorable to the Union Traction Company.

(E.R.J. 2/25/22)

Evansville

There is little competitive operation on the part of buses. Ordinance prohibits operation on street car streets. Prior to passage of this ordinance competition was extensive.

(Aera, April 1923)

Gary

In 1919 the Indiana Commission granted the Gary Street Railway an increase in rates in Gary, Hammond and East Chicago from 5¢ to 6¢. The Commission also offered advice about regulating jitneys.

(E.R.J. November 8, 1919, P. 875)

There were at one time approximately one hundred and twenty-five jitneys operating on the main street, Broadway, Gary, in competition with the Gary Street Railway.

In December, 1919, the City Council passed an ordinance regulating the operation of motor vehicles in general on the streets of Gary, and included in the ordinance was a provision prohibiting the operation of jitneys upon Broadway or upon the two adjacent streets on either side of it. Following is a copy of this section of the ordinance:

"SECTION III. It shall be unlawful for any person, persons, firm or corporation operating any vehicle, for the carriage of passengers for hire, except street cars and taxi-cabs to stop to take on or discharge passengers upon Broadway, Washington Street,

Gary (Cont'd)

Massachusetts Street, Adams Street, or Connecticut Street in said City of Gary."

The ordinance went into effect on January 10, 1920, an since then there has been no jitney competition. The street rai way company reports that the elimination of the jitneys has produced an increase in its gross earnings of at least $100,000 per annum.

Indianapolis

Jitney buses were not in operation in Indianapolis to any extent until during the winter of 1916-1917 when the work of elevating the railroad tracks through the Union Station and acro the city closed up temporarily some of the main streets.

A jitney organization was formed and a number of buses also operated. Carelessness in operation, fast running and incompetent drivers caused many accidents and, as a result, the Ci Council passed an ordinance regulating the operation of jitney buses in Indianapolis. This ordinance provided restriction in n ber of passengers, a license of $10, $15 and $25 for cars seatin respectively 5, 7, and 12 passengers; an indemnity bond providin for damages not exceeding $2,500 for one person and $5,000 for a one accident. The ordinance also provided that the route could be changed until the operator had filed a notice of the new rout with the city controller. The driver might charge a 5¢ fare unl the amount were specified by a large sign displayed on the front of the car.

(E.R.J. September 29, 1917 P.60)

The Indiana Public Service Commission will reduce the fare of the Indianapolis Street Railway to 5 cents and increase t transfer charge to 2 cents for a period of sixty days, accordin a decision reached following a conference with members of the Ci Council. The Council will order the company to reroute cars in t downtown congested district in an effort to obtain faster schedu and improved service. These measures will be taken in an attemp to enable the company to complete successfully with jitney lines and if a decrease in "jitney" traffic is not shown at the end of the sixty days, the Council will pass an ordinance regulating th operations of "jitney" lines.

(E. R. J. June 4, 1921, P. 1050)

In July, 1921 the jitneys in Indianapolis had increase steadily until there were more than 600 of them carrying an aver of 20,000 passengers daily.

The mayor of Indianapolis issued a statement pronounci himself in favor of legislation by the City Council designated t eliminate the jitney bus as a competitor of the Indianapolis Str Railway. This statement was issued after he had received a copy a letter sent by the chairman of the board of the railway to the

Indianapolis (Cont'd)

president of the city council, saying that the company's loss of revenue as a result of the operation of jitney buses had made imperative the need of a city ordinance to regulate the jitneys.

The chairman said that railway service on certain streets of the city must be abandoned or fares increased if an effective jitney bus ordinance were not enacted. The president of the city council stated that he did not favor taking steps granting to the company the requested relief from jitneys until it was seen what attitude the company would take toward the city administration in regard to the proposed new franchise ordinance.

(E.R.J. 7/23/21)

In August, 1921, 15,000 persons signed a petition requesting the City Council to refrain from eliminating the jitney. The petition was held in readiness for presentation to the Council in case the ordinance to regulate jitneys is called out of committee.

(E.R.J. 8/27/21)

In September the mayor of Indianapolis sent a communication to the city council asking the passage of a stringent law prohibiting jitney competition with the Indianapolis Street Railway Company. He stated that "unless the jitney bus is eliminated, irreparable harm will come to the city through the destruction of our transportation system."

(Wisconsin Public Utilities Bureau, 9/12/21)

Both the Interstate Public Service Company and the Indianapolis & Cincinnati Traction Company, Indianapolis, Ind., have made contract arrangements with independent bus operators for certain co-ordinated transportation services.

The Indianapolis and Cincinnati Traction Company has two lines out of Indianapolis, one of which terminates at Rushville, Ind., and the other at Greensburg, Ind. Through rates with the interurban line have been established with a bus company operating beyond Rushville to Brookville, a distance of 32 miles. A similar arrangement has been made with a bus company whose line extends approximately 25 miles beyond Greensburg to Versailles.

The joint transportation arrangements were made with the distinct understanding that operation of the buses was to be continued throughout the winter without interruption if physically possible. These two bus lines brought 332 interchanged passengers to the railway during the month of December. The bus lines make connections with the railway and a joint timetable has been issued. Arrangements are also now being negotiated with these bus operators to extend the railway companys freight service to these same points by means of motor trucks.

Indianapolis (Cont'd)

In making arrangement to thus extend its services t... railway selected the best of several bus operators running bu... out of Rushville and Greensburg and made a contract terminabl... on thirty days notice by either party and providing for a sett... ment of revenues once a month. Both railway and bus operators report the arrangement to be very satisfactory thus far, new b... ness coming to both as a result of the co-ordination.

The Interstate Public Service Company has made arran... ments with a truck company to handle electric railway freight ... tween Seymour, a town on the interurban line, and Brownstown, ... distance of about 15 miles. A joint through tariff has been is... sued between points on the truck line and points on the railway line. This is said to be one of the earliest issues of such j... tariff.

(E.R.J. March 1, 1924 P.329)

Brake tests on all buses entering Indianapolis, Ind., have recently been carried on by the police department of that city. Only three out of the first twenty-three tested passed t... requirements of the department, according to Herman F. Rildhoff, chief of police. After inspection the buses are tagged with a "good brake" sign or are barred from operation. The authoriti... are also inspecting buses to prevent overcrowding during rush h...

(Bus Transportation September 1924 P.437)

Muncie

The Indiana Union Traction Company submitted to the ... Council of Muncie a proposal to give that city a greatly improv... service with its cars, asking in return the enactment of an ordi... nance forbidding jitneys to operate in the streets occupies by t... railway and also permission to make an extension. Under the ordinance suggested there would be nothing to prevent jitneys from operating in the territory served by the railways as long a... the automobiles did not use the streets in which the railway operates.

(E.R.J. 6/27/21)

In December the city of Muncie, through the city atto... filed in Circuit Court a transcript for an appeal from a recent judgement in City Court which ruled Muncie's so-called anti-jit... ordinance invalid. The ordinance seeks to make it unlawful for motor buses to use the streets in which street cars operate. The judge of the City Court, ruled the ordinance was class legislati... and therefore unconstitutional. The ordinance was passed at the instance of the Indiana Union Traction Company, which asserted it was operating its local street car system at a loss, because of jitney bus competition.

(E. R. J. 12/17/21)

Muncie(Continued)

Arguments have been heard by Judge Robert F. Murray in the Superior Court on the motion to dissolve the temporary restraining orders covering fifteen defendants in the suit brought by the Union Traction Company of Indiana against twenty-five Muncie jitney operators.

William A. Thompson, former judge of the Circuit Court, appeared for thirteen of the defendants. He attacked the restraining order on the grounds that the information in the complaint was not properly verified. Other defendants attacked the restraining order on other grounds, chiefly that the city ordinance pertaining to jitneys was illegal.

(E.R.J. 2/23/24 P. 314)

The Union Traction Company, Anderson, Ind., has completed negotiations with the several bus owners of Muncie for the company to take over and operate all lines that have been running more or less regularly since granting the recent court injunction.

By the terms of the sale entered into by the traction company and the bus men, the company buys the rolling stock from the several owners, including not only the half dozen or more large buses that have been running over well-established routes to the different parts of the city but also becomes owner of touring cars run on irregular schedule during the winter.

While it is extremely probable that a few of the established routes will be changed, it is understood that all of the buses will be continued in use. The plan is to place more street cars on certain runs where street car traffic has always been heaviest. In other places the buses will be used in auxiliary service.

(E.R.J. April 12, 1924 P. 592)

Buses in Muncie, Indiana cannot for the present operate on streets already served by electric railways; a temporary order to that effect having been issued recently by Judge Robert F. Murray. The Union Traction Company of Indiana has filed a suit for a permanent injunction in the Superior Court at Muncie.

(Bus Transportation April 1924, P. 193)

The suit of the Union Traction Company of Indiana against twenty-five Muncie, Ind., bus operators, in which the company seeks to enjoin operation on streets on which tracks of the company are located, has been venued to Newcastle, Ind., on petition of one of the defendants. A temporary restraining order has been issued against the defendants.

(Bus Transportation June 1924 P. 288)

New Albany

In 1920 the City Council of New Albany, Indiana, pas an ordinance requiring jitney operators to deposit with the municipal authorities bonds of $1,000. The fare was limited t 5¢ on improved streets.

(E.R.J. March 27, 1920 P. 673)

New Castle

The motor bus problem at Newcastle, Ind., has receive official recognition on the part of the City Council there thro an ordinance passed recently regulating the movement of buses the streets. The city is given the right to make schedules and designate routes. It provides that buses shall operate only on such streets and at such schedule time as adopted by the Board of Public Safety and ratified by the Council. It further provi that the safety board is authorized to limit the number of buse traveling on a certain established route. Owners shall be re- quired to put signs and figures not less than 4 in. high on the front of their buses giving the streets on which they operate. The ordinance also protects bus owners by making it unlawful for any one having a city license to operate a bus on the establishe routes used by other lines, unless a permit first is procured fr the board of safety. A fine of not more than $100 for convictio of violation of the ordinance as drawn is provided.

(Bus Transportation June 1924 P. 289)

Richmond

The City Council of Richmond, Ind., at a recent meetin refused to consider an ordinance on third reading which would have granted a franchise to a company to operate passenger buse im the streets of that city. The ordinance was postponed in- definitely. The proposed bus line was to operate in competition with the car lines of the Terre Haute, Indianapolis & Eastern Traction Company. The Council was disposed to favor the bus lines when the ordinance was first introduced some weeks ago, bu since that time there has been some criticism of the ordinance. The traction company has indicated its intention of improving ci service where a survey indicates improvement is needed. New cars are to be put on some lines.

(E.R.J. December 2, 1922)

Rushville

An ordinance is pending in the City Council of Rushvil Ind., which would tax motor vehicles as follows: Vehicles seati seven passengers, $15 a year; twelve passengers, $25; eighteen passengers $35; twenty-four passengers $50 and over twenty-four passengers $75.

(Bus Transportation July 1924 P. 341)

South Bend

In October 1921 the Chicago, South Bend and Northern Railway announced through its general manager, who appeared before the City Council with a plea for aid, that due to the inroads made by bus lines operating to different points from the city, the railway must increase fares or go bankrupt. The buses operate on a schedule three minutes ahead of the interurban cars and pick up passengers waiting for electric trains.

In November an ordinance was passed by the South Bend City Council restricting motor bus transportation to streets not occupied by interurban lines entering the city, and also placing an annual license fee of $500 against the firms now running buses between South Bend and surrounding towns.

(E.R.J. 10-29 and 11/26/21)

In December action against the City of South Bend to restrain it from putting into force a city ordinance passed on October 24, naming certain streets preferential traffic streets, was filed by the Elkhart & South Bend Bus Company in Circuit Court. The suit also asked that the new ordinance be declared null and void.

The complaint held that the ordinance was discriminatory in that it provided that certain streets over which electric railways operate should be preferential traffic streets and that taxis, jitney buses and other buses operating within the limits of the city may use the streets, but that the interurban bus company is barred therefrom.

The suit also set out that a license fee of $500 was unreasonable.

(E.R.J. 10-29, 11-26, 12-10,1921)

No buses operated since the passing of an ordinance prohibiting operation on street car streets. Before its passage as many as 127 jitneys were in operation.

(Aera, April 1923)

The Board of Public Works of South Bend, Ind., recently approved an agreement for a ten-year franchise to the Chicago, South Bend & Northern Indiana Railway for the operation of buses subject to ratification by the Common Council. A clause in the agreement entered into by the board and the traction company provides that the buses shall operate on schedules after June 1,1924 and shall carry no advertising on the outside of the buses other than the name of the line.

(E.R.J. 2/2/24 - P. 196)

The Southern Michigan Railway, South Bend, Indiana now operating a bus line from Buchanan and Niles, Mich., to Bend, the Gray Bus Lines having disposed of this inter-city inter-state route to the railway. The Gray Bus Lines retain city route at Niles.

(E.R.J. October 4, 1924 P.569)

Terre Haute

Thefirst regulatory jitney ordinance including many stringent provisions for the operation of jitneys was introdu in the City Council of Terre Haute, Ind., on June 7, 1923. the ordinance is passed jitneys will be barred from streets on which electric railway cars operate. This will put an end to the accumulation of jitneys in parking spaces on Wabash Avenue.

According to the ordinance as drafted when the jitn operator applies to the city comptroller for a license he must state, besides his own name and address, the names of all pers outside of himself who will be liable to operate the car.

No person under eighteen years of age will be allowed to drive a jitney nor one who is not physically fit. No perso who has been convicted more than twice for violating the speed law nor one who has been convicted of transporting liquor or a other offense in connection with an automobile will be licen

With the application must be stated the route which applicant expects to drive, and the hours which he intends dri ing. The time limit for one day is nine hours of continuous driving. The yearly fees for cars used as jitneys will be $15 for cars carrying five passengers including the driver, $25 fo cars carrying more than five and less than seven including the driver, and $35 for cars carrying more than seven including th driver.

A bond of $20,000 will be required of the driver if car carries more than seven passengers. For failing to comply with the ordinance and its provisions the driver is liable to have his license revoked and upon conviction is liable to any punishment not to exceed $300 and costs and 180 days imprison

The ordinance was referred to the committee on ordin The ordinance refers only to vehicles carrying passengers over fixed routes inside of the city. The regulations have nothin to do with hotel buses, cabs or taxis charging fares of not le than 25 cents.

(E.R.J. June 16, 1923 P.1025)

ANTI-JITNEY LEGISLATION

IOWA

The supreme Court of Iowa, in 1916, ruled that "jitney buses, which are automobiles carrying passengers between fixed termini, are common carriers doing an interstate business, and as such, are subject to reasonable regulation and control, which control involves the right to license or tax."

(Municipal Journal May 18, 1916)

In March, 1921, a bill was introduced in the House under which motor buses and jitneys will be under stricter regulations in Iowa. The measure provides for a license fee of $100 for each motor bus and truck operated for hire and places the complete jurisdiction and control of the vehicles under the regulation of the State Board of Railway Commissioners. The bill further provides that operators of such vehicles for hire will be required to give bonds of $7,500 for the first vehicle and $2,500 for each additional vehicle.

(E.R.J.March 19, 1921, p.567)

The Iowa law in addition to vesting the Board of Railroad Commissioners with authority to supervise and regulate motor vehicles and requiring them to obtain from it certificates of convenience and necessity, imposes the following taxes in addition to the regular license fees or taxes imposed on motor vehicles in the state.

Motor vehicles having pneumatic tires, one-eighth cent per ton mile of travel over and along the public highways.

Motor vehicles having hard or solid tires one-fourth cent per ton mile of travel over and along the public highways.

Passenger ton-miles are to be figured by taking the maximum seating capacity of the vehicle, including trailers, at 150 pounds per passenger seat, plus the weight of the vehicle.

The maximum weights permitted including the weight of the vehicles are 16,000 pounds for vehicles with solid rubber tires and 20,000 pounds for vehicles with pneumatic tires.

The taxes collected are to be used in the maintenance and repair of the highways and streets over which the carrier operates. The law provides that the money shall be allocated to the various city and county road districts in the same proportion as the mileage operated is distributed among the districts.

Iowa (Cont'd)

All motor carriers are required to file with the Rail road Commission liability insurance bonds, in form and amount t be determined by the Commission, to provide compensation for in juries and damages for which they are liable, and also a bond satisfactory to the Commission to guarantee payment of all fees taxes or charges due to the state and for the faithful performa of the service it undertakes.

The Commission is authorized to adopt and enforce suc safety rules and regulations as in its judgment may be necessar The act prescribes that drivers of motor carriers must be over twenty-one years of age, of good moral character, fully compete to operate a motor car and hold a regular chauffeur's license f the state motor vehicle department. The speed is limited to 25 miles per hour for passenger vehicles and 20 miles per hour for freight carriers.

(State Regulation of Motor Buses and Jitneys June 1, 1923)

Algona and Fort Dodge

Permission to operate buses between Algona and Fort Dodge, Ia., was recently denied Miss Helen Schultz, proprietor of the Red Ball Transportation Company, Des Moines, by the State Board of Railroad Commissioners.

(Bus Transportation, June 1924, P. 288)

Davenport

A court order of April 12, 1921, at Davenport, Iowa, continued in force a temporary injunction under which operation of jitney buses on the public streets is prohibited. The court held that a jitney bus is an automobile competing with a street railway company for business on the public streets. "The jitney men's attorneys sought to prove that their clients were not jit- ney bus drivers but taxi cab proprietors and as such had the sam right as any taxi cab to operation on the streets. This decisi forces the bus men to take out bonds and in other ways conform to the jitney bus ordinance now on the city's books.

(E.R.J. April 23, 1921 P. 790)

Des Moines

A twenty-five year franchise at a 5-cent fare was gran the Des Moines City Railway in 1916, and neither common or pre- ferred dividends ever were earned. High costs of operation had caused the company, in the summer of 1919, to submit to the peop a 7-cent fare proposal which was defeated. Shortly thereafter t company was thrown into the hands of a receiver and it was in hi hands up to the time that business was suspended. In August a 6-cent fare was allowed and later service was cut 45 per cent

Des Moines (Cont'd)

a 6-cent fare granted.

When the 6-cent fare went into effect the city government permitted jitney buses to take the streets under a five-cent fare and solicit short haul business in competition with the street railway. In the winter months, when the streets became impassable from snow, the buses waited until the street railway sweepers had cleared their tracks and then followed the street railway right-of-way in soliciting business.

The financial condition of the railway company became gradually worse and intermittent efforts were made in the spring of 1921 to induce the city council to rule the buses off the streets and fix a fare which would permit the railway to operate successfully, but nothing was done. The corporation counsel of the city, who for a long time had opposed the street railway and other public utilities in Des Moines, made an unsuccessful effort to induce the council to rule the buses off the streets entirely or confine their operations to streets not occupied by railway tracks.

When the federal judge finally ordered service on the street car lines discontinued on August 4, 1921, members of the city council and other political leaders assured the people that service would not stop. However, this did happen and after a few days it became evident that the buses were far from adequate. Transportation conditions became desperate and a week after service was suspended, the city council offering no solution, the business men's committee summoned the receiver of the street railway and asked him to go to Chicago, see the controller of the lines and get terms for the restoration of service.

(Aera, September, 1921)

In September the business women in Des Moines took a hand in the railway trouble and a group of them went before the City Council and demanded that the Council take immediate action to relieve the situation. The Corporation Counsel outlined to the Council at this time that it would require $1,500,000 available immediately to place the company in a position to restore service in full at once and also called attention to the fact that without an order from the Federal Court the Council was powerless to restore service.

The delegation of women also placed their case before the general manager of the railway but his reply was that no restoration of service was possible until the franchise difficulties were eliminated.

In October the police department took a firm hand in bus operation and ordered that buses must submit to brake inspection once a week by a city mechanician; that buses must be equipped with doors which should not be opened until the vehicle had come to complete stop. Buses were also ordered to come to a complete stop at railroad crossings and were prohibited from

Des Moines, (Cont'd)

stopping at street intersections.

A final draft of a new franchise was presented to the City Council on October 12 but no definite action was taken. A new motor bus clause barred the buses only from streets on which railway lines operated. Buses were permitted to cross car line streets at right angles, to cross bridges with car lines and to have downtown terminals.

The Council at its meeting on October 12 ordered the Corporation Counsel to petition the Federal Court to order immediate resumption of service and by vote of four to one defeated resolutions offering a three-year bus franchise.

On October 17 the judge of the Federal Court ordered the receivers for the street railway to resume service on the day that the City Council finally passed the proposed franchise ordinance. Upon news of the above order the City Council was called in special session and hurriedly passed a resolution barring the buses from streets where there are railway lines. This provision was to become effective from the day that service would be resumed by the railway.

One of the principal features of the franchise as passed by the City Council for its first and second readings on October 17, was that "Buses are abolished from car line streets except in crossing bridges." According to the Iowa law such ordinances must lie over for one week in the form in which they are to be finally passed. On October 24 the final passage of the ordinance took place and cars of the street railway were started early in the afternoon of the same day.

According to an agreement reached by all parties to the transaction buses were permitted to continue to operate in direct competition with the railway until after the franchise had been voted upon by the people, thirty days to elapse between the first notice of the election and the actual vote. At a special election, November 28 the franchise was approved.

The last week in December the City Council of Des Moines passed an ordinance setting out the routes which buses must use if they are to continue to operate. The ordinance practically eliminates buses from streets where electric railways operate and to a very large extent from the loop district of the business section.

The city of Des Moines appealed to the Iowa Supreme Court on a decision of a judge of a county district court which granted the North Des Moines Improvement League's petition for a temporary injunction restraining the franchise election. The Supreme Court overruled the above decision and held that the trial judge in the lower court erred in granting the injunction.

(E.R.J. October 1,8,15,22,29,1921; December 10, 31, 1921; February 2, 1922)

Sioux City

Jitneys running on the same streets with electric railway cars must cover the same distance each trip as do the electric cars, according to the jitney ordinance read for a second time by the Council of Sioux City, Iowa, during the week ended June 8,1918. The council fixed the jitney owners bond at $5,000.

(E.R.J. July 6, 1918 P. 33)

A bill which would bar jitney buses from streets on which electric railways are operated was introduced in the Iowa House, Sioux City in February, 1921. Jitneys would however be permitted by the bill to cross bridges where there are electric railway tracks and to cross at right angles streets where there are such tracks. Violators of the law would be subjected to a fine of $300 or imprisonment in jail not to exceed sixty days.

(E.R.J. February 26, 1921, P. 425)

Ordinance passed prohibiting operation of buses on street car streets. Many buses formerly operated but were eliminated by the working of this ordinance.

(Aera, April 1923)

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ANTI-JITNEY LEGISLATION

KANSAS

Kansas City

The City Commissioners of Kansas City, Kan., have taken a position definitely opposed to the operation of bus lin on street car routes. An ordinance giving a franchise to a bus company to operate between Kansas City, Kan., and Kansas City, Mo., has been held up several weeks, and while it has not been finally denied, the bus operators have been instructed to desig nate some route other than that now used, which follows the street car lines on Minnesota Avenue, the main street and over the intercity viaduct, the route of the intercity street cars. This bus line plies on the main street of Kansas City, Kan., to the union station of Kansas City Mo., going through the main business district of the latter city also.

(E.R.J. Sept. 27, 1924, P. 534.)

The ordinance was finally passed prohibiting buses from using streets parallel to railway tracks but later amended to the extent that buses are allowed to operate over the inter-city viaducts parallel to the tracks, but must seek a new route on the Kansas side.

(E.R.J. October 4,1924 P.569)

Topeka

The City Commissioners of Topeka, Kansas, adopted on May 22, 1916 an ordinance requiring license fees of $300 to $40 for jitneys operating on streets that bear street car tracks, except that jitneys might operate on the improved portions of such streets and might run on the main street, an unusually wid thoroughfare. The law was to go into effect June 19. Meanwhil the jitney owners and drivers formed an organization, establish routes and gave transfers in an effort to show the quality of service they could render and in the hope of securing a change in the ordinance. Three of the commissioners voted for the ordinance two against it.

(E.R.J. June 3, 1916. P.1064.)

By terms of an armistice recently signed by the attor neys representing the Interstate Stage Line, Kansas City, Mo., and the city of Topeka, the Topeka bus war has been suspended.

The bus line will expend $1,800 which will go into the city treasury for licenses in order that the operation of the Interstate's fleet of buses may conform with the ordinance recently drafted by the administration's attorneys.

Topeka (Cont'd)

The stipulation calls for a license expiration to take place March 1, 1925. The transit company also agrees to take out the necessary insurance called for by the city bus ordinance, in addition to paying the $200 fee for each stage operated within the city limits.

The erection of a bus station in Topeka is contemplated by the bus line. The bus station will also serve as a garage where part of the fleet will be parked during the night. In this way, the line will overcome allegations to the effect that it does not own property in the state.

The city, as its part of the stipulation and agreement, will null its orders to the police department to the effect that it must arrest every bus driver in the employ of the Interstate line operating on Topeka streets.

The Interstate line also pays Lawrence, Kansas $60 annual license tax on each bus operating on Lawrence streets. Towns en route to Topeka are preparing to frame similar ordinances, it is said.

(Bus Transportation Sept.1924, p. 435)

Wichita

No jitney operation. Ordinance prohibiting operation on street car streets upheld by Kansas Supreme Court. Many jitneys formerly operated.

(Aera, April 1923.)

#58

KENTUCKY

When the law placing bus operation in Kentucky under the supervision of the State Highway Commission becomes effective it is understood that Senator Griffin R. Kelly of Owensboro will be in charge of the desk at the state Capitol at Frankfort. Mrs. Bowen Henry of Frankfort, a prominent Democratic worker, will be Senator Kelly's assistant, it is said. The bill placing the auto transportation companies under the jurisdiction of the State Highway Commission was introduced and put through both houses by Representative Harry B. Miller of Lexington.

(Bus Transportation June 1924 P.29

Lexington

A petition signed by nearly 10,000 business and professional men of Lexington and vicinity was sent to Frankfort as were also nearly 100 telegrams from business men association etc., protesting the passage of a bill to curb the motor bus industry of that region. A large delegation of the Motor Bus Owners' Association went to Frankfort for a hearing on the proposed bill which provides for a tax of 1 cent a mile for road use by bus operators.

The proposed legislation would, in addition to taxing the bus operators a cent a mile for road use, make them carry liability insurance costing about $500 a year per bus. In other words, it is estimated that the total taxes and insurance for a single bus would be from $1,300 to $1,400 a year, or about $4 a day.

The bus operators are well organized and are fighting hard. They admit, however, that if the bill is enacted, it will virtually compel them to withdraw from service.

(Bus Transportation, March, 1922)

Louisville

After the 7-cent fare became effective on the lines of the Louisville Railway, jitney buses caused some little trouble. The city officials are now forcing the autos to stop blocking corners in the business sections, and prosecuting them for violation of traffic regulations, parking laws, etc. and drivers have found that there is no money in their operation and it is believed that in a few weeks they will be out of business.

(E.R.J. 9/17/21.)

Louisville (Continued)

Jitneys are unregulated as to routes hours and service, and mostly operate during rush hour period.

AERA April 1923.

The Kentucky Carriers, Inc. a subsidiary of the Louisville Railway commenced operating buses on June 24,1923, with six coaches, operating over one route. In July 1923, six additional coaches were added and another route was opened. Later one of these routes was discontinued and a service was inaugurated in another section of the city in the hopes that a more productive territory could be reached.

Coach service does not exactly parallel street railway service. Every community has many private automobile owners who use their machines extensively between their homes and the office, store or shop, because they desire some means of transportation better than is afforded by street car service. The increasing difficulties in finding suitable parking space in the downtown business districts, together with cost of operation, we believe, are gradually discouraging the use of automobiles by private owners, and it is this class of people whom we hope to reach by the use of motor coaches.

The rate of fare charged since the inauguration of the service is 10 cents per passenger. Transfers are not given from one coach route to another, nor are they interchanged between coaches and street railway cars. No free passengers are carried. All coaches are one-man coaches, seating twenty-five passengers and are equipped with Johnson registering fare boxes.

(E.R.J. March 15,1924 P. 421-422.)

The Public Utilities Bureau of Louisville, Ky, in a recommendation to the Board of Public Works, has suggested that bus lines be established as feeders or extensions to some of the local railway lines. The recommendations favor the bus lines to be operated in conjunction with the street cars, and on the same fare rate, with transfers to cars at terminals, and from these cars to intersecting lines. The bureau agrees in part with the contention of the railway that costs of extension of rails is prohibitive.

(E.R,J. August 23,1924 P. 295)

ANTI-JITNEY LEGISLATION

LOUISIANA

Commissioner Paul H. Maloney of the Department of Public Utilities of the city of New Orleans, La., has offered two ordinances to the Commission Council calling upon the New Orleans Public Service, Inc., to operate a bus service on the streets not now served by railway lines in the upper and lower sections of the city. This is in keeping with the recommendations contained in the Beeler report, which has not as yet been adopted by the Commission Council. The delays incident have occasioned the residents of that area, a thinly-settled portion of the city, great discomfort and inconvenience to reach the street cars.

The officials of the company are reported to have expressed themselves as ready and willing to meet the requirmer of the city, in so far as single-deck buses are concerned, but allege that the spreading branches of the big oak trees, in the outlying districts, may make it impractical and hazardous to us double-deck buses on the routes. They assert that the buses will be in readiness for operation within sixty or ninety days.

(E.R.J. April 19,1924. Page 632).

ANTI-JITNEY LEGISLATION

MAINE

The first jitney certificate was issued by the Maine Public Utilities Commission recently for the operation of a bus line between Greenville and Lily Bay, and from Greenville to Bangor. By a new law the Public Utilities Commission took over the supervision of the jitney which is in charge of commission's expert electrician.

According to rules and regulations adopted, time and fare schedules must be posted in the bus, and passenger capacity cannot be exceeded. The fare between any two points must not be less than the fare charged by any steam or electric carrier. Licenses may be revoked at any time after a hearing when it is shown that the public good no longer requires the jitney service or when rules have been violated.

(E.R.J. 8/13/21)

Biddeford

Jitney operators of Biddeford, Maine are required to pay license fees of $20 and $30 depending on the size of their vehicles, under the terms of an ordinance passed recently by the City Council. Bonds or insurance policies of from $3,000 to $6,000 areto be deposited with the city clerk before licenses are issued.

(E.R.J. August 9,1919, P. 304)

Portland

Saco

Old Orchard

The jitneys have been ruled off the streets of Portland, Saco and Old Orchard, Maine, where the conclusion has recently been reached by the cities that buses that compete with the electric railway are a nuisance and should be restrained. These cities were introduced to the jitneys or the jitneys were introduced to the cities during the spread of the jitney idea following the unemployment period at the start of the war. Like most other cities, Portland and the other places mentioned hesitated at the start as to what was best to be done about regulation.

In 1915 an ordinance was passed in Portland providing that all applications for licenses to operate motor vehicles as common carriers must be filed with the city clerk. Such applications were required to show the route and the Schedule to be maintained, and also be accompanied by a bond depending upon

Portland, Saco, Old Orchard (Continued)

the size of the car. Applications had to be filed with the city clerk, who in turn referred them to the Board of Aldermen and Mayor for final disposition. The bond requirements of the ordinance were $3,000 for a five-passenger car and $6,000 for cars of greater seating capacity. In addition a city license was necessary, this being $20 a year for the smaller cars and $30 a year for cars seating more than five passengers.

Soon after the Cumberland County Power & Light Company operating the Portland Railroad, increased its fares to approximately 3 cents a mile, several buses were put into competition with the company between Portland and Saco, without securing the proper licenses. The drivers were arrested for not complying with the requirements of the city of Portland. In the State Supreme Court before Judge Wilson the jitney men got a temporary injunction for one week instead of two months, as asked for by the Council. They claimed the jitney regulatory ordinance was too drastic and made without authority of the state. Judge Wilson, however, after hearing the case, refused to continue the injunction.

The Mayor and the Board of Alderman of Portland then refused to grant the licenses under the ordinance of 1915, claiming they would use their own discretion, in as much as the ordinance provided that they might grant the licenses if the requirements of the ordinance was fulfilled. The city had come to the conclusion that there was not room enough in Portland for two forms of transportation, and that inasmuch as the railway was already on the ground it should have the sole right to transport passengers.

In Saco a similar ordinance has been passed and became effective on August 1,1919. The town of Scarboro declared motor bus competition with the electric railways a nuisance and prohibited the buses from using the streets. As a result of all this no jitneys are running in Portland, Saco and Old Orchard.

The Cumberland Power & Light Company feels that this outcome is but one of the aftermaths of the Several community meetings held in the territory throughout which it operates, when fares were recently increased, at which time every effort was made to put before its patrons the facts as to the financial status of the company.

(E.R.J. August 16,1919. P.360.)

The Public Utilities Commission of Maine recently dismissed the application of the Checker Cab Company to run buses between Portland and Old Orchard, Maine. The commission states that the public in this vicinity is being adequately cared for at reasonable rates.

Portland, Saco, Old Orchard (Continued)

The Cumberland County Power & Light Company operates a line from Portland to Old Orchard. The commission in its decision states that the manager of that company testified that the Old Orchard line was not remunerative and that the directors of the road would gladly discontinue service if allowed to do so. He further asserted that much of the traffic to Old Orchard at times other than the active summer resort season was from school children. The commission said that their plight had to be considered in the event of the discontinuance of the Old Orchard branch.

The finding stated that the situation presented a question similar to that considered at length in the commissions decision of last August when it rejected the petition of the Portland Taxicab Company and others to run buses between Portland and Old Orchard.

The commission also stated that its function was not merely supervisory and regulatory as the petitioner had contended. Further, the commission ruled that the spirit of the Maine laws protected an existing utility from an invasion of its field without the consent of the commission and that in its opinion the policy of the state was to build up a structure of transportation which might be co-ordinated with the existing system.

A somewhat similar decision with respect to traffic to old Orchard, rendered about a year ago, attracted wide attention because of the views expressed by the commission at that time.

(E.R.J. August 2,1924 P. 181)

ANTI-JITNEY LEGISLATION

MARYLAND

The motor bus and jitney industry has been under the jurisdiction of the Public Service Commission of Maryland in that state since January 1, 1916.

A set of rules for the regulation of the operation of jitneys and motor vehicles used as common cafriers was issued by the Commission in 1916, effective October 1 of that year. It is as follows:

RULES

Governing the Operation of Motor Vehicles for Public Use in the Conveyance of Persons or Property Within the State of Maryland.

1. Applicability. The following rules shall apply, so far as reasonably applicable in each instance, to all motor vehicles of every kind used in the public transportation of passengers, property or freight for compensation, whether operating on fixed schedules, over regular or established routes, or otherwise, and to the persons, firms or corporations operating or causing the same to be so operated.

2. Necessity for Permit. No motor vehicle shall hereafter be operated in this State for public use in the conveyance or transportation of persons, passengers, property or freight for compensation until the owner or person lawfully in control thereof shall first have applied for and received a permit from the Public Service Commission of Maryland authorizing such use. Said permit may be issued by the Public Service Commission or by its duly constituted representative on its order at any time during the year, but the right to operate under the same shall in all instances terminate on the 31st day of December next succeeding, but such permits may be renewed from year to year upon surrender of the permit issued for the preceding year. No charge shall be made for the issuing of any such permit.

3. Application for Permit. All original applications for such permits shall be made upon blank forms prescribed by the Public Service Commission, and shall be signed by the applicant personally. At the time of making such application, the applicant shall be given a printed copy of this order, unless he has previously received a copy, and shall be required to certify in his application that he has received and read the same, and to agree to comply with the provisions thereof.

Maryland (Cont'd)

4. Form of Permit. Said permit shall be in such form as may from time to time be prescribed by the Commission, but shall in all instances contain the Public Service Commission's Permit Number, the name and address of the person, firm or corporation to whom or which issued, the carrying capacity as fixed by the Public Service Commission in the case of a motor vehicle engaged in the public transportation of passengers, the carrying capacity as given by the manufacturer of such motor vehicle in the case of a motor vehicle engaged in the public transportation of merchandise or freight, and the route over which the same is authorized to operate in cases where the permit is granted for a specific route. Where the permit does not authorize operation over a regular route, that fact shall be stated on such permit, and such permit shall be made conditional upon the motor vehicle not being operated contrary to Rule 9 thereof.

5. Display of Permit. The permit so issued shall at all times be carried in or on the motor vehicle for which issued and shall be displayed by the operator thereof at any time upon the demand of the proper representatives of the Public Service Commission, Commissioner of Motor Vehicles or police authorities of the State or any municipal subdivision thereof. When so required by the Public Service Commission, said permit shall be publicly displayed in a conspicuous place in the motor vehicle for which it is issued.

6. Established Route. No motor vehicle for which a permit has been issued for operation over an established or regular route, shall be operated for compensation over any other route without the express permission of the Public Service Commission, unless it happen that the established route of such motor vehicle be temporarily blocked or otherwise impassable.

7. Destination Signs. All motor vehicles operating for compensation over an established or regular route or between definite fixed terminii, shall be equipped with legible signs on each side, or on the front as may be prescribed by the Commission, indicating the respective terminii or their routes, or the name of the street, road or other public highway which forms the greater part of said route.

8. Fixed Schedules. No motor vehicle for which a permit has been issued for operation on a fixed schedule, shall be operated on any other schedule, or vary the time of leaving any of the principal points on its route, except in emergency cases, without the express permission of the Public Service Commission.

9. Hiring Cars. A motor vehicle for which a permit has been issued for authority to engage in the public transportation of persons or property other than over an established route shall be known as a "Hiring Car" and shall so be designated by a sign prominently displayed thereon in the form and manner which may be prescribed by this Commission from time to time.

Maryland, (Cont'd)

Such hiring cars may be used in general hiring to carry passengers or property to any desired point. Any "hiring car" which shall at any time, without the express permission of the Public Service Commission, operate along or over any route established by the Commission as the regular route of some other applicant, or over any substantial part thereof, except as it may be necessary to traverse a part of such route as an incident of ordinary hiring business, or the operator or person in charge of which shall solicit patrons or business at either of the terminii of any such established route, or at points along the same, with the intent of carrying such patrons or property over any such established route or substantial part thereof, of to either of the terminii thereof by a somewhat different route, shall be deemed and taken as engaged in public transportation over an established route, and the owner or person lawfully in control thereof shall be required to obtain a permit accordingly.

10. Rates of Fare. In all cases in which permits are issued by the Public Service Commission for the use of motor vehicles for transporting passengers, merchandise or freight over regular routes or on fixed schedules for compensation, the Commission may specify in such permit the rates of fare or compensation which the applicant shall be permitted to charge and collect. And it shall be unlawful for the operator of any motor vehicle to make any other or different charges than those so specified. Whenever the Commission shall so require, the person to whom such permit is issued shall cause to be posted conspicuously in such motor vehicle a statement of the charges so authorized to be made.

11. Changes in Routes, Schedules or Tariffs. In all cases where persons to whom permits have been issued as aforesaid desire to make any change in routes, schedules or tariffs, formal application shall be made to the Public Service Commission for permission and authority so to do. But no such change of route or schedule shall become effective until a copy thereof has been sent to the Commissioner of Motor Vehicles of Maryland, and an adjustment of charges made by him as by law provided. Subject to the same proviso the Public Service Commission reserves the right to arrange or rearrange routes and schedules so as to prevent competition injurious to the public welfare or prevent unnecessary congestion on streets and highways.

12. Permissible Carrying Capacity. The maximum permissible carrying capacity of motor vehicles engaged in the transportation of passengers for hire shall be determined by dividing the total length of seats in inches by sixteen, this formula being based upon an allowance of sixteen inches per passenger and an agerage weight of 140 pounds per passenger, and the resulting figure not holding where the aggregate weight of such passengers on the basis aforesaid would exceed the carrying capacity of the chassis.

Maryland,(Cont'd)

The maximum permissible carrying capacity of each motor vehicle as determined by the Public Service Commission shall be designated on its permit issued as aforesaid.

TABLE

Total length seats	128	140	160	176	192	208	224	240
Pounds capacity	1120	1260	1400	1540	1680	1820	1960	2150
Number passengers	8	9	10	11	12	13	14	15

13. Loading. No motor vehicle engaged in transporting passengers for compensation shall be permitted by its operator to carry a greater number of passengers under any circumstances than the number specified in the permit issued by the Public Service Commission for the use of such car.

14. Loading-Continued. Not more than one person in addition to the driver shall be permitted to occupy the front seat of any motor vehicle of the type known as lefthand drive, engaged in the public transportation of passengers where the gear-shift is located on the right-hand side of the driver, and not more than one person, in addition to the driver, for each sixteen inches of width of front seat, allowing sixteen inches for the driver, where the gear-shift is located on the left-hand side of the driver; not shall more than one person in addition to the driver be permitted to occupy the front seat of any motor vehicle of the type known as right-hand drive engaged in the public transportation of passengers where the gear-shift is located on the left-hand side of the driver, and not more than one person, in addition to the driver, for each sixteen inches of width of front seat, allowing sixteen inches for the driver, where the gear-shift is located on the right-hand side of the driver.

15. Loading-Continued. No passenger shall be permitted to ride upon the steps or the running board of any motor vehicle engaged in the public transportation of passengers.

16. Loading-Continued. No person shall be permitted to ride upon the top of any motor vehicle engaged in the public transportation of passengers unless such top has been designed and constructed for such use, and is properly provided with seats and protecting railings.

17. Accidents. Immediate notice shall be given the Public Service Commission of all accidents in which motor vehicles engaged in public transportation are involved, where such accidents result in loss of life or injury to passengers, employees or other persons, or where the same result in equipment damage sufficient to necessitate the removal of the motor vehicle from service for a period of more than twenty-four hours.

Maryland (Cont'd)

18. Interruptions to Service. In all cases of interruptions to the regular service of motor vehicles engaged in public transportation over established routes or on fixed schedules, where such interruptions are likely to continue over a period of more than twenty-four hours, written notice shall be given the Commission of the character, cause and probable duration of same.

19. Withdrawals from Service. It shall be unlawful for any person, firm or corporation engaged in the operation of one or more motor vehicles for the public transportation of passengers or freight to discontinue such public service permanently without having first given the Public Service Commission at least ten days' notice in writing of his or its intention so to do.

20. Reserve Equipment. Sufficient reserve equipment shall be maintained by the proprietors of all motor vehicles engaged regularly in public transportation to insure the reasonable maintenance of established routes and fixed schedules.

21. Physical Condition. All motor vehicles engaged in public transportation and the equipment used in connection therewith shall at all times be kept in proper physical condition to render safe, adequate and proper public service, and so as not to be a menace to the safety of their occupants or to the general public. Failure to keep such motor vehicles in the condition aforesaid shall be sufficient ground for an order of the Commission annulling its permit to operate the same.

22. Reckless or Unsafe Operation. It shall be unlawful for the operator of any motor vehicle engaged in public transportation to operate the same recklessly, in an unsafe manner, or in disregard of the public general laws governing the operation of motor vehicles in this State. A persistent or flagrant violation of this rule or of duly prescribed street traffic regulations shall be sufficient ground for an order of the Commission annulling the permit to operate any such motor vehicle in public transportation.

23. Inspection. Representatives of the Public Service Commission will be provided with appropriate badges for identification. They shall have the right at any time to enter into or upon any motor vehicle engaged in public transportation for the purpose of ascertaining whether or not there has been a violation of any of these rules and regulations. The refusal of the operator of any such motor vehicle to stop the same when ordered so to do by any such representative of the Commission, or to permit any such representative to enter into or upon the same for the purposes aforesaid, or to display the permit issued for such motor vehicle upon his demand shall be sufficient ground for the revocation of such permit.

Maryland (Cont'd)

24. Revocation of Permit. No permit issued by the Public Service Commission as herein provided shall be revoked until after hearing had upon not less than five days' written notice to the applicant to whom such permit was granted and an opportunity given him to be heard in his defense. Notices of such hearings shall be in writing and may be served in person upon the applicant, or mailed to him by registered mail at the address given in his application, which mailing, after a reasonable time for delivery according to due course of mail, shall be as effective and binding as personal service. It shall be unlawful for any person, firm or corporation to operate in public service or cause or permit to be so operated any motor vehicle the permit for the operation of which has been revoked by the Public Service Commission. In addition to the causes hereinbefore expressly specified as grounds for the revocation of such permits, the flagrant or persistent violation of any other of these rules and regulations shall be sufficient ground, in the discretion ofthe Commission, for the revocation of such permits.

25. Annual Reports. It shall be the duty of the proprietor of every vehicle or line of motor vehicles engaged regularly in the business of transporting passengers or freight for compensation to keep an accurate record of his receipts from operation and operating and other expenses, and file the same on or before September 1st, in each year, with the Public Service Commission as of the 30th day of the preceding June on forms prescribed and furnished by said Commission.

26. Violations. Any person who is the sole or joint owner of any motor vehicle and shall cause or permit or suffer to be caused or permitted the violation of any of the aforegoing rules and regulations or the operation of any motor vehicle contrary to the requirements thereof, shall himself be deemed guilty of a violation of the same as fully as though he were himself operating such motor vehicle personally at the time; and in the case of a corporation, the officers, agent or employee thereof who shall violate, or procure, aid or abet any violation of any of these rules and regulations, or permit the operation of any motor vehicle contrary to the requirements thereof shall be deemed personally guilty of a violation thereof.

27. Penalties. The penalties for the violation of any of the aforegoing rules and regulations, in addition to the possible revocation of permits as aforesaid, shall be such as are prescribed in Chapter 687 of the Acts of 1916, commonly known as the "Revised Motor Vehicle Law," in the case of those rules and regulations which relate to the operation of motor vehicles generally upon the highways of this state. In the case of those rules and regulations which relate solely to motor vehicles engaged in public transportation and are not applicable to motor vehicles not so used, the penalties for their violation shall be such as are prescribed by Section 5 of Chapters 610 and 714 of the Acts of 1916 respectively, to wit: the person violating the same shall be deemed guilty of a misdemeanor and, upon conviction, subject to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for the first of-

Maryland (Cont'd)

fense and a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each additional offense or subsequent offenses.

AND BE IT FURTHER ORDERED, That a notice be published in the daily newspapers of Baltimore City once a week for three successive weeks prior to October 1, 1916, notifying all persons engaged in the operation of motor vehicles for public use in the conveyance of persons of property within this State of the fact that rules governing the operation of such have been adopted by this Commission to become effective on said date, October 1, 191 and that printed copies of the same may be secured at the office of the Secretary of this Commission upon request; and that on or before the 15th day of September, 1916, the Secretary of this Commission cause to be forwarded a printed copy of this order to every person, firm or corporation shown by the records of this Commission on that date to be engaged in the operation of motor vehicles for public use in the conveyance of persons or property within the State.

Albert G. Towers,

E.Clay Timanus,

Philip D. Laird,

Commissioners.

STATE OF MARYLAND)
OFFICE OF THE PUBLIC SERVICE COMMISSION) SS:

I have compared the preceding copy with the original Order No. 3022 in Case No. 939 on file in this office and I do HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole thereof.

WITNESS, my hand and the Seal of Office of the Public Service Commission, at the City of Baltimore, this day of 191?

Secretary.

All buses operating in Maryland must hereafter be equipped with speedometers, following an order recently issued by the Public Service Commission.

(Bus Transportation June 1924, P.290

Baltimore

In common with other cities in the country, Baltimore was infested with the jitney craze in the early part of 1915. They increased from two in February to a maximum of more than 3 machines. The resulting loss to the United Railways and Electric

Baltimore (Cont'd)

Company of Baltimore was appreciable, amounting to more than $500 per day. There were a few motor buses, but most of the jitneys were a modified express wagon body mounted on a Fort chassis.

Originally the jitneys were unregulated, but an ordinance was passed in July 1915 which imposed a license fee of $100 for four passengers and $25 for each additional passenger. This was declared invalid by the court.

On June 9, 1915 the Public Service Commission assumed jurisdiction over jitneys and issued regulations covering their operation. Effective January 1, 1919, the Federal Government imposed an additional tax, amounting per bus to $20 per year.

Prospective jitney operators had to apply to the State Automobile Commission for a license giving the route to be followed, schedule to be maintained, number of buses, seating capacity and weight, from which was computed the tax levied. A permit to operate had to be obtained from the Public Service Commission.

The Baltimore Transit Company and the City Motor Company were organized. The latter operated the Baltimore type of Ford jitney in direct competition with the existing independent jitneys, and the former, a higher class bus operating on Charles Street.

The City Motor Company operated at a loss from July, 1915 to September, 1915 the total deficit from operation being more than $65,000.

The unemployment factor in the industrial situation was largely responsible for the number of jitneys operated at first. The number of competitive vehicles waned, the independent competition diminished until in 1920, there were about thirty jitneys still operated.

About the same time that the Ford jitneys were put in service by the City Motor Company, a fleet of twenty buses was put in operation on Charles Street by the Baltimore Transit Company. These buses seated persons and catered to high-class traffic. After operating the original buses for twenty-six months, the Baltimore Transit Company sold them and replaced them with twenty sixteen passenger buses which operated as an auxiliary of the United Railways and Electric Company in Baltimore. They furnish an alternative service to that provided by the street car lines and parallel the route within the distance of a block or two and, for part of the distance, operate over the same street. No transfers were exchanged with the street car company but the metal tokens used were interchangeable.

Competitive operation is confined to 25 buses that were in operation before the present law was in effect. The announced policy of the Commission is to permit an existing utility to supply needed service if it is able to do so. Railway company operates

Baltimore, (Cont'd.)

a large fleet of buses on streets which parallel its tracks and trackless trolley serving one outlying section.

(Aera, April 1923)

ANTI-JITNEY LEGISLATION

MASSACHUSETTS

The recent session of the legislature passed three laws which affect motor vehicles used as common carriers.

House Bills Nos. 140 and 238 provide for obtaining licenses to operate in adjoining towns.

Chapter 64 of the General Laws is amended by Chapter 454 of the laws of 1923 by inserting thereafter, under the title, "Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel," a new chapter, 64-a, which provides for a tax of two cents on each gallon of fuel sold during the calendar month.

(State Regulation of Motor Buses and Jitneys
June 1, 1923.)

Boston

In Boston, Massachusetts, there has been very little jitney competition with the railway system. The jitneys were neither regular nor competitive. However in nearly every other city of any size in Massachusetts there has been more or less controversy over the jitneys. In almost every case the electric railway company has ausponded its service long enough to make the public realize that the jitneys give an unsatisfactory, inadequate service, and when the jitneys failed to make good the railway company once more resumed service in many cases with a reduced fare to the elimination of the jitney competition.

At several different times from 1915 to 1918 bills were filed with the Legislature to regulate or eliminate the jitneys. Not until 1918 was any definite state restriction accomplished.

Under chapter 226 of the General Acts of Massachusetts of 1918, the Public Service Commission was given broad authority in the exercise of a reasonable discretion to review all local railway and regulations dealing with jitney operation. The most important extracts from the Public Service Commissions Rules governing operation of jitneys were as follows:

> Before a person or corporation can operate a motor vehicle for the carriage of passengers for hire in such a manner as to afford means of transportation similar to that afforded by a street railway company, a license must be procured from the Board of Aldermen of the city subject to approval of the Mayor endorsed thereon in writing.
>
> No license shall be granted for a period exceeding one year.

Boston, (Cont'd)

Every vehicle must have a sign plainly visible from the front, letters and figures being not lessthan two and one-half inches high and not less than one quarter inch wide, stating the streets of the route, the termini and the rate of fare. A metal plate bearing the license number and the number of passengers authorized to be kept on the dash in such a position as to be visible to the occupants.

Licensee must file with the city clerk a tariff showing the effective date, time of arrival and departure at and from all termini and the time and departure from intermediate points, and a tariff showing the fares to be charged between several points or localities to be served. No fare other than that designated in the tariff shall be collected and all vehicles must be driven to the end of the route before turning around.

No person is to be refused transportation unless the vehicle contains the number of passengers allowed or unless a person is intoxicated or disorderly.

Every vehicle shall be operated eight or more hours every day unless prevented by accident or other unavoidable cause. Some orders have been issued providing for operation of not less than twelve consecutive hours in twenty-four allowing not over two hours for going to and from meals with intervals of not more than one hour between successive trips in same direction where distance between termini is five miles or less.

No operator is allowed to solicit passengers by outcry or making any noise.

Local regulations for stands to be observed. No vehicle to stop to receive or discharge passengers between street railway tracks and the side of the street where passengers board or leave street railway tracks within fifty feet in each direction of a white pole or street car stopping place unless specifically authorized.

No vehicle to be operated in snow or ice without non-skid chains.

No operator shall collect fares, make change or discharge passengers while vehicle is in motion, nor shall he have a lighted cigarette, cigar or pipe in his possession while carrying passengers, nor drink intoxicants or be under the influence thereof while operating the vehicle. He shall deliver any article left in his vehicle by passengers to the City Marshall within twenty-four hours, articles not delivered to owner within ninety days to be returned to him.

Every vehicle must come to a full stop before crossing railroad tracks at grade.

(P.U.R. 1919 C - P. 900)

Boston, (Cont'd)

Mayor Peters of Boston on Nov.1 signed the license which had received favorable consideration from the Boston City Council, granting the Norfolk & Bristol Bus Company a right to operate jitneys in Hyde Park. This will insure a 15-cent fare from Hyde Park to Boston, as against the present 20 cents, the jitneys operating over the territory otherwise served by the Eastern Massachusetts Street Railway. In connection with his approval of the license the mayor said:

"Before finally determining my approval of the jitney license for the Hyde Park district I conferred with the trustees of the Boston Elevated and the Eastern Massachusetts Street Railway Company and found that they were unwilling to make any compromise which would meet the perplexed situation.

"I feel that the people of Hyde Park should have this relief, temporary as it may be, until some time in the future when these street railway companies may come to an agreement.

"I therefore approve the license granted the Norfolk & Bristol Bus Company, with the understanding that when an agreement can be made between the Boston Elevated and the Eastern Massachusetts Street Railway Companies to give the Hyde Park district service at a satisfactory rate I will recommend to the City Council that the jitney license be immediately revoked."

(E.R.J. Nov. 5, 1921)

Mayor Peters, Boston, Mass., recently vetoed the licenses of three jitney companies which were seeking permits for operating in the Hyde Park district. He explained his non-indorsement of the bus operation on the ground that he had recently approved a license granted to the Norfolk & Bristol Bus Company.

He said further that the residents of the district had voiced an unanimous approval of this company, and that he himself believed the people were better served by one company than by many.

(E.R.J. Nov. 26, 1921.)

An arrangement has been completed whereby the Boston Elevated Railway has taken over a part of the Eastern Massachusetts Street Railway system in Hyde Park, a community annexed to Boston some years ago. The Boston Elevated began service over the line on September 1, 1923 which has the effect of giving Hyde Park a 10 cent fare to Boston.

The sole purpose of this arrangement was to provide a single fare for Hyde Park which has fought for it for twenty years. It wanted a 5 cent fare when that was the unit, and its principal reasonfor seeking annexation to Boston was to obtain the single fare.

Boston, (Cont'd)

In order to accomplish the change, the city of Boston acquired a section of the Eastern Massachusetts system and leased it to the Boston Elevated as it leases the subways and tunnels to the Elevated. Not only does the Elevated run its own cars to the center of Hyde Park, but it has established two lines of buses to other sections of Hyde Park and to Readeville giving the privilege of transfer from one to the other.

(E.R.J. September 8, 1923 P.391)

Brockton

The Board of Aldermen of Brockton, Massachusetts, voted on November 17, 1919 to revoke all jitney licenses within the city. The order was scheduled to take effect on November 22.

(E.R.J. November 15, 1919 P.962)

Holbrook

The Eastern Massachusetts Street Railway, Boston, Massachusetts, recently discontinued service in Holbrook and Braintree, Massachusetts, owing to the refusal on the part of the towns involved to revoke jitney licenses. The trolley situation in these sections served by the Eastern Massachusetts Street Railway was discussed at a meeting in Braintree on November 3, at which representatives from Braintree, Holbrook and Weymouth were present. Although it was pointed out that jitneys had given good service the citizens expressed appreciation of a dependable railway system. At a later meeting authorization was given to the Board of Selectmen of Braintree to call on the trustees of the Eastern Massachusetts Street Railway to see what could be done in the matter of having service restored. The board later passed an ordinance regulating the buses, following which service was restored.

(E.R.J. November 20, 1920 P. 1074)

Cambridge

No bus operation. Railway company operated by State Trustees. Fares on a sliding scale based on service-at-cost.

(Aera, April 1923.)

Fall River

City has refused permits for bus operation. Railway company operated by State Trustees under law which provides for sliding scale of fares based on cost of service. City was convinced that competitive bus operation would add to this cost and so maintain higher fares, hence the elimination of competition.

(Aera, April 1923.)

Gardner

Bus operators in Massachusetts are discussing the new rules recently issued by the Department of Public Utilities giving additional security to passengers on the buses operating in the city of Gardner and vicinity. The rules were issued on the petition of the Gardner-Templeton Street Railway to amend the rules laid down by the City Council governing bus operation.

The new rules which will be enforced are as follows: 1. No bus shall stand or stop for passengers within 50 ft. of white poles designated as street railway stops. 2. Buses shall not carry more passengers than there are seats except that children in arms may be so carried. 3. Drivers shall not collect fares while the bus is in operation or carry a lighted cigarette, pipe or cigar while there is a passenger in the vehicle or take any intoxicating drink while operating a vehicle. 4. Every motor bus shall come to a full stop at grade crossings. 5. All bridges of more than a 10-foot span over which buses operate must be declared safe by the department before they can be used by such buses. 6. The City Council may revoke a license for a motor vehicle for any violation of the rules as laid down or any violation of the laws of the commonwealth.

In effect the new rules give the department supervision over bus operation in the city, and although the City Council may add new rules the street railway company is empowered to appeal to the department.

(Bus Transportation June 1924, P. 290)

Gloucestor

Not since June 19, 1919 has there been any other means of transportation in Gloucester, Massachusetts. On this day the ultimatum previously delivered by the board of trustees of the Eastern Massachusetts Street Railway called for a cessation of service unless the tax-payers of the city would meet the operating deficit, which had been estimated at $20,000 or more per year. The City Council, on behalf of the people, declined to make any such guarantee unless it was approved by the people on a referendum.

This meant that not only were the cars in the city of Gloucester taken off but thoseon the suburban lines to Rockport, Essex, Hamilton and Beverly as well.

Immediately upon cessation of the trolley service independent jitneys flocked to the city from neighboring points and attempted to handle the traffic. This condition existed for six months, and failed from a transportation standpoint to render efficient service to the community as a whole.

The City Council then drafted an ordinance and put the transportation directly under the control of the Mayor with the

Gloucester (Cont'd)

hope of encouraging an operating company to be formed to take over the entire system of bus operation.

The ordinance as passed provided for the licensing of all motor vehicles operated on the public streets for the transportation of passengers for hire and became effective February 6, 1921. This ordinance made it necessary for each motor vehicle to carry a license, obtained from the Municipal Council and subject to the approval of the Mayor, which must be renewed annually. Such licenses as granted and approved by the Mayor, however, did not become operative until a security amounting to $12,500 by bond or otherwise had been deposited with the city treasurer for each motor vehicle having a seating capacity of 25 and an additional sum of $500 for each additional seat. The filing of an approved insurance policy by any one licenseeto the extent of at least $20,000 total liability for injury or death in any one passing the requirements are given a badge which must be openly displayed when they are operating their buses. Such badge licenses are not transferable. The city clerk issues an identification card to successful applicants, which must be carried by the operator at all times when on duty. Such license fees cost $1 per year.

Motor bus drivers are prohibited from smoking while driving, from collecting fares, making change, etc., or discharging passengers while the vehicle is in motion. They are required to pick up passengers unless the bus they are driving is carrying its full licensed load. Other regulations provide for operators turning in all articles left in their vehicles, for stopping prior to crossing railroad tracks, for adequate interior illumination at night, for maintaining heat in winter and for reporting injuries to passengers or damage to property in which they are involved.

License fees payable to the city of Gloucester for the use of the streets are $10 per year per bus licensed. This is the only payment to the city for the use of the streets. In addition the company pays the usual property tax and state vehicle license tax. In the event that the motor bus licensee fails to comply with the terms of the license granted, except when prevented by conditions beyond his control, he forfeitsto the city of Gloucester $1,000, not as a penalty but as liquidated damages for each and every month during which failure continues. Before his operating license again becomes effective he must file a bond not exceeding $5,000 for the faithful performance of the conditions of the license.

Licenses for the operation of vehicles as well as the individual driver's licenses can be revoked or suspended by the Municipal Council after a hearing for violation of any law of the Commonwealth relating to the operation of motor vehicles or municipal traffic ordinances, provided such violation has continued for a period of five days after proper notice to the licensee.

Gloucester (Cont'd)

At least sixty days prior to the termination of licenses for the right to operate vehicles the licensee must either file petition for a renewal of his license or notify the Municipal Council of his intention to discontinue the operation of motor vehicles when his license expires.

Under the terms of the ordinance pupils' tickets must be sold in lots of ten or forty at one-half the regular cash fare. This is in accordance with the Massachusetts street railroad laws.

As a precaution against accidents due to skidding when highways are so slippery as to be dangerous all vehicles must use proper non-skid tire chains. Vehicles are also required to carry an extra if equipped with pneumatics.

(E.R.J. 10/29/21)

The Eastern Massachusetts Street Railway suspended service on June 13 on the Woburn-Billerica line in accordance with a notice given out that jitney service would have to be withdrawn if operation of cars was to continue.

(E.R.J. 7/2/21)

Lawrence

A four-year struggle over jitneys in Lawrence, Massachusetts was brought to a climax on November 26, 1919, when the public trustees in charge of the Eastern Massachusetts Street Railway withdrew electric railway service after the City Council had failed to enforce an order for the revocation of all jitney licenses. After a conference with the public trustees in Boston, on November 26, the Mayor and City Council returned to Lawrence and at a midnight session passed an ordinance which provided that jitneys could not operate on any street or part of a street where the street railway is now in operation and that motor buses could not operate upon any other street until public necessity for the same had been shown and the street railway refused to take care of the transportation thereon.

(E.R.J. November 15,22,29,1919;
December 6,13,1919.
Page 948)

Lowell

Operation of jitneys in Lowell, Massachusetts, ceased on March 1, 1920 by order of the City Council. The Council had previously passed an ordinance barring the jitneys from all streets served by the Eastern Massachusetts Street Railway. This action was taken at the instance of the "home rule" committee recently appointed to manage the Lowell division of the company. Company officials estimated that the annual loss in revenue due

to jitney competition in the Lowell district to $50,000.

(E.R.J. March 6, 1920. P.496)

Lynn

The City Council of Lynn, Massachusetts voted on February 19 to revoke all jitney licenses to take effect on April 26, 1920.

(E.R.J. February 28, 1920 P.455)

Malden

The city government granted a jitney license to Mr. Hart to operate cars through Salem Street, despite the warnings from the Boston Elevated that it could not submit to competition. The Elevated compromised the situation at first and withdrew its non-paying service from Lebanon Street and Broadway, which lie beyond the Salem Street route and serve as feeders to it, but continued to operate its cars through Salem Street and pick up such small amount of traffic as the jitneys left, the jitneys taking the cream of the business. The company continued this competitive service though it did not pay on the assurance that the jitney license would not be renewed by the city government this year.

(E.R.J.February 24,1923 P. 350)

Mayor Kimball of Malden yielded to the elevated and refused to sign an order from the City Council authorizing jitney competition with the railway.

As a result the competing jitney service will be withdrawn from Salem Street, where it has been operating, and the elevated will not only continue its car service there but will introduce bus service at various points as feeders.

(E.R.J. March 10, 1923 P. 429.)

New Bedford

Legal requirements for bus operation, permit from city. A number of buses formerly operated but city passed an ordinance fixing three non-competitive routes and buses stopped operation.

(Aera, April 1923.)

On December 18, 1923 the Union Street Railway commenced operating buses on a route beginning at the terminus of the North Fairhaven car line proceeding north to a point known as the Parting Ways, and then turning west toward Lunds Corner. At this point the bus line makes connection with another railway line. From Lunds Corner the bus route continues west to the Acushnet railroad station.

Half-hourly service is provided throughout the day between North Fairhaven and Acushnet. During the morning rush hour,

New Bedford (Cont'd)

at noontime, and after 5 P.M. all trips continue beyond Acushnet to Showmut Avenue. The fare on the bus is 5 cents as on the street car, and no transfers are interchanged between buses and cars.

(E.R.J. May 31, 1924. P. 844)

Northampton

The Massachusetts Public Utilities Department has been petitioned by the Northampton Street Railway to suspend the jitney ordinances in the city of Northampton. Under these ordinances jitneys may run on any of the streets in the city. The railway maintains that they should not be permitted to operate in streets through which the tracks of the company extend.

The official attitude of the city, as expressed by the city solicitor, is that the ordinances should not be changed, that practically every main artery of travel through the city is occupied by the railway and the jitneys would be crowded out if the company's appeal were granted.

It is argued by the jitney interests that the state authorities should not interfere with the rules of the city authorities unless it is proved that their regulations are a public injury; that the jitneys purpose to do thorough business between Springfield and Greenfield and ought to be permitted to get their share of the Northampton business.

(E.R.J. August 2, 1924 P.180)

Salem

Peabody

Beverly

Following the cutting off of electric railway service in Salem, Peabody and Beverly, Massachusetts, by the Eastern Massachusetts Street Railway, the Council of these municipalities voted to revoke licenses for the operation of jitneys within the city limits. The company resumed service on December 19, 1919 after an interruption lasting one day in which the inability of the jitneys to handle the traffic was made clear. The action of the company was in accordance with the policy of refusing to operate in competition with the jitneys. The elimination of the latter from the Salem division left the Bay State system without jitney competition in the eastern district of Massachusetts with the exception of Quincy.

(E.R.J. December 27, 1919,P.1066)

Somerville,

City refused permits for the operation of buses. Railway is operated by State Trustees under a law providing for sliding scale of fares based on service-at-cost. (Aera,April 1923.)

Springfield

Jitneys began operation about April 1st,1915, the number gradually increased until there were over 700 on the streets. Various ordinances were passed by the City none of which contained very strict regulations. In December, 1919, the Legislature passed a bill giving authority to the Public Utilities Commission to regulate jitneys if adequate ordinances were not passed by the Cities and Towns.

(Data Sheet #213, August 20, 1920)

The City Council of Springfield, Massachusetts passed an amendment to the municipal jitney ordinance temporarily suspending the clause giving the Police Commission authority to issue jitney licenses.

(E.R.J. February 21, 1920,P.415)

In January, 1920 300 members of the Chamber of Commerce voted practically unanimously to give the Springfield Street Railway a monopoly of the urban passenger transportation business, thus recommending that all jitney bus licenses be revoked. This monopoly would not be brought about by conferring new rights upon the company but would simply enable it to demonstrate at present whether it could provide satisfactory service if allowed to regain the revenue necessary for its fullest development.

If the company should prove unequal to the fulfillment of these obligations then there would be nothing to prevent the restoration of competitive service. The company maintains, however, that it now has sufficient cars, men and power house capacity to give this service.

(E.R.J. January 31, 1920,P.233)

Owing to a protracted delay on the part of the Springfield, Mass., City Council in legislating in relation to a street car route leading to the new Hampden County Memorial Bridge, Clark V. Wood, President of the Springfield Street Railway has consented to put on buses to run across the bridge for the accommodation of West Springfield residents. Negotiations between Mr. Wood and the respective municipal authorities on either side of the river are expected to be taken up within a few days in respect to the details of such an arrangement. It is not settled as to whether such a bus line would carry the free transfer provision. The Springfield City Council's transportation committee was favorable to granting an independent bus line a franchise to run over the bridge. The West Springfield selectmen were not disposed to accede to this arrangement, but it is understood that sentiment was shifting toward that solution in case no other means was open to establish an early service of some sort across the bridge and so shorten the distance from that involved by the present route over the North End Bridge.

President Wood has signified his willingness to apply for a franchise to lay tracks through Vernon Street to the bridge immediately upon a vote of the City Council to widen Vernon Street. (E.R.J. December 30, 1922.P. 1026)

Springfield (Cont'd)

President Clark V. Wood of the Springfield Street Railway has indicated his willingnessto provide a supplementary service by auto on condition that all jitneys now run are barred by the city. Mayor Leonard has approved such arrangement. The proposition will be put into shape for formal action by the City Council and the company. The term for which jitney licenses has been granted will expire on May 1, 1923.

(E.R.J. January 20, 1923 P. 145)

Clark V. Wood, President of the Springfield Street Railway, Springfield, Mass., sent to Mayer E.F. Leonard a statement of the company's plans to increase service after May 1, 1924 when the jitneys, according to orders cease operation.

Mr. Wood stated that the company would provide more frequent cars on five of its lines throughout the day. He also mentioned that orders had been placed for five additional buses to be delivered before May 1. Two new bus routes are tentatively planned, and extension of the present Orange Street bus route is considered. The companys buses are operated to serve districts off the railway routes and it is not proposed to parallel any of these routes with buses. In his statement, Mr.Wood says that the company's buses are earning less than one-half the cost of their operation.

After President Wood's letter to the mayor was published Richard J. Talboat, attorney for the Springfield Bus Owners' Association, gave out a statement saying that the proposals were "wholly inadequate to meet the traffic needs of the community."

Attorney Talbot said that a bill had been drawn and sent to Boston, to be introduced in the Legislature, ordering a stay of the Mayor's order to stop the independent busservice, until after a referendum vote could be had from the people of Springfield.

A definite stand to support Mayor Edwin F. Leonard of Springfield, Mass., in his decision to rule independently operated buses from the streets of the city after May 1, 1924 was taken by the transportation board March 18 following a hearing before which a committee of the Springfield Bus Owners' Association appeared.

The decision was made on the ground that the street railway is a necessity and that it is unfair to allowany independent transportation group to take away any of the partronage from an essential service.

Richard J.Talbot, counsel for the Bus Owners Association, was told by alderman John D.Stuart, chairman of the transportation board, that if the bus owners secured signatures of half the voters in the city giving it as their opinion that the buses should be retained, the board would again consider the matter of continuing their licenses. Mr. Talbot said that an effort would be made

Springfield (Cont'd)

to comply with that condition.

In compliance with Mr. Talbot's request petitions containing 25,000 signatures for the continuance of bus service were filed. The Transportation Board decided that the referendum was not a fair expression and would not consider the results. The Transportation Board refused to grant an extension of time to jitney operators, their licenses having expired.

On May 1, 1924, buses were banned, but two independent bus operators continued making runs after their licenses had been discontinued. As a result on May 20 both operators were convicted on a charge of operating buses for hire without a license.

Judge Heady's decision defended the right of the licensing board of the city government to refuse the jitney men a licens He said that controversies between individuals and the lawful public authorities could not be settled by countenancing lawless and forbidden acts of the individuals in the public streets. To attempt to continue operation of the buses, he thought, was akin to anarchy. The court went into detail on the term "for hire" declaring that compensation or reward was one of the motives as well as one of the very considerable results of the operation. Mayor Leonard said the decision was not a question of personalities but of a principle which involved all the people.

(E.R.J. March 8 and 22, May 3 & 24, and June 21, 1924.)

Whitman

The voters of the town of Whitman, Massachusetts, have passed an ordinance imposing a fine of $20 upon the operation of a jitney bus within the town limits. A petition for the licensing of jitneys in Whitman has been rejected.

(E.R.J. November 15, 1919, December 13, 1919 P. 962.)

Worcester

The Board of Aldermen have never allowed jitneys to operate in Worcester, Massachusetts.

(Data Sheet #213, August 20, 1920.)

Efforts of E. W. Hicks of Worcester, Mass., to establish a jitney service between Clinton and Sterling and Clinton to Worcester were unavailing when the Clinton Selectmen put off granting a franchise. Opposition to the establishment of the line had previously developed from the Chamber of Commerce of the town, although it was not shown when the Selectmen considered the matter.

Worcester (Cont'd)

It is said the chamber is not opposed to the Sterling and Clinton Line, but has objections to any line that would compete with the Worcester Consolidated Street Railway between Clinton and Worcester. The Clinton Selectmen have not entirely discouraged any attempt by Mr. Hicks to get the franchise for they have notified him their action is simply held in abeyance to give any person or persons who care to enter objection a chance to do so. Mr. Hicks has informed the Selectmen he has no intention of competing with the trolley lines. He is desirous of getting the Sterling to Clinton route approved, he says, to enable him to connect with the line he now operates between Worcester and Holden and Jefferson

(E.R.J. October 13, 1923, P.665)

Several of the towns which are threatned with loss of their traction lines to Worcester, Mass., are debating the question of granting licenses to bus proprietors. Recently the Worcester Consolidated Street Railway discontinued service to Spencer and a number of other places, and it is beginning to be realized that the railways are in earnest about the competition of buses leaving them without sufficient revenue to continue.

The Selectmen of Northboro have decided to put the question up to the voters. Buses running between Westboro and Marlboro will not be permitted to stop or take on or leave passengers until Northboro voters settle the question.

Interest in the bus question in Southbridge is increasing daily and the decision of the Selectmen of that town in regard to granting the Spring and Providence bus lines permission to take Southbridge passengers for Putnam Conn., and Providence is awaited with interest. The town counsel believes the buses can stop in Southbridge to take passengers if they want to.

Millbury Selectmen have received an informal request for a bus license for a line to operate between the town and Worcester, a distance of about 5 miles. They have discouraged the applicant on the ground that the railway should be protected for the taxes it pays if nothing else.

(E.R.J. October 4, 1924 P. 568.)

ANTI-JITNEY LEGISLATION

MICHIGAN

A fee of one dollar for each one hundred pounds weight of each motor vehicle is imposed on all motor vehicle common carriers not operated exclusively within the limits of a city or town by an act signed by the governor of Michigan on May 23rd, 1923, and effective thirty days thereafter.

The same act provides that all such carriers shall also obtain a permit to operate from the Michigan Public Utilities Commission to be issued in accordance with public convenience and necessity. Each permit is good for a period of one year, subject to renewal upon the same terms, and must specify the routes over which it is proposed to operate. The Commission is authorized to prescribe such rules and regulations governing the applications for permits as it may deem necessary.

All motor carriers are required to carry insurance or to furnish an indemnity bond in an amount to be determined by the Commission to insure compensation to the public for any injuries or damages caused by the carriers.

All fees collected are to be appropriated to the general highway fund of the state for highway purposes.

(State Regulation of Motor Buses and Jitneys) June 1-1923.

A decision regarded as favorable to the Michigan Public Utilities Commission in its stand with respect to his regulation has been handed down by the State Supreme Court. Technically the proceeding is known as the Rapid Railway and Rapid Railroad versus the Michigan Public Utilities Commission. It involved the interpretation by the court of Act 209, which provides that "bus permits shall be issued in accordance with the public convenience and necessity". As stated by the court the question that was up for decision was: "Must the commission in determining the question of public convenience and necessity exclude from its consideration the facilities for transportation already in existence and serving the territory.

The court said that it found nothing ambiguous in the statute. According ot it, the Legislature used words of well defined meaning particularly to those dealing with the regulation of public utilities, "words which ought not to require extraneous research to discover their meaning." As the court put it: "I find nothing in the language of the act itself which limits the inquiry of the commission to one means of transportation". The court thought the order of the commission whould be vacated and the case remanded for proceedings not inconsistent therewith."

So much appears to be plain. The court cited both the Chicago & West Towns Railway case (140 N. E. 56) and the case of Choate versus the Illinois Commerce Commission (141 N.E. 12).

Michigan (Continued)

but there is no intention here to try to navigate the readers through the fog of judicial jargon which pervades the opinion. From that the reader may well be spared. These words of the court, however, appear to be plain in their intent: "These rapidly driven automobiles and heavily ladened trucks are beyond question increasing the costs of maintenance of every mile of road they travel over. In a general way these facts were known to the Legislature. The Legislature no doubt entertained the view that these commercial motor vehicles should be permitted under proper regulations to continue the use of the highways when and where the public needs such service, but that when one auto bus route has been established the commission may inquire as to whether the service is adequate before issuing another permit. I find no language in the act which would authorize the broadening of their inquiry on the second application. If they may inquire into this subject on the second application, I think they may on the first."

The commission's notion of the act had been that it left with the commission complete discretion regarding the issuance of permits of public convenience and necessity to bus and truck lines.

The commission understood it could grant or withhold such permits on the basis of its findings regarding the public convenience and necessity for motor vehicle transport service over the line covered by the application.

In arriving at its opinion as to the necessity for service the commission thought that it might take into consideration all of the factors of transportation, including the existing service of steam and interurban lines. In making its argument to the court, however, the commission, in order to protect its position to the fullest possible extent insisted that steam and interurban companies had no rights whatever under the act not even the right to be heard.

The commission has interpreted the decision of the court as holding to the construction that the commission could not even consider the service rendered by the interurban and steam lines but could consider only the service rendered by existing bus and truck lines. Previous to the decision by the court the commission had always notified the railroads of hearings on applications of bus and truck lines that sought to operate over substantially the same route as the railroads, but since the filing of the court order the commission has not considered that steam and interurban lines had a right to notice or to be heard.

(Bus Transportation August 1924 p.388)

Detroit

A new ordinance has recently been passed in Detroit regulating jitneys. The new ruling will compel owners and drivers to furnish surety bonds and to indemnify passengers against loss or injury. Owners must supply a $1000 bond and pay a $3 license fee for every car operated while drivers must put up a $200 bond. Licenses are revocable at the Mayors will. The penalty for violation of the ordinance is a $500 fine or a prison term of 90 days. The rule became effective on June 15 and will result it is believed in a substantial reduction of such vehicles operated.

(E.R.J. June18,1921. P. 1148)

All jitney licenses under the former ordinance in the city of Detroit expired on May 15,1921. A new ordinance has been passed by the City Council. This measure increases the amount of the bond for drivers, requires a separate bond in each instance and eliminates jitney traffic entirely from Fort and John R. Streets, Michigan, Grand River, Woodward, Grotiot, Cossand Jefferson Avenues and the parks and boulevards.

In connection with a recent study of traffic congestion in the city of Detroit the Department of Police reported the number of street car passengers, automobile passengers, passengers in horse drawn vehicles and pedestrians passing various important street intersections. In explaining that a partial solution of the difficulty due to accidents caused by automobiles could be overcome by more stringent regulations of jitneys, it is cited by Police Commissioner James W. Inches that with the return to normal industrial conditions the amount of traffic will be greatly increased and the problem of its regulation will become much greater.

Since the adoption of the jitney ordinance on June 9, 1921, approximately 2,300 jitneys have been licensed to operate in the city. In April about 1,674 jitneys were active. They ran for the most part on the thoroughfares which radiate from the business center of the city, all of which are heavily congested.

While the ordinance was to take effect on May 15,1922 when all jitney licenses expired, officials of the jitney organization succeeded in having the enforcement of the ordinance postponed until October 1,1922 in order that some of the drivers who have purchased their cars on time may still operate.

Licenses will not be renewed for next year but the temporary licenses will permit drivers whose records are clear and who are dependent on the jitney business for a livlihood to run until October 1,1922.

Officials of the Detroit Department of Street Railways consider that the jitney as a factor in Detroit's transportation system is ended and that the people will go back to riding on the street cars and motor buses as there are now probably less

Detroit (Continued)

than 500 jitneys operating in the city and some of the streets have already been cleared of the pirates.

It was reported that the jitneys collected fares that would have netted the Detroit United Railway $12,000 a day, prior to the taking over of the D.U.R. city system by the city street railway department.

While increased employment in local factories caused many operators to quit prior to the passing of the new ordinance the Council's action is considered as sounding the end of the business.

Woodward Avenue, according to records in the police department, had the largest number of jitneys, 502 being operated over that avenue when the business was at its height.

There had already been four amendments to the orginal ordinance, but in view of the several additional amendments considered necessary by the police department, the new ordinance was prepared by the Corporation Counsel's office and approved by the Mayor.

(E.R.J. June 10,1922 P. 950)

The jitney ordinance passed by the City Council in May 1922 to become effective in October of the same year was declared unconstitutional by circuit Judge Ormond F. Hunt in a decision handed down on December 29,1923. The court also made permanent the injunction restraining the city and its officers from enforcing the ordinance. The court opinion stated that the ordinance was unreasonable from the viewpoint of public demand and general welfare, in excluding jitneys from the main streets and allowing other forms of transportation to use them, and that it was not a regulation but a prohibition of jitney service, which is inconsistent in view of the license granted by the ordinance.

It has been announced by Richard I. Lawson, Corporation Counsel for the city, that a new ordinance will be prepared for submission to the Council covering similar ground but intended to surmount the legal obstacles which the court has ruled exist in the 1922 measure. In view of the victory won in the court, Attorney Edward N. Barnard announced that the two jitney organizations, the Red Star Motor Drivers' Association and the Blue Ribbon Auto Drivers' Association intend to buy 100 new cars at once and generally improve their service.

In revieving the case it was cited that the ordinance was passed by the Council mainly at the request of James W. Inches, former Police Commissioner. The ordinance was approved by the old Council and it is believed that the popularity of the jitney has been proved to such an extent that the present Council is of different mind toward jitney transportation. Before the ordinance was put into effect the jitney drivers' association petitioned

for an injunction restraining the city from enforcing the ordinance and a temporary injunction was granted by Circuit Judge Moynihan. Testimony on the petition for a permanent injunction was taken from June 5 to July 13 and from Sept. 24 to Nov. 2,1923. About seventy-five witnesses were questioned. In the meantime the jitney drivers continued to operate under their 1922 licenses.

The court said that the jitney ordinance must be construed as reasonable or unreasonable, as related to the problem of transportation in its major and not in its minor aspects. In other words, the question to be considered was: Would the enforcement of the ordinance as passed " promote the general welfare" the last phrase being quoted from the preamble to the Constitution of the United States.

The court recognized that the streets of Detroit, when they were laid out, were not designed to accomodate motor vehicle traffic, but said that only by the use of the surface by every known method of transportation could anything like an adequate and proper service be afforded. In other words until Detroit had either a subway or an elevated line the general welfare demanded greater public service transportation facilities and not fewer.

In enacting the jitney ordinance the Council, so the court ruled, by implication of law, recognized the need of jitney service. Moreover, the need was confirmed by the testimony in the case.

The effect of the enforcement of the ordinance, excluding jitneys from the use of all the main arteries of travel, including parks and boulevards, would not be a regulation but a prohibition of jitney service, a result not only inconsistent with the license granted therein but unreasonable from the viewpoint of public demands and general welfare.

The court said that taking into consideration all the facts, circumstances and conditions of Detroit in relation to the demands for transportation, and the facilities for meeting that demand, the ordinance is in controvention of Section 28, Article 9 of the Constitution, which limits the authority and power of cities over their streets to "reasonable control".

It was held that the testimony showed that a seven-passenger automobiles of standard model operated as a jitney was not in itself, or as operated, move dangerous than a motor vehicle privately operated. The court expressed the belief that to license buses and taxicabs to use all the streets, parks and boulevards, and at the same time exclude an ordinary automobile called a jitney, from using the street, was discriminatory, class legislation and in controvention of Sectionl, Article 2 of the Constitution of the State of Michigan, which provides:

"All political power is inherent in the people. Government is instituted for their equal benefit, security and protection

(E.R.J. Jan. 5,1924.P.48)

Flint City

In order to eliminate traffic congestion on streets where cars are operated the Flint City Council recently ruled jitneys off streets on car line routes. The ordinance provides that bus operators will have to file with the city clerk a statement on the proposed route, terminals and hours of operation. Approbation of the council will benecessary before jitneys can run.

(E.R.J. June 25,1921. P. 1187)

In line with its general policy of utilizing the bus in co-ordination with its rail lines wherever such service is thought to be advisable, the Detroit United Railway has purchased the principal bus lines in the city of Flint and is operating the best of the old buses together with new vehicles which have been put into service. The bus routes are operated in conjunction with the electric cars to give a complete transportation service new buses will be added at this point as fast as they are required.

Another major step in the application of buses is being considered in connection with the Detroit terminal situation. Due to the fact that the Detroit United Railway has no permanent rights for its cars to enter the city of Detroit, and the further fact that trackage charges now made by the city for the operation of these cars over the tracks of the municipal railway are heavy, plans are being considered for cutting off the railway's routes at the limits of the city and transporting through passengers by bus between terminals to be constructed at these points and the present railway terminal near the center of the city.

(E.R.J. October 4,1924 P. 568)

Grand Rapids

Jitneys in Grand Rapids will not be allowed to operate in competition with the Grand Rapids Railway after May 1. Unlicensed jitneys were driven from the city in December, but the present decision of the City Council applies to licensed jitneys as well. The jitney dispute in Grand Rapids has been a point of trouble for many months.

The city passed an ordinance ordering unlicensed buses from the streets, but the jitney men contested the legality of the ordinance. In the meantime they provided bonds. In December, Judge Dunham refused to declare the ordinance invalid until someone with legal authority contested the ruling. He claimed that the jitney men had accepted the ordinance, had acted under it when they provided bonds and therefore they had forfeited their rights to contest its legality. Bondsmen holding bonds for the jitney men forfeited them and the drivers were consequently forced to discontinue service when the ordinance and invalidated.

(Bus Transportation, March 1922)

Muskegon

The possibility was discussed of bring the entire transportation facilities of Muskegon, Michigan, and surrounding community under the ownership of the Muskegon Traction and Lighting Company and under control of proper, publicly constituted authority at a hearing recently conducted by the Michigan Public Utilities Commission.

A joint committee representing the various interests of the community was named to compile a definite report as to the possibility of the traction company buying the bus equipment now in use, and to gather all other necessary data relative to a revolutionary move of this kind.

If the traction company finds it possible to finance such an undertaking it appears likely the committee will recommend that this solution of the present and long standing problem be adopted. The matter is to be taken up with the company to know if it would be possible for the company to purchase the jitneys, present value $50,000.

(Electric Railway Journal Apr.30; 1921, Page 824).

Muskegon and Battle Creek

In December,1921, two Michigan Cities, Muskegon and Battle Creek, voted to support electric railways in the latter's fight against encroaching jitney competition. In each city popular elections resulted in an overwhelming indorsement of the stand taken by the railways that competition by buses on streets occupied by railway lines must be stopped in order to preserve the railways.

In Muskegon by the terms of the vote the Council is authorized to pass ordinances denying use of the street where the trolleys operate to the bus line affected. The Public Utilities Commission had granted the railway company permission to cease operation in case the vote had gone the other way.

These victories followed a partial one scored in Grand Rapids where an ordinance requiring a $10,000 bond for jitney men was adopted. Following the adoption of this ordinance the bonding company refused to give the bonds and the jitney men found themselves unable to meet the city laws.

(E.R.J. 12/24/21).

Muskegon.

The City Commission of Muskegon, Michigan, recently reiterated its views, through Commissioner Paul R. Beardsley of the transportation committee, that bus service must not compete with the electric railway service. The occasion for the City Commission again taking this stand was the coming up of a petition for extending a bus line. The commissioner, said the city would

Muskegon (Continued)

abide by the vote of the people, who decided some time ago by a vote of ten to one that cars should be retained and competing his lines removed.

(E.R.J. March 1,1924. P. 350)

Saginaw

For six months Saginaw was without its electric railway service. In Agust 1921 the Saginaw-Bay City Railway found it impossible to operate in competition with unregulated jitney bus service and finally abandoned service. In December an advisory vote as to whether street cars should be returned to service resulted in the defeating of the proposal by a majority of 871 less than half the qualified voters' voting.

During the six months in which the street cars did not operate the transportation was handled by unregulated jitney and motor buses. The representatives of the railway made a proposition to the city for a thirty-day franchise on a ride-at-cost basis which was rejected and no more effort on their part was made.

(A.E.R.A. Circular, March,11,1922)

Jitney owners had been formed into an organization known as the Jitney Bus Owners' Association. The operators discriminated against the trial motor buses sent to the city and against outsiders who tried to operate within the city. The city officials finally decided to put jitneys under police supervision and operation if these tactics of the bus men were continued. Following this decision, the Jitney Bus Owners' Association took into membership two outside motor coaches. However this did not stop the trouble and independent buses continued operating on a 5-cent fare without transfer privileges.

In April, a city-wide system of motor bus transportation for Saginaw was proposed by the newly organized Saginaw United Club. The association proposes to raise $400,000 from its 2,000 members and install the system.

(Bus Transportation, March and April 1922.)

ANTI-JITNEY LEGISLATION

MINNESOTA

Duluth

Ordinance requires bond, license fee, etc., and limits passengers to seating capacity but is rather laxly enforced.

(AERA, April 1923)

Voters of Duluth, Minnesota at a special city election on June 16,1924 adopted an ordinance to regulate buses, the practical effect of which will be to bar local buses from use of the streets. The vote was 10,354 for and 7,639 against with ten precincts missing. The ordinance provides that all motor vehicles carrying passengers for hire, except taxicabs, vehicles engaged in the livery business and buses operated between Duluth and other municipalities, shall be prohibited from operating upon any street when double street car tracks are maintained. The Duluth Street Railway was active in the campaign in favor of the adoption of the ordinance.

(E.R.J. June 21-1924 P. 994)

Buses must cease operating on the streets of Duluth, Minn., containing double track street car lines as the result of a court order issued July 16,1924 by District Judge H.J. Grannis, upholding the validity of Duluth's bus regulating ordinance.

The court dismissed a temporary restraining order obtained by the Duluth Bus Association June 23,1924 under which buses have been operating since the day the City Council adjudged the ordinance had been passed at the election of June 16,1924.

The ordinance, summed upon on ballots, was listed as an ordinance to "regulate" bus travel on streets where double street car lines run ". Its wording bars such buses from travel on such streets, which has the practical effect of barring them from travel from one end of the city to the other, since there is but one main street and it is used by the trolley company.

Future action by bus companies has not been divulged.

(Bus Transportation August 1924 P.389

Minneapolis

The City Council of the City of Minneapolis, at an adjourned session of the regular meeting of March 8,1918, held March 28,1918, passed an ordinance regulating the use of the streets of the City of Minneapolis by self propelled motor vehicles carrying passengers for hire and providing for the licensing of such vehicles and for penalty for the violation

Minneapolis (Continued)

of this ordinance.

(Minneapolis Daily News, April 6, 1918)

The Minneapolis Street Railway has been authorized to operate the jitney buses in Minneapolis and has acquired the thirty-nine buses in operation at a reported cost of $200,000. Except on request of a majority of citizens on the street no new jitney license will be granted for five years. It is not proposed to duplicate travel by having jitneys on the same streets as trolley cars, but the North Side, which is now reached in a roundabout way by several lines, will profit by the new jitney service. Transfers will be given.

(E.R.J. August 3, 1918, P. 217).

Provision for a city bus line to operate in addition to the electric railway has been proposed as an addition to the home rule charter voted at the last general election by the people of Minneapolis. The amendment is proposed by the Prospect Park Improvement Association alleging that railway service is insufficient. There is now a private bus line operating through Prospect Park between Minneapolis and St. Paul.

(E.R.J. February 12, 1921 p. 327)

Since the purchase of the then existing buses by the company some time ago, city has issued no licenses. Railway company operates some buses in auxiliary and feeder service.

(AERA, April 1923)

St. Paul

No competitive bus operation. Permits have been granted only to interurban lines.

(AERA, April 1923)

ANTI-JITNEY LEGISLATION

MISSOURI

Independence

A new city ordinance in Independence, Missouri, prohibits buses from operating on streets traversed by the street cars. The City Council declared that it will be of benefit to the persons not residing on street car lines as they can take the buses. The city has outlined routes that the buses must follow without conflicting with the new ordinances.

(Bus Transportation June 1924, P.290)

Kansas City

Kansas City jitneys started about 1915. In 1918 a strike resulted in the disruption of the labor Union. Service was built up slowly. Jitneys increased and became established intrenched politically.

(Data Sheet #213 Aug.20, 1920)

In August, 1919 an ordinance resulting from many conferences, introduced in the Council, provided for bonding, license fee, jitney inspector, definite routes, limited number of cars on each route, etc. Fifteen routes were specified in the ordinance, the limit of jitneys ranging from 50 to 100 on each route, a possible total of 1,100 jitneys. Nearly all the routes followed the lines of the Kansas City Railways, though in few cases reaching the terminals of such lines.

(E.R.J. August 2, 1919.P. 259)

On May 24, 1920 an ordinance passed by the City Council provided for a "jitney trail" around the downtown business district where congestion was very bad. Under the terms of the measure a line was established which the buses were compelled to follow between the hours of 6 A.M. and midnight.

(E.R.J. July 17, 1920 P.150)

Conditions became desperate. The jitneys were taking nearly all the business from the railway company. In June 1920 the employes of the Kansas City Railways enlisted for the war which the company had declared on the jitney in that city. A petition signed by 4,000 employes was presented to the Mayor of Kansas City by a committee from the Kansas City Railways Brotherhood. The Mayor was said to have been in sympathy with the petitioners. The jist of the petition was an appeal for relief from the direct injury being done them thru the operation of jitneys in Kansas City.

(Aera, June, 1920 Page 1,240)

Kansas City (Cont'd)

In July, 1920 the company announced its Anti-Jitney Campaign in a statement in the Railwayan, its official publication stating that "in the end the public must choose between transportation monopoly or transportation furnished by a street railway company charging the minimum fare, with universal transfers on a basis of actual service at cost, operating non-paying lines for the benefit of the growing residence district, continuing non-rush and owl car service, and supplying the transportation needs of the city from the standpoint of the greatest good to the greatest number. The other is transportation competition. In the final analysis it will mean abolishing non-paying lines and the elimination of all unprofitable service, such as owl cars and non-rush. It will mean an increased fare without transfer privileges. It will mean transportation conducted not for the public good nor for public convenience.

(E.R.J. July 17, 1920.P. 150)

A wage increase was given in 1919 and another in June, 1920, amounting in all to some 23 percent. The price and freight rate of coal was greatly increased. Due to the increase in cost of operation the railway company figured that in August, 1920 they were losing 1.06 cents on every passenger carried. The company had increased its cars to 662 or 82 over last year's number and, due to the system of turn backs on through lines and because of the increase in scheduled speed, each car was giving much more service than it gave the previous year. The jitneys were apparently making expenses and something over.

(Railwayan, August 2, 1920.)

The fight for extermination of jitneys by the Kansas City Railways continued thru the summer. The Kansas City Jitney Men's Association, in August, 1920, investigated various types of motor buses with a view to standardizing vehicles used in bus service. The association aimed to make the bus the chief means of surface transportation in Kansas City. A double-deck, steam-driven bus, seating fifty people was favored.

(E.R.J. August 28, 1920. Page 440)

In March, 1921, a city ordinance became effective in Kansas City, prohibiting jitneys from running on streets having electric railway tracks. The jitney men sought an injunction to prevent the city from enforcing this ordinance; the local court upheld the ordinance, and the jitney men appealed to the State Supreme Court.

A second ordinance regulating jitneys was passed in August, 1921, this reaffirmed the prohibition against jitney operation on electric railway streets, and provided for designated jitney routes, applications for routes by jitney men to carry written consents of 51 per cent of resident-owned property

Kansas City (Cont'd)

on such routes. After lement delay by the city, there was insistence that this ordinance be complied with. Several applications were filed by jitney operators for designated routes, with "consents" by property owners, but in no case as checking of assessor's books revealed, were the consents sufficient.

Jitneys continued to operate, however, despite the ordinance, and the jitney association sought an injunction against the city, to restrain it from enforcing the measure. The city filed a cross bill, asking injunction relief against threatened violation of the ordinance. A temporary restraining order was granted to the city, later made an injunction. The injunction was asked and granted, against the jitney association, and also against fifty-one named jitney operators.

The proposal in the State Legislature of the Lestor law and its passage gave jitney operators hope that the city control would be abrogated. As soon as the Lestor law became effective they sought a reopening of the injunction proceedings and full relief from effectiveness of the ordinance. It may be remembered that while the injunction proceedings on the ordinance prohibiting jitneys from so-called electric railway streets are pending in the State Supreme Court, the ordinance on which local injunction prevails covers the material of the first city law as well as that regarding consents of property owners and other matters.

In the presentation of their case to the local court recently, the jitney men have tried to show not only that the ordinance conflicts with the Lestor law, but that it is in itself unfair. They have in fact recovered the original ground of controversy, possibly to display the lack of necessity for any municipal action in regulation, additional to the regulation by the Lestor, the state law.

The Lestor law specifies the manner in which motor vehicles shall operate on the public streets and highways and provides for a state license for motor vehicles. It permits cities to levy license taxes on vehicles, which cannot be more than half the state license fee.

The city's counsel pointed out precedents both in Missouri and in other states for its contention that the Lestor law, like other similar laws, does not withdraw regulation of privileges from cities, and does not, indeed, prevent cities from passing and enforcing regulations of similar character to those of the state law, and in addition to the state's regulations.

Testimony by witnesses for the jitney men was intended to prove that jitney service was necessary in Kansas City as an adjunct to the electric railway service, since, it was claimed, the railway company could not handle the traffic.

Kansas City (Cont'd)

Documents and evidence were introduced by the city demonstrating that the Kansas City Railways was able not only to handle the traffic which the jitneys sought, but an amount greatly in excess of that. The most striking evidence of this was the display of passengers handled during the American Legion convention, when, for the peak days, the railways transported more than 726,000 persons a day. The daily average carried by the street cars, cash and transfer, is about 550,000 so that the Legion figures displayed an ability to care for about 175,000 in excess of the usual number. These figures were made more impressive by comparison with the claims of the jitney witnesses, that the jitneys had been carrying about 50,000 passengers a day, who could not have been served except by jitneys.

D.L. Fennell, superintendent of transportation of the Kansas City Railways under the receivers, was called by the city as a traffic expert. He was asked to testify on subjects related to the reasonableness of ordinances regulating jitneys. He testified as to the damage to headways of street cars caused by jitneys operating on streets having tracks; that maintenance of schedules by street cars was improved 20 per cent after the jitneys had been prohibited from streets having tracks; on these streets, vehicle accidents had decreased 25 per cent since the removal of jitney routes.

Mr. Fennell testified that the operation of jitneys had caused a loss of $3,500 to $4,000 a day to his company, or about $1,000,000 a year, and was largely responsible for the fact that the company is now in receivers' hands.

Briefs are to be submitted and final decision by the court may not be given for several weeks. In view of the importance of the matter reflected in the extent of legal assistance, it is likely that appeal will be taken from the Jackson county circuit court, whatever the result here.

(E.R.J. Dec.24, 1921.)

On April 17, 1922 Judge Nelson E. Johnson of the Circuit Court made permanent a temporary injunction issued by him on Nov. 10, 1921, restraining operators from violating the two jitney ordinances and from conducting business as jitneys on the streets contrary to the provisions of the ordinances. The order is especially significant on the point of violating "by mere subterfuge, shift or device, including, among others, the subterfuge of accepting as a gift, gratuity, or otherwise, compensation for carrying persons in their cars." The decision is made against the jitneys on the basis of the right of the city to regulate the use of its streets.

(E.R.J. April 29, 1922)

The Supreme Court refused to discontinue the injunction issued by the Circuit Court of Kansas City. As a result jitney operators of Kansas City, Mo., found violating the re-

Kansas City (Cont'd)

striction ordinance will be arrested according to an announcement of Mayor Cromwell.

(E. R.J. June 3, 1922, P.914.)

The prospect of bus service in Kansas City, Mo., and in Kansas City, Kan., has precipitated action on the part of the railways of both cities. The Federal Court at Kansas City pointed out that if buses are to be run, possibly the railways could best render that service. Fred W. Fleming, one of the receivers of the Kansas City Railways, concurs in the opinion that the railway should furnish bus service if the public desires such service.

In this connection it is of interest to note that an ordinance has been introduced before the City Council of Kansas City, Mo., through which the Kansas City Motor Transit Company, with Frank J. Dean, president, seeks a twnety-five year bus franchise to operate about ninety buses over eight proposed routes. Mr. Dean is also president of the Yellow Taxicab Company, Kansas City. The City Council appears to be inclined to give opportunity for general discussion of the proposed ordinance, with every chance for the railway to put in bus service, if it desires to do so.

(E.R.J. Aug. 30, 1924, P. 330)

St. Joseph

Three competitive routes. Others provided by ordinance are to sections not served by railway. Ordinance adopted to end severe competition which had disabled the railway company.

(Aera, April 1923.)

St. Louis

The only competition with the street railway in St. Louis, Missouri, has been the Missouri Motorbus Company which began service on February 10, 1920, with nine motor buses. The vehicles were of the double-deck type, each seating sixty-one persons and the fare charged was 10¢. The Board of Public Service of St.Louis, Missouri agreed on the terms of an ordinance regulating the operation of motor buses in St.Louis. A license of $25.00 a year for each bus operated and 5% of the gross receipts of the buses were paid to the city.

(E.R.J. January 24, 1920 P.212)
(E.R.J. February 21,1920 P.415)

St. Louis (Cont'd)

On July 1, 1920 the receiver for the Missouri Motorbus Company, obtained a court order authorizing the suspension of operation of the buses due to insufficient funds.

(E.R.J. July 24, 1920 P. 195)

Legal requirement for bus operation is permit from city, revocable on 30-day notice.

Competition is confined to so-called "service cars" which charge a 25-cent fare, but deliver passengers at homes. A permit to establish a bus line on certain streets has been issued.

(Aera, April 1923.)

A threat of competitive bus service to be operated by interests affiliated with the United Railways unless the Peoples Motorbus Company, St. Louis, accepts a plan for interchange of transfers from bus to street cars was made by Col. Albert T. Perkins, general manager for Receiver Rolla Wells of the railway, on July 28, 1924 at a public hearing before the Board of Public Service of St. Louis. The occasion was the hearing on the application of the bus company for permits to operate seven additional lines in various sections of the city.

Colnel Perkins opposed granting permits for main line bus routes that would parallel lines of the railway. He suggested supplemental bus lines and indicated the intention to form a rival bus line unless the People's Motorbus Company saw fit to co-operate with the railway by accepting permits for only such bus lines as would be supplemental to the street cars and enter into a plan for exchange of transfers, the Board of Public Service to prorate the 10-cent fare to be charged between the bus and the railway. Mr. Perkins favored permits being granted to the Peoples Motorbus Company to allow it to put in a line that would operate in the Lindenwood and Gratiot districts from the end of the Tower Grove line of the United Railways at Woods and Arsenal Streets.

Officials of the bus company later rejected the railway proposal as "economically impracticable." John A. Ritchie, president of the Omnibus Company of America, which has a minority interest in the St. Louis system, said he would never consent to an arrangement such as Mr. Perkins suggested as it would take all the profits out of bus operation.

The threat of interests connected with the United Railways to start bus service to compete with the Peoples Motorbus Company took definite shape on August 4, 1924 when Secretary of State Becker at Jefferson City, Mo., issued a charter to the Motor Coach Company of St. Louis.

St.Louis (Cont'd)

It will be necessary for Receiver Rolla Wells to obtain permission from the United States District Court to enter into a contract with the new bus company for interchange of transfers. The plan must also be approved by the Missouri Public Service Commission before it can be put into effect.

Mr. Greenland, operating expert for the reorganization committee, said no decision had been reached as to routes, but that an application for permits would be filed with the Board of Public Service when a survey reveals where supplemental bus service is needed.

Richard W. Meade, President and General Manager of the bus company characterized the supplemental bus plan as "twenty years behind the times."

The Board of Public Service of St.Louis, Mo., on Sept. 16, 1924 issued a permit to the St.Louis Bus Company, a subsidiary of the United Railways, to operate a bus line from the terminus of the Natural Bridge car line, Natural Bridge avenue near Kings Highway, west on Natural Bridge Avenue and Natural Bridge Road to Pine Lawn, St. Louis County. This is the first bus permit granted to the St.Louis Bus Company. Other bus applications by the company are pending.

The proposed line will connect with the Union Boulevard and Kirkwood-Ferguson divisions of the United Railways. It is proposed to charge a 10 cent city fare with transfers to and from the street cars. Street car patrons desiring a bus transfer will pay an extra 3 cents for the privilege. The street car fare is 7 cents.

(E.R.J. Sept. 27, 1924, P. 533)

Springfield

Through the persistent efforts of the electric railway management in Springfield, Mo., to provide adequate transportation facilities without the aid of the jitney as a competitor, the bus problem in this city has been solved.

Since 1914 constant effort had been made by the Springfield Traction Company to obtain relief from the unfair and destructive jitney competition, but city officials were reluctant to tackle the proposition. The buses were allowed to run promiscuously and at random at first. Then through an election, they were supposed to be placed under restriction which would confine them to territory not served by the railway. This plan would have produced fairly good results, but the terms of the ordinance adopted at the polls were not observed and as a result the railway was being seriously injured.

Springfield (Cont'd)

The company then endeavored to meet the situation by asking the city for permission to operate jitneys in place of cars on some of its weak lines, the company's buses to enjoy the same liberties as were accorded the privately-owned jitney buses. In this the privately-owned buses seemed to be favored.

As a last resort an initiative election was called in which the people of Springfield were asked to give the railway the exclusive right of operating buses on the streets of Springfield. The election was held on Aug. 2 and the result was a victory for the railway. This phase of the contest is especially of interest for the reason that the jitney bus owners recognized no union and their employees were not organized whereas the railway employees were all members of the railway union and gave their hearty support to the traction company in this election.

Following the election the traction company took over all buses and continued jitney service under the terms of the new ordinance adopted at the election and the plan now seems to be meeting with the general approval of the public.

The ordinance as passed by the people revokes all bus licenses in force prior to the passage of the ordinance and further provides that licenses to operate buses shall be issued only to a corporation duly incorporated under the laws of the State of Missouri relating to street railway companies which at the time of applying must be actually engaged in the operation of a railway system. However, no car lines now being operated shall be discontinued.

Another important section of the ordinance states that no jitney bus route shall be established or operated in territory now or hereafter adequately served by a street car line, nor shall any jitney bus be required to operate in territory where there is not sufficient patronage reasonably to support it, after a fair trial.

(E.R.J. Oct. 1, 1921.)

ANTI-JITNEY LEGISLATION

NEBRASKA

Lincoln

By a vote of 4 to 1, the head of the street department alone dissenting, the City Council of Lincoln voted September 6, 1921, in favor of a suburban bus ordinance which carried as a principal provision the rule that if a bus owner professes to serve he must actually do so. The Council attempts in thisordinance to classify the suburban bus as against the bus running to far-away points and the bus running wholly within the city. There is an ordinance already on the books pertaining to the city buses and there is no attempt to interfere with those coming in from far distant points.

The ordinance provides that suburban bus owners shall apply to the city for a license. They shall answer certain questions and pay afiling fee of $5. If the Council grants the application the operator shall give eight consecutive hours of service on seven days of the week if the suburban point is within 10 miles of the city. The ordinance took effect September 15, 1921.

(E.R.J. 10/1/21)

Omaha

No local operation. Upon passage of ordinance some years ago, buses stopped operating and none have since been licensed. Interurban buses operate but none in competition with the railway company.

(Aera, April 1923.)

South Omaha and Pappilion

The Nebraska State Railway Commission has taken official cognizance of motor bus transportation. Its first order on the subject bears date of Nov. 25, 1921 and refers to a complaint filed with the commission by the Omaha & Lincoln Railway & Light Company against Frank Henry. The complaining company operates an electric railway between South Omaha and Pappilion. Mr. Henry operates a motor bus line between South Omaha and Ralston, following a route identical with part of the route of complainant, with one terminal identical and its other terminal at a midway station in use by the complainant.

The railway alleged that the operation of the Henry buses was confined to that portion of its whole route where it never had been able to operate successfully from the revenues there received. Other allegations were made by complainant as to practices of respondent inimical to the safety of its own passengers

South Omaha and Pappilion (Cont'd)

and to the performance of its duty.

In its order the commission prescribed schedules of service which complainant and respondent shall observe. The commission further ordered that the management of the bus line shall install books of accounts which shall show:

(a) Financial statement, including in assets the cost of trucks, office furniture and fixtures, shop equipment, supplies, miscellaneous items and cash on hand, and in liabilities the actual investment by the owners, money borrowed and money earned, amount set aside for depreciation and the accrued surplus.

(b) Revenues from regular passenger schedules and separately from other sources.

(c) Expenses, to include gasoline and oil, drivers' wages, drivers' expenses allowed, tire repairs and renewals, repairs to buses, repairs to buildings and shop equipment, salaries of officers and clerical help, rent, heat, light, insurance, taxes etc.

(d) Dividends paid on investment.

(e) Daily total of revenue passengers carried, non-revenue passengers carried and monthly and annual summaries of these.

It is further ordered that the buses abstain from driving on interurban or street railway tracks, or near enough to obstruct the clearance to electric cars, except when traffic conditions on the highway make it temporarily unavoidable. The buses are to yield the right-of-way to any approaching electric railway car and are not to obstruct tracks until after the electric car has passed.

The commission also ordered the bus line to secure liability insurance for the protection of passengers of not less than $10,000 for each bus operated as a common carrier, nor less than $500 for each passenger carried at any one time, the proposed policies to be submitted to the commission for approval.

A one-way fare of 14 cents was established by the commission for the 5-mile route of the bus line, with an intermediate fare of 7 cents.

An excerpt from the order reads:

Regulation in the public interest which might materially reduce the earning power of this respondent does not violate his constitutional property rights. He is using the highway as a place of business. He operates entirely upon license, or, more properly, consent, and no vested right is involved. The fact that he has money invested in buses, which regulation of his schedules might jeopardize, is not material. The State may even

South Omaha and Pappilion (Cont'd)

prohibit this respondent and others like him from continuing to operate, if the reasons for its exercise of the police power are defensible as in the interest of the general public.

T.A. Browne, member of the State Railway Commission, offered the following comment on the subject of motor bus regulations:

This commission has not attempted regulation of motor bus lines in any degree except in so far as represented by the order in the Ralston case, which came before us on complaint. I cannot say just what is contemplated. There is no question that these buses are common carriers and are subject to regulation just as are other common carrier residents of Nebraska. While it is probably the commission's duty to do whatever regulating is essential, we have considered the provisions of the law as directory only and have been reluctant to embark into the field of regulation because of the great complexities surrounding the subject.

These motor buses which operate intertown lines on county roads are subject to so many conditions over which they have no control that they must be more or less erratic as to schedules. We attempted a rather comprehensive regulation of freight trucks but were not very successful because of the lack of knowledge of the subject either in our passession or elsewhere.

We do not know how many motor bus lines there are in this State. We have not required them to file anything in our office. We have not assumed that the commission's jurisdiction required them to obtain consent before beginning operation. We do know that some of them have been rather short lived and that others have tried out the business where their predecessors have failed. It is easy to go into the motor bus business. It is not a stable business and therein lies its chief menace, particularly if by operation it menaces the continuance of stable transportation.

(E.R.J. Dec. 24, 1921)

ANTI-JITNEY LEGISLATION

NEW JERSEY

The jitneys started in New Jersey about 1915, operating, individually, as elsewhere. There was no organization of any kind and their number increased rapidly. Early in 1916 the New Jersey Legislature passed an Act, known as the Kates Act designed to regulate jitneys which, among other less important things required:

FIRST - That before operating a jitney the consent of the governing body be obtained.
SECOND - That an insurance policy in the sum of $5,000 be filed covering personal injuries only.
THIRD - That 5% of the gross receipts be paid to the City.

The Legislature of 1921 passed an act placing jitneys under the jurisdiction of the Public Utilities Commission, but made an exception to those licensed prior to March 15, 1921. The Public Utilities Commission assumed the position that under the act it had no power to prevent the transfer of jitney licenses granted prior to March 15, 1921. The Public Service Corporation of New Jersey took exception to this position and appealed to the Supreme Court. In a decision rendered recently the court overruled this contention and said the transfer of a jitney license is practically an application for a new license and should the jitney be considered unnecessary the license can be refused.

The jitney owners have been selling their licenses indiscriminately and purchasers claimed the privilege to operate under them and that the commission could not prevent it, no matter whether the jitney was necessary or not.

(E.R.J. March 18,1922)

Camden

In 1921 the City Council passed an ordinance regulating the operation of jitneys. The ordinance provides that all buses must operate twelve hours a day, six days a week and make at least one trip each hour during the scheduled time of operation. Provisions were made excluding buses from operation in the event of an accident or for the purpose of making repairs. All bus owners must file with the city a designated route. They must also place signs on their cars designating the route over which they operate. The name of the owner must be painted on the side of the car.

The ordinance also compels the owners to file with the city a schedule of operation in which they must state their leaving time from the terminal for each trip. Cars operating

Camden (Continued)

beyond the city limits must also file a time schedule.

(E.R.J. December 24,1921.)

The State Public Utility Board today announced approval of an application made by jitney bus operators in Camden that they be permitted to issue transfers to another bus line. The board's action sets a precedent and it is expected bus operators in other cities will apply for the same privilege. The Camden bus owners stated that a transfer system would result in increased bus patronage and a reduction in the fare rate.

(N.Y. Times November 18,1923).

Dover

In 1921 the Board of Aldermen of Dover, New Jersey passed an ordinance compelling jitney operators to pay a license fee of $100 a year and to arrange schedules so that they interpolate those of the Morris County Traction Company.

(E.R.J. April 16,1921.P. 751.)

Dover and Wharton

Because they violated the terms of the conditions under which their permits were issued Fred B. Sheldon & Son and Cornelius Jewell were ordered to discontinue the operation of their buses between Dover and Wharton, New Jersey. The complainant was the Morris County Traction Company, Dover, New Jersey.

The decision of the Utilities Board in this case is outstanding in that it is said to be the first time under the 1921 act that a previous order approving bus grants has been cancelled.

The traction company charged the bus operators with violating a stipulation that they would not take on or discharge passengers while operating in Main Street and Blackwell Street in Wharton and Dover and also that they did not conspicuously display a sign notifying the public that no passengers would be taken on or discharged within the two points mentioned.

At the hearing the electric railway produced several witnesses who testified to the offenses charged by the traction company. The board pointed out that the defendants in effect admitted the violations and attempted to excuse their conduct by saying that it was a matter of violating the conditions of the grant or violating a permit to operate issued by the municipalities.

Permission to operate three buses between Dover and

Dover and Wharton (Continued)

Wharton was granted to the above mentioned defendants on Feb. 8, 1923.

(E.R.J. May 19,1923. P. 857.)

Vice-Chancellor Backes of New Jersey has granted to the Board of Public Utility Commissioners an injunction restraining Frederick D. and Louis Sheldon from operating a bus line through Dover and Wharton, alleging defiance of the boards order to cease. This is the first time that the commission has resorted to injunction to compel compliance with its orders. The decision by the vice-chancellor is regarded as establishing a precedent.

Counsel for the bus operators held that the order of the utilities board to cease operation amounted to confiscation of property rights. The board had revoked its approval of the license granted the Sheldons because of violations of conditions imposed.

After reviewing the facts in the case and calling attention to the recent law by the Legislature imposing certain penalties for disregard of the utility commission's orders, the opinion by the vice-chancellor states:

The jurisdiction of equity to protect the rights of the State is one of common exercise, usually upon the relation of the Attorney-General. But where, as here, the duty of protecting the public interest as against the unlawful operation of public utility jitneys is vested by the state in the board, the authority to vindicate the public right is conferred by necessary implication, if not by express terms, and the functions of the Attorney-General are bestowed. Proceedings at law by certiorari or madamus are obviously inappropriate. The board's action may be reviewed by certiorari or mandamus issues only to enforce legal rights, not to restrain unlawful acts.

(E.R.J. Mar. 29,1924. P. 520)

Newark

The Kates Act went into effect in May,1916 at which time there were about 400 jitneys in operation in Newark, New Jersey. On June 14,1916 it was estimated that there were not more than 180 still in operation. There were many itinerant operators of touring cars in Newark who confined their activities to Sundays, holidays and days when the weather was extremely propitious. Up to June 14,172 jitney owners had filed bonds in Newark. To none of the 172 had a permanent consent

Newark (Continued)

to operate been given, as the Board of Works decided to wait until the City Council had approved the technical points in all the bonds.

(E.R.J. June 24,1916.)

In February 1919 a writ of certiorari to review the action of the City Commission of Newark, New Jersey in granting a fifteen year franchise to the General Omnibus Company of New Jersey was granted by Chief Justice Gummere in the Supreme Court upon the application of the Public Service Railway. The contention of the railway was that the franchise ordinance was adopted by the Commission with an insufficient number of votes. The issuance of the writ would not be a stay against operation of the buses.

(E.R.J. Feb. 8,1919 p.290)

The jitney owners representing every line in Newark, New Jersey and all lines to the suburbs with the exception of Kearney, met in Newark on April 16,1919 and after a long discussion decided to form an organization to protect their interests. A man from each of the lines was chosen to organize this fellows.

(E.R.J. April 26,1919 p. 838)

As a first step toward municipal control of jitney traffic on its streets the city of Newark, New Jersey, December, 1919 entered into a contract with the General Omnibus Company of New Jersey for the operation of buses over half a dozen routes. The validity of thecontract which was attacked by the Public Service Railway was approved by the courts and within a short time operation under the agreement was to begin.

(E.R.J. December 27,1919.P.1065)

On June 3,1920 the railway instituted legal proceedings to halt ruinous jitney competition with its lines. Thirty-six operations and a number of municipalities, including the city of Newark, were named in the action as defendants. The railway contended that the buses were operating in violation of the Kates Act regulating vehicular traffic and that their operation should be discontinued in the interest of both the railway and the community.

(E.R. R. February 19,1921.P.

Newark (Continued)

An ordinance to repeal the fifteen-year franchise granted to the General Omnibus Company, to operate in Newark, New Jersey, was ordered by the City Commission of Newark. The franchise was issued February 19,1919. The company was given a year to begin operations, and the extension on that time had expired.

(E.R. J. July 24,1920.P. 189)

The bill giving the Board of Public Utility Commissioners jurisdiction over the jitneys in New Jersey was passed by the Legislature, October 4,1920.

(E.R.J. April 10,1920. P. 771)

Thirty-one owners of jitney buses operating in Newark, Paterson, Jersey City and other cities of New Jersey, filed their answer in the Court of Chancery to a complaint made by the Public Service Railway, Newark, alleging the competition of the buses to be illegal. Several months ago the railway started legal proceedings to have the jitneys ousted from the streets on which it has tracks. In their answer to the Public Service Railway the busmen disclaimed all responsibility for the company's failure to earn a profitable revenue, and threw the blame for such failure upon the corporation. They contended that for the court to restrain the operation of the defendant's buses would not deprive the defendants of their right to make a livelihood, but would also deprive the public of means of transportation to which it is entitled.

(E.R.J. October 16,1920.P. 850)

According to an opinion filed in the State Court of Chancery by Vice-Chancellor Griffin on February 10,1921, no ground existed for the granting of an injunction to restrain the operation of jitneys competing with the Public Service Railway of New Jersey. The Vice-Chancellor held that under the cases bearing on the subject matter of the controversy the Public Service Railway had no cause to enjoin competing carriers from using the public streets. He accordingly advised that a decree be handed down discussing the railway's petition.

(E.R.J. February 19,1921.P.385)

On February 16,1921 President McCarter of the Public Service Railway, Newark, New Jersey, notified the Mayor of Paterson, New Jersey that operation of the Public Service Railway lines throughout the Passaic division would be terminated unless destructive competition by jitney buses was eliminated by city authorities of Paterson.

(E.R.J. February 26,1921.P.423)

Newark (Continued)

The Public Service Railway, Newark, New Jersey, filed in the Court of Errors and Appeals an appeal from the Court of Chancery decision which held that the jitneys have rights in streets occupied by electric railways. The Public Service Railway had 36 suits pending to restrain the jitneys of various municipalities from operating on street in which the company had franchises, and the suit carried with it indirectly a decision that would rule each of these cases.

(E.R.J. March 19,1921.P.575)

Following a prolonged debate the Senate of New Jersey by a vote of 12 to 3 passed the measure regulating jitneys and placing their operation in certain particulars under the jurisdiction of the Public Utility Commission. The bill, effective from March 15, does not effect jitneys in operation prior to that date.

(E.R.J. April 2,1921, P. 654)

Governor Edwards of New Jersey on April 4,1921 vetoed the Elliott bill placing jitney buses under control of the State Public Utility Commission. The bill has since been repassed by both houses over the Governor's veto.

(E.R.J. April 9,1921)

Operation of six buses on the Newark-Irvington Line was prohibited today by the State Board of Public Utilities and application for permits by operators who proposed to run them was denied. The board held that the transportation facilities provided between these points by the Public Service Railway Company were adequate.

(N.Y.Times, October 28,1923)

An order was signed in Newark yesterday by Chief Justice William S. Gummere, against witnesses who have refused to testify before the Public Utility Commissioners in cases where hundreds of bus owners are charged with illegal operation. The witnesses are ordered by the Chief Justice to appear before him and explain their action. This is the first proceeding of the kind ever brought by the commission.

Former State Senator Thomas Brown, counsel for the Utility Commission, explained that hundreds of these cases are before the board at present, and if the witnesses may refuse to answer questions in one case they may refuse in all and, because of the jitneymen's stand, it has been necessary to postpone all of the cases.

(N.Y. Times, October 28,1923.)

Newark (Continued)

In decisions handed down on April 8,1924, the Board of Public Utility Commissioners of New Jersey disposes of eighty-eight complaints filed by the Public Service Railway against alleged unlawful operation of jitneys in various cities in North Jersey.

Thirty jitney drivers were adjudged guilty of unlawful operation and ordered to discontinue service by April 30,1924. In the meantime applications may be submitted to the board for approval of municipal consents to operate buses. Complaints in twenty-six other cases were substantiated, but not order of discontinuance was issued, because applications for state approval have been filed since submission of the Public Service charges. Because the Public Service Railway failed to submit evidence in thirty-two other cases the complaints were dismissed.

(E.R.J. April 12,1924.P. 593)

Rapid, safe, sanitary and comfortable mass transportation in the morning and the evening rush hours is necessary in Newark. In order to meet that need the city requires the full resources of both the trolley and the bus. These are among the main findings contained in the report just presented by a committee of the local Chamber of Commerce appointed to inquire into the matter.

The committee holds that the elimination of the independent bus owner from the transportation field is neither necessary nor expedient. The independent operator, according to the committee, has a distinct field, not only to fill certain present demands but also to develop new routes and territory.

The conclusion of the committee is that co-ordinated service should be committed to the Public Service Railway, but that co-ordinated service applies only to those routes on which the bus and the trolley are in competition. The committee says that "healthy competition along salutary lines should be fostered and encouraged." The committee expresses the belief that the adoption of the principles which it lays down will mean to Newark that its sister communities "a 5-cent fare, no monopoly and growing transportation as Newark grows."

(E.R.J. March 22,1924.P. 480)

Paterson - Jersey City.

The application of the Excursion Transportation Company to operate eight buses between Paterson and Columbia Park Jersey City was denied by the State Board of Public Utilities on October 27,1923.

(N.Y. Times Oct. 28,1923.)

Paterson (Continued)

The State Public Utility Board granted permission today to the Little Falls Bus Company, Inc., and the West Side Bus Corporation, both of Paterson, to operate buses on the Paterson-Singac route. The Public Service Railway Company had objected to granting this permission on the ground that the buses would interfere with the efficient operation of trolley cars.

(N.Y. Times, April 16, 1924.)

Passaic - Clifton - Paterson

The Board of Public Utility Commissioners has ordered the Orpheum Bus Company, operating on the Passaic - Clifton - Paterson N.J., route to change its route after July 1, 1924. Streets will be used which do not parallel the tracks of the Public Service Railway.

(Bus Transportation June 1924. P. 289)

Ridgefield Park

A bus ordinance recently passed by the Board of Commissioners of Ridgefield Park, N.J., provides that a license must be obtained from the board before operation can commence. These licenses are to run for one year only and a fee of $25 will be lured in connection therewith. Violators of the ordinance will be subject to a penalty of $100 or imprisonment for thirty days.

(Bus Transportation July 1924 P. 339)

Trenton

Peter Witt, who was recently called to Trenton, N.J. to make a survey of trolley and bus operation, has recommended that bus franchises granted to the Central Transportation Company, a subsidiary of the Trenton & Mercer County Traction Corporation, should provide for the operation of the machines over thoroughfares now unserved by trolley cars; that there should be transfer privileges from trolley to bus and that no revenue from the Trenton car riders should be used to make up deficits on the bus lines. Mr. Witt also recommended that bus franchises which are granted to bus companies other than the Central Transportation Company should be only short term grants and other companies should be denied the right to compete with the present system of transportation.

(E.R.J. March 15, 1924. P. 433.)

Weehawken

The provisions contained in the jitney bus ordinance adopted December 19,1923, by the Township Committee of Weehawken are as follows:

1. Motor bus operation unlawful, unless licensed.
2. Licenses granted to citizens only.
3. Bus operation prohibited on certain streets and operation to be limited to streets named in license only.
4. Police department to supervise operation.
5. A $10,000 liability insurance on each bus.
6. License revokable.
7. Neat uniforms, etc. are required.
8. No one permited to stand on fender or step of bus.
9. Buses to be heated, kept clean and well lighted.
10. 5% of gross receipts to be paid monthly to Township.
11. No smoking in buses by either drivers or passengers.
12. Penalties for violating terms of ordinance, first offense $25. subsequent offenses $50.

ANTI-JITNEY LEGISLATION

NEW YORK

That every "jitney" operator is automatically driven out of business in New York State under the provisions of the state wide taxicab bonding law which went into effect July 1,1924 seems likely. This will end a long drawn out controversy between traction companies and unlicensed competitors.

Under the provisions of the new law every person operating a motor vehicle carrying passengers for hire except a corporation under the provisions of thepublic service commission law or the transportation corporation law, must file an indemnity bond or insurance policy with the Motor Vehicle Bureau in form approved by the Tax Commission, and the motor vehicle bureau has no authority to issue licenses to jitneys. The driver of the passenger carrying vehicle unless he has the bond or insurance policy will be subject to arrest, fine and imprisonment.

Very few companies doing business in New York State will write insurance or bonds upon jitney operators, and while there are a number of non-admitted companies which do take this class of risks, under a special form of contract, it is stated by the Tax Commission that the bond or insurance policy of a non-admitted company will not be accepted.

(E.R.J. July 26, 1924, P. 141)

Albany

A loss of from $500 to $1,000 a day is claimed by the United Traction Company, Albany, N.Y., through illegal operation of jitneys. This claim was made in its contempt of court action brought July 14, 1923 against sixteen Troy jitney drivers charged by the company with violation of the Hinman injunction order of Sept.10, 1921, which restrains jitney operators from competing with the trolley company.

The United Traction Company is preparing to serve papers on more than 100 additional jitney operators in Albany and Troy, according to Ernest Murphy, superintendent of the company.

J.Stanley Carter, attorney for the traction company, said that the alleged violations have been occurring since May and that the jitney men have been operating on several lines of the company. In spite of the Hinman injunction order, jitney service between Albany and Troy has not ceased altogether since the United Traction trolley strike of two years ago.

(E.R.J. July 21,1923, P. 117)

Albany (Cont'd)

As a result of the campaign being waged by the United Traction Company against jitney drivers who continue to operate between Albany and Troy in violation of the Hinman injunction issued in 1921, fifteen of such drivers were fined $150 each by Justice Ellis J. Staley in special term of the supreme court at Albany on July 28. Unless the fines be paid the violators face the option of a thirty day jail sentence. A number of additional violators of the Hinman injunction have been summoned into court to answer contempt charges as to jitney operation in the face of the court's order.

(E.R.J. Aug.18,1923.P. 277)

Buffalo

The International Bus Corporation, a subsidiary of the International Railway, Buffalo, has been granted a franchise by the City Council to operate buses on Delaware Avenue from McKinley Square to the Buffalo-Kenmore city line and on East and West Delavan Avenues from the city line to Niagara Street. The franchise is for a term of 10 years. The fare will be 10 cents with free transfers to connecting car lines. Under the terms of the franchise the municipal authorities will have the right after April 1, 1927, to take over the bus service.

Application will be made at once by the International Bus Corporation to the Public Service Commission for the necessary consent to operate the two bus lines in Buffalo. As soon asthe Public Service Commission gives its consent, the company will place orders for a fleet of double-deck buses to operate on Delaware Avenue and single-deck buses will be placed in serviceon the East-West Delavan Avenue lines.

The City Council divided three and two on the franchise, Mayor Frank X. Schwab and Commissioner of Public Affairs Frank C. Perkins, the Socialist member of the Council, being opposed. Mr. Perkins renewed his plea for municipal-owned buses on these two routes, but was voted down. The action of the Council turns down the permit sought by the Van Dyke Motor Bus Corporation, which proposed a series of city-wide bus routes with an initial investment of upward of $1,250,000. The petition of this company was rejected by the city because there could be no transfer arrangement from buses to connecting car lines.

When the car riders ask for transfers to bus lines an additional charge of 3 cents will be made for a transfer. The carfare is 7 cents so that the 3 cents extra charge for a transfer to buses will make the 10-cent fare when passengers use buses and cars. The previous application of the International Bus Corporation asked for a 10-cent fare and a 3-cent transfer charge. The company amended its application by striking out the transfer charge and by enlarging the Delaware Avenue route.

(E.R.J. Oct. 11, 1924, P. 666)

Hornell

The Council of Hornell, N.Y., recently rejected the plea of C.C.Abernathy, who sought a permit to operate buses from Hornell through North Hornell to Arkport. His principal object was to provide bus service for North Hornell, where the Hornell Traction Company recently discontinued its lines.

(E.R.J. August 2, 1924, P. 182)

Newburgh

The Orange County Traction Company, Newburgh, N.Y., is preparing to get rid of its electric railway system and to supplant the entire line with buses. This change from railway to bus operation dates back to the fall of 1922 when the company replaced its crosstown railway lines with motor buses and organized a subsidiary, the Newburgh Public Service Corporation, to conduct its bus business. This company has since been granted a franchise by the Council to operate buses over the company's 6-mile route from Newburgh to Orange Lake which passes through one of Newburgh's suburban residential districts. A similar petition is now before the Public Service Commission. The latest development is the plan to turn its main city line over to the bus corporation, effective on May 1, 1923.

The fact that the crosstown bus lines carried more passengers than the trolley lines coupled with the fact that the cost of operation was about 37 per cent cheaper influenced the railway in reaching this decision.

(E.R.J. Feb. 3, 1923 P. 220)

The Newburgh (N.Y.) Public Service Corporation has absorbed the Hudson Transit Corporation. The former corporation is headed by Benjamin B. Odell, ex-Governor of New York State. The latter concern was controlled by Didsbury, Aber & Didsbury, Walden. Daniel G. Aber has been retained as manager of the Newburgh Public Service Corporation.

The Hudson Transit Corporation had been an inland passenger carrier in Orange County, and enjoyed numerous operating privileges, one giving the right to the company to run south from Newburgh to Nyack. The buying concern is keeping alive all of the franchises, and plans to develop them even further inland during the coming summer.

On March 31, 1923 the three remaining trolley cars were taken off the streets of Newburgh, making it exclusively a bus city.

(E.R.J. April 14, 1923 P. 662.)

New York City

A city-wide system of privately owned, municipally supervised buses was proposed by Mayor John F. Hylan of New York City as a solution of the transit problems of the metropolis. The Mayor's plan contemplates a bus service reachingall parts of the city. The fare would be 5 cents and universal free transfers would be given.

Mayor Hylan presented his new scheme to the Board of Estimate and Apportionment following the action of the State Court of Appeals in ruling that the city had no legal right to engage in bus operation.

The Third Avenue Railway has applied to the New York City authorities for permission to establish a number of bus routes in connection with its electric lines. The buses would serve outlying sections of the city which now lack transportation facilities. A 5-cent fare would be charged, with a 3-cent charge for transfers to the Company's railway lines.

(E. R.J. July 24, 1920 P. 192)

At the special session of the Legislature of New York, called to consider the housing situation, an effort failed to enact legislation fostered by Mayor Hylan of New York to permit the city to own and operate motor buses. The courts have already ruled against the operation of such vehicles in competition with the railways and have stayed the hand of the city in its effort to expend $1,000,000 for motor vehicles. The bus proposal was opposed by counsel for the New York Railways, the Interborough Rapid Transit Company and the Brooklyn Rapid Transit Company.

(E.R.J. Oct. 2,1920, P. 687)

A score or more of representatives of taxpayers' organizations whose membership probably exceeds a million persons in New York City voiced with virtual unanimity yesterday a demand for immediate transit relief by the granting of franchises to private bus corporations.

By far the majority of them were unwilling to submit to further uncertainty and delay by basing their hopes solely upon a continuation of the Mayor's fight for new legislation permitting municipal ownership and operation. With almost equal unanimity, however, they approved the recommendation of the recent bus report made by Chairman Delaney and the Mayor's other appointees of the Board of Transportation, to the effect that franchises granted to private operators should not exceed a ten-year term and that all privileges granted should be recapturable, so that ultimately the city, after the passage of qualifying legislation, may have its own municipal system.

(N.Y.Times, Oct. 23, 1924.)

Schenectady

Supreme Court Justice Edward M. Angell, sitting in a special term at Glens Falls on August 11, 1923 refused the application of attorneys for the Schenectady jitney men to have set aside the injunction issued by him on July 9, 1923 which restrains them from operating in competition with the Schenectady Railway.

Attorney Judge, for the Emergency Taxi Operators' Association, had secured an order from Justice Henry T. Kellogg of the Appellate Division, which called upon attorneys for the railway company to appear and show cause why the jitney injunction should not be set aside. The order was returnable before Justice Henry V. Borst at Saratoga Springs.

Justice Borst asked to be excused from hearing the argument and made an appointment for the attorney with Justice Angell, who issued the original order, at Glens Falls. The attorney for the jitney men contended that the papers on which the injunction was issued were insufficient in that they were based on information and belief. He said that the paper stated there were 3,000 automobiles operating and the injunction named only 900 defendants.

Judge Daniel Naylon, arguing on behalf of the railway company, declared that the defendants had never secured a certificate of convenience as required and therefore had no business in court.

Judge Angell ruled that the jitneys had no right to operate without a certificate of convenience and necessity from the Public Service Commission. He said that the papers supporting the injunction showed there had been no public hearings in Schenectady before the licenses were granted, a procedure required under the law. He refused to entertain attorney Judge's application for a stay of execution and denied the motion. Supreme Court Justice John C. Crapser in a special term of the Supreme Court at Canton, N.Y., on August 25, 1923 granted the motion of the attorneys for the Schemectady Railway that the order of Supreme Court Justice Edward N. Angell restraining jitney drivers from operating parallel to the company's lines be continued during the trial of the case. Attorneys representing the jitney men whose activities are an outgrowth of the Schenectady trolley strike, opposed the motion on the ground that the city of Schenectady licensed the operation of the jitneys.

Company attorneys also made a motion on an order to show cause why the defendants should not be punished for contempt in disobeying the injunction. Justice Crapser interposed with the suggestion that the opposing factions come to an agreement before proceeding. After a conference of attorneys it was agreed with Judge Crapser that an adjournment be taken for one week and that it be understood that counsel for the defendants explain to members of the jitney men's organization the court order and advise them to maintain it.

Schenectady (Cont'd)

The Schenectady Railway has commenced the service of copies of restraining injunctions on jitney drivers in an effort to drive them off the streets of the city.

Service has been had on about forty operators who are summoned to appear in the Supreme Court on September 10, 1923 and show cause why they should not be in contempt for failure to abide by the injunction order restraining them from operating. Papers are being prepared for the service of about sixty additional operators. If such procedure does not have the salutary effect desired, the company will proceed to gather evidence against several hundred other operators and serve them as rapidly as possible.

(E.R.J. July 14,21, 28 - Aug. 4 - 18 Sept.1, 1923)

Supreme Court Justice Crasper on Sept.10,1923 imposed a jail sentence of fifteen days on five jitney operators guilty of operating inthe city of Schenectady in the face of the restraining injunction, fined three others in amounts ranging from $50 to $250 and dismissed one case for lack of evidence. Judge Crasper is the fourth Supreme Court Justice in the judicial district to be drawn into the jitney controversy. Judge Crasper signified by his attitude that there would be no further toleration on his part. He said that an order of the Supreme Court must be obeyed or there would be no government. The Schenectady Railway will continue its campaign against jitney operators and violators of the injunction will be brought into court as soon as possible.

(E. R.J. Sept.15, 1923, P. 422)

Syracuse

The Rochester & Syracuse Railroad has been granted an injunction by Supreme Court Justice Cheney restraining temporarily the operations of the United Arrow Lines, Inc., operators of a motor bus route between Syracuse and Rochester. The temporary injunction will be in effect pending action for a permanent injunction.

The application for the order was based on the claims that thet bus line had cut into the profits of the railway and had operated without authority from the Public Service Commission and the municipalities thro which it passed. Fred H. Hout John Griswald and Norman Waterhouse are named in the orders as partners in the bus line.

The Arrow line began operation about March 27, 1924 and made two trips daily from Rochester to Syracuse. It operated a 25-passenger Pierce-Arrow bus. The fare was $3.90 one way.

(E.R.J. April 12, 1924, P. 592)

ANTI-JITNEY LEGISLATION

NORTH CAROLINA.

Tentative regulatory legislation for approximately 1000 buses in North Carolina, to be sought at the forthcoming special session of the General Assembly, will place the control of the buses - as common carriers - under the State Department of Revenue instead of the Corporation Commission.

Two reasons are offered in support of the proposal that the control be given by the Legislature to the Commissioner of Revenue. One is that by not asking that they be placed under the jurisdiction of the Corporation Commission the objection of Governor Morrison will be removed.

The other is that the embarassment which might come to the commission, in passing upon controversies as to parallel railroad and his lines, will be obviated by designation of the Commissioner of Revenue as the control.

(E.R.J. Aug. 23,1924. P. 296)

ANTI-JITNEY LEGISLATION

OHIO.

The so-called Freeman-Collister bus bill relating to the operation of buses in Ohio went into effect on July 27, 1923. As a result all intercity and local bus lines and all commercial trucking companies doing intercity hauling are compelled to secure certificates of convenience and necessity from the Utilities Commission and post bonds. There is an insurance clause in the new law. The license fees range from $40 to $240, graduated according to the capacity of the buses.

Under the new law bus lines and trucking companies which were doing business in the state prior to April 28,1923 the date the bill was filed with the Secretary of State, were issued certificates of convenience without hearings,except where there were protests filed with the commission. Lines which were established after that date were compelled to file applications for such certificates.

In anticipation of the application of the new law, traction, steam railway, motor bus, commercial trucking and street railway men were invited to meet with members of the Public Utility Commission at Columbus on July 11 and 12, when the proposed regulations which are to be imposed by the commission under the new bill were discussed. The commission reserved to itself the right finally to approve a set of regulations after the Freeman-Collister bill is in effect, but the principal regulations to be imposed were decided upon at the meeting.

The decisions so far reached are all tentative, but copies of the regulations as finally adopted by the commission will be attached to each certificate of convenience to be issued by the commission to the motor bus and commercial trucking lines which operate under the provisions of the new law.

About eighty rules in all, mostly of a minor regulatory nature, will govern the operation of the bus lines and truck companies. Principal among the regulations were safety measures, which were discussed at great length. The proper manner to approach and cross a railroad or interurban traction crossing was considered from all angles. It was agreed that passenger-carrying buses should come to a full stop before crossing a railroad right-of-way either inside the city or in the country. The matter of stopping at interurban traction crossings was left to the discretion of the commission, with the suggestion that the commission specify all such stops on the route to be traversed by the buses.It was also agreed that buses should pass crossings in second speed.

One rule of operation that will be written by the commission into its final regulations is that bus lines shall adhere faithfully to their schedules. Regular schedule trips will all have to be made on time, except for circumstances over

Ohio (Continued)

which the operator has no control. Another rule upon which the commission will insist is that when a bus breaks down on the road it shall transfer its passengers to the next bus going in the same direction, whether that bus be operated by the same company or is run by a competing company.

Among the representatives of the electric railways who attended the meeting was John S. Bleecker, general manager of the Indiana, Columbus & Eastern Traction Company and head of the Dayton & Columbus Bus Transportation Company and the Columbus & Zanesville Bus Transportation Company, with offices at Springfield. According to Mr. Bleecker, the regulations so far agreed upon are for the most part practical ones which will be easy of enforcement.

(E.R.J. July 28,1923. P. 159)

Ohio cities lose another power in the government of buses, according to a decision in a bus case handed down recently by the Court of Appeals at Athens, Ohio.

The opinion handed down in the specific case declared the City Councils have no power to restrict the routes of bus companies to certain streets. This superiority the opinion declared, is vested in the State Public Utilities Commission, which grants certificates of convenience and necessity.

The case was brought into court from Nelsonville, where the City Council adopted an ordinance barring the Red Star Transportation Company operating buses between Lancaster and Athens, from using using streets on which an interurban electric railway is being operated.

The decision, it is said assures the protection of bus lines against the restriction of municipalities imposed by ordinance, unless the State Supreme Court sets aside the verdict.

(Bus Transportation June 1924, P.

If Ohio refuse to recognize licenses of West Virginia buses and trucks West Virginia will be compelled to withhold recognition of Ohio licenses on like vehicles, according to C.E. Heiner of the West Virginia State Road Commission who recently informed the Ohio Public Utilities Commission of the board's decision in reply to a statement of Chio's position.

A conference at Columbus was proposed by the Ohio officials, but at the same time the Ohio commission interprets the Freeman-Collister bus law of that state to mean that buses and trucks doing business in Ohio come under a classification requiring Ohio licenses, whether they are licensed under other states or not.

(Bus Transportation Aug. 1924.
Page 388)

Akron

Abandonment of all city jitney lines which have operated in Akron, Ohio, for the last six years takes place this week. Following the re-routing of the jitneys so as to take them off the streets over which the Northern Ohio Traction & Light Company operates railway lines, the jitneys failed to make a living. At a meeting of the Jitney Association Members with City Officials on August 18,1924, the jitney men asked to be permitted to compete along the lines of the street railway's electric and bus routes. The city refused and the jitney men voted to give up the struggle and divide a $23,000 fund which they had accumulated under the city jitney ordinance for bonding purposes. Jitney men were informed by the city they must comply with all terms of the city ordinances or get out of business within forty-eight hours. They immediately decided to get out.

(E.R.J. August 23,1924, P. 293)

Cleveland

Cleveland was the first to pass an ordinance to stabilize city buses. This ruling became effective in April, 1920, and also applied to intercity buses that came into the city. It required that a motor bus operating within 4 miles of the Public Square must be licensed by the city. As a result there are no local bus lines in the city. In fact, only four of the index city routes reach the Pacific Square, the others in general feed the trolley lines at their outer terminals. Before receiving this license the operator has to file with the commissioner of licenses and assessments a map of his route, schedule, number of vehicles to be operated and the fare, all of which has to be passed upon by the City Council. The Council can approve or make any change in the routes, upon notice to the operator, as it may consider beneficial to the public interest. The annual license fee is $100 for a motor bus seating less than twelve passengers; $150, from twelve to twenty-one passengers; and $250 for vehicles twenty-one passengerscapacity or over. The insurance requirments are a $60,000 liability policy for the operation of not to exceed two buses. For each additional bus a $30,000 policy must be carried and in addition property damage protection up to $1,000. The fine for the violation of any of the provisions of this local ordinance ranges from $100 to $500 and every day's violation by any one motor bus constitutes a separate offense.

A condition precedent to securing a bus driver's license, which costs $5 per year, is that the applicant must be an American citizen, more than twenty-one years of age, with a knowledge of the English language sufficient to carry on an intelligent conversation, and who is free from physical disabilities and personal habits that would disqualify him from serving as a driver of a public vehicle.

(Bus Transportation, March 1922)

Columbus

The Ohio Utilities Commission has forbidden the Red Star Bus Company to operate between Columbus and Chillicothe. The decision was based on the statement that the Scioto Valley Traction Company, operating between the two points, was furnishing adequate service. The Red Star Bus Company has declared, in a brief filed in the Supreme Court recently, that motor bus transportation in Ohio is "doomed" if the ruling of the commission is to stand as a precedent.

(E.R.J. Feb.23,1924. P. 315)

For the same reason that it refused a certificate to the Red Star line to operate a bus line between Columbus and Chillicothe, Ohio, the Public Utilities Commission has also withheld a certificate from the same company to establish bus transportation between Columbus and Portsmouth. The Scioto Valley Traction Company testified that the proposed routes followed its right-of-way.

(E.R.J. March 1,1924. P. 350)

Marion

An ordinance introduced in the City Council of Marion, Ohio, forbids motor buses operating along the lines of the Columbus, Delaware & Marion Railway. They are also prohibited from crossing railroad tracks until the driver gets out to look for a train.

(E.R.J. Feb. 24,1923. P. 351)

Springfield

The most drastic provision in the ordinance passed by the city on January 9,1922 was the one barring buses from routes followed by street cars.

Another provision requires indemnity bonds to be furnished by operators to cover legal damages assessed for possible accidents occurring to passengers or others as a result of the bus drivers' alleged negligence. The amount of the bonds ranged from $1,000 to $20,000 based upon seating capacity.

Annual license fees were also provided the fees being $10. for all machines having a seating capacity of 15 passengers or less; $150 for each bus having a seating capacity from 16 to 25 passengers and $250 for buses having a seating capacity exceeding 25 persons.

Springfield (Continued)

Other provisions included in the ordinance are: buses must operate on regular schedule, be subject to inspection without notice by city officials, be equipped with tire chains and fire extinguishers and have two exits one of which must be in the rear of the car; operators must not collect fares while the bus is in operation, must stop on the far side of the streets to take on or discharge passengers and display route signs in a prominent place on the front and sides of their machines.

Because the terms of the ordinance were so drastic operators were allowed a period of thirty days to comply with its provisions. Few of the bus lines continued in business after the period of grace for the ordinance had expired.

The operators at first decided to carry the battle into court to test the legality of the ordinance but changed their minds some of them removing their buses to other cities.

This regulation of the buses helped the railway in doing away with unfair competition.

(E.R.J. March 11,1922 P. 425)

Following a threat of the City Commission to repeal its anti-bus ordinance and permit general operation of buses on streets unless the Spring field Street Railway started some kind of service to the Melrose addition in accordance with its franchise terms the company on November 6,1923 started its first auxiliary motor bus line connecting with the Yellow Springs Street cars.

(E.R.J. November 3 and December 8, 1923)

Toledo

An injunction to prohibit the operation of buses along the route of the Maumee Valley Railway, Toledo, was denied in the Lucas County Common Pleas Court on October 25,1923. The court in denying the injunction said that it was opposed to government by injunction proceedings.

The suit, which was brought by Attorney Leroy L. Eastman, representing the railway, charged that the bus companies were operating without first complying with the provisions of the Collister bus law. The Maumee Valley Railway, of which L.G. Van Ness is president, operates on both sides of the Maumee River, south of Toledo.

Last year the village of Perrysburg, through which the interurban opdrates, passed an ordinance prohibiting buses from

Toledo (Continued)

stopping to take on passengers within the corporate limits of the municipality. The bus companies went into court and obtained an injunction against the city. The matter was taken to the Ohio Supreme Court by Attorney Eastman, where he succeeded in having the injunction dissolved.

(E.R.J. Nov. 3,1923. P. 801.)

The City Council of Toledo has approved the Community Traction Company's plan for motor bus operation. The ordinance which was recently sanctioned provides for the purchase of two modern buses on the Oak Street extension to replace the two machines now being operated in conjunction with the traction system, but on a rental basis. Another bus is being rented and operated on South Erie Street, and this, it is expected, will be replaced by a company-owned motor bus. Arrangements include financing by an addition to the preferred stock.

(E.R.J. December 1,1923.P.956.)

Youngstown

The Youngstown & Suburban Railway, Youngstown, Ohio, has begun operation of a bus line between Youngstown and Salem along a route which in general parallels the company's own tracks. The bus line, however, serves several localities more or less remote from the railway. It is felt that the transportation needs of these places justify the establishment of the new service. In fact, wildcat jitneys were already attempting to give service before the railway commenced operation.

Four de luxe buses are used in the new service. They operate between Salem and Youngstown on a two-hour headway during a greater part of the day. The railway gives hourly service to Salem and the bus schedule is arranged to split every second trolley headway. In the evening, the buses do not operate through to Youngstown, but meet cars at Columbiana and carry passengers from that place to East Palestine. The jitneys formerly provided the service between these two points, unloading their passengers at Columbiana for transfer to the railway. When the jitneys commenced to run through to Youngstown the railway took up the matter of bus operation.

(E.R.J. May 19,1923. P. 865)

The Council of Youngstown, Ohio, has passed the so called anti-jitney ordinance granting Safety Director Hamilton full power to regulate vehicular traffic in a congested district. The new measure provides that all traffic shall go directly through the square instead of around the curves on each side as at present.

(E.R.J. July 14,1923.P. 76.)

Youngstown (Continued)

On orders of Safety Director Hamilton all jitneys were ousted from Central Square in Youngstown on September 26,1923. A still further development in the story of the jitneys in that city was the passing by the Council of a new ordinance shoving the jitneys further away from Central Square and their established parking places. The ordinance was prepared by Street Railway Commissioner Engle. At the same time the Council tabled indefinitely an ordinance fathered by Ross Raymond, head of the jitney men, which would have permitted the jitneys to park in their regular place in Central Square. The Council,also tabled the ordinance giving the safety director full jurisdiction over traffic regulations in the congested district.

(E.R.J. October 20,1923. P. 723)

One-Quarter of the total number of passengers, both revenue and transfer, transported by public carriers within the city limits of Youngstown, Ohio, are carried in buses which form a part of the Youngstown Municipal Railway system. The buses are operated by the railway and perform a supplementary service over routes which extend to parts of the city unserved by the street railway lines. The bus system does not act as a feeder to the rail, is not extensively in competition with the cars, nor does it offer a de luxe or high-speed express service as an adjunct to the street railway cars. The system is a street rail, way on rubber tires rendering service such as would be given by extensions or new lines of the rail system, if such rail lines could be established as economically as bus lines. The buses are used in the same manner as trolleys; the fare and transfer privileges are the same. In some places the same street is used for a short distance by both bus andcar, but this is done because this street offers the only convenient thoroughfare between the business district and the outlying section served by the bus.

BUS SERVICE AS A PROTECTIVE MEASURE

On September 24,1922, the Youngstown Municipal Railway entered the bus business as a protective measure to prevent continued inroads on the railway business by jitney competition, and also to procure the new business which bus operation could create. As it was felt that the jitney and unscrupulous owner-driven bus operation could be eliminated only by giving better service in attractive, up-to-date equipment, the company has purchased to date 41 buses with 25-passenger Bender bodies, mounted on White Republic and Mack chassis. Seven routes totaling 16.7 miles were laid out extending from the business district into the newly developed sections of the city unserved by the street cars.

While the company has at the present time 41 buses in operation the base schedule calls for only 21 buses, and the peak load requires 31 buses. This leaves 10 vehicles for emergency work or replacement duty. The first run leaves the public square

Youngstown (Continued)

at 5 a.m. and the last bus completes its run at 12:40 the following morning. Each of the routes has a terminal within the business section of the city. Four of the routes, namely, Lincoln, Oak, Elm and Ford, terminate at the Public Square, while the other three -- Hillman, South and Indianola -- have a downtown terminal in front of the railway officies on Boardman Street, one block from the Central Square. Although this latter loading zone is not as convenient as the one on the square, congestion at the square makes the loading of seven buses at a time during the evening rush almost impossible. Two of the routes which load at the square are connected and form a through route from one side of the city to another.

The bus schedules have been so arranged that with an average speed of 9.14 m.p.h., there is very little layover time at either end. In fact, during the rush hours a bus leaves the downtown loading point immediately after it has secured its load. The buses are operated pay as you leave and are handled by one man, who is assisted at the downtown loading point by a supervisor Standees are allowed.

This transportation service rendered at a headway which varies from 4 minutes during the rush hour to 15 minutes during the day, handles an average of 20,000 passengers per day, while the combined systems handle 90,000 passengers per day. A higher load factor prevails on the buses than on the cars. The buses are usually crowded, while seats are to be had in the trolley cars. This may be accounted for by the fact that people desire to ride in rubber-tired vehicles and also by the fact that the bus offers a little faster transportation than does the car to certain sections of the city.

(E.R.J. June 28,1924. P. 1007)

ANTI-JITNEY LEGISLATION

OKLAHOMA

The fight doesn't always end when the state permit is granted in Oklahoma. The corporation commission there conducted hearings in Durant, on complaint filed by the Missouri-Kansas Texas Railway and the St. Louis & San Francisco Railway against twelve bus and truck lines operating out of Durant. The steam railway lines alleged in their complaints that the bus and motor freight lines were not classed as a necessity, that they operated in destructive competition to the steam lines and that their operation was an economic waste.

The steam railway companies asked that permits for the operation of the lines be cancelled. Evidence on the complaints was taken by Guy Cobb, a representative of the commission, and will be placed before the whole commission in Oklahoma City. Bus lines in Oklahoma are now operated under permits issued by the state on showing that the service provided by such motor lines is needed. The operation of the bus lines is also under state supervision and the operators are compelled to maintain a definite standard of service, operate on schedules, provide casualty insurance against injury to passengers and safeguard life and limb of their passengers in numerous ways.

Steam railway companies have opposed the issuance of permits for the operation of bus lines in almost every instance and have continued their fight even after the permits have been issued.

(Bus Transportation Sept. 1924 P. 438)

The City Commissioners of Oklahoma City, Okla., have under consideration a proposed ordinance to govern the operation of buses within the city. The measure as originally introduced provided for $50,000 bond to indemnify passengers and the citizens against injury and damage, and an occupation tax of $30 per year for each seat provided in the vehicle. It is understood that both figures have been substantially modified but final figures have not been agreed upon. Members of the commission are said to favor giving the buses a fair trial, but desire to avoid crippling the electric railway system. It is understood that as a protection to the electric railway company buses will be permitted to operate only on streets where it is considered that they could operate without creating competition ruinous for the electric railway company.

(E.R.J. Sept. 13, 1924 P. 405.)

The Corporation Commission of Oklahoma has refused to permit J.A. McIntyre of Norman to establish a bus line for passenger service between Oklahoma City and Lexington via Moore, Norman and Noble. The commission holds that with the hourly service afforded by the Oklahoma Railway between Oklahoma City and Norman

there is no necessity for the motor service and that public convenience would not be served thereby. The applicant was allowed to establish a bus line between Norman and Lexington via Noble.

(E.R.J. August 16, 1924, P. 260)

The Corporation Commission of Oklahoma has denied the application of F.H. Hood, operating the Lincoln Park stage line, for a certificate of convenience and necessity to carry passengers between Oklahoma City and Lincoln Park. The reasons assigned by the commission are that the Oklahoma Railway operates half-hour service from Oklahoma City to the park and that public necessity does not demand nor public convenience justify the granting of a certificate.

(E.R.J. Sept. 13, 1924 P. 404.)

Tulsa

Tulsa newspapers are attempting to convince the public that jitney competition must be done away with if railway service there is to continue.

(E.R.J. February 9, 1924 P. 227.

ANTI-JITNEY LEGISLATION

OREGON

On February, 1922 at a special session of the State Legislature a law was passed which places all buses under the control of the Public Service Commission. Their status is declared to be that of common carriers and their duties and rights under the law practically the same as railroads and electric railways.

The law requires a certificate of public necessity and convenience in order that the bus operator may secure a franchise. The operator must maintain a definite running schedule and charge satisfactory rates. The Public Service Commission regulates these and other conditions of service. The commission will probably require the bus companies to file their rates and schedules and annual financial report.

Portland

The City Council of Portland, Oregon, on April 26, passed the amendments to the original jitney ordinance. The changes have been pending for about two months. The jitneys are required to operate at least eight hours out of every twenty-four and to give continuous service during the eight hours. They may select any eight hours in twenty-four they desire. They are prohibited from stopping more than five minutes at either end of their route and except during the morning and evening rush hours are required to operate to each terminus of the route without turning back. The measure provides that the drivers may pay their licenses quarterly in advance instead of monthly in advance as at present. In case of a machine going out of business before the end of the quarter the city will refund the unearned part of the license. The city will not, however, make any refund ofmore than $4 on the $6 license for each quarter. Provision is made for tagging machines that are unsafe. An emergency clause was attached to the ordinance making its provisions enforceable at once.

(Electric Railway Journal, 5/13/16)

On June 4 the city of Portland, Oregon, held its municipal election, an important feature of the election program being the matter of jitney regulation. It was stated that the ordinance requiring a $2,500 jitney bond was carried by 32,000 to 16,000; that the franchises calling for satisfactory regulation were also carried by heavy vote and that the commissioner who has stood for unregulated jitney service

Portland (Continued)

for the last two years was defeated in his run for mayor.

(Electric Railway Journal, 7/14/17)

The City Council of Portland, Oregon, on January 23, agreed to support a proposal to submit the question of the operation of jitneys in Portland to a vote of the people at a special election in April. This action was taken after the Commissioner had received no support from the Council in his move to turn the jitneys loose at once, free of all regulation, as a result of the recent action of the Portland Railway, Light & Power Company in raising the city fare to 6 cents.

(Electric Railway Journal, 2/9/18, Page 298)

Paving the way for unregulated jitneys in Portland, Oregon, City Commissioner, recently introduced an ordinance repealing an ordinance passed by the Council requiring franchises for all automobile buses operated over definite routes. No vote was taken on the measure, although it is understood all members of the Council favor the repeal of the existing regulatory measure. Members of the United Motor Bus Company are still endeavoring to complete the organization of a company to operate 100 jitney buses, but no recent reports of progress have reached the members of the Council.

(Electric Railway Journal, 8/17/18, Page 313)

The Oregon Public Service Commission is justified in reopening the case of the Portland Railway, Light & Power Company, Portland, with a view to relieving the company of heavy franchise charges, according to a ruling recently issued by the State Attorney General. A group of Portland citizens some time ago petitioned the commission for a hearing on the question of reducing these charges, which they contended made necessary the recent increase in fare by the Company from 6 cents to 8 cents. The commission asked the Attorney General for an opinion on the case.

On March 27 lastthe commission found that the provisions of the franchise relating to taxes, car linenses, free transportation of city employees, paving assessments and bridge assessments were unreasonable and amounted to double taxation. The commission recommended that the city of Portland eliminate these alleged unjust burdens. On May 21 the proposal was referred to the voters at a referendum election and was defeated. The commission then authorized the company to raise its fare.

(Electric Railway Journal, October 2,1920 Page. 692.)

Portland (Continued)

The somewhat strenuous efforts of the Housewives' Council of Portland, Oregon, to resurrect the jitneys for the purpose of securing lower transportation rates have met with failure at the hands of a stern, unfeeling group of City Fathers, headed by Mayor George L. Baker.

The members of the Housewives Council turned to the jitney ideaafter their efforts to force the Public Service Commission to reduce the present 8-cent fare on the Portland Railway Light & Power Lines back to the lowly nickel had come to naught.

Mrs. Josephine Othus, president of the Housewives' Council, explained to the commissioners that they tried to get a 5-cent fare restored, and couldn't, and then decided that the next best move was to request the city authorities to repeal all existing laws governing jitney operation and allow the buses to run in competition with the trolley cars.

After a lengthy statement has been made by Mrs. Othus, supported by several other members of the delegation, Mayor Baker, explained that he held no brief for the railway, but that he was opposed to allowing the jitneys again to run wild in the streets.

He also stated that unless the voters decide to return to jitneys he would oppose an amendment of any ordinance that would bring about a return to the hectic days of jitney service. Other members of the City Council took a similar position with the result that the request made by the Housewives' Council was placed on file.

(E.R.J. May 26,1923 P. 905.)

North Salem

Residents in the North Salem District of Oregon have announced their strong opposition to the application of the Southern Pacific Company for permission to abandon its trolley service on Seventeenth Street, Petitions signed by more than 500 persons opposing the move have been prepared. In lieu of its present street car service the company has agreed to establish bus service, but this mode of transportation is not satisfactory to the patrons of the line.

(E.R. J. Sept. 13,1924. P. 405)

ANTI-JITNEY LEGISLATION

PENNSYLVANIA

In 1913 the state legislature created the present public service commission, and under the terms of the act creating it gave it jurisdiction over all common carriers and also all persons engaged for profit in the same kind of business in the state. The act also specifically defines common carriers as follows: "The term 'common carrier' as used in this act includes any and all common carriers whether corporations or persons engaged for profit in the conveyance of passengers or property or both within this Commonwealth, by, through, over above or under land or water or both."....

In 1915 the commission interpreted the law to cover "jitneys," holding that the words "any and all" common carriers must be taken in their common law sense and that no proposed corporation, individual, partnership, or unincorporated association of individuals intending to embark in the public service business could do so unless approval had been first indorsed by a certificate ofpublic convenience. Again, it held that the automobile licenses granted by the State Highway Department did not pretend to regulate business but were granted under a police law with reference to the use of the public highways by all motor vehicles whether for pleasure or profit.

Thus, in this manner did the commission assume jurisdiction over motor buses without special legislation.

Under the conditions protecting the motor bus industry in the state, the commission requires that all applicants before engaging in the business of transportation either over a fixed route on schedule or by call and demand, must first petition the Public Service Commission for a certificate of convenience. The commission prescribes a form and requires the filing of an original and two copies, for which a fee of $5 is charged.

The commission acknowledges receipt, appoints a time and place of hearing, and advises the applicant as to those upon whom service must be made of his intentions. In other words, in acknowledging the receipt of the application, the commission sends the applicant a full list of other transportation companies, steam railroads, electric railroads and licensed motor bus operators as well asthe cities, boroughs and townships in the territory in which the applicant desires to operate.

The applicant is also required to publish a notice of his intentions once each week for two weeks prior to the date of the hearing, in the newspapers that have general circulation in the territory to be served. The form of this notice which is

Pages #137 & 138 missing in orginal report

Newcastle

A tax of $1 per seat per year on every bus operating in Newcastle, Pa., will be levied in accordance with an ordinance that was recently passed by the City Council. The license fee must be paid in June. Failure to pay within thirty days from June 1 will result in a 10 per cent penalty. Failure to pay the license will result in arrest, conviction, a fine of $100 and the license fee. The driver is listed as a passenger under the ordinance.

(Bus Transportation June 1924 P. 290)

Philadelphia

Jitneys appeared in Philadelphia in large numbers in 1915. Regulatory ordinance passed by Councils in July, 1915.

Arrests were made by special officers detailed to enforce ordinance but wholesale operation of jitneys was most effectively stopped when Public Service Commission adjudged jitneys to be common carriers and threatened to take action if jitney operators were found not to have a certificate of convenience.

(Data Sheet #213 August 20, 1920)

Mayor J. Hampton Moore of Philadelphia, Pennsylvania, has vetoed an ordinance recently passed by the City Council granting a franchise to the Philadelphia Transportation Company to operate a line of motor buses in Broad Street, Philadelphia. The company proposed to place between twenty and thirty buses in operation by September 1 and to operate at a 5-cent fare, in competition with the Philadelphia Rapid Transit Company. It is pointed out that a subway under Broad Street is at present an important unit in the city's own program for transit development, and that a bus line on the same thoroughfare would be in direct competition with the city's own utility as developed by the present rapid transit plans.

(E.R.J. July 17, 1920. P.146.)

Two ordinances were passed recently by the City Council of Philadelphia granting subsidiaries of the Philadelphia Rapid Transit Company franchises for operating a bus line on Roosevelt Boulevard and a trackless trolley line on Oregon Avenue. When the ordinances were finally placed before the Mayor he vetoed them, but the Council over-rode the veto. The Mayor objected to a provision for a 10-cent fare. Representatives of the Philadelphia Rapid Transit Company said that the buses for which the Roosevelt Boulevard grant provides, would be running before the end of the year.

(E.R.J. June, 2, 1923, P. 944)

Philadelphia (Cont'd)

Philadelphia may place a tax on all buses operating in the city. An ordinance to that effect was introduced at a recent meeting of the City Council.

The measure, if passed, would authorize the city to demand revenue from the buses of the Philadelphia Rural Transit Company, subsidiary of the Philadelphia Rapid Transit Company, as well as other private corporations and individuals.

The license fee is fixed in the ordinance at $50 annually.

(Bus Transportation June 1924 P. 290)

The Philadelphia Rapid Transit Company, Philadelphia, Pa., opposes the application of Wilbur F. Menke to operate sight-seeing buses because it is about to establish lines of buses on a route that would parallel that outlined by the applicant. Mr. Menke desires to run buses from the Arcade Cafe at Broad and Juniper Streets, to Fairmount Park and thence to Evergreen Farms, at the upper end of Roosevelt Boulevard, operating on a schedule at a fare of $1 for the round trip. He would not take any passengers en route.

(E.R.J. Aug. 2, 1924, P. 182.)

Pittsburgh

In general jitneys operate in outlying territory and serve as feeders rather than competitors. The Public Service Commission does not look with favor on jitney routes which compete with street car lines.

Jitneys generally cease operation due to not making expenses. In some cases failure to adhere to specified route led to Commission cancelling certificates.

Public Service Commission grants certificate upon necessity being shown and requires proof of financial responsibility and character of applicant and ability and willingness to take out indemnity insurance if required. All jitneys required to carry Public Service Commission of Pennsylvania number, post rates in bus limit loads to the maximum prescribed by the Commission and keep a schedule of rates and statement of route on file with the Commission.

(Data Sheet #213, August 20, 1920)

No bus operation. No certificates have been issued by Commission.

(Aera, April 1923)

Reading

During the season of 1915, Reading, Pennsylvania, like many other cities, was struck with the jitney craze, the maximum number of cars operating in any one day being 300. There was no attempt during 1915 on the part of the City Council to pass any legislation. Reading is under the commission form of government, consisting of five commissioners, including the Mayor and various department heads. The 1916 commission passed an ordinance on April 5, 1916, regulating the operation of motor buses in Reading. This ordinance, among other clauses, provided for the deposit of a bond of $1,500 or $2,000, according to the capacity of the vehicle. It also required license fees varying from $5 to $15. The day after the passage of the ordinance, the jitney people presented a petition to the city clerk, asking him to prepare a referendum on the ordinance. This petition was granted and a referendum petition submitted to the people was successful in obtaining the desired number of votes. The commission then repealed the ordinance. Reading is, therefore, without any jitney legislation whatever. The number of jitneys operating this year, however, is extremely small, and it is thought that the high price of gasoline will eventually wipe them out entirely.

(E.R.J. June 10, 1916)

Legal requirements for bus operation, permit from city and certificate of public convenience and necessity from State Public Service Commission.

No buses operating. Certificates have not been issued by new commission.

(Aera, April 1923.)

Scranton

The Court of Common Pleas of Lackawanna County has sustained the jitney ordinanceof the city of Scranton, Pennsylvania The court held that the municipal regulation of vehicles used for hire within the corporate limits of the city was a valid exercise of the police power which has been granted to municipal corporations.

(E.R.J. January 22, 1916.)

Plans for the operation of motor buses in Scranton, Pennsylvania , in competition with the lines of the Scranton Railway, were halted on May 25, 1920, by an order of the State Public Service Commission. The commission refused to grant the Commonwealth Transportation Company a certificate of convenience for theuse of streets occupied by the railway on the grounds that the establishment of two competing systems of transportation would be contrary to the best interest of the public.

(E.R.J. 6/5/20 P. 1176.)

With the exception of one Ford car there is no bus operation. Commission has refused certificates in other cases.

(Aera, April 1923.)

Wilkes Barre

Formal application having been made to the Public Service Commission by the Pennsylvania Street Railway Association for an order regulating the jitney service, by licensing, postings of tariff schedules and filing bonds, the problem is brought squarely before the State body. It is stated that the Philadelphia traction company is losing at the rate of $1,000,000 a year, and street railways in other communities are experiencing marked falling off in business.

(Wilkes-Barre Record, June 21,1915)

Jitneys operated in Wilkes Barre only during strike of car men in 1915. They were afterwards stopped by order of the Public Service Commission.

(Data Sheet #213, August 20,1920)

One bus line operates in section not served by railway company. No certificates for competitive operation have been issued by the Commission.

(Aera, April 1923.)

ANTI-JITNEY LEGISLATION

RHODE ISLAND

Cranston

In an ordinance passed recently by the City Council of Cranston, strictly specified rules were made for the operation of buses. The carrying capacity of each bus was limited to the seating capacity thereof, with the exception that children under seven years of age might be carried or held by adults.

(Bus Transportation, January 1922)

Providence

Jitneys first appeared here early in 1915, and by the latter part of May there were several hundred in operation.

After the adoption of a jitney ordinance in Providence (see extracts below) there was a marked reduction in the number of jitneys, and counts that we have taken from time to time since then have shown from 80 machines in cold weather to as high as 253 on one occasion this summer. (1920)

A receiver was appointed recently for a company which had been operating a number of 24-seat buses since last fall. The concern had suspended operations, following the attachment of several of its buses by different creditor's the committee is trying, but without apparent success, to raise new capital through the sale of stock to the public.

The Providence jitney ordinance contained the following provisions:

> Special license must be obtained from the Board of Police Commissioners, fee being $5.00 per passenger seat with a maximum fee of $50.00, or $3.00 per seat if same bus is similarly licensed in another municipality.
>
> Driver must be 20 years of age and must obtain a special chauffeur's license from the Board of Police Commissioners, the fee for which is $1.00 per annum.
>
> A sign must be carried showing termini, route and fare.
>
> Passengers must not be carried in excess of seating capacity.
>
> Bond required at the rate of $500.00 per passenger seat.

(Data Sheet #213, August 20, 1920)

Providence (Cont'd)

An act declaring jitneys and buses commom carriers after July 1, 1920, and placing them under the control and regulations of the Public Utilities Commission was defeated in the Rhode Island Senate in April, 1920.

(E.R.J. May 8, 1920, P. 960)

At a recent meeting of the ordinance committee of the City Council of Providence, Rhode Island, it was voted unanimously that there would be no public hearing on the jitney problem. According to Chairman William Highes, the members feel they can best get at the heart of the matter by calling, individually, representatives of the jitney men and the Rhode Island Company. The committee, it was said, will not start drawing up regulative legislation for jitneys until both sides have had an ample opportunity to explain their stands.

A petition, signed by officers of the banks, trust companies and savings institutions in the city asks that the electric railways be granted some relief by " enacting such ordinances as will place the jitneys and other motor vehicles operated for hire more nearly upon an equality with the railways and thus, to some extent, remove this unfair competition without depr ving the public of whatever benefit a properly regulated jitney service may afford where it is necessary." The petition says:

> The loss to the electric railways through this unregulated and unfair competition is estimated by the receivers, after careful observation, at not less than $750,000 per year and is probably much more.
>
> Unless some regulation is enacted we seeno hope of reorganizing the electric railway service or of keeping it in operation. The money required for reorganization cannot be obtained.
>
> We do not feel that we are justified in permitting the capital of the people for whom we are trustees to be any longer used in the public service without any return. Much less do we feel that we can call upon them to advance more capital upon which there is no prospect that they will ever receive a return.
>
> We feel that we might properly ask for a removal of the ruinous competition to which the electric railways are subjected, on the ground that it is unfair to those whose savings are invested in the railway properties which have so long served the community. But aside from these investors, we believe that the whole public is vitally interested in the preservation of the electric railway system, and that your honorable body, as the representatives

Providence (Cont'd.)

of the public interests, should not permit it to be destroyed.

The system of competition which may destroy the electric railways does not and cannot pretend that it will supply the public needs for transportation when once the destruction is accomplished. That it cannot do so has been the verdict of the public utility commissions throughout the country which have studied the subject.

(E.R.J. August 7, 1920 P. 286)

Service by the Rhode Island Omnibus Company, Providence, Rhode Island, has been temporarily discontinued because of lack of funds. The company has been in operation about a year and is now in the hands of a receiver by agreement of all parties at interest. It is said the company's assets are greater than its liabilities and an attempt is being made to secure additional capital for the enterprise. Poor judgment in the management of the affairs of the company is given as the chief reason for the company's difficulties.

(E.R.J. August 28, 1920 P.437)

The Chamber of Commerce of Providence, Rhode Island, has forwarded to the City Council a copy of the report of its committee on jitney regulations, made after a study of the local bus situation. The committee finds that the jitney service as at present operated is "extremely dangerous," and believes that the public should be safeguarded by the passage of a new ordinance. The report recommends the requirement of a bond for every person operating a jitney, limitation of operation to persons over twenty-one years of age who have passed an examination, and the establishment of routes and schedules.

(E.R.J. December 4, 1920 P. 1174)

The special committee appointed by the board of directors of the Chamber of Commerce of Providence, Rhode Island, to investigate the conditions of the jitney service in that city and to ascertain if such service should be regulated, and if so the extent and character of such regulations, has submitted a report recommending that steps be taken to regulate the buses. The recommendations contained in the report met with the unanimous approval of the members of the board.

(E.R.J. December 25, 1920, P.1208)

In January 1921 an ordinance was passed by the Providence City Council providing that jitneys and buses must run on specified routes during regular hours and subject to police inspection and control.

Providence (Cont'd)

While there was no decrease in the number of jitneys in the following ten months, there was no increase, due, probably, to the rigidity of the above ordinance.

In January 1922 an ordinance was adopted in Providence by the City Council, to become, effective February 1, which established an area into which jitneys could not go. Later in the month the operators asked for a permanent injunction. A temporary injunction was granted pending a hearing on the petition. The police took legal steps to have the injunction vacated which was done by the State Supreme Court on March 15, setting aside the temporary injunction and once more putting the original ordinance ruling in effect.

In vacating the temporary injunction, the Chief Justice gave as his chief reason that the operators had not established that the ordinance was an arbitrary exercise of power or that its provisions have no reasonable relation to the promotion of the safety and convenience of the public in its use of the highway within the restricted area.

Bus operators through their counsel did not attack the constitutionality of the ordinance, but based their contention on the grounds that the ordinance was unreasonable.

(Bus Transportation, April 1922)

To take the place of the jitney and bus service recently eliminated by the Public Utilities Commission, acting under provisions of the Joslin jitney act of the 1921-22 Legislature the United Electric Railways, Providence, R.I., will provide adequate transportation. This announcement was recently made by A.E. Potter, general manager of the company. Besides increasing the present service, the company has planned to lease buses on the several rural lines where they have been authorized by the Public Utilities Commission.

The recent act of the Public Utilities Commission practically abolished jitneys in the State of Rhode Island. Only twenty-six of the 391 applications were granted by the commission and in no case where a route was served entirely by an electric line was a bus certificate issued. On four of the routes approved by the commission there are now no transportation facilities while the other five are served only in part by trolleys.

In its decision the commission said that the jitneys during 1921 carried 17.8 per cent as many passengers as the trolleys and that the jitney revenue for 1921 was 20 per cent of the gross passenger earnings of the electric railway. It was of the opinion that the railway should have the benefit of the additional revenue "in order that the travelling public may have the benefit of improved service or a lower fare or both, which the receipt of such additional revenue would appear to make possible in the near future."

Providence (Cont'd)

In commenting upon the present railway service the commission stated that the railway service over all or any part of the jitney routes was adequate and sufficient to meet the demands of patrons seeking transportation over such lines. The commission also was of the opinion that in the seven years that jitneys had been operating in Rhode Island there had been little if any real development as a transportation agency; that it was apparent that one new set of men after another proceeded to engage in the business; that for the most part the applicants who testified at the hearings had operated jitneys for lessthan two years.

In concluding the commission expressed the hope that the elimination of the competition would enable the United Electric Railways to offer cheaper transportation to the public especially in the suburban area. The commission said that the denial of the jitney applications placed an added responsibility upon the railway to supply adequate service at reasonable rates, but the commission believed further that those who control the operation of the railway under the recent financial reorganization appreciate the responsibility they must shoulder.

(E.R.J. July 8, 1922 P. 63)

By the unusual expedient of inaugurating bus service parallel to and on the same street with its regular car service, the United Electric Railways, Providence, R.I., has increased its net income and gained much public good will. For several years there was a persistent demand from the residents of suburban communities, particularly in the district beyond Olneyville, for more rapid transportation. At that time the company was operating both local service in the city and through service to the outlying communities via Broadway. The complaint was that the many stops made to care for the short-haul passengers were a source of serious delay to the through passengers. Complaint was made also that on an inbound car the local passengers had no chance whatever of securing seats, because they were all occupied by the through passengers boarding at points beyond Olneyville, before the car reached the city limits.

One way that was suggested to remedy this was to build passing tracks alongside the existing double tracks to permit the operation of express cars which could then get ahead of the locals. It was felt by the company, however, that such a solution of the problem would involve considerable expense and would present serious operating difficulties. Instead of installing passing tracks, therefore, the railway decided to carry the local passengers by bus and operate all electric cars express to Olneyville Square.

A combination of two favorable circumstances made it possible to do this successfully. In the first place, the width of the street was sufficient to permit bus operation alongside

Providence (Cont'd)

the track without interfering in any way with the rail operation. In the second place, there is only one heavy traffic street crossing Broadway, so that the express cars can operate reasonably close to their scheduled speed and are not frequently delayed by traffic at intersections. The result has been to reduce the running time between the center of Providence and Olneyville Square, about 1¼ miles, from fifteen minutes to ten minutes, and also to provide vehicles which have empty seats available for the short riders.

Bus operation was commenced in May, 1923, and the number of motor buses in service has been augmented from time to time as the traffic has increased.

(E.R.J. March 15,1924. P. 411)

ANTI-JITNEY LEGISLATION

SOUTH DAKOTA.

Aberdeen

The Aberdeen Railway has disposed of the last of its equipment and has been replaced by the Motor Transit System. Up to July, 1922, the railway had been operating for nearly twelve years, but the company was losing money and the voters were called upon to decide whether the city should buy the property and operate it.

The result was against municipal ownership.

(E.R.J. April 7,1923, P.621.)

ANTI-JITNEY LEGISLATION

TENNESSEE

Knoxville

All bus and taxi operators in Knoxville, Tennessee, will have to file bonds or accident insurance policies with the city Recorder under the recently enacted ordinance which provides for bonds to the amount of $5,000 to cover injuries to one person $10,000 to two or more persons and $1,000 for property damage that may result from an accident.

(Bus Transportation July 1924 P.341)

Memphis

Legal requirements for bus operation permit (to be granted only under terms fixed in part by State Law) from city, which must be approved by State Public Utilities Commission.

No competitive operation. A large number of buses operated prior to the enactment of law (in 1915) but none have since operated.

(AERA, April 1923.)

Nashville

Legal requirements same as Memphis. No operation.

(AERA, April 1923.)

ANTI-JITNEY LEGISLATION

TEXAS

The Texas Legislature passed a bill known as Senate Bill No. 45, which has for its purpose the regulation of motor trucks and jitney lines operating for hire on public roads and authorized streets. Suburban and interurban railways to operate motor trucks or jitney lines for transportation of passengers in incorporated cities and towns are subject to regulation by said cities and towns and within 5 miles thereof under regulation by commissioners' courts of the county. The law amounts practically to an extension within a 5-mile zone adjacent to municipalities of franchise rights held by transportation companies within said cities and towns.

(E.R.J. June 23, 1923 P. 1065)

El Paso

The new ordinance at El Paso, Tex., barring buses and motor vehicles carrying passengers for hire from certain streets has been held void by Judge Stewart Berkshire of the Corporation Court. Approximately forty jitneys that had stopped operation when the ordinance was first enacted immediately resumed operations.

(E.R.J. Oct.20, 1923 P. 723)

Fort Worth & Dallas

Jitney drivers in Fort Worth, and operators of motor buses and service cars carrying passengers between Dallas and Fort Worth, have joined issue with the city of Fort Worth in its effort to legislate these jitneys and motor bus lines out of business. The City Commission at Fort Worth recently passed an ordinance prohibiting the jitneys and inter-city service cars and motor buses from using any street in the down-town business district except Fourth Street. Traffic officers were placed on the Dallas-Fort Worth pike at the city limits to stop intercity service cars, and extra traffic officers were placed on duty downtown to keep jitneys and service cars off these streets.

The effect of this legislation, if enforced to the letter, would be to put the intercity service cars and buses operating between Dallas and Fort Worth out of business, as they would be unable to find an entrance into the city. The legislation would also put out of business those jitneys now operating from the business district to several outlying additions to the city not served by street car lines.

(E.R.J. Aug. 4, 1923 P. 197)

Houston

At an election held on Jan.19, 1924 an ordinance abolishing jitneys in Houston, Tex., effective on April 1, was carried by a vote of 9,238 to 4,594. This election was called as a result of a plan to settle Houston's transportation problem formulated by a group of citizens and accepted by both the Houston Electric Company and the city.

Jitneys came into existence in Houston in 1914. At one time their number reached 500, but recently there have been not more than 150 in service. The present jitney lines, except on one route, parallel the street railway lines and take care of only the short haul riders. The Houston Electric Company has been endeavoring to obtain relief from jitney competition in order that it might expand and improve its system. Failing to obtain such relief, the company carried its case to the federal courts.

John A. Beeler, New York, was employed by the city to make a thorough study of the Houston situation in order to defend the rate case in the federal court. In his report he stated that dual transportation was unfair and that the railway could not expand if throttled by such competition. He recommended that the jitneys be abolished and that the railway make certain changes in its system in order better to handle the traffic. After his report was made public a group of citizens formulated a plan embodying Mr. Beeler's recommendations, the principal provisions of which were the abolition of the jitneys and the expenditure by the Houston Electric Company of approximately $1,500,000 in the next three years.

This agreement was accepted by both the city and the Houston Electric Company. The Council then passed an ordinance abolishing the jitneys and submitted it to a vote for ratification. Three of the leading newspapers supported the proposition. The Citizens' Committee also carried on an extensive advertising campaign and held meetings in various sections of the city in order to explain the agreement and show the people the advantages of a railway system augmented by bus lines.

(E.R.J. January 26, 1924 P. 161)

The Houston Electric Company, having won its fight against the use of jitneys, is preparing to carry out the conditions of the agreement reached by it with a committee of citizens.

On its part the railway company agreed:

To abandon its suit for an increased fare.
To route its lines in accordance with the Beeler plan.
To construct 4,200 ft. of single track, and 15,100 ft. of double track.
To speed up service.
To buy additional rolling stock and remodel present equipment.

Houston (Cont'd)

To establish and maintain a bus line to the section south of McGowen Avenue and Crawford Street and extend it to Southmore as street pavements are completed.

To spend $900,000 in the next three years on additional improvements not outlined above, such as the extension of present car lines and the establishment of new street car and bus lines to serve every part of the city.

To pay the cost of paving between tracks without contest.

The city agrees to these conditions:

To abolish jitneys.
To hire a consulting engineer to check improvements and extensions.

Both the city and the company agree to drop the injunction suit in the federal court in which the company sought a higher fare.

(E.R.J. Feb.16, 1924, P. 270.)

Plans have been completed by the Houston Electric Company to place six twenty-nine passenger buses in service in Houston, Tex., on April 1 on a route that is not served by street cars but which has been served for a long time by private jitney lines. The date set is the time for all jitneys to cease business in Houston under the terms of an ordinance instituted by the voters of the city at a recent election. The new line will traverse Austin, Holman, Crawford and McGowen Streets.

(E.R.J. Feb.16, 1924 P. 276.)

Seven jitney drivers at Houston, Tex., through their attorney, have filed a petition in the District Court asking that the city be enjoined from enforcing the terms of the ordinance adopted by popular vote on Jan.19, 1924 and providing that the jitneys cease operation on April 1.

The jitney men claim in their petition that thirty-three days elapsed between the final adoption of the ordinance calling the election and the date when the election was held, and that constitutes a violation of the charter provision governing such elections.

Another contention is that the Mayor failed to post notices at some of the polling places thirty days in advance of the election; that the form of the ballot was confusing and misleading, and that the ordinance is void on the ground that in effect it grants a franchise to passenger carrying vehicles of more than fifteen passenger capacity.

Houston (Cont'd)

The City Attorney has prepared another ordinance, which may be passed by the Council without submission to the people, and which will legislate the jitneys off all routes in the city. He has been working on this ordinance several days in anticipation of the injunction suit.

In case the city is restrained from enforcing the ordinance of Jan.19, the Council is expected to pass the one which is now being drawn up by the City Attorney.

The City Attorney answered the petition filed by seven jitney operators by filing a general demurrer which was sustained by the District Judge.

(E.R.J. April 19, 1924 P. 663.)

As a result of the ordinance passed in January - jitneys ceased operation on March 31, 1924.

The Houston Electric Company began its increased service on March 28 and the morning of April 1 was fully prepared to handle the additional traffic.

The company is now operating three 29 passenger Yellow Coach buses in all-day service and six during the rush hours over the route of the former Austin Jitney line.

The only changes necessary in the operation of the railway system to care for the jitney riders and to prevent congestion in the downtown district was the addition of extra cars, rerouting of three lines in the business section and the use of street collectors.

San Antonio (E.R.J. April 19, 1924 P. 633)

Jitney men in San Antonio, Tex., have lost their fight in the higher courts against the ordinance enacted by the City Commission of San Antonio to stop the operation of jitneys in competition with the cars of the Public Service Company. The Supreme Court at Austin has just upheld the judgment of the Court of Civil Appeals for the Fourth Judicial District. The Court of Civil Appeals previously reversed the finding of the District Court in granting a temporary injunction restraining the city of San Antonio from enforcing the terms of the jitney ordinance pending hearing adjudication of the case on its merits.

The San Antonio jitney ordinance was enacted January 192[illegible] It prohibited the operation of jitneys on certain streets, which in effect prevented the jitneys from running in competition with the traction company, for the only streets on which the jitneys were permitted to operate were those on which no street cars were operated. When the ordinance went into effect, A. Fetzer, and others acting for the jitney operators, filed suit for injunction in the Fifty-seventh District Court. After a hearing a temporary restraining order was granted. This temporary restraining order

San Antonio (Cont'd)

in effect nullified the provisions of the jitney ordinance and permitted the jitneys to operate unrestrained pending final disposition of the case.

The city took an appeal to the Fourth Court of Civil Appeals, and on hearing the case was reversed. Fetzer then sought a writ of error to the Supreme Court, and in denying this writ the Supreme Court in effect sustained the findings of the Fourth Court of Civil Appeals and denied the writ sought by the jitney men.

In seeking a writ of error to the Supreme Court, the jitney operators alleged that the city ordinance in question was "arbitrarily and capriciously passed for the sole purpose of prohibiting the operation of jitneys over the streets of the city, and that if enforced would have that effect."

It was further alleged that no necessity existed for so prohibiting the operation of jitneys, and averment was made that the ordinance was passed pursuant to a contract made by the city with the Public Service Company of San Antonio, whereby that company agreed to reduce fares to 6 cents provided the city passed and enforced ordinances prohibiting jitneys being operated over the streets of the city.

(E.R.J. Oct.28, 1922, P. 737)

ANTI-JITNEY LEGISLATION.

UTAH

Salt Lake City

Jitneys operated in this city for a short period early in 1915 and before the State Utilities Commission had been established they disappeared upon the passage of a City Ordinance requiring them to furnish suitable indemnity bond.

Jitneys must apply to and obtain from the Public Utilities Commission for a certificate of convenience and necessity before they can commence operation, and under provisions of City Ordinance must obtain suitable indemnity bond before operating.

(Data Sheet #213, Aug. 20,1920.)

The Public Utilities Commission of Utah has granted permission for the Utah Light & Traction Company to operate a crosstown bus line to connect with its street car line at State and Thirty-third South Streets and to run east to the community known as East Mill Creek.

The matter came before the commission originally on the petition of the Blue & Gray Bus Line, which proposed to continue the service from East Mill Creek to reach the business center of Salt Lake City, in competition with the traction company. To that petition the railway protested, and finally introduced a petition in intervention, asking the privilege of starting, in place of the proposed service to Second South Street, a "feeder" service which would connect with its lines on the Holladay and Nibley Park routes and on the several routes running south on State Street.

The Blue & Gray Bus Line did not care, it was set forth, to operate buses as feeders to the traction company's lines without giving also the through service to the business center.

In rendering its decision the commission stated that a certain sum of money is necessary to carry on the street railway business, which money must be collected in the form of fares from the traveling public. It said that to deplete the revenues of the railway by authorizing a competitive bus service would only restrict still further the company's ability to give service, and, if the competition were carried to its logical conclusion, would utterly destroy the service so necessary to many. The necessities of the general traveling public must be considered rather than the convenience of the few.

(E.R.J. October 20,1923,Page 723)

ANTI-JITNEY LEGISLATION

VIRGINIA

Since the General Assembly last spring placed motor buses under the Virginia Corporation Commission that body has consistently refused to grant a permit to operate bus lines in direct competition with intercity electric railway transportation and in its action has had the backing of the municipalities of Virginia affected by such decision. Several requests for permits to operate between Virginia cities in competition with established electric lines have been rejected by the Corporation Commission. In explaining the action of the commission, Major Alexander Forward stated that the commission is not committed to this policy but that circumstances have so far not justified issuance of permits for such competition.

(E.R.J. Sept. 15,1923, P. 428)

Alexandria

The Washington-Virginia Railway will appeal from the decision of the State Corporation Commission of Virginia in awarding a certificate to the Alexandria Motorbus Company to operate its line from Alexandria to Washington in competition with the railway. The commission had the matterbefore it for more than a year. It appears that some time ago a permit was issued to operate the bus line. The bus company, however, did not receive it and, under the impression that authority had been denied to it, the company abandoned the line temporarily. Later, on discovering that the certificate had been awarded, the bus line asked for a hearing in the matter, and this was granted. In the meantime, the bus line, acquired by private parties, was being operated. The electric railway contended that the commission had exceeded its authority after the line had been abandoned in allowing a resumption of business. In the opinion in the case, the commission held that the bus line is a common carrier, that it has the usual rights to sell, buy, lease or operate, that private persons have the right to acquire such common carriers, and that the owner of the line is well within his rights to operate the line so long as he complies with the law pertaining to common carriers.

(E.R.J. Aug. 23,, 1924. P. 293)

Norfolk

In Commenting on the 7&3 decisions with respect to the regulation of jitneys in Norfolk, Va., and vicinity the Norfolk Dispatch said in part in its issue of April 12, 1923:

Two votes cast in Tidewater Virginia yesterday demonstrated the welcome fact that common sense is getting the upper hand in the matter of dealing with municipal and suburban transportation in general and with jitneys in particular.

Norfolk (Cont'd)

One of these votes was cast in Newport News by the people themselves, who, according to the jitney men and their apologists, are all for the jitneys and all against whatever railway may be operating in any given community. In Newport News the jitney men demanded the right to fix their own routes, while the city administration considered, of course, that jitney regulation should be in the hands of the Council. Under the charter of the city, the question was submitted to the voters. They voted against unregulated jitney operation and, by implication, for councilmanic regulation.

The other significant vote was cast unanimously by the members of Norfolk's Council, upholding the recommendation of the City Manager that jitney operation between Norfolk proper and Ocean View be prohibited. If there had been no public interest in the proposed line to Ocean View, Council's vote would not have been especially significant - because it was so obviously right. But the fact that numerous residents of Ocean View and the vicinity asked for the operation of such a line made Council's firm stand on the matter significant.

Council very wisely, and to the ultimate advantage of Ocean View and that entire section, decided that the jitneys must suspend and the railway must continue to give service - improved service, too.

(E.R.J. May 5, 1923, P.783.)

Richmond

The Common Council of Richmond, Va., on June 5 concurred in the action of the Board of Aldermen by passing the new jitney regulating ordinance and the Mayor signed it on June 8,1922. The ordinance will become effective on June 24, 1922.

The ordinance provides five routes, over which 515 jitneys may operate. These routes take care of demands in South Richmond, Church Hill, Fulton and the "fan" district in the West End. The South Richmond routes cover practically the same territory over which the jitneys now operate.

The "fan" route begins at Ninth and Grace Streets, to Belvidere, to Franklin, to Lombardy, to Hanover, to the Boulevard to Grove to Park to Laurel, to Franklin, to Ninth, to Grace, the point of beginning.

The only deviation from the routes is that permitted at Addison Street, when west-going automobiles may, when loaded, turn at that point, and return down town. Other deviations may be made on emergencies, when streets may be blocked, or when the Director of Public Safety may determine that the public good may be conserved, such as periods during the State Fair.

Richmond, (Cont'd)

No jitney operator may under the ordinance, when using "extended routes," charge more than 25 cents for any one fare. The regular fares fixed by the ordinance are: For the "fan" district, 8 cents; all other routes, 10 cents, except that school children cannot be charged more than 7 cents. Children under 5 years of age are to ride free.

The number of jitneys designated for each route are: "Fan" district, 200; Hull Street, 100; Semmes Avenue, ninety; Church Hill, seventy-five; Fulton and Fulton Hill, fifty.

Each person operating a jitney must procure liability insurance policies in the sum of $5,000 for injuries to one person; $10,000 for two or more persons, and $1,000 for property damages, and must procure license tax receipts of $25 for cars seating five passengers; $35 for cars seating seven passengers, and $50 for eight passengers and over.

(E.R.J. June 17, 1922, P. 984)

ANTI-JITNEY LEGISLATION

WASHINGTON

The Washington State Senate on February 20, 1917, passed the joint public utilities committee bill, providing for the regulation of jitneys by the State Public Service Commission.

(E.R.J. 3/3/17, Page 413.)

Everett

Eight motor buses have been purchasedby the Puget Sound International Railway & Power Company for use in Everett, Wash. They will be the first unit of a fleet of buseswhich will be operated by the railway company in motorization of the city.

A rival transportation company, John W. Hartman & Company, is now seeking a renewal of its franchise from Dec. 31, 1922 giving it permission to operate buses over certain streets. The railway by its amended franchise may operate a line parallel to that of the Hartman company, and maintains that it should be allowed a chance to develop its bus system, without a rival company operating in the city. The decision on the Hartman franchise will be held in abeyance until Dec. 25, 1922.

(E.R.J. Sept. 9, 1922 P. 374)

A new era in city transportation began in Everett, Washington on Dec. 1,1922 when the first gasoline-power buses replaced some of the electric street cars of the Puget Sound International Railway & Power Company with a 5-cent fare on the buses and on all electric lines, and the weekly $1 pass on all street car lines. The motor buses started on the Colby Avenue line first, the new service extending considerably beyond the outward terminal of the electric line, giving service to new territory.

(E.R.J. Dec. 23, 1922, P. 995)

Seattle

Jitneys have caused a battle in Seattle since September 1916, when an ordinance regulating jitneys was introduced in the City Council. This ordinance authorized the Superintendent of Public Utilities to issue certificates expiring on the last day of each year, indicating the route, terminals and schedule of operation. Appeal from the decision of the Superintendent of Public Utilities was to the Board of Public Works, with further provision for appeal to the City Council. The rates of fare provided were: adult passengers, 10 cents; children under twelve years of age, 5 cents.

On May 11, 1920 an ordinance (No.40886) was approved regulating jitneys which provided that application for permits

Seattle (Cont'd)

to operate should be investigated by the Superintendent of Public Utilities, who should submit report to theCity Council, which, in turn, should either grant or deny the permit. The permits were to specify route, terminals, schedule and rate of fare and the maximum number of passengers allowed to be carried in the car for which permit was granted. Permits were to expire on the last day of the year in which issued.

On June 9, 1920, a U.S. District Court held that the operation of jitney buses on streets could be denied or restricted, on the theory that, "the right to use the public streets of a city for the operation of jitney buses thereon as a private business is a matter of privilege, not of right, and can be prohibited by the city, or permitted, under such terms, including the regulation of fares, as the city may prescribe."

On July 6, 1920 there issued out of the Superior Court of King county in the case of H.P. McGlothern vs. City of Seattle, Restraining Order and Order to Show Cause, which prevented the City of Seattle from enforcing the provision of Ordinance No.40886.

On July 6, 1920, the City Council of the City of Seattle adopted the report of its city utilities committee which recommended that "all application then pending be denied," that "the Corporation Counsel be requested to prepare such ordinance as may be necessary to prohibit interurban buses from doing a local business within the city limits."

On July 19, 1920, temporary injunction was granted and order signed in the McGlothern case of July 6, 1920.

On August 14, 1920, the Superintendent of Public Utilities, as a compromise with the jitney interests, submitted to the City Council various jitney routes, the main purpose of which was to keep them away from the street car lines, thus providing service where there seemed to be a public demand. Owing to the fact that the jitney interests could not come to any agreement among themselves as to the routings to be approved, the whole matter of routing was dropped by the City Council.

On November 2, 1920, there was submitted to the electorate of the City of Seattle a measure initiated by the jitney interests, relating to the operation of jitneys which provided, in a mandatory way, for the issuance by the City Comptroller of permits immediately upon applications being filed and showing being made that surety bond required under Chapter 57 of the Laws of 1915, had been filed with the Secretary of State. The application was to specify the route, terminals and schedule. The vote on this initiative proposition was as follows: For 24, 1915; against 41,364.

On November 17, 1920, the Superior Court disposed of the temporary injunction in the case of McGlothern, by the entry of a judgment denying a permanent injunction. By appeal to the Supreme Court the city was prevented from enforcing this ordinance.

Seattle, (Cont'd.)

On July 20, 1921, the Supreme Court of the State of Washington, in the case of McGlothern concurred in by five of the nine judges of the court, upheld the city's power to regulate jitneys under Ordinance No. 40,886. In this case the Corporation Counsel secured an order in the Supreme Court modifying the terms of the temporary injunction so that there was no legal objection to the city's enforcement of the provisions of Ordinance No.40886 as to all persons except those in the case of McGlothern and the intervenors in his case.

On July 28, 1921, the Auto Driver's Union, members of which were not included in the McGlothern injunction, in a communication signed by its secretary indicated its willingness to accept the routes and regulations agreed upon by the Superintendent of Public Utilities.

On August 2, 1921, approximately 160 of the 220 jitneys operating in Seattle were advised by the city that they would not be allowed to operate after that date and on August 3, 1921, eighteen jitney drivers were arrested for operating without a permit and upon trial were fined $25 each.

On August 3, 1921, the attorney representing the jitneys which had been excluded from the public highways, appeared before the Supreme Court of the State of Washington and endeavored to secure an order allowing them to intervene in the McGlothern case, but their petition as granted was construed by the Corporation Counsel only to allow them to intervene as "friends of the court" and not to grant intervenor's rights.

On August 19, application for rehearing by the Supreme Court was filed by the plaintiffs in the McGlothern case. The result of the filing of this petition was to keep the temporary injunction in effect.

(E.R.J. 10/1/21)

The State Supreme Court on Sept. 2, 1921 denied the petition for a rehearing of a group of Seattle jitney drivers.

This decision upheld the order of the Superior Court and means the jitneys must leave the streets of Seattle. Their only recourse is to appeal to the United States Supreme Court where the chances for obtaining a review of the jitneurs' litigation against the city of Seattle is very remote, according to those familiar with the situation.

(E.R.J. Sept. 10, 1921, P. 412.)

The decision of the Supreme Court makes valid the jitney ordinance passed by the city council more than a year ago, and gives the city the right to place the jitneys under restriction, to require jitney drivers to obtain licenses and to keep jitneys off certain streets served by the municipally owned street railways.

Seattle (Cont'd)

The court, in dismissing the temporary restraining order, secured by the jitney men, holds that the city has power to control its streets.

(Wisconsin Public Utilities Bureau, Sept. 12, 1921.)

Jitney interests in Seattle recently took the only means left to them to escape temporarily the ban of the city, backed by the final order of the State Supreme Court, when they served notice that they will present to Chief Justice Emmit N. Parker of the State Supreme Court a petition for writ of error to the Supreme Court of the United States. As a result of this action, Chief Justice Parker directed that the final order of the State Supreme Court, vacating the injunction which now protects the Sound Transit Company buses, be held in abeyance until after this petition is heard in Olympia.

The city, expecting receipt of the final order, planned to put it into effect immediately and oust the jitney buses from the street. It was anticipated, however, that the jitney interests might endeavor to prolong their existence by an appeal to the federal court, and the city is prepared to resist this, contending that the case has no federal aspect, as pointed out by all court decisions rendered so far in the city's long battle with the jitneys.

A compromise proposal has been submitted to the City Council by the Auto Drivers' Union, whose buses are at present banished from city streets by the jitney regulatory ordinance, as the union drivers do not enjoy the protection of the McGlothern injunction. The union drivers proposed to limit their operation to long haul lines and to limit the number of buses operating there, where they would be in competition with the railway. The proposition was referred to the public utilities committee.

(E.R.J. Sept. 17, 1921. P. 457)

Following the Supreme Court decision the remittitur or final order vacating the McGlothern injunction was forwarded to Mayor Carl B. Reeves, Superintendent of Public Utilities.

He immediately notified the jitney drivers that they should clear the streets of their cars. The order was complied within an hours time, and without demonstration or difficulty of any kind.

(E.R. J. Oct. 1, 1921, P. 571)

The Supreme Court of the United States on Nov. 9, 1921 upheld the right of the city of Seattle, Wash., to oust the jitneys from the city streets.

A further development in the jitney situation is the resumption of operations by the jitneys owned by the Sound Transit

Seattle, (Cont'd)

Company, under a certificate of neceasity issued by the State Board of Public Works at Olympia permitting the company to operate stages from Roosevelt Heights in the Cowen Park District into the business section.

Armed with a legal opinion from Corporation Counsel Walter F. Meier to the effect that the jitneys were being unlawfully operated, Superintendent of Public Utilities Carl H. Reeves, ordered their operations stopped. The company again resumed operations when a temporary restraining order was issued by Judge Brinker in the Superior Court, giving the jitneys operating to Roosevelt Heights protection until Nov. 14.

W.R. Crawford, representing the jitney interests, alleges that the company had made proper application for a certificate of necessity, specifying the termini of the proposed stage route, and a schedule of tariffs, and that the certificate was duly granted by the State Department of Public Works at Olympia; that the jitneys commenced operation under this authority, and that one driver was subsequently arrested and the other 26 drivers operating were threatened with arrest.

The city legal department takes the stand that the certificate of necessity granted to the jitney drivers contains a clause which specifically states that the buses shall be subject to the existing ordinances of the city, and Corporation Councel Walter F. Meier has issued an opinion that the certificate of convenience and necessity granted by the State Board of Public Works did not supersede an existing city ordinance to regulate service within the city.

In support of this opinion, a statement has been made by E.V. Kuykendall, director of the State Board of Public Works to the effect that the city of Seattle has sole authority in regulating jitney service.

The board holds that it has no jurisdiction over city streets and is unable to fix routes or termini of stage lines within the city limits. The Department of Public Works was compelled to grant the certificate, according to Director Kuykendall, because of the uncontroverted showing that the Sound Transit Company had been in legitimate operation between Roosevelt Heights and Seattle on and prior to Jan. 15 last.

(E.R.J. Nov.19, 1921 P. 926)

The city of Seattle recently won another angle of its legal fight against jitney buses in the city, when Judge J. T. Ronald, in the Superior Court, denied the application of twenty residents of the Cowen Park district for a writ compelling the Sound Transit Company to operate its Cowen Park and Roosevelt Heights jitney stages. The Cowen Park people were seeking to compel the company to comply with a certificate of necessity issued by the State Department of Public Works, which the company

Seattle (Cont'd)

has contended requires continuous service for the two districts.

T.J.L. Kennedy, first assistant corporation counsel, who appeared for the city as a friend of the court, declared the Sound Transit Company holds no franchise under which it is obligated to furnish transportation, and that only the State Department of Public Works, which issued the certificate, has jurisdiction to judge whether the company is fulfilling the terms of such certificate. Judge Ronald held that, there being no franchise, he could not compel the company to operate its buses.

(E.R.J. Dec. 24, 1921, P. 1131)

Seattle's bus problems again came before the State Supreme Court at Olympia recently, when Chief Justice E.N. Parker issued an original writ of mandate requiring Judge Walter M. French to appear before the Supreme Court on March 31 to show cause why he, as judge of the Superior Court of Kings County, should not assume jurisdiction in the matter of the application of the Seattle & Rainier Valley Railway, Seattle, Wash., for an injunction to prevent the further operation of automobile buses by H.E. Knowles, in competition with the railway's operations inside the city limits of Seattle. Judge French recently refused to assume jurisdiction in the case brought by the railway, which charges that Knowles, operating a stage line between Seattle and Renton under a certificate of public convenience and necessity from the department of public works, is operating only a few trips each day through to Renton, but is running cars on a schedule closely paralleling the railroad's operation between the downtown terminal and the Seattle city limits. Judge French held that this was a matter for the department of public works to handle.

(E.R.J. March 25, 1922, P. 543)

Protests against the new time schedule filed recently by H.E. Knowles, operating jitney buses between Seattle and Bryn Mawr and Seattle and Rose Street, under his Seattle-Renton certificate, have been filed with the street department of public utilities at Olympia by the Seattle & Rainier Valley Railway and the Seattle-Renton stage lines. The railway protests that the time schedule shows an operation entirely within the city limits, between Seattle and Graham Street; that the railway service is adequate, that Knowles is operating without proper authority from the state, and that the department has no authority to permit the filing of a time schedule for strictly city operation. The stage lines' protest is based on the claim that Knowles is not a good faith operator, and has no right on the run. Knowles in his time schedule proposes one round trip per day between Seattle and Renton, forty-three extra trips between Seattle and Bryn Mawr, and fifty extra trips between Seattle and Rose Street.

(E.R.J. Aug. 19, 1922, P. 277)

Seattle (Cont'd)

The Rainier Valley Railway, Seattle, Wash., has entered strong protest with the public utility committee against the granting of the application of C.E.White for a jitney permit to operate over Rainier Avenue from Rainier Beach to Fourth Avenue and Stewart Street, on the ground that the competition would reduce revenues to such an extent that its present service could not be maintained. The railway submitted a proposition to operate a bus from Rainier Beach to the top of the hill, a route of about 1 mile, in conjunction with its railway and submitted a petition signed by approximately 5,000 residents.

(E.R.J. Sept.9,1922 P. 374)

Spokane

The first jitney began operation in Spokane in January 1915 and the service rapidly increased until 63 cars were in operation by January, 1917, thereafter service dropped off as rapidly as their permit expired. During part of the year of 1919 jitney service was discontinued entirely but on January 23, 1920, a new route was selected and over which 3 buses now operate.

As a result of a new law passed in the recent Legislature no stage lines or jitneys can be operated outside the city of Spokane, Wash., without a certificate of necessity issued by the State Public Service Commission. Stage lines now in operation within the city are not included in the new ruling.

(E.R.J. April 2, 1921, P. 661)

The Washington Public Service Department in May, 1921, issued an order granting the appeal of the two Spokane railways, the Washington Water Power Company and the Spokane and Eastern Railway & Power Company for an increase in fare from 6 cents to 8 cents.

The City Commissioners through the Mayor had previously announced that in the event of such decision by the State, the city would release the jitneys in competition with the railways. In June the jitneys began running.

A committee of representative citizens protested against the city's stand and secured a promise from the railways of a 7 cent fare dependent on the purchase of tickets, five for 35 cents. This compromise order was rejected and the jitneys released.

An official of the railway stated that so far as his company was concerned, the loss of patronage due to the jitneys, had been fully offset by the taking off of the tripper service. The tripper cars on this line are all two-man cars, so that with the increase in fare, the decrease in the payroll, the decrease in other costs and the sale of power for commercial uses, the traction company was just where it had been before.

(E.R.J. 8/20/21)

Spokane (Cont'd)

In August Spokane agencies were forbidden by the surety companies to bond jitneys as the chance of accident was too great. In order to furnish the $5,000 bond required by the city, a mutual association was hastily formed which issued bonds for the liability of the jitneys at a rate practically the same as for other automobile liability.

(Spokane Chronicle, Aug.21,1921)

Jitneys were emphatically turned down by citizens of Spokane, Wash., in favor of the electric railway at a special election held on May 2, 1922. The vote was 15,495 to 7,204. The charter amendment now approved will eliminate jitneys on December 31, 1922, and make possible the consolidation of the local railway lines of the Spokane & Eastern Railway & Power Company and the Washington Water Power Company.

Application for a franchise to run for twenty-five years was made by the Spokane United Railways, the successor company under the consolidation, on May 5, 1922 three days after the election. This franchise was given its first and second readings at a meeting of the City Council on May 8, 1922. The new company will take over trackage and equipment of both the Washington Water Power Company and the Spokane Traction Company, included in the system of the Spokane & Eastern Railway & Power Company. Parallel lines are to be eliminated according to the agreement reached with the City Council prior to the election. A 6-cent ticket with universal transfer is to go into effect on June 30, 1922 in place of the present 8 cent fare and no transfers between the two systems.

(E.R.J. May 13, 1922 P. 811)

Jitney operators in Spokane, Wash., have decided to contest the clause in the new railway franchise which terminates jitney operation on Jan. 1, 1923. The men base their claim on the ground that it was understood the jitney business was a permanent one when they invested in it. Opposed to this statement was Mayor Fleming, who contends that all jitney operators knew that the future of their business depended on the outcome of the railway situation. Corporation Counsel Geraghty said that he saw no chance for the jitneys to run in opposition to the ruling of the City Commission because twice the Supreme Court had upheld the right of the city to exclude jitneys.

(E.R.J. June 3, 1922, P. 915)

Tacoma

According to an ordinance passed by the City Council of Tacoma, Wash., recently, free or donation buses will be allowed to operate in that city. The ordinance provides that all operators of the free or donation jitneys shall take out permits from the city clerk's office, and shall keep on file a bond of $2,500. No fare is fixed, patrons or the buses donating whatever they please. The ordinance defining and regulating the new form of

Tacoma (Cont'd)

transportation in Tacoma was introduced by Mayor A.V.Fawcett. The measure received the unanimous vote of the Council.

(E.R.J. 2/9/18, P. 298)

The city of Tacoma, Wash., will soon have one of the most convenient union bus stations on the Pacific coast. With this end in view the work of remodeling the building at Pacific Avenue and Eighth Street is now being completed. Motor buses for Olympia, Seattle, Puyallup, Sumner and other towns will load and unload their passengers there from an inside platform connecting with the ticket offices., Commodious waiting roomswill face the ticket offices. A restaurant and small shops will be located in the building. The bus station will be open to any bus company which wants to operate from it. The motorbus business in Tacoma has developed so rapidly during the last year that the move to make a union bus station in a central location became necessary.

(E.R.J. Mar.26/21 P. 617)

The city of Tacoma has undertaken the regulation of jitneys operating on its streets, the applications for permits having shown a marked increase ánce their ousting from Seattle streets. The Council has granted a number of permits for jitneys, after they were recommended by Commissioner Fred Shoemaker, who passes upon all applications. The jitney routes avoid following street car lines as nearly as possible. Where the electric railway has not provided service, the city has given the jitneys full power to operate. Open hostilities between the platform men of the Tacoma Railway & Power Company and jitney drivers broke out following the granting by the City Council of a number of petitions to operate jitneys.

(E.R. J.Oct.29, 1921 P. 801)

Permission for the operation of four large buses over the Sixth Avenue car route in Tacoma, Wash., in competition with the Tacoma Railway & Power Company's cars, has been granted by the City Council on recommendation of Mayor A.V.Fawcett. The move was the Mayor's answer to the proposed new franchise submitted by Richard T. Sullivan, manager of the railway, which did not meet with the approval of the Mayor. The Council voted unanimously for the bus permits. The buses will operate on a 5 cent fare, with eighteen hours of service, starting at 6 a.m. at fifteen-minute intervals.

(E.R.J. July 19, 1924 P. 102)

Under an amendment to the "for hire" vehicle ordinance passed recently by the Tacoma City Council jitneys can be licensed for periods of five years hereafter instead of only one year.

Tacoma (Cont'd)

Mayor A.V. Fawcett was sponsor for the new provision, asserting that his owners were unwilling to make the investment necessary for high-class buses with licenses running only one year and that he "needed more leverage to make the Tacoma Railway and Power Company do the right thing by Tacoma."

The amendment also carried a provision requiring the consent of the Council to the transfers of licenses.

(E.R.J. Sept. 13, 1924, P. 405)

At a recent hearing in Tacoma, Wash., conducted by F.R. Spinning, assistant director of the Department of Public Works, on the application of the Tacoma-Day Island Transit Company for a certificate of public necessity to operate a bus line between downtown Tacoma and Day Island, via Regents Park, University Place and Oakland Station, a division of public opinion was evident. Residents along the route of the proposed loop bus service expressed a desire to have the bus line, but feared that institution of bus service might mean immediate or eventual discontinuance of railway service. W.G. Rounds, superintendent of the Tacoma Railway & Power Company, stated that his company did not plan to discontinue its line to University Place, but that it would not consider any extension of the line. The bus company proposes to install a service of six trips a day on loop service each way; the railway is now operating on hourly schedule with half-hourly service at rush hours. The case was taken under advisement.

(E.R.J. July 26, 1924, P. 144)

ANTI-JITNEY LEGISLATION

WEST VIRGINIA

Regulation of buses by municipalities in West Virginia, which is provided by a law recently passed by the Legislature, is not successful, according to Senator White. The city authorities, under the law, have the authority to license taxi-cabs and buses which operate between fixed terminals in the State, and thus regulate the traffic on their own streets. Senator White stated that supervision is much less difficult when the entire control is exercised by the State board. He predicted an amendment to the law soon which would give entire control of bus operation to the state board.

(Bus Transportation, April, 1922)

The Charleston Interurban Railroad, Charleston, W.Va., is understood to be opposed to letting the buses of the Midland Trail Motor Transit Company into Charleston as a parallel and competing transportation line.

A hearing was held recently by F.O. Sanders, supervisor of motor bus traffic, on the Midland Trail Motor Transit Company's application, for an extension of its franchise. The company operates between Huntington and St.Albans to a connection with the interurban railroad cars between Charleston and St.Albans. If the bus line is given an extension its buses will come in over the South Charleston Bridge alongside of the interurban cars.

(E.R.J. Aug. 9, 1924, P. 217)

Wheeling

Buses first appeared in competition with Wheeling Traction cars on March 12, 1921, and last turned their wheels on November 25, 1923. From a maximum of twenty-five buses in operation in the summer of 1921, the competition gradually dwindled down, until but five remained during the last few weeks before a receivership ended the whole demonstration.

The buses started as a result of a chain of circumstances that seemed to invite uninitiated operators to enter the business. Wild-cat jitneys in many parts of the country apparently were doing well. Up to that time neither Ohio nor West Virginia had attempted to regulate bus transportation or protect the existing agencies of travel. The Wheeling Traction Company had made an increase in fares in December, 1920, which, though not large, involved rezoning of the system and naturally changed the accustomed fare limits of the riders.

The business depression, which had been creeping upon the country since the summer of 1920, reached Wheeling early in February, 1921, with unusual suddenness. The steel mills promptly shut down and men were thus our of their own work. The buyer's

Wheeling (Cont'd)

strike which precipitated the slowing down or hesitation in business produced a near panic among the merchants. Automobile and truck dealers in that district particularly were overstocked with equipment and parts and were obliged to find an outlet for their goods. Equipment was therefore offered on very favorable terms. Furthermore, many truck operators who had been making a fair living handling merchandise began to cast about for new business.

Itis well understood that the electric railway's business does not fluctuate in such marked manner as the non-utility industries. Although the traction system suffered a loss in revenue of approximately 15 per cent, due directly to the business depression, no material change was made in operating schedules. The reduced riding was not sufficient to be noticeable to the casual observer. The bus promoters and jitney owners did not realize the true conditions and fancied that there was ample business to be had at the rates they proposed to make effective.

Wheeling is the center of an important industrial district. Within a half-hour ride are the principal towns of Benwood, McMechen and Warwood on the West Virginia side of the river, and Bridgeport, Martin's Ferry and Bellaire on the Ohio side. The first bus placed in service was sponsored by a resident of Martin's Ferry, who owned a garage and had had four years experience as a taxicab operator. The date of starting was March 12, 1921, and one ultimate machine seating sixteen people was operated between Martins Ferry and Wheeling at a comparatively low rate of fare. From the standpoint of patronage the venture was an immediate success, and consequently a second ultimate bus appeared on March 17, 1921. Thereupon the ultimate Bus Company was organized and heralded as a savior of the common people from the "predatory" corporations.

The traction company had been misunderstood by town councils and the public generally in Martins Ferry and Bellaire because of efforts to secure franchises free from the burdensome requirements so common in the early street railway grants. The atmosphere was charged with a feeling of bitterness at the time, and the competition that was offered to rail lines was enthusiastically welcomed. Moreover, the bus company offered common stock to the residents of the towns served, and thus the people had the opportunity of participating in the management and expected profits of the business.

This apparent success encouraged other bus activities in and around Wheeling. Most of these, however, were of a makeshift character, using light, unsuitable cars. The equipment was inadequate and, with no definitely organized and scheduled routes, the competition between the buses themselves proved very destructive; so that only the strongest operators survived.

The traction company logically protested this uneconomic competition, but could not obtain the necessary protection under the prevailing laws or ordinances. It could not even prevent

Wheeling (Cont'd)

buses making their runs just ahead of the street cars in order to pick up waiting trolley passengers.

The good roads law of West Virginia, among other provisions, made it necessary before a bus could be operated over state highways that a certificate of public convenience be secured from the Good Roads Commission. This did not preclude city operation or interstate travel when West Virginia state highways were not used. Thus lines between Wheeling and Ohio Points were outside the pale of authority of the Good Roads Commission.

For safety in travel and in order to equalize taxation an ordinance was passed by the city of Wheeling imposing a seat-mile license tax and requiring rear doors, specifying the routes and regulations and stopping points but it did not prevent competitive operations. Unfortunately, the Ultimate Bus Company used Wheeling streets only as a terminal and very little of its mileage was inside thecity, so that the city tax was not an effective remedy.

In the early stages of the competition there were certain clashes between the companies, due to disputed rights and privileges, but after the late summer of 1921 no further open conflicts were evident. The traction company realized that the traffic would not support both bus and rail services and therefore adopted the policy of giving the buses enough latitude to permit them to wear themselves out promptly.

By midsummer only the Ultimate Bus Company had survived under the rates of fare which had been inaugurated. The revenues evidently were not sufficient to pay expenses and satisfactorily maintain the equipment. After the disappearance of the "tramp" buses, operated by individual owners competing with each other and not attempting to cover specified routes or operate on definite schedules , the technical position of the Ultimate Bus Company evidently improved.

The traction service still attracted the major part of the riding and during the winter the buses became less and less popular. To anyone acquainted with the transportation business it was realized that the bus operations as conducted in the Wheeling district could continue but a comparatively short time. The buses were wearing out. During April, 1923, the bus company was operating fourteen buses, the maximum number which it ever operated.

Six of these buses ran to Bellaire and six to Martins Ferry, while the other two were held in reserve. In July four were withdrawn from service, and shortly after the big Wheeling Fair in September the total number of buses remaining in operation was reduced to five. The service was finally discontinued entirely on Thanksgiving Day.

(E.R.J. March 1, 1924 P. 335)