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## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT FARM CREDIT ADMINISTRATION

[FCA 137]

#### PROCEDURE FOR CONSOLIDATION OF NATIONAL FARM LOAN ASSOCIATIONS

1. Subsections (1), (3), and (4) of section 11.2228 of Title 6, Code of Federal Regulations, are amended to read as follows:

"(1) *Agreement and articles of association; action by directors.* The board of directors of each of the associations proposing to consolidate (which associations are hereinafter termed the constituent associations) shall at a regular or duly called meeting adopt a resolution authorizing its president or vice president to execute on behalf of the association subject to the approval of the members, an agreement of consolidation, specifying the terms on which the associations shall be consolidated, and also to execute appropriate articles of association for the organization of a consolidated national farm loan association, and authorizing the secretary-treasurer of the association to do all acts necessary to effect the consolidation."

"(3) *Action by stockholders.* Meetings of members of each constituent association shall be called for the purpose of considering the consolidation and the adoption of a resolution ratifying and approving both the resolution which the directors have adopted with respect to the consolidation and the agreement of consolidation and articles of association executed by the officers on behalf of the associations. Where one or more of the constituent associations are operating under section 25 (b) of the Farm Credit Act of 1937 and have ten or more borrowers admitted to membership in the association pursuant to that section whose loans are in good standing, as

defined by the Farm Credit Administration, and aggregate not less than \$20,000, separate meetings shall be called in each such association of the members holding association stock which was issued prior to the date on which the first member was admitted to the association pursuant to said section 25 (b) and of the members who were admitted pursuant to that section. The members of the association, if any, who have not been issued stock because their loans are not in good standing, as defined by the Farm Credit Administration, shall be eligible to vote with other members admitted pursuant to section 25 (b). The approval of two-thirds of the members present and voting at each meeting at which the consolidation is considered, provided a quorum under the association's bylaws is present, shall be necessary before the consolidation can be effected. The notices of the meetings must contain a statement that a consolidation will be voted on.

"(4) *Examination of associations; exception.* Each of the constituent associations shall be examined as soon as possible after the consolidation agreement has been approved by the members of all the constituent associations, unless the Farm Credit Administration, upon recommendation of the Federal land bank of the district, shall decide that such an examination is not necessary. In cases where the bank believes that a special examination would not be justified, it should ask at the time the consolidation is submitted for final approval that the examination be dispensed with and should give its reasons for the request."

(Sec. 6, 47 Stat. 14, Sec. 29, 39 Stat. 381; 12 U.S.C. 665, 965) [Revision No. 67, Manual for Federal Land Banks, June 5, 1939]

[SEAL]

A. S. Goss,  
Land Bank Commissioner.

[F. R. Doc. 39-1957; Filed, June 6, 1939; 12:01 p. m.]

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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

#### NOTICE UNDER PACKERS AND STOCKYARDS ACT<sup>1</sup>

JUNE 5, 1939.

To MONTEVIDEO LIVESTOCK SALES, INC.,  
Montevideo, Minn.

Whereas, the Montevideo Livestock Sales, Inc., Montevideo, Minn., was posted on Nov. 2, 1937,<sup>2</sup> as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Montevideo Livestock Sales, Inc., is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Montevideo Livestock Sales, Inc., at Montevideo, Minnesota, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-1945; Filed, June 6, 1939; 9:44 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

#### PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### ADOPTION OF REVISED RULE U-3A3-1 AND FORM U-3A3-1

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (a) (3), 3 (a) (4) and 12 (f) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c; c. 687, sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 791], and finding such action appropriate in the public interest and in the interest of investors and consumers the Securities and Exchange Commission hereby rescinds Form U-3A3-1 [Sec. 17, U-3A3-1], designated "Adopted March 1, 1939", and adopts a revised Form U-3A3-1 [Sec. 17, 1939", and amends paragraphs (a), (c)

<sup>1</sup> Modifies list posted stockyards 9 CFR 204.1.

<sup>2</sup> 2 F.R. 2278.

and (e) of Rule U-3A3-1<sup>1</sup> [Sec. 15.U-3A3-1] to read as follows:

(a) The term "bank" as used in this Rule shall mean (1) a banking institution organized under the laws of the United States, (2) a banking institution or trust company which is subject to regulation or examination under the laws of any State or of the District of Columbia and which is primarily engaged in the commercial banking business or in the business of exercising fiduciary powers, or both, or (3) a receiver, conservator, or other liquidating agent of any of the foregoing in his capacity as such. Other terms used in this Rule shall have the meaning indicated in item 6 of the Instructions to Form U-3A3-1 [Sec. 17.U-3A3-1], designated "Adopted May 31, 1939".

(c) No bank shall be exempt from any obligation, duty or liability imposed by the Act upon such bank as a holding company unless the bank shall, within thirty days after the last day of February and August in each year, prepare and file in good faith with the Commission a statement on the revised Form U-3A3-1 [Sec. 17.U-3A3-1], designated "Adopted May 31, 1939", containing the information therein specified and any further relevant information which the Commission may require. No report need be filed on the form designated "Adopted March 18, 1936" or on the form designated "Adopted March 1, 1939" for the period ending May 31, 1939.

(e) This Rule shall become effective as of May 31, 1939 and the first report thereon shall be for the 6-month period ending August 31, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1942; Filed, June 5, 1939; 4:09 p. m.]

#### PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### AMENDMENT OF RULE U-9A2-1

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (d) and 20 (a) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c; c. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 791], and finding such action appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby amends Rule U-9A2-1 [Sec. 15.U-9A2-1] to read as follows:

§ 15.U-9A2-1 (Rule U-9A2-1) Exemption of Certain Banks From Section 9 (a) (2).<sup>2</sup> Any bank which, pursuant to Rule U-3A3-1 [Sec. 15.U-3A3-1], is exempt from any of the obligations,

<sup>1</sup> 4 F.R. 1108 DI.

<sup>2</sup> C. 687, sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 791.

duties, or liabilities imposed upon such bank as a holding company, shall be exempt from any obligations, duties, or liabilities imposed upon such bank as an affiliate by Section 9 (a) (2) with respect to—

(a) Any acquisition by such bank of securities described in paragraph (b) of Rule U-3A3-1 [Sec. 15.U-3A3-1], regardless of whether such bank is or thereby becomes, directly or indirectly, the beneficial owner of 5% or more of the outstanding voting securities of the issuer;

(b) Any acquisition of a security other than a voting security; or

(c) Any acquisition of a voting security by such bank if such bank is not or does not thereby become, directly or indirectly, the beneficial owner of 5% or more of the outstanding voting securities of the issuer of such security. Effective upon publication.<sup>1</sup>

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1941; Filed, June 5, 1939;  
4:09 p. m.]

#### TITLE 24—HOUSING CREDIT

##### FEDERAL HOME LOAN BANK BOARD

##### AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

##### PROVIDING FOR APPRAISALS UPON LOANS BE- YOND 50 MILES FROM THE HOME OFFICE OF A FEDERAL SAVINGS AND LOAN ASSOCIA- TION

*Be it resolved*, That, no hearing having been requested in accordance with the provisions of paragraph (d) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System after opportunity therefor had been allowed in accordance with paragraph (b) thereof, subparagraph (1) of paragraph (c) of Section 203.12 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective June 6, 1939, to read as follows:

(1) The real estate security for any such loan shall be appraised as directed by the charters; and the compensation of the appraisers shall not be affected by the granting or declining of the loan. (Sec. 5 (a), (c) of HOLA of 1933, 48 Stat. 132, Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a), (c) and Sup.)

Adopted by the Federal Home Loan Bank Board on June 5, 1939.

[SEAL]

R. L. NAGLE,  
Secretary.

[F. R. Doc. 39-1953; Filed, June 6, 1939;  
11:31 a. m.]

<sup>1</sup> June 5, 1939.

##### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

##### AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

##### PROVIDING THAT IF AN INSURED INSTITUTION OPERATES BRANCH OFFICES ALL BRANCH OFFICE ADVERTISING SHALL STATE THE LO- CATION OF THE INSTITUTION'S PRINCIPAL OFFICE

*Be it resolved*, That paragraph (e) of Section 301.7 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective June 6, 1939, by adding a new sentence at the end thereof to read as follows:

When an insured institution is operating a branch office or offices, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution. (Sec. 403 (b) of NHA, 48 Stat. 1257, Sec. 23, 49 Stat. 298; 12 U.S.C. and Sup. 1726)

*Be it further resolved*, That this amendment is deemed to be of a minor character within the provisions of paragraph (c) of Section 201.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on June 5, 1939.

[SEAL]

R. L. NAGLE,  
Secretary.

[F. R. Doc. 39-1954; Filed, June 6, 1939;  
11:31 a. m.]

##### AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

##### PROVIDING FOR APPRAISALS UPON LOANS BE- YOND 50 MILES FROM THE PRINCIPAL OFFICE OF AN INSURED INSTITUTION

*Be it resolved*, That, no hearing having been requested in accordance with the provisions of paragraph (d) of Section 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor had been allowed in accordance with paragraph (b) thereof, subparagraph (2) of paragraph (d) of Section 301.11 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective June 6, 1939, to read as follows:

(2) It must be appraised by at least two qualified persons and the compensation of such persons shall not be affected in any way by the granting or declining of the loan. (Sec. 403 (b) of NHA, 48 Stat. 1257, Sec. 23, 49 Stat. 298; 12 U.S.C. 1726 and Sup.)

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on June 5, 1939.

[SEAL]

R. L. NAGLE,  
Secretary.

[F. R. Doc. 39-1955; Filed, June 6, 1939;  
11:31 a. m.]

#### TITLE 47—TELECOMMUNICATION

##### FEDERAL COMMUNICATIONS COMMISSION

##### CHAPTER XVII—RULES GOVERNING THE CONSTRUCTION, FILING AND POSTING OF SCHEDULES OF CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICE

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##### PART 220—APPLICATION

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§ 220.01 *Application; Effective date.* Every tariff, supplement, revised page, additional page, instrument of concurrence, notice of revocation, adoption notice and any other schedule of charges or regulations, which is filed with the Commission on and after the first day of September, 1939, pursuant to Section 203 of the Communications Act of 1934, as amended, shall conform to the rules published herein.\*†

##### PART 221—DEFINITIONS

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§ 221.01 *Act.* The term "act," whenever used herein, means the Communications Act of 1934, as amended.\*†

§ 221.02 *Charges.* The term "charges," whenever used herein, shall be construed to include rates.\*†

§ 221.03 *Commission.* The term "Commission," whenever used herein, means the Federal Communications Commission.\*†

§ 221.04 *Concurring carrier.* The term "concurring carrier," whenever used herein, means a carrier (other than a connecting carrier) subject to the Act which concurs in and assents to schedules of charges and regulations filed on its behalf by an issuing carrier or carriers.\*†

§ 221.05 *Connecting carrier.* The term "connecting carrier," whenever used herein, means a carrier described in clause (2) of section 2 (b) of the Act.\*†

\*Promulgated under the authority contained in Sec. 203 (a), 48 Stat. 1070; 47 U.S.C. 203 (a).

†Adopted by the FCC on May 31, 1939, to become effective Sept. 1, 1939.

§ 221.06 *Issuing carrier.* The term "issuing carrier," whenever used herein, means a carrier subject to the Act which publishes and files a tariff or tariffs with the Commission.\*†

§ 221.07 *Posted.* The term "posted," whenever used herein, means kept in a convenient place accessible to the public for public inspection.\*†

§ 221.08 *Regulations.* The term "regulations," whenever used herein, shall be construed to include rules, practices and classifications.\*†

§ 221.09 *Submarine cable.* The term "submarine cable," whenever used herein, means deep sea cable used in trans-oceanic communications.\*†

§ 221.10 *Tariff publication.* The term "tariff publication," or "publication," whenever used herein, means a tariff, supplement, revised page, additional page, instrument of concurrence, notice of revocation, adoption notice, or any other schedule of charges or regulations.\*†

#### PART 222—IN GENERAL

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§ 222.01 *Application.* The rules contained in this Part shall apply to all tariff publications.\*†

§ 222.02 *Publications to be sent to Secretary, FCC.* Publications sent for filing shall be addressed to "Secretary, Federal Communications Commission, Washington, D. C."\*†

§ 222.03 *Letters of transmittal.* All publications filed with the Commission shall be accompanied by a letter of transmittal, 8½ by 11 inches in size, in form substantially as follows:

(Exact name of carrier in full)  
TARIFF DEPARTMENT,  
(Post Office Address)  
\_\_\_\_\_, 19\_\_\_\_  
(Date)

Transmittal No. \_\_\_\_  
SECRETARY,  
Federal Communications Commission,  
Washington, D. C.

(Attention: Section of Tariffs.)

The accompanying tariff (or other publication) is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended, issued by \_\_\_\_\_, and bearing FCC.

(Carrier)  
No. \_\_\_, effective \_\_\_\_\_, 19\_\_\_\_ (Suppl.  
No. \_\_\_, to FCC No. \_\_\_, effective \_\_\_\_\_,  
19\_\_\_\_) (\_\_\_ revised page \_\_\_ of FCC No. \_\_\_,  
effective \_\_\_\_\_, 19\_\_\_\_) (FCC. Concur-  
rence No. \_\_\_, effective \_\_\_\_\_, 19\_\_\_\_)  
etc.

(Name of issuing officer)  
\_\_\_\_\_  
(Title)

A separate letter of transmittal may accompany each publication, or the foregoing form may be modified to provide

for filing with one letter as many publications as can be conveniently entered.

NOTE: If receipt for accompanying publication is desired, the letter of transmittal must be sent in duplicate. One copy showing the date of receipt by the Commission will then be returned to the sender.\*†

§ 222.04 *Two copies to be furnished.* Carriers shall transmit to the Commission two (2) copies of each publication, both copies to be included in one package and under one letter of transmittal.\*†

§ 222.05 *Delivered free of charges.* No tariff publication will be received by the Commission unless it is delivered free from all charges, including claims for postage.\*†

§ 222.06 *Not returned unless rejected for cause.* Tariff publications which have been tendered to the Commission for filing or which have been received by the Commission in the ordinary course of business will not be returned to carriers, unless rejected for cause.\*†

§ 222.07 *Erasures and alterations; Margins.* Erasures or alterations in writing shall not be made in any tariff publication filed with the Commission or in those posted for public convenience, and a sufficient margin without any printing thereon shall be allowed at the binding edge of every tariff and supplement so that, when the book or binder containing the tariff or supplement is open, all printed matter on each page will be clearly in view and legible, but the margin shall in no event be less than five-eighths of an inch in width.\*†

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§ 233.01 *Application.* In addition to the rules contained in Part 222, the rules contained in this Part shall apply to all tariffs and supplements.\*†

§ 223.02 *Form, size, type, legibility, etc.* All tariffs and supplements shall be in book, pamphlet, or loose-leaf form of size 8½ by 11 inches, and shall be plainly printed on hard calendered, No. 1 machine-finished book or 20-pound bond paper of durable quality. Type of size not less than 6-point shall be used, except as provided in Sec. 223.04 (a). Stereotype, planograph, mimeograph, or other process equally durable may be used, provided that the copies posted and filed are clear and legible in all respects. Reproductions by hectograph, typewriter or similar process shall not be used.\*†

§ 223.03 *To be numbered consecutively.* Each carrier shall, so far as practicable, file tariffs under consecutive FCC numbers. If for any cause this cannot be done, the tariff which is filed bearing an FCC number that is not consecutive with the last number filed shall be accompanied by a memorandum containing an explanation of the missing number or numbers. Supplements to a tariff shall be numbered consecutively.\*†

§ 223.04 *Title page, contents and arrangements.* The title page of every tariff and supplement shall show in the order named:

(a) *FCC number, indication of cancellations.* On upper right-hand corner, the designation of the tariff or supplement as "FCC No. \_\_\_\_", or "Supplement No. \_\_\_\_ to FCC No. \_\_\_\_", in not less than 12-point bold face type, and immediately thereunder the FCC number or numbers of tariffs or supplements canceled thereby. If the canceled issues are so numerous as to render it impracticable thus to enter the numbers thereof on the title page, the numbers thereof shall be shown immediately following the table of contents and specific reference to that fact shall be entered on the title page directly under the FCC number. Each supplement shall specify on its title page the supplement or supplements which it amends.

(b) *Name of carrier, class of service, geographical application, means of transmission.* The exact name of the carrier, including a receiver or receivers, if any, issuing the tariff or supplement; a brief statement showing each class of service provided therein; the geographical application of the tariff or supplement; and whether such service is carried on by wire or submarine cable telegraph, wire or submarine cable telephone, radiotelegraph or radiotelephone.

(c) *Issue, effective and expiration dates.* Date of issue in lower left-hand corner, and date effective in lower right-hand corner. When the entire tariff or supplement is to expire with a fixed date the expiration date shall be shown in connection with the effective date in the following manner:

"Expires with \_\_\_\_\_ (date) unless sooner cancelled, changed or extended."

Every tariff or supplement which contains charges or regulations effective upon a date different from the general effective date of such tariff or supplement shall show on its title page the following notation: "Effective \_\_\_\_\_, 19\_\_\_\_ (except as otherwise provided herein)" or "(Except as otherwise provided on page \_\_\_\_\_)".

(d) *Special notations.* A notation that the tariff or supplement is "Issued on not less than \_\_\_\_\_ days' notice under authority of \_\_\_\_\_ (here give specific reference to special permission, decision, order or rule)", provided authority to publish all of the charges and regulations contained in the tariff or supplement on less than thirty days' notice has been granted by the Commission.

When an entire tariff or supplement is issued in compliance with a decision or order, and regardless of whether it is made effective on statutory notice or on less than statutory notice under special authority granted in the decision or order, such tariff or supplement shall bear on its title page the notation "In compliance with decision (or order) of Federal Communications Commission in Docket No. \_\_\_\_\_ (Whenever possible, the volume and page number of the report of the Federal Communications Commission should be cited)".

(e) *Name, title and address of issuing officer.* The name, title and street address of the officer issuing the tariff or supplement.\*†

§ 223.05 *Composition of tariffs.* Tariffs shall contain, in the order named, the following:

(a) *Table of contents.* A full and complete statement showing the exact location and specifying the page or section and page numbers, where information by subjects under general headings in alphabetical order, will be found. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its con-

tents, the table of contents may be omitted.

(b) *List of concurring carriers.* The exact name or names of the concurring carriers, alphabetically arranged, concurring in the tariff. See Sec. 226.01. If the carriers so concurring are numerous, the names thereof may be stated in alphabetical order in a separate tariff filed with the Commission, provided that specific reference to such separate tariff by FCC number is made in the tariff at the place where such names would otherwise appear.

(c) *List of connecting carriers.* The exact name or names, alphabetically arranged, of the connecting carriers, for which charges or regulations are published in the tariff. See Sec. 226.01. If such connecting carriers are numerous, the names thereof may be stated in alphabetical order in a separate tariff filed with the Commission, provided that specific reference to such separate tariff by FCC number is made in the tariff at the place where such names would otherwise appear.

(d) *Symbols, reference marks, abbreviations.* Explanation of symbols, reference marks, and abbreviations of technical terms used in tariffs. The following symbols shall be used in tariffs for the purposes indicated below and they shall not be used for any other purposes:

R to signify reduction.  
I to signify increase.  
C to signify changed regulation.  
T to signify a change in text but no change in rate or regulation.  
S to signify reissued matter.  
N to signify new rates or regulation.  
D to signify discontinued rate or regulation.

(e) *Clear and explicit explanatory statements.* Such explanatory statements in clear and explicit terms regarding the rates and regulations contained in the tariff as may be necessary to remove all doubt as to their proper application.

(f) *General rules, regulations, exceptions and conditions.* A clear and definite statement of the general rules, regulations, exceptions, and conditions which govern the tariff; the title or subject of each rule, regulation, exception, or condition to be shown in distinctive type. Under this head, all general rules, regulations, exceptions, or conditions which in any way affect the charges named in the tariff shall be entered. A special rule, regulation, exception or condition affecting a particular item or charge shall be specifically referred to in connection with such item or charge.

Charges or regulations shown in separate tariff publications issued under FCC numbers may be made a part of a tariff by specific reference to such publications by FCC number, together with the name of the issuing carrier. Such

reference shall be in substantially the following form: "Subject to charges (and regulations) contained in (name of carrier) Tariff FCC No. \_\_\_\_ (and amendments thereto) (and successive issues thereof), except as otherwise provided herein." A tariff publication so referred to shall be on file with the Commission and in effect.

(g) *Charges.* An explicit statement of the charges in cents or in dollars and cents of United States currency, per chargeable unit of service for all communication services, together with a list of the cities, towns and localities to and from which message rates apply, all arranged in a simple and systematic manner. Complicated or ambiguous terms shall not be used, and no rule, regulation, exception, or condition shall be included which in any way attempts to authorize the substitution for any rate named in the tariff of a rate named in any other tariff. All charges used in making combination through rates for interstate or foreign communications, including charges used for that purpose between points in one State, shall be filed with the Commission.\*†

§ 223.06 *Composition of supplements.* Matter contained in every supplement shall be arranged in the same manner and order as in the tariff which it amends.\*†

§ 223.07 *Cancellations.* Tariffs and supplements shall be cancelled in the manner set forth in the following:

(a) *By tariff or supplement.* Any tariff or supplement may be cancelled in whole or in part by another tariff or supplement. Cancellation of a tariff automatically cancels every supplement thereto, except a cancelling supplement.

(b) *By expiration.* A tariff or supplement may be cancelled in whole or in part by fixing a date with which the charges or regulations shown therein shall expire subject to the rules contained in Sec. 223.09.

(c) *Indication of.* Cancellation of tariffs or supplements in whole by tariff or supplement shall be indicated as provided in Sec. 223.04 (a). Cancellation of tariffs or supplements in whole by expiration shall be indicated as provided in Sec. 223.04 (c).

If a tariff or supplement or revised page is issued which is to cancel a part of another tariff or supplement then in force and not thereby cancelled in full, the new tariff, supplement or revised page shall specifically state what portion of such other tariff or supplement is thereby cancelled and such other tariff or supplement shall at the same time be correspondingly amended, effective on the same date.

When only a part of a tariff or supplement is to expire the expiration date shall be shown in connection with and on the same page as the matter which is to expire. Changes in expiration date shall be made only on statutory notice

unless otherwise authorized by the Commission. Expirations shall be indicated as follows:

"Expires with \_\_\_\_\_ (date) unless sooner cancelled, changed or extended."

(d) *Charges and regulations to apply.* When a tariff or supplement is cancelled in whole or in part by a supplement, the supplement shall show where the charges and regulations will thereafter be found or what charges and regulations will thereafter apply. When a tariff or supplement is cancelled in whole or in part by another tariff which does not contain all the charges or regulations shown in the tariff or supplement or part to be cancelled, the cancelling tariff shall show where the charges and regulations not shown therein will thereafter be found or what charges and regulations will thereafter apply.

(e) *Items or numbered rules.* When portions of a tariff (excepting a tariff in loose-leaf form) or of a supplement are designated as items, the items shall be given numbers. When an item or numbered rule is cancelled by supplement, the item or rule in the cancelling supplement shall be given the same number as the cancelled item or rule, but a letter suffix shall be added to the cancelling item or rule. Cancellation shall then be made in the following manner: Item or rule 40-A cancels item or rule 40; item or rule 40-B cancels item or rule 40-A; and so on. When an item or rule is cancelled, the cancelled matter need not be reproduced in connection with the item or rule effecting the cancellation, except to the extent necessary to identify the item or rule.

(f) *Omissions.* When a tariff or supplement cancelling a previous tariff or supplement omits points of origin or destination, charges or regulations, or routes, which were contained in such tariff or supplement, the new tariff or supplement shall indicate the cancellation in the manner prescribed in Sec. 223.07 (c) and if such omissions effect changes in charges or regulations, that fact shall be indicated by the use of the uniform symbols prescribed in Sec. 223.05 (d).

(g) *Carriers ceasing operations.* If a carrier ceases operations without having a successor its tariffs shall be regularly cancelled on statutory notice, unless otherwise authorized by the Commission.\*†

§ 223.08 *Notice requirements.* Every tariff, supplement, revised page and additional page of a tariff, shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give the full statutory notice of 30 days to the public and to the Commission regardless of whether or not changes are effected thereby. Notice shall be given by filing with the Commission such proposed tariff publications. Any period of

notice required herein shall begin on and shall include the date the tariff is received by the Commission, but shall not include the effective date. In computing the notice required, Sundays and holidays shall be counted.\*†

§ 223.09 *Tariffs and supplements must become effective; exceptions.* Except as hereinafter provided in this Section, or except as otherwise specially authorized by the Commission, after notice of a change has been published and filed, the new charges or regulations must be allowed to become effective and remain so for at least thirty days from their effective date before any change can be made therein.

Tariffs or supplements containing charges or regulations specially applicable to Christmas Day, New Year's Day, St. Valentine's Day, Easter, Mother's Day, Father's Day, Jewish New Year's Day, or Thanksgiving Day greeting service may be published and filed to remain in effect for a specified period of less than thirty days without special authority from the Commission. Such schedules in connection with their respective effective dates shall bear the notation "Effective for a period of less than thirty days under authority of Sec. 223.09 of FCC Rules."\*†

§ 223.10 *Tariffs filed in first instance by wire carriers.* Carriers which have not previously established any charges or regulations may establish charges and regulations for wire service in the first instance upon not less than one (1) day's notice to the Commission and the public.\*†

§ 223.11 *Charges and regulations for service on new lines.* Charges and regulations applicable at, from, to, or via points on new lines for which the Commission has issued a certificate of public convenience and necessity may be established on not less than one (1) day's notice; *Provided*, That no charges or regulations so applicable have previously been filed and that every schedule containing such charge and regulations shall bear a notation showing the date and number of the certificate.\*†

§ 223.12 *Charges and regulations for service via new radio stations.* (a) Charges and regulations applicable at, from, to, or via new radiotelephone or radiotelegraph stations for which the Commission has issued a construction permit may be established on not less than one (1) day's notice; *Provided*, That no charges or regulations so applicable have previously been filed and that every schedule containing such charges and regulations shall bear a notation showing the date of the notification to the Commission when the public service tests will begin, if public service is to be rendered prior to issuance of a license, or a notation showing the date and number of the license, if public service is not to be rendered until after issuance of a license.

(b) Charges and regulations applicable at, from, to, or via new radiotele-

phone or radiotelegraph stations for which the Commission does not require a construction permit but for which the Commission has issued a license may be established on not less than one (1) day's notice; *Provided*, That no charges or regulations so applicable have previously been filed and that every schedule containing such charges and regulations shall bear a notation showing the date and number of the license.\*†

§ 223.13 *Charges and regulations for service via new points by radio.* Charges and regulations applicable at, from, to, or via new points of communication by radiotelephone or radiotelegraph stations, for which new points the Commission has issued a license or modification of license, may be established on not less than one day's notice; *Provided*, That no charges or regulations so applicable have previously been filed and that schedules containing such charges and regulations shall bear a notation showing the date and number of the license or modification of license; *And provided further*, That this rule shall not apply to new points of communication which are not named either generally or specifically in the license or modification of license.\*†

§ 223.14 *Charges and regulations for ticker service.* Charges and regulations for individual installations of market and stock quotation and baseball ticker service may be established on not less than one day's notice to the Commission and to the public, when there are no charges and regulations in effect for such service at the points where installations are to be made.\*†

§ 223.15 *Charges attributable to foreign carrier or administration.* When any change is made in a charge by a foreign carrier or foreign administration not subject to the Act and such charge is used as a factor of through charges published and filed by a carrier subject to the Act, for communications between points in the United States and points in any foreign country, a change in such through charges may be established by the carrier subject to the Act on not less than one day's notice to the Commission and to the public; *Provided* (1) That the carrier subject to the Act has no control over such charge of such foreign carrier or foreign administration by contract or otherwise, (2) that the change in through charges shall reflect only the difference in through charges caused by the change in such charge of such foreign carrier or foreign administration, (3) that a tariff shall be filed each time a reduction is made in the charge of such foreign carrier or foreign administration, as well as when increases are made, and (4) that every such tariff, shall be accompanied by a memorandum showing the portion of the through charges accruing to the carrier subject to the Act.\*†

§ 223.16 *New or discontinued telephone and TWX service points; Mileages.*

Message toll telephone service points and teletypewriter exchange service points added or discontinued during a calendar month, and mileages for private line services added during a calendar month, may be filed not later than 20 days after the end of such month; provided that the basic schedules of charges and regulations applicable to such message toll telephone, teletypewriter exchange and private line services are already on file and in effect, and provided, further, that the effective date of each addition or discontinuance is shown and reference is made to this rule.\*†

§ 223.17 *Authority for less than statutory notice to be shown.* A tariff or supplement shall indicate the authority for any matter therein which is to be established on less than statutory notice by a notation in the following form: "Issued on not less than ----- days' notice under authority of ----- (here give specific reference to the special permission, decision, order or rule)". If all the matter in a tariff or supplement is to become effective on less than statutory notice, the regulation, special permission, or order of the Commission authorizing less than statutory notice shall be shown on the title page. If only a part of the tariff or supplement is to become effective on less than statutory notice, reference to the regulation, special permission or order of the Commission authorizing less than statutory notice shall be shown on the same page and directly in connection with the matter so published.\*†

§ 223.18 *Rejections.* When a tariff or supplement is rejected by the Commission, the number which it bears shall not be again used. Such tariff or supplement shall not thereafter be referred to as cancelled, amended, or otherwise, but the publication that is issued in lieu of such rejected tariff or supplement shall bear notation "In lieu of -----, rejected by Commission".

When tariffs or supplements are issued on less than statutory notice under permission, decision, order or regulation of the Commission, strict compliance with all the conditions named therein will be required; otherwise they will be rejected.\*†

§ 223.19 *Special notations.* When a portion of a tariff or supplement is issued in compliance with a decision or order, and regardless of whether it is made effective on statutory notice or on less than statutory notice under special authority granted in the decision or order, the following notation shall be shown in connection with such portion of such tariff or supplement: "In compliance with decision (or order) of Federal Communications Commission in Docket No. --- (Whenever possible, the volume and page number of the report of the Federal Communications Commission should be cited)."\*†

§ 223.20 *Reissued matter.* Matter which has not been in effect for 30 days and is brought forward without change from another tariff, also matter brought forward without change from one supplement to another, shall bear the appropriate symbol provided in Sec. 223.05 (d) for reissued matter; and in connection with such reissued matter the number and original effective date of the tariff or supplement in which the matter was originally published shall be shown, unless such matter was originally made effective on a date other than the general effective date shown on the title page of the tariff or supplement in which it was originally published, in which event the original effective date of such matter shall be shown.\*†

§ 223.21 *Posting.* In the main office of the filing carrier to which the public shall have access, in every city, town or village in the United States where such carrier has an office, there shall, on and after the first day of September, 1939, be posted and kept open for public inspection every rate and regulation applicable to and from such city, town or village, and all such rates and regulations shall be the same as those which are on file with this Commission: *provided, however,* That instead of such rates and regulations being posted and kept open for public inspection as above provided, every tariff and supplement containing schedules of charges and regulations applicable to or from every point in each State in which such carrier operates, and filed with this Commission, may be posted and kept open for public inspection in the main office of the filing carrier to which the public shall have access, in every city having a population of 100,000 or more in said State, and also in the State capital; but if the filing carrier does not operate in such city, then every such tariff and supplement shall be posted and kept open for public inspection in the largest city in said State in which it does operate and in the State capital. When tariffs and supplements are posted as last above provided, a notice shall be displayed in every business office of the filing carrier to which the public shall have access, in every city, town and village in said State, including the cities wherein postings are made, which said notice shall contain a statement naming the nearest city wherein a posting is made and giving the street address in said city and in the capital wherein postings are made; also a statement that the interstate and foreign message toll telephone rate schedules in use at each toll center are available for public inspection during regular business hours at an office in the toll center. A statement shall also be displayed in connection with every notice in each toll center giving the exact business office in such toll center and exact location where such schedules may be inspected. Every such notice shall contain a statement that it is made in compliance with the

posting rule of the Federal Communications Commission.\*†

#### PART 224—SPECIAL RULES, BOOK AND PAMPHLET TARIFFS AND SUPPLEMENTS

Sec.	
224.01	Application.
224.02	Construction.
224.03	Amendments.
224.04	Indication of Changes.
224.05	Number of supplements permitted.
224.06	Volume of supplemental matter permitted.

§ 224.01 *Application.* In addition to the rules contained in Parts 222 and 223, the rules published herein shall apply to book and pamphlet tariffs and supplements.\*†

§ 224.02 *Construction.* The pages of each tariff or supplement shall be numbered consecutively, beginning with the title page and counting each side of a sheet as a page. Each page which is left blank shall bear the notation: "This page intentionally left blank."\*†

§ 224.03 *Amendments.* A change in, or addition to, a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than five pages, shall be published in a supplement to the tariff. Tariffs of less than five pages shall be amended by a new tariff which shall cancel the tariff to be amended. When an amendment is made in an item or rule, such item or rule shall be published in a supplement in its entirety as amended.\*†

§ 224.04 *Indication of changes.* Changes shall be indicated by the use of the uniform symbols shown in Sec. 223.05 (d): *Provided, however,* That when a change of the same character is made in all or in substantially all matter in a tariff or supplement, or on any page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of the tariff or supplement, or at the top of each page whereon the change is made, in the following manner: "All charges in this tariff (or supplement) are increases.", or, "All charges on this page are reductions, except as otherwise provided in connection with specific rates." Under the latter provision, an appropriate symbol shall be used to indicate a charge or regulation in which no change has been made.\*†

§ 224.05 *Number of supplements permitted.* Tariffs of four pages or less shall have no supplement; and, except as provided herein, the number of supplements permitted to tariffs of five pages or more shall be as follows:

Size of tariffs:	Number of Supplements
5, but not more than 16 pages.....	1
17, but not more than 80 pages.....	2
81, but not more than 200 pages.....	3
Over 200 pages.....	4

Ten supplements, in addition to those above authorized, may be in effect at any one time in which charges or regulations are published on not less than

one day's notice under authority of sections 223.14 and 223.15. A suspension, adoption or cancelling supplement may be filed without regard to this rule.\*†

§ 224.06 *Volume of supplemental matter permitted.* Tariffs containing twelve pages or less shall not have more than four pages of supplemental matter; and tariffs containing more than twelve pages shall not have supplemental matter aggregating more than 33 1/3 per cent of the number of pages of the tariff. A suspension, adoption or cancelling supplement may be filed without regard to this rule.\*†

#### PART 225—SPECIAL RULES, LOOSE-LEAF TARIFFS

##### Sec.

- 225.01 Application.
- 225.02 Construction.
- 225.03 Check Sheet.
- 225.04 Amendments.
- 225.05 Additional Pages.
- 225.06 Supplements.
- 225.07 Rejected Pages.
- 225.08 Indication of Changes.
- 225.09 Revised Title Pages.

§ 225.01 *Application.* In addition to the rules contained in Parts 222 and 223, the rules published herein shall apply to loose-leaf tariffs.\*†

§ 225.02 *Construction.* Pages of loose-leaf tariffs shall be printed only on one side of the sheet, and they must be numbered consecutively and designated as "Original Title Page", "Original page 1", "Original page 2", etc. All such pages shall show, in the upper left-hand corner the name of the issuing carrier; in the upper right-hand corner the F. C. C. number of the tariff in distinctive type, with the page designation directly thereunder; in the lower left-hand corner the date of issue; in the lower right-hand corner the date effective; and at the bottom, center, the name, title, and street address of the issuing officer.\*†

§ 225.03 *Check sheet.* The page of every loose-leaf tariff next to the title page shall be designated as "Original page 1" and shall be known as a "Check Sheet." When the original tariff is filed, the check sheet shall show the number of pages contained in the tariff. For example, "Pages 1 to 150, inclusive, of this tariff are effective as of the date shown." When new pages are added, such as pages numbered 151, 152 and so on, the foregoing notation shall be correspondingly revised to include the added pages. When pages are revised, when new pages (including pages with letter suffix) are added to the tariff, or when supplements are issued, the check sheet shall be revised accordingly, and, in addition to the above notation, shall show, under the heading "Original and revised pages as named below (and Supplement No. --) contain all changes from the original tariff that are in effect on the date hereof", in numerical order a list of all original pages that have been added to the tariff and the pages which have been revised, including the revision number. For example:

Page	Number of revision except as indicated
Title	1st
3	5th
5A	Orig.
10	8th
151	Orig.

Revised check sheets listing the added or revised pages must accompany such pages when forwarded to the Commission for filing.\*†

§ 225.04 *Amendments.* Changes in, and additions to, loose-leaf tariffs shall be made by reprinting the page upon which a change or addition is made, and such changed page shall be designated as a revised page and shall cancel the page which it amends. For example, "First revised page 1 cancels original page 1," or "Second revised page 2 cancels first revised page 2," etc. When a revised page is issued which omits charges or regulations theretofore published on the page which it cancels and such charges or regulations are published on a page other than the revised page, the revised page shall make specific reference to the page on which the charges or regulations will be found.\*†

§ 225.05 *Additional pages.* If it is desired to file additional pages to a loose-leaf tariff, such pages shall be numbered beginning with the number next succeeding the number of the last page of the tariff, and shall be designated as "Original page --." For example, when the tariff filed has 150 pages, the first page added after page 150 shall be designated as Original page 151." If such pages are to be inserted between numbered pages, each such page shall be designated as an original page and shall bear the number of the immediately preceding page followed by the suffix A, B, C, and so on. For example, when two new pages are to be inserted between pages 44 and 45 of the tariff, the first page shall be designated as original page 44A and the second page as original page 44B. No additional page can be filed except for the purpose of adding new matter which does not change the charges or regulations then in force on other pages of the tariff.\*†

§ 225.06 *Supplements.* Except when a tariff is suspended, adopted or cancelled, or except as specially authorized, no supplement shall be filed to a loose-leaf tariff.\*†

§ 225.07 *Rejected pages.* When a page of a tariff is rejected by the Commission, the number which it bears shall not be again used. Such page shall not thereafter be referred to as cancelled, amended, or otherwise, but the revised page that is issued in lieu of such rejected page shall bear the notation "In lieu of -----, rejected by (number of page)

the Commission.\*†

§ 225.08 *Indication of changes.* Changes shall be indicated by the use of the uniform symbols shown in Sec. 223.05 (d); provided, however, that when a change of the same character is made

in all or in substantially all schedules in a tariff, or on any page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of the tariff, or at the top of each page whereon the change is made, in the following manner: "All charges in this tariff are increases," or "All charges on this page are reductions, except as otherwise provided in connection with specific rates." Under the latter provision, an appropriate symbol shall be used to indicate a charge or regulation in which no change has been made.

Items which have been in effect thirty days or more and are brought forward without change on revised pages shall not be shown as reissued items but shall be published as effective on thirty days' notice. Items which have not been in effect thirty days when brought forward on revised pages shall be shown as reissued in the manner prescribed in Sec. 223.20.\*†

§ 225.09 *Revised Title Pages.* When a revised title page is issued, the following notation shall be shown in connection with its effective date:

Original tariff effective ----- (Here show the effective date of the original tariff)\*†

#### PART 226—SPECIAL RULES, JOINT CHARGES, CONCURRENCES

##### Sec.

- 226.01 In General.
- 226.02 Form of Concurrence.
- 226.03 Construction, filing.
- 226.04 Revocation of concurrences.

§ 226.01 *In General.* Every issuing carrier publishing charges or regulations applicable to communication service between points on its own system and points on the system of any other carrier or carriers, or between points on the system of any other carrier or carriers, shall show, as provided in sections 223.05 (b) and 223.05 (c), either as a concurring or as a connecting carrier, as the case may be, every carrier which is subject to any provision of the Act and which participates or engages in such communication service, irrespective of whether it be a terminal or intermediate carrier; and authority by means of a properly executed instrument of concurrence, in the form and manner hereinafter provided, shall be given to the issuing carrier by every concurring carrier. Every such instrument of concurrence shall be filed with the Commission as provided herein, and it, as well as the tariff concurred in, shall be in effect before any carrier whatsoever may engage or participate in a communication service described in the tariff for which service an instrument of concurrence is required herein in order to establish the charges or regulations applicable thereto.\*†

§ 226.02 *Form of Concurrence.* Whenever a carrier desires to concur in a tariff or tariffs issued and filed by an-

other carrier, a concurrence, in the following form, shall be issued in favor of such other carrier:

## CONCURRENCE\*†

FCC Concurrence No. -----  
(Cancels FCC Concurrence No. -----)  
(Name of Carrier -----)  
(Post Office Address -----)  
-----, 19--  
(Date)

TO THE FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C.

This is to certify that the ----- (name of carrier), hereinafter called the concurring carrier, assents to, adopts, and concurs in the tariffs described below, together with amendments thereof (and successive issues thereof) which the named issuing carrier may make and file, and hereby makes itself a party thereto and hereby obligates itself (and its connecting carriers) to observe each and every provision therein until this authority is revoked by formal and official notice of revocation filed with the Federal Communications Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) wire (and radio) communication:

1. Between the different points on the concurring carrier's own system;

2. Between all points on the concurring carrier's own system and the systems of its connecting carriers, as defined in Section 3 (u) of the Communications Act of 1934; and

3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established on the other hand.

(NOTE: Any one or any two of the above-numbered paragraphs may be omitted in order to fix the desired application of the instrument of concurrence.)

## TARIFFS

(Here give the exact description of tariff or tariffs concurred in by carrier, FCC number, title, date of issue, and date effective. Example: A. B. C. Communications Company, FCC No. 1, Interstate Telegraph Message Service, Issued January 1, 1939, Effective January 31, 1939.)

(Cancels FCC Concurrence No. -----, effective -----, 19--)

[SEAL]

(Name of Concurring Carrier)  
By -----  
(Title)

Attest: -----  
(Secretary)

§ 226.03 *Construction, filing.* All instruments of concurrence and notices of revocation thereof shall be prepared in triplicate and plainly printed on hard calendered No. 1 machine-finished book or 20-pound bond paper of durable quality and of size 8½ by 11 inches. The original and duplicate copy shall be filed with the Commission, and the triplicate copy shall be sent to the issuing carrier in whose favor such concurrence or notice is executed. Carriers shall number concurrences consecutively, from No. 1

keeping such numbers in a series separate and distinct from FCC numbers of tariffs. Concurrences, except as provided in section 226.04, shall be effective on and from the date they are received by the Commission.\*†

§ 226.04 *Revocation of concurrences.*

A concurrence may be revoked by revocation notice or cancelled by a new concurrence. A revocation notice, or a new concurrence if less broad in scope than the concurrence it cancels, must bear an effective date, which must be not less than 60 days after its receipt by the Commission for filing. A revocation notice shall not be given a serial number, but shall specify the number of the concurrence to be revoked and the name of the carrier in whose favor the concurrence was issued. It shall be in the following form:

## REVOCATION NOTICE\*†

(Name of Carrier)

(Post Office Address)

(Date)

TO THE FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C.

Effective -----, 19--  
FCC Concurrence No. -----, issued by -----, is hereby  
(Name of concurring carrier),  
cancelled and revoked.

(Name of carrier)

By -----

(Title)

## PART 227—SPECIAL PERMISSIONS

Sec.

227.01 Application for permission; who may make.

227.02 Factors considered; terms of permission.

227.03 Form and contents of application.

§ 227.01 *Application for permission; who may make.* Applications for permission to establish charges or regulations, on less than statutory notice, or for waiver of any of the provisions of Chapter XVII of the Commission's Rules, shall be made by the carrier that has authority to file the proposed change. If a request is made in an application for permission to make changes in joint tariffs, the application must contain the statement that the application is filed for and on behalf of all carriers parties to the proposed changes.\*†

§ 227.02 *Factors considered; terms of permission.* When passing upon applications, the Commission gives consideration to all the facts and circumstances set forth in the application and, if approved, the special permission is issued with the understanding that all its terms are to be complied with and that all the authority dealing with the same subject matter will be used. Therefore, if all related matter authorized by special permissions will not be established, and more limited authority is desired, a new application complying with the provisions of this rule in all respects and making ref-

erence to the previous authority shall be filed.\*†

§ 227.03 *Form and contents of application.* Applications (including amendments thereto and exhibits made a part thereof) for permission to change charges or regulations, on less than statutory notice, or for waiver of any of the provisions of Chapter XVII of the Commission's Rules, shall be made and filed in duplicate, and shall be addressed to the Federal Communications Commission, Washington, D. C. Such applications shall be made on paper of size 8½ by 11 inches, shall be numbered consecutively, and shall bear the signature of the proper officer of the carrier, or a duly authorized attorney or agent, the title of whom shall be specified. Such applications shall be under oath, and shall give the information required in the following form:\*†

(Name of carrier)

(Place and date)

Application No. -----  
(Type of service) -----  
(Place where rendered) -----  
FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C.

(Attention Section of Tariffs.)

GENTLEMEN: Application is hereby made for permission to put in force the following charges or regulations to become effective ----- days after they are filed with the Federal Communications Commission:

(Here give a full description of the charges or regulations which it is desired put into effect and statement of points of origin and destination. If permission is sought to establish a rule or regulation, the exact wording of the proposed rule or regulation shall be shown.)

(Here follow with a statement showing the circumstances which make it necessary to place the tariff in effect on short notice.)  
(If the application requests waiver of rules, other than those relating to notice, it shall specify by section number the rule to be waived and the reasons therefor.)

(Exact name of carrier)

(Name of officer)

(Title of officer)

STATE OF -----  
County of -----, ss:

-----, being first duly sworn (or affirmed), deposes and says that he is the officer above named and that the facts stated in the foregoing application are true of his own knowledge, except as to such statements as are therein stated on information and belief, and as to such statements he believes them to be true.

(Affiant)

Subscribed and sworn to before me this ----- day of -----, 19--

[SEAL]

My commission expires -----

## PART 228—ADOPTION OF TARIFFS AND OTHER DOCUMENTS OF PREDECESSOR CARRIERS

Sec.

228.01 Adoption notice.  
228.02 Adoption supplements.  
228.03 Adoption supplements to contain no other matter.  
228.04 Changes to be incorporated in tariffs of successor carrier.

§ 228.01 *Adoption notice.* When the name of a carrier is changed, its operating control transferred from one carrier to another in whole or in part, or a receiver appointed for the carrier, the receiver or carrier which will thereafter operate the properties shall immediately file and post an adoption notice, numbered in the FCC series of the receiver or successor carrier, reading as follows: \*†

The \_\_\_\_\_ hereby  
(Exact name of adopting carrier  
or receiver)

adopts, ratifies and makes its own or his own in every respect, all applicable tariffs and amendments thereof filed with the Federal Communications Commission by \_\_\_\_\_

(Exact name  
prior to \_\_\_\_\_  
of the predecessor) (Date)

§ 228.02 *Adoption supplements.* In addition to the foregoing adoption notice the successor carrier shall file a consecutively numbered supplement to each of the tariffs covered by the adoption notice, reading as follows: \*†

Effective \_\_\_\_\_ this tariff  
(Insert date of adoption notice)  
(or this tariff as amended) became the tariff  
of the \_\_\_\_\_  
(Exact name of the successor carrier)  
pursuant to its adoption notice FCC No. \_\_\_\_\_

§ 228.03 *Adoption supplements to contain no other matter.* Supplements issued pursuant to Sec. 228.02 shall contain no other matter. \*†

§ 228.04 *Changes to be incorporated in tariffs of successor carrier.* When only a portion of properties is transferred, charges applying locally between points on the transferred portion shall be incorporated in tariffs or supplements of the successor carrier. In all such instances the predecessor carrier shall cancel the corresponding charges from its tariffs or supplements effective on the same date, with reference to the FCC number of the tariff or supplement of the successor carrier for charges applying thereafter. \*†

#### PART 229—SUSPENSIONS

Sec.

- 229.01 Carrier to file supplement when notified of suspension.  
229.02 Contents of supplement announcing suspension.  
229.03 Vacation of suspension order; supplements to be filed, etc.

§ 229.01 *Carrier to file supplement when notified of suspension.* Whenever an order of suspension is received by a carrier against whose schedules the order of suspension is directed, it shall be the duty of such carrier to file immediately a consecutively numbered supplement which shall bear no effective date, and which shall announce the suspension of the schedules named in the order. \*†

§ 229.02 *Contents of supplement announcing suspension.* (a) A supplement, announcing suspension of schedules by the Commission, shall state that such schedules are suspended until the date stated in the order of suspension, or until further ordered by the Commission.

(b) When the order of the Commission directs suspension of an entire tariff or supplement, the supplement announcing such suspension shall contain a reference to the tariff or supplement where schedules remaining in effect will be found during the period of suspension or until further ordered by the Commission.

(c) When the order of the Commission directs the suspension of a part of a tariff or supplement which, except as to such part, is allowed to become effective, the supplement announcing the suspension shall also contain, as reissued items, the charges and regulations applicable during the period of suspension, or shall make specific reference by FCC number or numbers, to the tariff or supplements where they will be found.

(d) When the Commission has suspended a supplement in whole or in part, it may occur that prior to the filing of the supplement announcing suspension, a carrier will file a later supplement bringing forward, either with or without change, the matter suspended in the previous supplement. In such instances the suspension supplement required by these rules shall also specifically cancel from the later supplement such matter, and by amendment to the title page of said later supplement shall eliminate the cancellation of the suspended supplement when the latter is suspended in full, and when a supplement is suspended in part shall provide that such later supplement cancels such previous supplement except portions under suspension. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the supplement which cancels the suspended matter. \*†

§ 229.03 *Vacation of suspension order; supplements announcing same, etc.* If upon final determination by the Commission matter suspended is found not unlawful, and the Commission directs that the order of suspension be vacated or the case dismissed, the affected carrier or carriers shall issue a supplement or revised page announcing the vacation of the order of suspension and provide by proper publication for the application of the lawful schedules and otherwise comply with such orders of the Commission as it may make. \*†

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1949; Filed, June 6, 1939;  
10:35 a. m.]

#### CHAPTER XVII—RULES GOVERNING POSTING AND FILING TARIFFS

The Commission, on May 31, 1939, repealed the following rules contained in Tariff Circular No. 1, to become effective September 1, 1939:

Rule No.	C.F.R. Section No.
1	220.01.
2	221.01.
3 (a)-3 (b)	222.01-222.02.

Rule No.	C.F.R. Section No.
4 (a)-4 (b)	223.01-223.02.
5-5 (e), inclusive	224.0 -224.05, inclusive.
6-6 (g), inclusive	225.0 -225.07, inclusive.
7 (a)-7 (b)	226.01-226.02.
8 (a)-8 (l), inclusive	227.01-227.12, inclusive.
9 (a)-9 (g), inclusive	228.01-228.07, inclusive.
10 (a)-10 (f), inclusive	229.01-229.06, inclusive.
11 (a)-11 (b)	230.01-230.02.
11 (j)	230.03.
11 (c)-11 (i), inclusive	231.01-231.07, inclusive.
12 (a)-12 (e), inclusive	232.01-232.05, inclusive.
13 (a)-13 (l), inclusive	233.01-233.12, inclusive.
14 (a)-14 (c), inclusive	234.01-234.03, inclusive.
15 (a)-15 (e), inclusive	235.01-235.04, inclusive.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1948; Filed, June 6, 1939;  
10:35 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-4]

ORDER IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE SUBJECT TO THE MOTOR CARRIER ACT, 1935

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of May 1939.

*It appearing,* That by order dated January 21, 1939 the Commission, by Division 5, entered upon an investigation with respect to revisions in, and additions to, the Motor Carrier Safety Regulations established by order of December 23, 1936,<sup>1</sup> concerning the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers subject to the Motor Carrier Act, 1935;

*It further appearing,* That a full investigation of the matters and things involved has been had and that the Commission, by Division 5, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: <sup>2</sup>

*It is ordered,* That the rules and regulations attached hereto and made a part hereof, and entitled "Motor Carrier Safety Regulations, Revised", parts 1, 2, 3, 4, and 6, be, and they are hereby approved, adopted, and prescribed, effective January 1, 1940, and shall be observed by common carriers and contract carriers subject to the Motor Carrier Act, 1935, except those engaged in (a) the transporta-

<sup>1</sup> 2 F.R. 113, 120.

<sup>2</sup> Filed as a part of the original document.

tion of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities; and (b) the casual, occasional, or reciprocal transportation of passengers or property in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business;

*It is further ordered,* That the rules and regulations which were approved, adopted, and prescribed December 23, 1936, in this proceeding, shall remain in full force and effect pending the effectiveness of the revised rules and regulations hereby prescribed;

*And it is further ordered,* That said rules and regulations approved, adopted, and prescribed December 23, 1936, be and they are hereby vacated, effective January 1, 1940.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,  
Secretary.

#### MOTOR CARRIER SAFETY REGULATIONS REVISED

*Regulations prescribed under authority of the Motor Carrier Act, 1935, particularly Section 204 (a) (1) and (2), with respect to qualifications and maximum hours of service of employees, and safety of operation and equipment, of common carriers and contract carriers by motor vehicle in interstate or foreign commerce*

#### GENERAL DEFINITIONS

- Sec.
- 0.01 Motor vehicle.
  - 0.02 Vehicle.
  - 0.03 Bus.
  - 0.04 Truck.
  - 0.05 Tractor.
  - 0.06 Semitrailer.
  - 0.07 Full trailer.
  - 0.08 Pole trailer.
  - 0.09 Driveaway operation.
  - 0.10 Gross weight.
  - 0.11 Driver.
  - 0.12 Business district.
  - 0.13 Residence district.
  - 0.14 Other terms.

As used in these regulations—

§ 0.01 The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

§ 0.02 The term "vehicle" means any conveyance of any type whatsoever operated upon the highways.

§ 0.03 The term "bus" means any motor vehicle designed or adapted and used for the transportation of passengers, including taxicabs.

§ 0.04 The term "truck" means any motor vehicle, other than a semitrailer,

full trailer, or pole trailer, self-propelled and designed or adapted and used exclusively for the transportation of property.

§ 0.05 The term "tractor" means any motor vehicle designed and used primarily for drawing other vehicles and so constructed as to carry a part of the weight of the vehicle and load so drawn.

§ 0.06 The term "semitrailer" means any motor vehicle, other than a "pole trailer" or a motor vehicle transported in driveaway operations by means of a "saddle-mount", with or without motive power and designed to be drawn by another motor vehicle and so constructed that some part of its weight and that of it load rests upon the towing vehicle.

§ 0.07 The term "full trailer" means any motor vehicle, including any semitrailer equipped with a "dolly" (auxiliary front axle), other than a "pole trailer" or a motor vehicle transported in driveaway operations by means of a tow-bar, with or without motive power, designed to be drawn by another motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

§ 0.08 The term "pole trailer" means any vehicle without motive power, possibly of variable wheel base, designed to be drawn by another vehicle, and attached to the towing vehicle by means of a "reach", or "pole", or by being "boomed" or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

§ 0.09 The term "driveaway operation" means any operation in which a single motor vehicle or combination of motor vehicles, new or used, constitutes the commodity being transported and in which the motive power of any of such motor vehicles is utilized.

§ 0.10 The term "gross weight" means the combined weight of the motor vehicle and any load thereon.

§ 0.11 The term "driver" means any individual who drives in transportation in interstate or foreign commerce any motor vehicle as defined in Rule 0.01 above.

§ 0.12 The term "business district" means the territory contiguous to and including a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

§ 0.13 The term "residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences, or residences and buildings in use for business.

§ 0.14 Any other term used in these regulations is used in its commonly accepted meaning, except where such other term has been defined elsewhere

herein or in Section 203 (a) of the Motor Carrier Act, 1935, in which event the definition therein given shall apply.

#### PART I—QUALIFICATIONS OF DRIVERS

Sec.

- 1.1 Compliance required.
  - 1.2 Minimum requirements.
  - 1.3 Physical examination.
- Recommended Standard Physical Examination Form.

§ 1.1 *Compliance required.*—Every motor carrier shall comply with the following regulations, and shall instruct his or its employees and agents concerned with the transportation of persons or property by motor vehicle with respect thereto.

1.2 *Minimum requirements.* No motor carrier shall drive, or require or permit any person to drive, any motor vehicle operated in interstate or foreign commerce, unless the person so driving possesses the following minimum qualifications:

§ 1.21 *Mental and physical condition.*

(a) No loss of foot, leg, hand or arm.  
(b) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(c) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

§ 1.22 *Eyesight.* Visual acuity (either without glasses or by correction with glasses) of at least 20/40 (Snellen) in one eye, and 20/100 (Snellen) in the other eye; form field of not less than 45 degrees in all meridians from the point of fixation; ability to distinguish red, green, and yellow.

§ 1.23 *Hearing.* Adequate hearing.

§ 1.24 *Liquor, narcotics, and drugs.* Shall not be addicted to the use of narcotics or habit-forming drugs, or the excessive use of alcoholic beverages or liquors.

§ 1.25 *Driving experience.* Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

§ 1.26 *Driving skill.* Competency by reason of experience or training to operate safely the type of motor vehicle or motor vehicles which he drives.

§ 1.27 *Knowledge of regulations.* Knowledge of rules and regulations issued by the Commission under the Motor Carrier Act, 1935, pertaining to the driving of motor vehicles.

§ 1.28 *Age.* Shall not be less than 21 years of age.

§ 1.29 *Knowledge of English.* Shall be able to read and speak the English language.

§ 1.3 *Physical examination.*

§ 1.31 *Doctor's certificate required for new drivers.* On and after January 1, 1940, every motor carrier shall have in his files a certificate of physical examination signed by a qualified doctor of medicine for every new driver entering the motor carrier's employment, at-

testing that the doctor has examined said driver and found him to meet satisfactorily the qualifications set forth in Rules 1.21 to 1.23, inclusive. Said certificate shall be filed with the motor carrier within ten days of the new driver's entering the motor carrier's employment. For the purposes of this rule, a new driver shall be deemed to be any driver applying for employment as a driver who is unable to furnish a certificate of physical examination showing that he has been examined and quali-

fied as required by this rule within one year prior to the date of his application for employment. This requirement shall also apply to owner-drivers, who become such on and after January 1, 1940.

§ 1.32 *Carrier's right to require additional examinations.* Nothing contained in Rule 1.31 shall be so construed as to prevent a motor carrier from requiring physical examinations of drivers in addition to those prescribed in that rule.

#### RECOMMENDED PRACTICES

##### Not compulsory requirements

The following form is recommended as a Standard Physical Examination form in connection with physical examination of drivers required under Rule 1.3:

#### RECOMMENDED STANDARD PHYSICAL EXAMINATION FORM

##### FOR DRIVERS OF INTERSTATE BUSES AND TRUCKS

[(Note to Examining Physician): Read instructions before starting examination]

[Be sure to record an answer to each question. When negative or positive so state]

##### Personal and Medical History

Name in full \_\_\_\_\_  
 Age last birthday \_\_\_\_\_ Color \_\_\_\_\_ Marital Status S M W D  
 Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
 Usual occupation \_\_\_\_\_  
 Years experience as operator of commercial motor vehicle \_\_\_\_\_

##### History of past illnesses

(When positive insert date)

Tuberculosis _____	Dysentery _____	Paralysis _____
Pleurisy _____	Hemorrhoids _____	Diabetes _____
Hemoptysis _____	Syncope _____	Syphilis _____
Peptic Ulcer _____	High Blood Pressure _____	Gonorrhea _____
Pneumonia _____	Epilepsy or Fits _____	Hematuria _____

History of hospitalization \_\_\_\_\_  
 Have you other illnesses, injuries, or operations \_\_\_\_\_

##### RECORD OF PHYSICAL FINDINGS

General Appearance and Development: Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_

Head: \_\_\_\_\_

Eyes: For distance {without glasses} 20 \_\_\_\_\_ {with glasses if worn} Right \_\_\_\_\_ Left \_\_\_\_\_

Evidence of disease or injury: Right \_\_\_\_\_ Left \_\_\_\_\_

Color Vision (Lantern) \_\_\_\_\_

Ears: Hearing, 20 ft.: Right ear \_\_\_\_\_ Left ear \_\_\_\_\_

Disease or injury \_\_\_\_\_

Mouth \_\_\_\_\_ Throat \_\_\_\_\_

Thorax: \_\_\_\_\_

Heart \_\_\_\_\_

If organic disease is present, is it fully compensated? \_\_\_\_\_

Blood pressure (sitting): Systolic \_\_\_\_\_ Diastolic \_\_\_\_\_

Pulse: Before exercise \_\_\_\_\_ After 2 min. rest \_\_\_\_\_

Lungs \_\_\_\_\_

Abdomen: \_\_\_\_\_

Scars \_\_\_\_\_ Abnormal masses \_\_\_\_\_ Tenderness \_\_\_\_\_

Hernia: Yes \_\_\_\_\_ No \_\_\_\_\_ If so, where? \_\_\_\_\_ Is truss worn? \_\_\_\_\_

Genito-Urinary: \_\_\_\_\_

Scars \_\_\_\_\_ Urethral Discharge \_\_\_\_\_

Reflexes: \_\_\_\_\_

Rhomberg \_\_\_\_\_

Pupillary \_\_\_\_\_ Light R \_\_\_\_\_ L \_\_\_\_\_ Accommodation R \_\_\_\_\_ L \_\_\_\_\_

Knee Jerks: \_\_\_\_\_

Right: Normal \_\_\_\_\_ Increased \_\_\_\_\_ Absent \_\_\_\_\_

Left: Normal \_\_\_\_\_ Increased \_\_\_\_\_ Absent \_\_\_\_\_

Extremities: \_\_\_\_\_

Upper \_\_\_\_\_

Lower \_\_\_\_\_

Spine \_\_\_\_\_

Laboratory findings if tests are indicated: \_\_\_\_\_

Urine: Sp. Gr. \_\_\_\_\_ Alb. \_\_\_\_\_ Sug. \_\_\_\_\_

Other \_\_\_\_\_

(Date)

(Examining Physician)

#### PHYSICIAN'S CERTIFICATE

This is to certify that I have this day examined \_\_\_\_\_ and find him

(physically fit  
 physically fit only when wearing glasses  
 physically unfit and disqualifying condition has been discussed with applicant)

to perform the usual duties incident to employment as a driver of commercial motor vehicles. This certificate is based upon information obtained in the making of a physical examination in accordance with the regulations of the Interstate Commerce Commission for the qualification of drivers and the standard form recommended for such examination. I have kept on file in my office this record of his examination.

Date \_\_\_\_\_ Place \_\_\_\_\_ Signed \_\_\_\_\_

(Examining Physician)

Address \_\_\_\_\_

Driver's Signature \_\_\_\_\_

#### GENERAL INSTRUCTIONS FOR MAKING PHYSICAL EXAMINATION AND RECORDING FINDINGS

[Be sure to record an answer to each question. When negative or positive so state]

##### MEDICAL HISTORY

The purpose of this physical examination is to detect the presence of physical defects of such a character and extent as to affect the applicant's ability to safely operate a motor vehicle. The examination should be made carefully and at least as complete as is indicated by the attached form. Defects may be recorded which do not, because of their character or degree, indicate that a certificate of physical fitness should be denied. The presence, however, of these defects should be discussed with the applicant and he should be encouraged to take the necessary steps to insure correction particularly of those which if neglected might lead to a condition likely to affect his ability to drive safely. Careful inquiry regarding past illness, the character and date of such illness, may reveal cause for defects found upon physical examination. Lack of knowledge concerning the etiology of certain defects may result in the rejection for employment. Such data also may indicate the need for making certain laboratory tests. Certain serological and laboratory tests will frequently be made by State Department of Health laboratories without charge.

*General appearance and development.* Notice serious under or over weight; any posture defects; perceptible limp, anemia, tremor or other form of nervousness such as might be caused by chronic alcoholism, thyroid intoxication, or other illnesses. The rules of the Interstate Commerce Commission provide that no driver shall be addicted to the use of narcotics or habit-forming drugs, or the excessive use of alcoholic liquors or beverages.

*Height and weight.* Stripped to the waist with shoes and socks removed.

*Head—Eyes.* The telebinocular, Snellen chart, and other approved tests may be used to measure visual acuity. It is desired, however, when other than the Snellen chart is used, that the results of such test be expressed in values comparable to the standard Snellen chart. If applicant wears glasses, these should be worn while applicant's visual acuity is being tested. Indicate on record by encircling appropriate phrase on form "without glasses" or "with glasses if worn". In recording distant vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, corneal scar, exophthalmos or strabismus uncorrected by glasses as determined by the simple cover test.

*Ears.* Note evidence of mastoid or middle ear disease; discharge. In recording hearing record 20 ft. as normal distance for conversational voice and record deviation from nor-

mal as fraction with 20 ft. as denominator and actual distance as numerator.

**Mouth.** Note evidence of infection, pyorrhea.

**Throat.** Note evidence of disease, enlarged or infected tonsils.

**Thorax—Heart.** Stethoscopic examination is required. Note murmurs and arrhythmia.

**Blood pressure.** May be recorded with either spring or mercury column type of sphygmomanometer.

**Pulse.** Normal pulse taken after being seated at least 2 minutes then have applicant stand and placing one foot on the seat of an ordinary chair raise his body to an erect position 20 times in 30 seconds. Pulse rate should return to his normal after 2 minutes rest. Because of abnormal conditions, some applicants will be unable to do this. This test has been found helpful in ascertaining physical ability for work.

**Lungs.** It is necessary that the auscultatory cough be used. Tuberculosis, if suspected state whether active or arrested, and if arrested, your opinion as to how long it has been quiescent. Sputum to be examined for tubercle bacilli in all suspected cases. Sample may be sent to the State Health Department.

**Abdomen—Scars.** If present state whether recent and if abnormally tender or if there is any evidence of hernia at the site of scar.

**Abnormal masses.** If present note tenderness and whether or not individual knows how long they have been present.

**Tenderness.** When noted state where most pronounced and cause suspected.

**Hernia.** Note whether no hernia, but impulse or coughing; no hernia or impulse, but abnormally large rings. Any hernia should be noted, and if present state whether it is retained by well-fitted truss.

**Genito-urinary.** When scars or urethral discharge are present indicate patient's reason for same and when indicated submit smear of discharge to laboratory for examination.

**Reflexes.** If positive Romberg is reported, indicate degree. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and increased when foot is actually lifted from the floor following light blow upon the patella; otherwise as normal.

**Extremities—Upper.** Note deformities and limitation of motion.

**Lower.** Note deformities, limitation of motion; varicose veins. In case of hand deformities note particularly whether or not sufficient grip is present to enable driver to secure a grip on the wheel. Show chronic ulcers. Note any atrophy or paralysis.

**Spine.** Note deformities and limitation of motion. Be sure to record loss of foot, leg, fingers, hand or arm, or impairment of use thereof, or other structural defect or limitation, likely to interfere with safe driving.

**Laboratory findings.** Urine analysis is indicated whenever systolic blood pressure is over 150 and diastolic over 100 and such other times as medical history or findings upon physical examination may indicate that they are necessary. A serological test should always be taken in case of those giving positive history of leucic infection or present physical findings upon examination presenting possibility of latent syphilis.

Upon completion of the examination, physician should always date and sign his record of the same.

## PART 2—DRIVING OF MOTOR VEHICLES

- Sec.
- 2.01 Compliance required.
  - 2.02 Carrier may enforce additional rules.
  - 2.03 Reckless driving forbidden.
  - 2.04 Driving while ill or fatigued forbidden.
  - 2.05 Use of alcoholic beverages on duty forbidden.
  - 2.06 Control of speed.
  - 2.07 Equipment to be in good working order.
  - 2.08 Emergency equipment must be in place.
  - 2.09 Safe loading.
  - 2.10 "Clear course" before starting.
  - 2.11 Keep to the right.

- Sec.
- 2.12 Maintain adequate space between vehicles.
  - 2.13 Precautions at railroad grade crossings.
  - 2.14 Precautions at drawbridges.
  - 2.15 Other users of highway must not be endangered.
  - 2.16 Vehicle must be in proper position for making turns.
  - 2.17 Special care in overtaking or passing.
  - 2.18 Overtaking must not be prevented by speeding up.
  - 2.19 Vehicle must be in gear on down grade.
  - 2.20 Special care required in passing stopped buses.
  - 2.21 Precautions when vehicle is left unattended.
  - 2.22 Vehicle when stopped must not interfere with other traffic.
  - 2.23 Emergency signals for disabled vehicles.
  - 2.24 Emergency signals for stopped vehicles.
  - 2.25 When lighted lamps are required on moving vehicles.
  - 2.26 Lights on parked or stopped vehicles.
  - 2.27 Not more than four road-lighting lamps to be illuminated.
  - 2.28 Use of upper and lower head lamp beams.
  - 2.29 Minimum visibility requirement for road-lighting lamps.
  - 2.30 Spot light must not blind other users of highway.
  - 2.31 Extreme caution required under hazardous conditions.
  - 2.32 Duties of driver in case of accident.
  - 2.33 Special precautions during fueling process.
  - 2.34 Light or flag on end of projecting load.
  - 2.35 Tailboard must not obscure rear lights or reflectors.
  - 2.36 Transportation of hitch-hikers and other unauthorized persons prohibited on property-carrying vehicles.

§ 2.01 *Compliance required.* Every motor carrier and his or its officers, agents, employees, and representatives concerned with the transportation of persons or property by motor vehicle, shall comply with the following regulations and shall become conversant therewith.

§ 2.02 *Carrier may enforce additional rules.* Nothing contained in these regulations shall be construed as prohibiting any motor carrier from enforcing additional rules and regulations relating to safety of operation, not inconsistent with these regulations, tending to a greater degree of precaution against accidents.

§ 2.03 *Reckless driving forbidden.* No motor vehicle shall be driven recklessly, or so as to endanger life, limb, or property.

§ 2.04 *Driving while ill or fatigued forbidden.* No motor vehicle shall be driven by any driver while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to drive or to continue to drive a motor vehicle, nor shall he be required or knowingly be permitted to drive while in such condition, except in case of grave emergency where the hazard to passengers would be increased by observance of the foregoing provisions.

§ 2.05 *Use of alcoholic beverages on duty forbidden.* No driver shall go on duty while under the influence of, nor drink while on duty, any alcoholic beverage or liquor, whatever its alcoholic content; nor shall he knowingly be permitted so to do.

§ 2.06 *Control of speed.*

§ 2.061 *Speed must be reasonable and prudent.* No motor vehicle shall be driven at a speed greater than is reasonable and prudent, having due regard to weather, traffic, intersections, width and character of the roadway, type of motor vehicle, and any other conditions then existing.

§ 2.062 *Legal limits must be observed.* In no event shall a motor vehicle be driven in or through any State, legal subdivision thereof, the District of Columbia, or any area under the control of the Federal government at a speed greater than that permitted by such State, legal subdivision thereof, District of Columbia, or the Federal government.

§ 2.063 *Reduced speed at night.* During the night time, speed shall be reduced in keeping with reduced visibility.

§ 2.07 *Equipment to be in good working order.* No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following required parts and accessories are in good working order:

Lighting devices and reflectors.  
Brakes, both service and hand.  
Horn.  
Windshield wiper.  
Rear vision mirror.  
Tires.  
Steering mechanism.  
Coupling devices.

§ 2.08 *Emergency equipment must be in place.*<sup>1</sup> No motor vehicle shall be driven unless the following required accessories are in place and ready for use in case of emergency:

§ 2.081 *On every bus, truck or tractor.* (a) At least one fire extinguisher properly filled, securely mounted in a bracket, and available for immediate use; provided, however, that this requirement shall not apply to taxicabs.

(b) One red lantern, when projecting loads are carried.

(c) One red-cloth flag, when projecting loads are carried.

(d) At least one spare electric bulb for each kind of electric lamp where such electric lamp is used for any of the lighting devices required by these regulations.

(e) At least one spare electric fuse of each kind and size used for any of the electric lighting circuits on the motor vehicle.

(f) One set of tire chains, for all vehicles likely to encounter conditions requiring them.

(g) Three flares (pot torches), properly filled; or three red electric lanterns, equipped with batteries in proper condition, and available for immediate use.

(h) At least three fuses (unless red electric lanterns are used as warning signals), so mounted as to be protected from oil and moisture, and available for immediate use.

(i) At least two red-cloth flags with standards.

<sup>1</sup> See Rule 3.349, page 25, for specifications.

§ 2.082 *On every bus.* (a) All items required by Rule 2.081 and in addition:

(b) One metal first-aid kit.

(c) One hand ax available for immediate use.

§ 2.083 *On every motor vehicle driven singly, or on the towing motor vehicle of any combination of motor vehicles, in transit as a driveway operation.* (a) All items required by Rule 2.081, except that a fire extinguisher shall not be required on any such motor vehicle.

§ 2.09 *Safe loading.*

§ 2.091 *Distribution and securing of load.* The load on every motor vehicle transporting property shall be properly distributed, and if necessary, secured, in order to prevent unsafe shifting of the load or unsafe operation of the vehicle.

§ 2.092 *Fastenings secure.* No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the tailboard or tailgate, tarpaulins, spare tires, and all means of fastening the load are securely in place.

§ 2.093 *Load not to interfere with driver.* No motor vehicle shall be so loaded as to obscure the driver's view ahead, or to the right and left sides, or to interfere with the free movement of his arms or legs, or to prevent his free and ready access to the accessories required for emergencies.

§ 2.094 *Loading of buses.* All baggage, freight, or express carried in any bus shall be so loaded as not to interfere with the free and ready entering or leaving such bus, and shall be so stowed as to prevent falling onto or against any passenger.

§ 2.10 *"Clear course" before starting.* No motor vehicle shall be set in motion until due caution has been taken to ascertain that the course is clear.

§ 2.11 *Keep to the right.* Every motor vehicle shall be driven as far to the right side of the travelled portion of the highway as is practicable.

§ 2.12 *Maintain adequate space between vehicles.* Sufficient space shall be maintained, whenever conditions permit, between vehicles proceeding in the same direction so that an overtaking vehicle may enter and occupy such space without danger. This rule shall not be construed to prevent overtaking and passing another vehicle.

§ 2.13 *Precautions at railroad grade crossings.*

§ 2.131 *Certain vehicles must stop.* Every motor vehicle transporting—

(a) passengers,

(b) dangerous explosives,<sup>2</sup>

(c) chlorine,

(d) Class B or Class C poisons,<sup>2</sup> inflammable compressed gases, or corrosive liquids in cargo tanks,

(e) Class A poisons,<sup>2</sup> and

(f) every motor vehicle used for the transportation of inflammable liquids in cargo tanks, whether loaded or empty,

shall, upon approaching any railroad grade crossing, be brought to a full stop within 50 feet but not less than 10 feet, from the nearest rail of such railroad

grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear: *Provided, however,* That such full stop shall not be required at a street-car crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic-control "stop and go" signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed.

§ 2.132 *Other vehicles must slow down and be prepared to stop.* The speed of any other motor vehicle shall, upon approaching a railroad grade crossing, be reduced to a rate that shall enable a stop to be made before reaching the nearest rail of such crossing, and the crossing shall not be traversed until due caution has been taken to ascertain that the course is clear.

§ 2.133 *No gear changes on crossings.* In all cases where gear change may be made at the option of the driver, crossing shall be made only in such gear that there shall be no necessity for changing gears while traversing such crossing.

§ 2.134 *Driver must ascertain that course is clear.* Nothing contained in this rule shall be so construed as to relieve the driver of the responsibility in any case of exercising due caution to ascertain that the course is clear before proceeding over such crossing.

§ 2.14 *Precautions at drawbridges.*

§ 2.141 *Vehicles transporting passengers must stop.* Every motor vehicle transporting passengers shall, upon approaching any drawbridge, known or marked as such, be brought to a full stop, not less than 50 feet from the lip of the draw, and shall not proceed unless the draw is closed; provided, however, that such full stop shall not be required at any drawbridge protected by a watchman or traffic officer on duty, or by a traffic-control "stop and go" signal giving positive indication to approaching vehicles to proceed.

<sup>2</sup>Special requirements for the transportation of explosives and other dangerous articles will be, under present plans, the subject of Part 7 of these regulations. For common carriers by motor vehicles, certain requirements of the Commission are already in effect (see "Regulations for the Transportation of Explosives and Other Dangerous Articles on the Public Highways by Motor Truck or Other Vehicle, Prescribed under the Act of March 4, 1921", of the Commission, effective March 1, 1935, and amendments thereto). For the purpose of Rule 2.131, the three classes of poisons listed therein may be defined as follows:

"Class A Poison". Any poisonous gas or liquid of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life.

"Class B Poison". Any poisonous liquid or solid of such nature that it is chiefly dangerous on external contact with the body or by being taken internally.

"Class C Poison". A liquid or solid substance which upon contact with fire or heat, gives off dangerous or intensely irritating fumes, such as tear-gas and the like, but not including any poisonous article, Class A.

§ 2.142 *Other vehicles must slow down and be prepared to stop.* Any other motor vehicle upon approaching any drawbridge shall be driven at such speed as to permit it to be stopped before reaching the lip of the draw, and shall proceed only if the draw is closed.

§ 2.143 *Driver must ascertain that course is clear.* Nothing contained in this rule shall be so construed as to relieve the driver of the responsibility in any case of exercising due caution to ascertain that the draw is closed.

§ 2.15 *Other users of highway must not be endangered.* No motor vehicle, except in case of emergency, shall be stopped, its speed suddenly decreased nor its course or direction changed, unless the driver thereof shall have exercised due caution to ascertain that such acts can be performed without endangering other users of the highway.

§ 2.16 *Vehicle must be in proper position for making turns.* Upon all highways any right turn shall be made from a position which is as close as practicable to the extreme right side of the traveled portion of the highway. Upon two-way highways any left turn shall be made from a position which is as close as practicable to the center of the traveled portion of the highway. Upon one-way highways and upon highways on which the opposing streams of traffic are separated by a dividing strip or zone, any left turn shall be made from a position which is as close as practicable to the extreme left side of the traveled portion of such highways. In all cases turns shall be made with due caution, having due regard to the length of the motor vehicle and any load thereon, the width of the roadway, and other traffic. Before making any turn the motor vehicle shall be driven into the proper lane well in advance of the intersection.

§ 2.17 *Special care in overtaking or passing.* No motor vehicle shall be driven past a vehicle or vehicles proceeding in the same direction, unless there is ample visible space ahead to do so without endangering any other user of the highways; if necessary, an audible signal of intention to pass shall be sounded. After passing, the motor vehicle shall not be returned to the right side of the roadway until safely clear of the overtaken vehicle or vehicles.

§ 2.18 *Overtaking must not be prevented by speeding up.* The speed of a motor vehicle shall not be increased to prevent being overtaken by another vehicle attempting to pass.

§ 2.19 *Vehicle must be in gear on down grade.* No motor vehicle shall be driven upon a down grade with gears in neutral or clutch disengaged.

§ 2.20 *Special care required in passing stopped buses.* No motor vehicle when meeting or overtaking any school or other bus discharging or taking on passengers shall be driven past such bus except with extreme caution and only if the course ahead is known to be clear.

§ 2.21 *Precautions when vehicle is left unattended.* No motor vehicle shall be left unattended until after the parking (hand) brake has been securely set and all other reasonable precautions have been taken to prevent its movement while unattended.

§ 2.22 *Vehicle when stopped must not interfere with other traffic.* No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any highway outside of a business or residence district, when it is practicable to stop, park, or leave the motor vehicle off the traveled portion of such highway. When conditions make it impracticable to move the motor vehicle from the traveled portion of the highway, every effort shall be made to leave all possible width of the highway opposite such standing motor vehicle for the free passage of other vehicles, and care taken to provide a clear view of such stopped motor vehicle as far as possible to the front and rear. (See also Rule 2.24)

§ 2.23 *Emergency signals for disabled vehicles.* Whenever any motor vehicle is disabled upon the traveled portion of the highway or the shoulder next thereto, except within a business or residence district of a municipality, the following requirements shall be complied with during the period of such disablement:

§ 2.231 *Placing of fuses and flares.* During the time that lights are required (see Rule 2.25), except as provided in Rules 2.232, 2.233, and 2.234, a lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle; as soon thereafter as possible and in any case within the burning period of the fusee, three lighted flares (pot torches) shall be placed on the roadway, as follows:

(a) One in the center of the lane of traffic occupied by the disabled motor vehicle and not less than 40 paces (approximately 100 feet) distant therefrom in the direction of traffic approaching in that lane,

(b) One not less than 40 paces (approximately 100 feet) from such vehicle in the opposite direction, and

(c) One at the traffic side of such vehicle approximately 10 feet rearward or forward thereof;

(d) Provided, however, that if the motor vehicle is disabled within 300 feet of a curve, crest of a hill, or other obstruction to view, the flare in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 40 paces (approximately 100 feet) nor more than 120 paces (approximately 300 feet) from the disabled vehicle;

(e) Provided further that care shall be taken in the placing of any flare (liquid burning pot torch), fusee, or any signal produced by a flame, to prevent igniting any gasoline or other inflammable liquid or gas.

§ 2.232 *Use of red electric lanterns for certain tank motor vehicles.* For every motor vehicle used for the transportation of inflammable liquids or inflammable compressed gases in cargo tanks, whether loaded or empty, the use of flares (not torches), fusees, or any signal produced by a flame is prohibited, and lighted red electric lanterns shall be used in lieu thereof. One of the said red electric lanterns shall be immediately placed on the roadway at the traffic side of the motor vehicle and immediately thereafter the two other red electric lanterns shall be placed to the front and rear of the motor vehicle in the same manner prescribed in Rule 2.231 for the placement of lighted flares (pot torches).

§ 2.233 *Optional use of red electric lanterns.* For every motor vehicle not required to carry red electric lanterns, but electing to carry them in lieu of flares (pot torches) and fusees, the placement of such lighted red electric lanterns in the event of disablement shall be as set forth in Rule 2.232.

§ 2.234 *Placing of flags.* During such time as lights are not required, red flags shall be placed in the manner prescribed for flares or red electric lanterns, except that no flag shall be required to be placed at the side of the vehicle; provided, however, that if such disablement continues into the period when lights are required, lighted flares or lighted red electric lanterns shall then be placed as prescribed.

§ 2.24 *Emergency signals for stopped vehicles.* Whenever any motor vehicle is stopped upon the traveled portion of the highway or the shoulder next thereto, except within a business or residence district of a municipality, for any cause other than disablement (see Rule 2.23) or necessary traffic stops, the following requirements shall be complied with during the period of such stop:

§ 2.241 *Placing of fusee or red electric lantern.* During the time that lights are required (see Rule 2.25), a lighted fusee or lighted red electric lantern shall be immediately placed on the roadway at the traffic side of the motor vehicle.

§ 2.242 *Placing of flares, red electric lanterns, or flags.* If such stop exceeds or is intended to exceed 10 minutes, the placing of flares, red electric lanterns, or flags shall be in the manner prescribed under Rule 2.23.

§ 2.25 *When lighted lamps are required on moving vehicles.* Whenever any motor vehicle is driven upon a highway there shall be displayed the lighted lamps required under Rule 3.31 during the following times:

(a) During the period from one half hour after sunset to one half hour before sunrise;

(b) During any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead; provided, that clearance and side-marker

lamps need not be lighted when within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

§ 2.26 *Lights on parked or stopped vehicles.* Whenever any motor vehicle is parked or stopped upon the highway within a business or residence district of a municipality, whether attended or unattended, during the times mentioned in Rule 2.25, at least one white or amber light shall be displayed on the traffic side of the motor vehicle visible from a distance of 500 feet to the front of the motor vehicle, and at least one red light visible from a distance of 500 feet to the rear; provided, that headlights, if used, shall be dimmed or depressed.

§ 2.27 *Not more than four road-lighting lamps to be illuminated.* When a motor vehicle is equipped with more than four lamps of the character of head lamps, auxiliary road-lighting lamps, or spot lamps, not more than four such lamps shall be lighted at any one time.

§ 2.28 *Use of upper and lower head lamp beams.* Whenever the road-lighting equipment on a motor vehicle is so arranged that the driver may select at will between two or more distributions of light from head lamps or auxiliary road-lighting lamps or combinations thereof, directed to different elevations, the following requirements shall apply while driving during the times when lights are required:

§ 2.281 *Upper beam.* When there is no oncoming vehicle within 500 feet, the driver shall use an upper distribution of light; provided, however, that a lower distribution of light may be used when fog, dust, or other atmospheric conditions make it desirable for reasons of safety, and when within the confines of municipalities where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, and when following another vehicle within 500 feet.

§ 2.282 *Lower beam.* When within 500 feet of an oncoming vehicle, the driver shall use a distribution of light so aimed that the glaring rays therefrom are not directed into the eyes of the oncoming driver.

§ 2.29 *Minimum visibility requirement for road-lighting lamps.* At no time while driving during the periods when lights are required shall any distribution of light be used which will not reveal a person or vehicle at a distance of at least 100 feet ahead under normal atmospheric conditions; provided, however, that dimmed head lights may be used in fog, or other abnormal weather or atmospheric conditions, when they tend to promote safety.

§ 2.30 *Spot light must not blind other users of highway.* No spot light shall be so aimed upon approaching another vehicle that any part of the high-intensity portion of the beam therefrom is directed

beyond the left side of the motor vehicle upon which the spot lamp is mounted, nor more than 100 feet ahead of such motor vehicle.

§ 2.31 *Extreme caution required under hazardous conditions.* Extreme caution in the operation of motor vehicles shall be exercised under hazardous conditions, such as snow, ice, sleet, fog, mist, rain, dust, smoke, or any other condition which adversely affects visibility or traction, and speed shall be reduced accordingly.

§ 2.32 *Duties of driver in case of accident.* The driver of any motor vehicle involved in an accident resulting in death, personal injury, or property damage, shall forthwith stop at the scene of the accident and remain there until he shall have (a) rendered all possible assistance to injured persons; and (b) given to any person demanding the same his name and address, the name and address of his employer, if any, and his vehicle registration number. He shall take all reasonable precautions to prevent further accidents at the scene. As soon as possible after the accident the driver (if not himself a motor carrier) shall report all details of the accident to his employer or supervisory official.

§ 2.33 *Special precautions during fueling process.*

§ 2.331 *Care to prevent ignition of fuel.* No motor vehicle shall be fueled or be permitted to be fueled with engine running, or in the presence of any open flame. Care shall be exercised to prevent the ignition of fuel by lighted cigars, cigarettes, pipes, or other sources of ignition.

§ 2.332 *Electric grounding of fuel hose.* The nozzle of the fuel hose shall be in contact with the intake of the fuel tank throughout the fueling process.

§ 2.333 *Fueling of busses.* Fueling of a bus carrying passengers shall be reduced to the minimum number of times necessary in such transportation and in no event shall any such motor vehicle be fueled in a closed building with passengers aboard.

§ 2.334 *Reserve fuel supply.* No reserve supply of fuel shall be carried on any motor vehicle except in a properly constructed and mounted main fuel tank, cylinder, or auxiliary tank except that this provision shall not be construed to prohibit the use of a properly constructed cargo tank for liquefied fuel gases as a proper source of fuel supply.

§ 2.34 *Light or flag on end of projecting load.* During the time when lights are required to be displayed, there shall be attached to the rearmost extremity of any load which projects 4 feet or more beyond the rear of the body of the motor vehicle, or to any tailboard or tailgate so projecting, or to the rearmost extremity of any load carried on a pole trailer, at least one red lantern securely fastened thereto, which shall be visible from a distance of at least 500 feet to the sides and rear under normal atmospheric condi-

tions. At all other times a red-cloth flag shall be so displayed.

§ 2.35 *Tailboard must not obscure rear lights or reflectors.* No motor vehicle shall be operated with the tailboard or tailgate in such position as to obscure any of the required rear lights or reflectors.

§ 2.36 *Transportation of hitch-hikers and other unauthorized persons prohibited on property-carrying vehicles.* No person, other than employees of the motor carrier, shall be transported upon any motor vehicle not designed or adapted and used for the transportation of passengers unless specifically authorized in writing by the motor carrier; provided, however, that nothing contained in this rule shall be so construed as to prohibit the carrying of any person in case of an accident, or in other emergencies.

#### PART 3—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

##### Sec.

- 3.1 Compliance required.
- 3.2 Additional parts and accessories allowable.
- 3.3 Equipment required on all motor vehicles (except in driveaway operations).
- 3.31 Lighting devices and reflectors on all vehicles.
- 3.32 Brakes on all vehicles.
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- 3.34 Miscellaneous parts and accessories on all vehicles.
- 3.4 Additional equipment required on new vehicles.
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- 3.42 Brakes on new vehicles.
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- 3.5 Driveaway operations.
- 3.51 Lighting devices and reflectors, driveaway operations.
- 3.52 Brakes, driveaway operations.
- 3.53 Miscellaneous parts and accessories, driveaway operations.
- 3.54 Number of driveaway vehicles in combination.

§ 3.1 *Compliance required.* Every motor carrier shall comply with the following regulations.

§ 3.2 *Additional parts and accessories allowable.* Nothing contained in these regulations shall be construed to prohibit the use of additional parts and accessories, not inconsistent with these regulations, tending to increase the safety of operation of motor vehicles, and to prevent accidents.

#### Parts and Accessories Required on All Motor Vehicles<sup>1</sup> (Except in Driveaway Operations)

§ 3.3 *Equipment required on all motor vehicles (except in driveaway operations).* Every motor vehicle except motor vehicles engaged in driveaway operations (see under Rule 3.5) shall be equipped as follows:

§ 3.31 *Lighting devices and reflectors on all vehicles.*

§ 3.3101 *Every bus or truck.* On every bus or truck, whatever its size, there shall be at least the following lighting devices and reflectors.

<sup>1</sup> See under Rule 3.4 for additional requirements for new vehicles.

(a) On the front, two head lamps, one at each side.

(b) On the rear, one red tail lamp; one red or amber stop light; two red reflectors, one at each side.

(Diagram to illustrate Rule 3.3101.)

NOTE: Diagrams will appear in printed edition.

§ 3.3102 *Every bus or truck 80 inches or more in width.* On every bus or truck 80 inches or more in over-all width, there shall be at least the following lighting devices and reflectors:

(a) On the front, two head lamps, one at each side; two amber clearance lamps, one at each side.

(b) On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side.

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (Diagram to illustrate Rule 3.3102.)

§ 3.3103 *Every tractor.* On every tractor there shall be at least the following lighting devices and reflectors:

(a) On the front, two head lamps, one at each side; two amber clearance lamps, one at each side.

(b) On the rear, one red tail lamp; one red or amber stop light.

(Diagram to illustrate Rule 3.3103.)

§ 3.3104 *Every semitrailer or full trailer in excess of 3,000 pounds gross weight.* On every semitrailer or full trailer having a gross weight in excess of 3,000 pounds there shall be at least the following lighting devices and reflectors:

(a) On the front, two amber clearance lamps, one at each side.

(b) On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side.

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

(Diagram to illustrate Rule 3.3104.)

§ 3.3105 *Every semitrailer or full trailer weighing 3,000 pounds gross or less.* On every semitrailer or full trailer having a gross weight of 3,000 pounds or less, there shall be at least the following lighting devices and reflectors:

(a) On the front, no requirement.

(b) On the rear, one red tail lamp; two red reflectors, one at each side; one red or amber stop light if the semitrailer or full trailer obscures the stop light on the towing vehicle.

(Diagram to illustrate Rule 3.3105.)

§ 3.3106 *Every pole trailer.* On every pole trailer there shall be at least the following lighting devices and reflectors:

(a) On the front, no requirement.

(b) On the rear, one red tail lamp; two red reflectors, one at each side, placed to indicate extreme width of the pole trailer or its load, whichever is wider. (See Rule 2.34 requiring red lantern or flag on end of projecting load.)

(c) On each side, on the rearmost support for the load, one combination marker lamp showing amber to the front, and red to the side and rear, mounted to indicate maximum width of the pole trailer or load; one red reflector, located at or near the rear.

(Diagram to illustrate Rule 3.3106.)

§ 3.3107 *Electric lamps to be mounted permanently.* Where electric lamps are used to meet the requirements of Rule 3.31, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole trailers prescribed in Rule 3.3106 (c).

§ 3.3108 *Clearance lamps to indicate extreme width.* Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable.

(Diagram to illustrate mounting of clearance lamps on vehicles without permanent top or sides.)

§ 3.3109 *Side-marker lamps may be combined with clearance lamps.* Side-marker lamps may be in combination with clearance lamps and may use the same light source.

§ 3.3110 *Color of lighting devices.* The color of lighting devices shall be as follows:

(a) All front clearance lamps, and all side-marker lamps except the one on each side at or near the rear; on any bus, truck, tractor, semitrailer, full trailer, or pole trailer, shall when lighted display an amber color.

(b) No red lighting device of any character shall be mounted at any place other than on or near the rear on any bus, truck, tractor, semitrailer, full trailer, or pole trailer.

(c) All rear clearance lamps, the side-marker lamp on each side at or near the rear, and any other lamps mounted on the rear, on any bus, truck, tractor, semitrailer, full trailer, or pole trailer, shall when lighted display a red color except as permitted by paragraphs (d), (e), (f), and (g) of this rule.

(d) The stop light or other warning device on the rear of any motor vehicle may be red or amber.

(e) The color blue or purple may be used on the front and rear of any motor vehicle in a device to indicate the speed at which the motor vehicle is moving.

(f) Backing lights of any color may be mounted on the rear of any motor vehicle if the switch controlling such lights be so arranged that they may be turned on only when the motor vehicle is in reverse gear. Such backing lights when unlighted shall be so covered or

otherwise arranged as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear.

(g) No provision of this rule shall be so constructed as to prohibit the use of any white light or lights for the purpose of illuminating license plates.

§ 3.3111 *Visibility of clearance, side-marker, and tail lamps.* Clearance, side-marker, and tail lamps shall, when lighted, be capable of being seen at a distance of 500 feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle.

§ 3.3112 *Operation and visibility of stop light.* Stop lights shall be actuated by application of the service (foot) brakes and shall be capable of being seen and distinguished from a distance of 100 feet to the rear of the motor vehicle in normal day light; but shall not project a glaring or dazzling light. The stop light may be incorporated with the tail lamp.

§ 3.3113 *Mounting of reflectors.* No reflector required by these regulations shall be mounted upon the motor vehicle at a height to exceed 60 inches, nor less than 24 inches, above the ground on which the motor vehicle stands.

§ 3.3114 *Visibility of reflectors.* Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within 500 feet to 50 feet from the motor vehicle when directly in front of a normal head light beam.

NOTE: Any reflex reflector approved by any of the States listed below, or by any other State having equivalent or superior requirements, or any reflex reflector meeting the requirements as set forth in "S. A. E. Recommended Practice" for reflex reflectors, as promulgated by the Society of Automotive Engineers, 29 West 39th St., New York, N. Y., shall be deemed to meet the requirements of Rule 3.3114 with respect to performance characteristics. The listed States are New Hampshire, Massachusetts, Rhode Island, New York, and California.

§ 3.3115 *Reflectors incorporated with tail lamps.* One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps, provided that any such tail lamps be located within the height limits specified for reflectors. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility set forth in Rule 3.3114.

§ 3.3116 *Color of reflectors.* All reflectors mounted on any bus, truck, tractor, semitrailer, full trailer, or pole trailer, shall reflect an amber color, except those placed on the rear and on the sides nearest to the rear thereof, which shall reflect a red color.

§ 3.3117 *Detachable electrical connections.* Means for establishing electric connection between towing and towed vehicles, and other detachable electric connections, shall be mechanically and

electrically adequate, free of short or open circuits. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection. Precaution shall be taken to provide sufficient slack in the connecting wire or cable without twisting or kinking thereof.

§ 3.32 *Brakes on all vehicles.*

§ 3.321 *Adequacy of brakes.* Every bus, truck, and tractor shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle, including two separate means of applying the brakes. At least one such braking means shall be a mechanical hand (parking) brake which shall employ a ratchet and pawl or other suitable locking and releasing mechanism to insure the setting and holding of at least one set of brakes. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and to hold such vehicle.

§ 3.322 *Brakes on combinations of motor vehicles.* Every combination of motor vehicles shall be equipped with brakes upon one or more of such motor vehicles, adequate to stop and to hold such combination of motor vehicles.

§ 3.323 *Brake performance.* Every motor vehicle or combination of motor vehicles, according to its type, shall be capable at all times and under all conditions of loading, of stopping on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of decelerating at a sustained rate corresponding to these distances:

Vehicles or combinations of vehicles having brakes on all wheels, feet to stop from 20 miles per hour, 30; deceleration in feet per second per second (nearest 1/2 foot), 14.

Vehicles or combinations of vehicles not having brakes on all wheels, feet to stop from 20 miles per hour, 45; deceleration in feet per second per second (nearest 1/2 foot), 9.5.

(NOTE.—The means used for enforcement purposes to determine if a motor vehicle or combination of motor vehicles is in compliance with the provisions of the above paragraph, will be by an instrument or a machine capable of being read in feet to stop from 20 miles per hour, deceleration in feet per second per second, or other equivalent units; the manner of use of these instruments or machines to be prescribed for each type of instrument or machine so used.)

§ 3.324 *Application of brakes on combinations of motor vehicles.* In any combination of motor vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost

wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively or conjunctively may be employed.

§ 3.325 *Independence of braking controls.* Means of braking, the operating controls of which shall be independent of the operating controls of the service (foot) brake, shall be provided to hold any motor vehicle or combination of motor vehicles stationary on any up or down grade upon which it is to be operated.

§ 3.326 *Adequacy of brake tubing and hose.* All brake tubing and brake hose shall be adequate in material and construction to insure proper continued functioning; sufficiently long and flexible to accommodate without damage all normal motions of the parts to which they are attached; and suitably secured and protected against chafing or other mechanical injury.

§ 3.327 *Brake tubing and hose connections.* All connections for compressed air, vacuum or hydraulic braking systems shall be adequate in material and construction to insure proper continued functioning; and shall be so designed, constructed and installed as to insure, when properly connected, an attachment free of leaks, constrictions, or other defects. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection.

§ 3.328 *Brakes to be operative at all times.* All brakes with which motor vehicles are equipped shall be operative at all times. Means may be used for reducing the braking effort on the front wheels of any bus, truck or tractor, provided that no such means shall be capable of making the front wheel brakes entirely inoperative.

§ 3.33 *Safety glass on all vehicles.*

§ 3.331 *Replacements of glass.* Whenever glass is replaced in the windshield and in the window next to the driver, in a bus, truck or tractor; or in the doors and rear windows of a bus; or in the rear window of the driving compartment of a truck or tractor, the replacement shall be made with safety glass, which shall conform to the requirements contained in the "American Standard, Safety Code for Safety Glass for Glazing Motor Vehicles Operating on Land Highways, Z 26.1-1938," approved March 7, 1938, by the American Standards Association, 29 West 39th Street, New York, N. Y.

§ 3.332 *Case-hardened glass prohibited.* Case-hardened glass shall not be used for replacement purposes in any windshield, door, or window opening of any motor vehicle.

§ 3.34 *Miscellaneous parts and accessories on all vehicles.*

§ 3.341 *Windshield wiper.* Every motor vehicle having a windshield shall be equipped with at least one windshield

wiper for cleaning rain, snow, or other moisture from the windshield in order to provide clear vision for the driver.

§ 3.342 *Defrosting device.* Every motor vehicle which is equipped with a windshield, when operating under conditions such that ice or frost would be likely to collect on the windshield, shall be equipped with a device or other means for preventing or removing such ice or frost.

§ 3.343 *Rear vision mirror.* Every truck, bus, and tractor shall be equipped with at least one rear-vision mirror, firmly attached to the motor vehicle and so located as to reflect to the driver a view of the highway to the rear.

§ 3.344 *Horn.* Every truck, bus, and tractor shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

§ 3.345 *Fuel containers.*

§ 3.3451 *Fuel container not to project.* No part of any fuel tank or container or intake pipe shall project beyond the sides of the motor vehicle.

§ 3.3452 *Location of fuel container on bus.* The intake pipe of any fuel tank or container, or any such container itself, shall not be located within or above the passenger-carrying portion of any bus.

§ 3.3453 *Fuel containers of substantial construction.* Every fuel tank or container supplying fuel for the propulsion of any motor vehicle shall be of substantial construction free from leaks and securely attached to the vehicle in a manner which constitutes good practice.

§ 3.346 *Coupling devices.*

§ 3.3461 *Mounting of fifth wheel.* The lower half of every fifth wheel mounted on any tractor or dolly shall be securely and permanently affixed to the frame thereof by U-bolts or by other means providing at least equivalent security.

§ 3.3462 *Securing of fifth wheel parts.* The upper half of any fifth wheel shall be fastened as securely to the semitrailer as is required for the securing of the lower half to a tractor or dolly.

§ 3.3463 *Adequate locking of fifth wheel.* Locking means shall be provided in every fifth wheel mechanism such that the upper and lower halves may not be separated without its manual release. A release mechanism actuated by the driver from the cab shall be deemed to meet this requirement.

§ 3.3464 *Tow-bar.* Every full trailer shall be equipped with a tow-bar which shall be structurally adequate for any weight drawn, properly mounted, without excessive slack but with sufficient play to allow for universal action of the connection, and provided with a suitable locking means to prevent accidental separation of the towed and towing motor vehicles.

§ 3.3465 *Tracking.* The tow-bar and its connections shall be so designed, constructed and installed, and the full trailer shall be so designed and constructed as to insure that the full trailer will follow substantially in the path of the towing

vehicle and without whipping or swerving from side to side.

§ 3.3466 *Safety chains.* Every full trailer shall be coupled with safety chains (stay chains or cables) to the motor vehicle by which it is to be towed, which devices together with their means of attachment shall be adequate to prevent the separation of the towed and towing vehicles in the event of failure of the tow-bar.

§ 3.347 *Tires.* Tires shall be provided on every motor vehicle adequate to support the maximum gross weight thereof.

§ 3.348 *Drive shaft (propeller shaft) protection for buses.* Where the drive shaft (propeller shaft) of any bus extends lengthways under the floor thereof, it shall be protected by means of at least one U-shaped guard or bracket at that end of the shaft which is provided with a sliding connection (spline or other such device) to prevent the whipping of the shaft in the event of failure thereof or of any of its component parts. A shaft contained within a torque tube shall not be deemed to require any such device.

§ 3.349 *Emergency parts and accessories required.*

§ 3.3491 *On every bus, truck, or tractor there shall be.* (a) At least one fire extinguisher, of a type inspected and labelled by Underwriters' Laboratories, Inc., 207 E. Ohio St., Chicago, Ill., under Classification B, and utilizing an extinguishing agent which does not need protection from freezing, properly filled and securely mounted in a bracket. (Minimum size: one-quart carbon tetrachloride type, or two-pound carbon dioxide type.) This requirement shall not apply to any taxicab.

(b) One red lantern, when projecting loads are carried.

(c) One red cloth flag, not less than 12 inches square, when projecting loads are carried.

(d) At least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required by these regulations.

(e) At least one spare electric fuse of each kind and size used for any of the electric lighting circuits on the motor vehicle.

(f) One set of tire chains, for all vehicles likely to encounter conditions requiring them.

(g) Three flares or three red electric lanterns; each flare (liquid-burning pot torch) or red electric lantern shall be capable when lighted of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at night time; each flare (pot torch) shall be capable of burning for not less than 12 hours in 5-miles-per-hour wind velocity, capable of burning in any air velocities from zero to 40 miles per hour, substantially constructed so as to withstand reasonable shocks without leaking, and shall be carried in a metal rack or box; each red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially

constructed so as to withstand reasonable shocks without breakage.

(h) At least three red-burning fuses (if carrier elects to carry and use flares as warning signals); each fuse shall be made in accordance with specifications of the Bureau of Explosives, 30 Vesey Street, New York, New York, and so marked, and shall be capable of burning at least 15 minutes.

NOTE: Flares (pot torches), fuses, oil lanterns, or any signal produced by a flame, shall not be carried or used as warning signals for motor vehicles used in the transportation of inflammable liquids or inflammable compressed gases in cargo tanks; but in lieu of such flares and fuses, three red electric lanterns shall be carried.

(i) At least two red cloth flags, not less than 12 inches square, with standards.

§ 3.3492 *On every bus there shall be.*

(a) All items listed under Rule 3.3491 and in addition:

(b) One metal first-aid kit, heavy-duty 10-unit type.\*

(c) One hand ax.

*Parts and Accessories Required on New Vehicles (Acquired on and after January 1, 1940)*

§ 3.4 *Additional equipment required on new vehicles.* Every new motor vehicle acquired by a motor carrier on and after January 1, 1940, shall in addition to the requirements hereinbefore set forth, be at all times equipped as follows:

§ 3.41 *Lighting devices on new vehicles.*

§ 3.411 *Electric lamps.* All lamps required by these regulations to be securely

and permanently affixed to any new motor vehicle shall be electric.

§ 3.412 *Dual or multiple beam head lamps.* Head lamps on any new motor vehicle shall be of the dual or multiple beam type.

§ 3.413 *Adequate wiring and connections.* Each piece of electrical equipment on any new motor vehicle, except high-tension ignition circuits, shall be connected to the source of its power with suitably insulated stranded wire of electrical conductivity not less than the equivalent of No. 16 B & S gage solid copper wire. This shall not be so constructed as to prohibit the use of the frame or other metal parts of such motor vehicle as a return ground system. The wiring and all connections and contacts, except the starter circuit, shall in any event be such that, with all electrical devices on the motor vehicle, except the starter, in operation and the generator operating at its maximum output, the voltage drop to any lamp or other device shall not be excessive.

§ 3.42 *Brakes on new vehicles.*

§ 3.421 *Brakes required on all wheels.* Every new motor vehicle shall be equipped with brakes on all wheels, excepting any full trailer, semitrailer or pole trailer of a gross weight not exceeding 3,000 pounds: *Provided, however,* That the gross weight of any such full trailer or 4-wheel pole trailer without brakes shall not exceed 40 percent of the gross weight of the towing vehicle, and that the gross weight of any such semitrailer or two-wheel pole trailer without brakes shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the semitrailer or two-wheel pole trailer.

§ 3.422 *Automatic application of brakes upon brakeaway.* Every new full trailer, semitrailer, and pole trailer (except those weighing 3,000 pounds gross or less), shall be equipped with brakes of such a character as to be automatically applied upon break-away from the towing vehicle, and means shall be provided to maintain application of the brakes in such case for at least 15 minutes.

§ 3.43 *Safety glass on new vehicles.*

§ 3.431 *Safety glass in certain specified openings.* Whenever glass is used in the windshield and in the window next to the driver in a bus, truck or tractor; or in the doors and rear windows of a bus; or in the rear window of the driving compartment of a truck or tractor, it shall be safety glass which shall conform to the requirements contained in the "American Standard, Safety Code for Safety Glass for Glazing Motor Vehicles Operating on Land Highways, Z 26.1-1938," approved March 7, 1938, by the American Standards Association, 29 West 39th Street, New York, N. Y.

§ 3.432 *Case-hardened glass prohibited.* Case-hardened glass shall not be used in any windshield, door or window opening of any motor vehicle.

§ 3.44 *Miscellaneous parts and accessories on new vehicles.*

§ 3.441 *Speedometer.* Every new bus, truck, and tractor shall be equipped with one speedometer or tachometer which shall be operative with reasonable accuracy.

#### *Driveaway Operations*

§ 3.5 *Driveaway Operations.* Every motor vehicle used in driveaway operations shall be equipped according to its type and classification, as follows:

§ 3.51 *Lighting devices and reflectors, driveaway operations.*

§ 3.511 *Singly-driven motor vehicles less than 80 inches wide.* On every motor vehicle less than 80 inches in over-all width, driven singly in any driveaway operation, there shall be at least the lighting devices and reflectors required by Rule 3.3101.

§ 3.512 *Singly-driven motor vehicles more than 80 inches wide.* On every motor vehicle 80 inches or more in over-all width, driven singly in any driveaway operation, there shall be at least the lighting devices and reflectors required by Rule 3.3102.

§ 3.513 *Combination motor vehicles.* On motor vehicles in combination in any driveaway operation employing either tow-bar or saddle-mount connections, there shall be at least the following lighting devices and reflectors:

(a) On the front of the towing vehicle, two head lamps, one at each side.

(b) On each side of the towing vehicle and near the front thereof, one combination marker light showing an amber color to the front and side.

(c) On each side of the towed vehicle and near the rear thereof, one combination marker lamp showing red to the rear and side.

(d) On the rear of the towing vehicle, one red tail lamp;

(e) On the rear of the towed vehicle, one red tail lamp; one red or amber stop light; two red reflectors, one at each side.

(Two diagrams to illustrate Rule 3.513.)

§ 3.514 *Temporary mounting.* Required combination marker lamps and reflectors may be temporarily mounted on the motor vehicle or motor vehicles during the time they are in transit in any driveaway operation but in any case must be firmly attached thereto. Wiring shall be firmly attached to the motor vehicle or motor vehicles, and the wire used shall be suitably insulated stranded-wire of electrical conductivity not less than the equivalent of No. 16 B & S gage solid copper wire.

§ 3.515 *Color, visibility, and electrical connections.* The required lighting devices and reflectors for any driveaway operation shall meet the requirements set forth in Rules 3.3110 to 3.3117, inclusive, as to color, visibility, and adequacy of electrical connections.

§ 3.52 *Brakes, driveaway operations.*

§ 3.521 *Brake performance.* Every driveaway operation, whether of single

\* Specification 269-A, June 8, 1938. Branch of Supply, Procurement Division, Treasury Department, Washington, D. C., Specification for Kits, First-Aid, illustrates the type of first-aid kit meeting the requisites of this rule. The requirements and contents of a 10-unit first-aid kit in the above specification, quoted in part, are as follows:

#### *E. Detail requirements.*

E-2b (1) *Class 1 (10-unit).* The case shall measure approximately 8 by 4½ by 2½ inches and shall be made of sheet steel not less than 0.037 inch in thickness. All seams and joints shall be welded. The cover shall be attached to the base by means of a continuous piano hinge, spot-welded in place. The case shall be so designed that the cover shall open to an angle of 90 degrees to 100 degrees with the base, and at that point a substantial stop be provided; such stop shall in no manner interfere with the smooth operation of the cover.

E-2b (1) *e. Contents.* Each case shall be provided with a contents label placed on the inside of the cover, giving brief instructions for first-aid treatment and arrangement of contents. The case shall contain the following: (See also paragraph E-3 for detailed specifications as to the content requirements.)

- 4-inch Bandage Compresses—1 package.
- 2-inch Bandage Compresses—1 package.
- 1-inch Adhesive Compresses—2 packages.
- 40-inch Triangular Bandage—1 package.
- Burn Ointment—1 package.
- Ammonia Inhalants—1 package.
- Iodine Applicators—1 package.
- Wire Splint—1 package.
- Tourniquet and Forceps—1 package.

motor vehicle or combination, shall be capable of meeting the requirements of Rule 3.323 as to brake performance: *Provided, however,* That brakes need be operative only on the towing vehicle.

§ 3.53 *Miscellaneous parts and accessories, driveway operations.*

§ 3.531 *Items to be carried.* Every single motor vehicle and the towing vehicle of every combination of motor vehicles operating in driveway operations shall be equipped with a windshield wiper, rear vision mirror, horn, at least one red lantern and one red cloth flag when projecting loads are carried, at least one spare electric bulb for each kind of electric lamp with which it is equipped, one spare electric fuse of each kind and size used for any of the electric lighting circuits on the motor vehicle, three flares (liquid-burning pot torches) or three red electric lanterns, at least three red burning fuses (if flares are carried), at least two red cloth flags; and the specifications of these items of equipment shall be as set forth under Rule 3.349.

§ 3.532 *Tow-bar and fifth wheel requirements.* No motor vehicle shall be towed in driveway operations by means other than a tow-bar or fifth wheel connection which shall meet the requirements set forth below:

§ 3.5321 *Tow-bar to be structurally adequate and properly mounted.* The tow-bar assembly shall be structurally adequate for any weight drawn, properly mounted, and with a joint to permit of relative vertical motion between the towed and towing motor vehicles without stress of the parts.

§ 3.5322 *Fastening of tow-bar.* Adequate means shall be provided for securely fastening the respective ends of the tow-bar to the towed and towing vehicles.

§ 3.5323 *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism of the towed car. Such attachment shall be of such nature as to provide a sufficient angularity of movement of the front wheels of the towed vehicle that it may follow substantially in the path of the towing vehicle without cramping of the tow-bar. For this purpose the tow-bar shall be provided with suitable joints to permit such movement.

§ 3.5324 *Fifth wheel connection.* The upper and lower halves of any fifth wheel (saddle-mount) connection shall be attached securely, although not required to be permanently attached, to the towing and towed motor vehicles, respectively, by means affording equivalent security to those set forth in Rules 3.3461, 3.3462, 3.3463, for fifth wheel connections.

§ 3.54 *Number of driveway vehicles in combination.* No more than one motor vehicle shall be towed in any combination of motor vehicles in any driveway operation. This shall not be so construed as to prohibit the carrying on the struc-

ture of the towing vehicle of an additional motor vehicle or motor vehicles.

#### PART 4—REPORTING OF ACCIDENTS

Sec.

- 4.1 Accident reports confidential.
- 4.2 Reportable accidents.
- 4.3 Manner of reporting accidents.
- 4.4 Fatal accidents.
- 4.5 Carrier to assist in investigation.
- 4.6 Obtaining of accident report form (BMC-50).

§ 4.1 *Accident reports confidential.* Accident reports made by motor carriers in compliance with these regulations shall be for the information of the Commission, and shall not be open to public inspection.

§ 4.2 *Reportable accidents.* Every motor carrier shall report to the Commission in the manner hereinafter prescribed, every accident in which a motor vehicle operated by him or it is involved, and from which there results an injury to or death of any person, or property damage to any and all vehicles, cargo, or other property involved, to an apparent extent of \$25.00 or more.

§ 4.3 *Manner of reporting accidents.* A detailed report of each reportable accident shall be made by the motor carrier on Form BMC-50 in duplicate. The original of such report shall be mailed as soon as possible after the occurrence of an accident, but in any event within 15 days, to the district director, Bureau of Motor Carriers, for the district in which the motor carrier has his or its principal place of business. The duplicate shall be retained in the files of the motor carrier.

§ 4.4 *Fatal accidents.*

§ 4.41 *Immediate notice when death occurs.* Whenever any accident results in the death of any person, at the time of the accident or within 24 hours thereafter, the motor carrier shall immediately transmit notice of such death by telegraph or telephone to the proper district director as indicated in Rule 4.3. Such notice shall contain information as to the date and time of the accident, the exact location, the type of motor carrier's vehicle involved, the number of persons killed and injured, and the name and address of the motor carrier.

§ 4.42 *Deaths occurring before filing BMC-50 report.* In addition to the requirements of Rule 4.41, all deaths shall be reported on Form BMC-50 whether they occur at the time of the accident or subsequently if such deaths occur prior to the filing of said accident report form.

§ 4.43 *Deaths occurring after filing BMC-50 report.* Whenever the death of any person results from an accident after the motor carrier has submitted his Form BMC-50 report of such accident to the proper district director, notice of such death in writing shall be given to the district director as soon as possible after such death is known to the motor carrier, with sufficient information to identify the accident from which the death resulted.

§ 4.5 *Carrier to assist in investigation.* Every motor carrier shall make

available to the duly authorized representative or representatives of the Commission all records and information which in any way pertain to any reportable accident, and shall afford all reasonable assistance in the investigation of any such accident.

§ 4.6 *Obtaining of accident report form (BMC-50).* For the purpose of compliance with these rules, every motor carrier shall keep on hand an adequate supply of Accident Report Form BMC-50 to enable prompt reporting of accidents. Supplies of this form may be obtained from the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., or from any district director or supervisor.

#### Offices of district directors

The offices of the district directors, Bureau of Motor Carriers, Interstate Commerce Commission, are as follows:

District No.	Territory included	Address of district directors
1	Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	North Station Industrial Building, Inc., 150 Causeway Street, Boston, Mass.
2	Connecticut, New Jersey, New York.	641 Washington Street, New York, N. Y.
3	Delaware, District of Columbia, Maryland, East of east county line of McKean, Cameron, Clearfield, Blair, and Bedford of Pennsylvania.	1008 Gimbel Building, Ninth and Chestnut Streets, Philadelphia, Pa.
4	Ohio, and West of east county line of McKean, Cameron, Clearfield, Blair, and Bedford of Pennsylvania, West Virginia.	311 Old Post Office Building, Columbus, Ohio.
5	North Carolina, South Carolina, Virginia.	240 Post Office Building, Charlotte, N. C.
6	Alabama, Florida, Georgia.	308 Austell Building, 10 Forsyth Street, Atlanta, Ga.
7	Kentucky, Mississippi, Tennessee.	1015 Stahlman Building, Third Ave. North and Union Street, Nashville, Tenn.
8	Illinois, Indiana, Michigan.	205 U. S. Court House, Chicago, Ill.
9	Minnesota, North Dakota, South Dakota, Wisconsin.	106 Federal Office Bldg., Washington and Third Avenues, South, Minneapolis, Minn.
10	Iowa, Kansas, Missouri, Nebraska.	Carbide and Carbon Building, 912 Baltimore Avenue, Kansas City, Mo.
11	Arkansas, Louisiana, Oklahoma.	906 Wallace Bldg., 105 Main Street, Little Rock, Arkansas.
12	Texas.	1109 Electric Building, W. 7th and Lamar Streets, Fort Worth, Texas.
13	Colorado, New Mexico, Wyoming.	518 U. S. Customs House, Denver, Col.
14	Idaho, Montana, Utah.	420 Continental Bank Bldg., 200 South Main Street, Salt Lake City, Utah.
15	Oregon, Washington.	323 Pittock Block, Portland, Oregon.
16	Arizona, California, Nevada.	114 U. S. Customs Bldg., San Francisco, California.

#### PART 5—HOURS OF SERVICE OF DRIVERS

[Ex Parte No. MC-2]

In the matter of maximum hours of service of motor carrier employees.

(No change made from regulations of Commission promulgated January 27, 1939, effective March 1, 1939, and pub-

ished in the FEDERAL REGISTER for Tuesday, January 31, 1939, at page 475.)

#### PART 6—INSPECTION AND MAINTENANCE

Sec.

- 6.1 Compliance required.
  - 6.2 Inspection and maintenance required.
  - 6.3 Remedy or repair to be made.
  - 6.4 Damaged vehicles to be inspected.
  - 6.5 Lubrication required.
  - 6.6 Driver's trip report.
  - 6.7 Inspection of driveaway operations.
- Recommended practices:
- Driver's trip report.
  - Daily or weekly inspection.
  - Wiring inspection.
  - Periodic inspection.

§ 6.1 *Compliance required.* Every motor carrier shall comply with Rules 6.1 to 6.7 inclusive, with respect to all operations other than driveaway operations.

§ 6.2 *Inspection and maintenance required.* Every motor vehicle shall be maintained in safe operating condition and sufficient frequency of inspection shall be made to determine compliance with this rule.

§ 6.3 *Remedy or repair to be made.* Any defect or deficiency revealed by inspection as likely to cause a serious hazard to persons or property by the operation of any motor vehicle shall be remedied or repaired before the motor vehicle is continued in, or returned to, service.

§ 6.4 *Damaged vehicles to be inspected.* No motor vehicle, any part of which shall have been damaged by accident or other cause, shall thereafter be continued in or returned to service until inspection shall have been made to ascertain the nature and extent of the damage.

§ 6.5 *Lubrication required.* All rubbing or moving parts, including bearings, journals, pins, joints, and other parts for which lubrication is required, shall be kept lubricated in accordance with sound practice.

§ 6.6 *Driver's trip report.* Every driver employed by a motor carrier shall at the end of his day's work or tour of duty report in writing to his employer any such defect or deficiency of the motor vehicle discovered by him during such day's work or tour of duty as would be likely to affect the safety of operation of that vehicle.

§ 6.7 *Inspection of driveaway operations.* Every motor carrier with respect to motor vehicles in driveaway operations shall comply with the following rules (6.71 and 6.72), in addition to the requirements set forth in Rules 6.3 and 6.4.

§ 6.71 *Inspection before beginning trip.* Before the beginning of any driveaway operation of motor vehicles in combination, inspection shall be made to ascertain that the tow-bar or saddle-mount connections are secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving.

§ 6.72 *Inspection following trip.* Following the completion of any trip in a driveaway operation of motor vehicles in combination, and before their use again, the tow-bar or saddle-mount connections shall be disassembled and inspected for worn, bent, cracked, broken, or missing parts. Suitable repair or replacement shall be made of any such parts, and the connections properly reassembled.

#### Recommended Practices (Not Compulsory Requirements)

The following practices are recommended to motor carriers for consideration as one means of establishing sound inspection and maintenance procedure:

##### Driver's Trip Report

As a convenient means of providing for a driver's trip report required by Rule 6.6, the following form of "defect card" or check list is suggested:

##### DRIVER'S TRIP REPORT

Driver's name.....	Date.....
Vehicle No.....	
Item	Note defect
Body.....	
Brakes.....	
Cooling system.....	
Drive line.....	
Emergency equipment.....	
Engine.....	
Exhaust.....	
Fuel system.....	
Glass.....	
Horn.....	
Leaks.....	
Lights (state which).....	
Load.....	
Reflectors.....	
Speedometer.....	
Springs.....	
Steering.....	
Tires.....	
Wheels.....	
Windshield wiper.....	

Any other items requiring attention:

The items listed above may be modified or added to, as desired, by the carrier.

##### Daily or Weekly Inspection

It is recommended that every motor vehicle be inspected, visually or by test, not less often than once every week and preferably every day, to ascertain that it is in safe operating condition so far as may be determined by such an inspection.

There should be no such wet spots under the vehicle as would indicate leaks in the fuel system or other parts of the vehicle.

No parts of the body, mirrors, lights, reflectors, chassis springs, steering mechanism, wheels and hub or rim nuts, windows or windshield should be bent, broken, misaligned, or missing.

The tires should be adequately inflated, without any bulges, blisters, cuts, or other indications of weakness.

No parts of the body, brakes, fuel system, lights, chassis springs, wires, or other units should be sagging or hanging free below the vehicle.

Performance of the brakes, both service and hand, horn, headlights, steering

mechanism, and windshield wiper should be ascertained by trial to be adequate.

All filaments of all lighting devices should burn white when the generator is operating.

##### Wiring Inspection

It is recommended that not less often than once every six months, and preferably at more frequent intervals, all electrical wiring and connections on every motor vehicle should be inspected to ascertain that they are well secured in place, free of open or short circuits, and free from abrasions, cuts, or mechanical defects, such as would be likely to produce open or short circuits.

It is further recommended that the voltage at any lamp bulb or at the terminals of any other electrical device be no less than 5 volts in a nominal six-volt electrical system, and not less than 10 volts in a nominal 12-volt electrical system.

##### Periodic Inspection

It is recommended that every motor vehicle be periodically inspected in accordance with the recommendations of its manufacturer.

[F. R. Doc. 39-1960; Filed, June 6, 1939; 12:34 p. m.]

#### Notices

#### TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

#### STATEMENTS OF MANDATORY INFORMATION IN ADVERTISEMENTS

To All Importers, Bottlers, and Wholesalers of Distilled Spirits, Wines, and Malt Beverages:

There appears to be a growing tendency on the part of advertisers of alcoholic beverages to place the information required by this Administration's labeling and advertising regulations in their advertisements in such a manner that, although legible, it is not likely to come to the attention of the reader of such advertisements.

In this connection, the Administration in the past considered at a public hearing a proposed amendment to the regulations to require the neutral spirits content of blended whiskey to be stated more conspicuously in advertisements. It has, however, been concluded that no amendment to the regulations will be necessary to accomplish this result, as well as to correct the tendency to minimize the importance of other mandatory information, in view of the provisions of the regulations which require that mandatory information be so stated as to be "both conspicuous and readily legible."

In considering the manner of stating mandatory information in advertising material, the Administration feels that the following guiding principles—to which, of course, there may be some ex-

ceptions—will be of assistance to the industry:

Required statements as to neutral spirits content should ordinarily appear in direct conjunction with the most prominent reference in the advertisement to the class and type of the advertised product.

Mandatory information should be stated at least in type or lettering which is the equivalent of eight-point type. The size of the type should be increased proportionately with the size of the advertisement, and should not be smaller or less conspicuous than promotional copy or other unrequired descriptive matter appearing in the advertisement. In the case of signs, billboards, and displays, the mandatory information should be conspicuous and readily legible from the distance at which the advertisement is intended to be and is customarily viewed.

Mandatory information should be so stated as to be clearly a part of the advertisement and should not be separated in any manner from the remainder of the advertisement.

Mandatory information for two products should not be stated in direct conjunction unless clearly distinguished.

Mandatory information should not be buried or concealed by including it in unrequired descriptive matter.

In every case mandatory information should be stated so that it will come to the attention of persons viewing the advertisement.

[SEAL] W. S. ALEXANDER,  
Administrator.

JUNE 5, 1939.

[F. R. Doc. 39-1961; Filed, June 6, 1939;  
12:36 p. m.]

#### DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 275]

AN ORDER SUPPLEMENTING ORDER NO. 273,<sup>1</sup> WITH RESPECT TO THE ELECTION OF PRODUCER MEMBERS OF DISTRICT BOARD NO. 4

Good and sufficient cause having been shown, the National Bituminous Coal Commission, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, hereby orders and directs:

1. That paragraph number 2 (a), insofar as said paragraph relates to the election of producer members of District Board No. 4, is supplemented as follows:

"In the event that the Secretary of District Board No. 4 is physically unable

to preside at such meeting, he shall designate a person to conduct the election of a presiding officer. Such presiding officer shall be elected by the majority vote of the 1938 tonnage of code members or their proxies in attendance at such meeting. The person so elected shall then assume the chair and preside at the meeting.

"Except as modified herein, the duties of the Secretary of District Board No. 4, with respect to the Election required to be held by Order No. 273, shall remain as prescribed in said Order."

The Secretary of the Commission is hereby directed to cause a copy of this order to be telegraphed to the Secretary of District Board No. 4, and to cause a copy of the same to be mailed to the Consumers' Counsel and to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 5th day of June, 1939.

[SEAL] F. WITCHER McCULLOUGH,  
Secretary.

[F. R. Doc. 39-1946; Filed, June 6, 1939;  
10:30 a. m.]

#### DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-102 0-102]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations,<sup>1</sup> Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of peaches grown in the country of Mesa in the State of Colorado as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of peaches grown in the county of Mesa in the State of Colorado, in the District Court Room, Court House,

Grand Junction, Colorado, at 9:30 a. m., m. s. t., June 23, 1939.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid peaches as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of an Administrative Committee consisting of nine members, five of whom shall represent producers and four of whom shall represent handlers; (b) regulation of shipments of peaches by grades or sizes or combinations thereof; (c) inspection of shipments by an authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) filing by handlers of schedules of prices with the Administrative Committee during regulation periods to be established, and the posting of such schedules of prices; (e) levying of assessments by the Administrative Committee to cover expenses of administration; and (f) reports to the Administrative Committee by handlers.

Copies of the proposed marketing agreement and the proposed order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-1952; Filed, June 6, 1939;  
11:24 a. m.]

#### DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON THE QUESTION WHETHER PART 516 OF THE REGULATIONS OF THE ADMINISTRATOR SHOULD BE AMENDED TO PROVIDE FOR KEEPING SPECIAL OR ADDITIONAL RECORDS BY EMPLOYERS OF RED CAPS OR HAND BAGGAGE PORTERS

Pursuant to the authority vested in me by Section 11 of the Fair Labor Standards Act of 1938, notice is hereby given of a public hearing to be held at ten o'clock on June 27, 1939, at the offices of the Hearings and Exemptions Section, 939 D Street, N. W., Washington, D. C. before Mr. Gustav Peck, the Presiding Officer hereby designated to take such testimony and hear such argument as may be submitted by interested parties with reference to the following question:

<sup>1</sup> 4 F.R. 2007 DI.

<sup>1</sup> 1 F.R. 155.

What, if any, amendments should be made to part 516 of the Regulations<sup>1</sup> issued by the Administrator under Section 11 (c) of the Fair Labor Standards Act of 1938, to require special or additional records to be kept by employers of red caps or hand baggage porters.

Persons or organizations desiring to be heard on this question should notify the Administrator in writing on or before June 24, 1939, of their intention to appear and should indicate the amount of time requested for their presentations. Written briefs dealing with the subject matter of the hearing will be received.

Signed at Washington, D. C., this 5th day of June 1939.

ELMER F. ANDREWS,  
Administrator.

[F. R. Doc. 39-1950; Filed, June 6, 1939;  
11:08 a. m.]

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 249]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC. UNDER SECTION 405 (e) OF THE CIVIL AERONAUTICS ACT OF 1938, FOR A REVIEW OF ACTION OF THE POSTMASTER GENERAL AUTHORIZING THE TRANSPORTATION OF MAIL BETWEEN NEWARK, N. J., AND WASHINGTON, D. C. ON CERTAIN SCHEDULES OF AMERICAN AIRLINES, INC.

#### ORDER ASSIGNING MATTERS FOR ORAL ARGUMENT

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 31st day of May 1939.

Upon consideration of the application of Eastern Air Lines, Inc., under section 405 (e) of the Civil Aeronautics Act of 1938, for review of action of the Postmaster General under date of May 18, 1939, authorizing the transportation of mail between Newark, N. J., and Washington, D. C., on certain schedules of American Airlines, Inc.;

It is ordered, That said matter be set for oral argument before the Authority on June 21, 1939, at 10 a. m. (Eastern Standard Time) at its offices (Commerce Building, Room 5044) in Washington, D. C., upon the sole question of the Authority's jurisdiction to review said action of the Postmaster General.

It is further ordered, That other carriers may present oral argument before the Authority upon said question without complying with the provisions of Rule 4 (b), Formal Interventions, of the Rules of Practice under Title IV and section 1002 (d) to (i) of the Civil Aeronautics Act of 1938.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1959; Filed, June 6, 1939;  
12:31 p. m.]

[Docket No. 252]

IN THE MATTER OF THE PROPOSED NON-STOP SERVICE BY AMERICAN AIRLINES, INC., BETWEEN WASHINGTON, D. C., AND CHICAGO, ILLINOIS

#### NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding now assigned for June 9, 1939,<sup>1</sup> is hereby postponed to June 12, 1939, 10 o'clock a. m. (Eastern Standard Time) at Room 1851, Department of Commerce Building, Washington, D. C., before an examiner.

Dated Washington, D. C., June 5, 1939.  
By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1958; Filed, June 6, 1939;  
12:31 p. m.]

### RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 349]

#### ALLOCATION OF FUNDS FOR LOANS

MAY 31, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Missouri R9048A1 Newton.....	\$299,000

JOHN M. CARMODY,  
Administrator.

[F. R. Doc. 39-1943; Filed, June 6, 1939;  
9:31 a. m.]

[Administrative Order No. 350]

#### ALLOCATION OF FUNDS FOR LOANS

MAY 31, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Tennessee 9031A1 McNairy.....	\$411,000

JOHN M. CARMODY,  
Administrator.

[F. R. Doc. 39-1944; Filed, June 6, 1939;  
9:31 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its

<sup>14</sup> F. R. 2281 DL.

office in the City of Washington, D. C., on the 31st day of May, A. D. 1939.

[File No. 43-198]

IN THE MATTER OF OKLAHOMA POWER AND WATER COMPANY

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF NOTES AND BONDS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY

Oklahoma Power and Water Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of an aggregate of \$2,000,000 in principal amount of 3¾% serial five-year notes, and, as security therefor, the issue and pledge of (a) \$2,000,000 in principal amount of First Mortgage Five Per Cent Bonds, Series C, due February 1, 1948, (b) \$80,000 in principal amount of First Mortgage 5% Twenty Year Gold Bonds, Series A, due February 1, 1948, and (c) \$420,000 in principal amount of First Mortgage 5% Twenty Year Gold Bonds, Series B, due February 1, 1949, the latter two amounts of bonds now being held in declarant's treasury;

Public hearing thereon having been duly held after appropriate notice;<sup>1</sup> the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That such declaration be and become effective forthwith, subject, however, to the following conditions:

1. That the issue and sale of the aforesaid notes, and the issue and pledge of the aforesaid bonds, shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration;

2. That prior to or coincident with the issue of the aforesaid securities Harris Trust and Savings Bank shall submit its resignation as Trustee for the First Mortgage Bonds of declarant and that there shall be filed with this Commission, within thirty-five days after the issue of said securities, conformed copies of all legal documents executed in connection with the resignation of said Harris Trust and Savings Bank and in connection with the appointment of a successor Trustee.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1951; Filed, June 6, 1939;  
11:12 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

<sup>14</sup> F. R. 2023 DL.

<sup>13</sup> F. R. 2533 DL; 4 F. R. 1700 DL.

office in the City of Washington, D. C., on the 6th day of June, A. D. 1939.

[File No. 43-219]

**IN THE MATTER OF GULF STATES UTILITIES COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on June 22, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission un-

der section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 17, 1939.

The matter concerned herewith is in regard to a declaration filed by Gulf States Utilities Company, a subsidiary company of Engineers Public Service Company, a registered holding company, regarding the issue and sale by said Gulf States Utilities Company of \$27,300,000 aggregate principal amount of its First Mortgage and Refunding Bonds, Series D 3½%, due May 1, 1969.

It is stated that the proceeds of the issue and sale will be used toward the retirement of the outstanding \$27,300,000 aggregate principal amount of First Mortgage and Refunding Bonds, Series C 4%, due October 1, 1966.

It is further stated that said Engineers Public Service Company will make available an amount which, together

with cash available in the company's treasury and the premium to be received on the sale of the new bonds, will provide sufficient funds to take care of the premium to be paid on the redemption of the old bonds and expenses incurred in connection with the sale of the new bonds; and that the advances from Engineers will be evidenced by a six months' note of Gulf States Utilities Company at the interest rate of 3% per annum.

It is further stated that the new bonds will be issued under the company's Indenture of Mortgage, dated September 1, 1926, originally entered into by the declarant and The Chase National Bank of the City of New York, but under which Central Hanover Bank and Trust Company is successor trustee, and indentures supplemental thereto.

The declaration states that the sale will be through a public offering, but that the names of the underwriters, the price to be paid by them for the bonds and the price at which the bonds will be offered to the public will be supplied by amendment.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1956; Filed, June 6, 1939; 11:32 a. m.]