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CHIPS OFF THE OLD BLOCK



LOOKING BACKWARD

at progressive Highland Park through the files of The Press.

TWENTY YEARS AGO
 July 5, 1917

Martin Hart and Emmett Moroney rescued two men who were fishing from drowning in Lake Michigan last Friday, when their boat capsized. . . . Bill Cawley of Koon Bros. garage, broke his arm while cranking a car this morning. . . . Benjamin A. Fessenden passed away here Saturday. . . . Mr. and Mrs. R. G. Smith announce the marriage of their daughter, Hazel, to Mr. Edgar Chapman of Menter, Ohio, which took place June 23. . . . Miss Vivian Higgins of Rogers Park and Mr. Warren Morse of this city were married Friday. . . . Mr. J. Galloway has bought the Otto Knaak residence

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New Motor Truck Bill Grants Permits Without Hearings

Faced with a brand new motor truck bill which was passed at a whirlwind last-minute session of the Sixtieth General Assembly in Springfield, June 30, officials and citizens of North Shore towns from Evanston to Lake Bluff inclusive, began today, an intensive study of the measure to determine what effect its application is likely to have upon the residential and other interests of the area.

The trucking situation, one of the most important of all issues to home-owners since the day when permanent, rubber-tired freight routes in front of private homes came into vogue, has taken a new twist with the passage of the new law which is known as the Illinois Motor Carrier Act. With certain exceptions, it puts all common, contract and cartage motor carriers under the jurisdiction of the Illinois Commerce Commission. Previously, chiefly common carriers were under commission control and could get certificates to operate and permanent, certified routes, only after hearings before the commission. Under the new law, certificates or permits may be granted to intrastate motor carriers that were in business as of January 1, 1936, without hearings.

All important reasons why the new law is of special interest to the entire North Shore and other residential areas throughout the state, is found in one of the fourteen amendments which were passed out of the nearly fifty that were offered. This particular provision and three others which were combined into two amendments, is one that attorneys and other officials of the North Shore towns and representatives of the North Shore Property Owners Association zealously fought for when the significance of the original bill was realized. Under this amendment, applicants for motor carrier certificates or permits must first obtain consent from the corporate authorities of cities, villages or towns of less than 100,000 population for the use of specific highways. This gives local communities and property owners a voice in establishing routes. If the applicants and town authorities cannot agree after 45 days from the time the applicant has asked consent, the commission has the authority to step in and establish the routes.

This provision introduces something new in motor truck operation and control as well as in community administration. North Shore and other towns of less than 100,000 population throughout the state immediately will begin making arrangements to handle the requests. Under the law, the carriers must file their applications for certificates or permits with the commission, within 120 days after the effective date of the new law. Since carriers in towns of less than 100,000 population must first get consent of the local authorities to use specific streets, it is probable that the first of the route requests will be coming in within the next few days. Officials of towns and cities concerned throughout the state expect early instructions from the commerce commission as to how to handle the route applications.

One of the most hotly contested provisions in the entire act was the so-called "grandfather clause." Under this clause, all intrastate motor carriers affected by the act, that were in business as of January 1, 1936, became eligible for certificates or permits without any hearings before the commission. North Shore and other residential areas feared that this provision would automatically increase the number of certificated carriers and therefore would require further permanent branding of North Shore streets as truck routes. The "grandfather clause" was coupled with a phrase particularly objectionable to lawyers and others who studied the bill intently. The phrase applies to common carriers by motor vehicle that were in business as of January 1, 1936, and since, and that did not already have certificates before the passage of the new motor carrier act. It reads, "It shall be presumed that public convenience and necessity require such operation and a certificate shall be granted if it appears to the satisfaction of the commission that responsible and regular service is being rendered by the applicant. . . ."

Lawyers and others opposed to this sweeping provision, contended that public necessity and convenience could not rightfully be presumed but should be established or disproved on the basis of facts presented in evidence at hearings before the commission as prescribed by the old utility laws. But carriers that did not have their certificates, and the commerce commission, almost hopelessly bogged down by petitions and partly concluded hearings that have accumulated during a period of years, countered that the "grandfather clause" was the heart of the act and could not be changed. A partial modification of the clause was achieved by the North Shore amendment eliminating the presumption of public convenience and necessity as to any routes or routes or highway or highways in the operation of any common or contract carrier by motor vehicle.

Carriers already holding a certificate granted prior to the adoption of the new act are exempt from the provisions of this amendment but

only on routes for which certificates were granted prior to January 1, 1936. In other words, even if they had a certificate to operate, before the new law was passed, carriers could presume convenience and necessity only on routes that were certified before January 1, 1936. This amendment, it will be seen, is of special importance to the North Shore as it eliminates the presumption of convenience and necessity for the temporary routes over which the Willett and Hastings companies are now operating.

The provisions described above, the requirement that carriers obtain consent from local authorities for routes in towns of less than 100,000 population and a provision giving the commission authority to route through traffic around rather than through municipalities and to establish zones or traffic areas comprising one or more towns, were combined in one amendment. The other amendment, adopted early in the battle over the bill, forbids the commission to route freight trucks over residential streets where other routes are conveniently available. This amendment caused no little annoyance. It has been definitely determined just who was the sponsor of this provision. Ardent proponents of the bill made use of it to discourage further efforts to modify the measure, by circulating the report that the North Shore was "taken care of" by this provision and they "had nothing further to worry about." It was further reported that because this amendment fully satisfied the North Shore, the towns and property owners as a whole were in favor of the bill as amended. North Shore representatives from the start, acknowledged that this amendment was a step in the right direction but there is no record of any authorized spokesman for the area stating that it completely satisfied.

From the date of its introduction May 4, as Senate Bill No. 400 and House Bill No. 848, until its final passage as Senate Bill No. 487, June 30, the act, as was expected, became one of the most hectic battle fields of the entire Sixtieth assembly. From the first, it was known as a "must" bill, strongly desired by the administration, and written before the numerous amendments, by the Commerce Commission.

Senate Bill No. 400 and House Bill No. 848 both died in committee. On short notice, Senate Bill No. 487 ap-

peared as a substitute. Its radical change over the former measure was the inclusion of cartage carriers under the jurisdiction of the commission.

Within a few hours after it was presented to the sub-committee on public utilities in the senate, the new bill had been advanced to second reading. Printed copies of it were not available. On June 2, at second reading, the bill received its first amendment. June 7, it was recalled from third to second reading, amended further and postponed. June 8, it was advanced to third reading. June 9, it passed the senate. June 15, it had its first reading in the house after important amendments were accepted by the house committee on public utilities at a well managed hearing before Representative Frank Ryan of Chicago, chairman of the committee.

As publicity about the bill was spread, interest both favorable and unfavorable, increased. By the afternoon of June 29, when the bill was called for second reading in the House, an avalanche of amendments having accumulated, descended. The North Shore amendment already adopted by the committee, went through smoothly as did two others. Then the storm began.

Representative Claude R. Thomas, Republican, of Carthage, moved adoption of an amendment which would exempt trucks hauling livestock, fish, milk and other agricultural products. Rep. Elmer J. Schnackenberg, Republican, of Chicago, minority leader, moved as a substitute amendment, the striking of the enacting clause, the technical

equivalent of killing the bill. His motion was lost by a vote of 90 to 49.

Rep. Benjamin S. Adamowski, Democrat, majority leader, then moved that Rep. Thomas' amendment be tabled. The motion was lost by a vote of 68 to 64 and Rep. Thomas' amendment went through by a vote of 86 to 51. Of the twenty-six amendments offered at this turbulent session, fourteen were adopted and the rest tabled.

The bill was then ready for third reading, the next to the last stage before going to Governor Horner. The final act was to have the senate concur in the amendments the house had adopted. The measure was called just before the noon recess of the house, June 30, the last day and a few hours before final adjournment.

A hectic roll call, interrupted by the explosion of firecrackers and other disturbances and then repeated in calling the absentees, was able to squeeze out only 71 votes for the measure, six short of the required number for passage. An "ordinary" bill would have been declared lost at this moment but Rep. Adamowski quickly moved for postponement of consideration and the house recessed with a whoop.

When Senate Bill No. 487 was called again, over protests of members who declared the action contrary to rules, it passed by a vote of 82 to 58. A few hours later, the senate, by a vote of 83 to 9, concurred in the amendment and the bill was on its way to the governor's desk just before the assembly adjourned sine die.

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