

Decision No. 53483**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations)
and practices of Signal Trucking)
Service, Ltd.)

Case No. 5676

Edward M. Berol, for respondent.
Harold J. McCarthy, for the Commission
staff.O P I N I O N

This proceeding is an investigation instituted on the Commission's own motion into the operations and practices of Signal Trucking Service, Ltd., hereinafter called respondent, to determine:

1. Whether respondent is violating or has violated any of the provisions of Commission General Order No. 99 in that:
 - a. It may have permitted drivers of its vehicles to operate said vehicles in violation of the driving time limited by Section 8.11⁽¹⁾ of General Order No. 99.
 - b. It may have failed to comply with Section 7.09⁽²⁾ of said General Order No. 99.

(1) 8.11. "Hours of Service. Carriers shall not permit or require any driver in their employ to drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not be permitted to drive any such vehicle until eight consecutive hours have elapsed."

(2) 7.09. "Periodical Re-Examination Required. Every driver shall be re-examined in the same manner as provided in Section 7.06 at not more than two-year intervals to ascertain whether he meets the qualification requirements of Sections 7.01 to 7.04, inclusive."

- c. It may have failed to make proper monthly reports required by Section 8.15(3) of said General Order No. 99.
- 2. Whether respondent should be ordered to cease and desist from any or all unlawful operations or practices.
- 3. Whether any or all of the operating authority of respondent should be canceled, revoked, or suspended.

A public hearing was held at San Francisco on December 21, 1955, before Examiner Carl Silverhart.

Respondent is a highway common carrier and a petroleum irregular route carrier as defined by the provisions of the Public Utilities Code and subject to the rules and regulations set forth in the Commission's General Order No. 99.

Exhibits 1 through 22 were prepared as a result of an examination of respondent's records made by a member of the Commission staff in July, 1955. Exhibits 1 to 21 contain summaries of data entered on the daily logs of respondent's drivers engaged in its tank vehicle service.

The following tabulation is an extract from such exhibits:

Period Covered	Total Number of Drivers Utilized	Number with Prior Rest of Less Than 8 Hours	Number on Duty in Excess of 15 Hours	Number Driving in Excess of 12 Hours
June 20 to July 1, 1955	21	7	21	7

(3) 8.15. "Monthly Report of Excess Hours Required. Every carrier shall make a monthly report to this Commission, prior to the 15th day of each succeeding month, of every instance where a driver has been required or permitted to be on duty or to drive or operate for hours in excess of those prescribed in this part, and shall explain fully the reasons for and circumstances surrounding such violations. Such reports shall be in writing and verified, and shall be substantially as shown in Appendix 'C'."

Exhibit 22 sets forth the names of the respondent's drivers employed in its petroleum irregular route service, date of last physical examination and date of re-examination as required by Part 7 of General Order No. 99. As of July, 1955, this exhibit shows that six of the drivers had been re-examined in compliance with General Order No. 99 while fifteen had not.

The testimony of an executive employee of respondent, taken together with its exhibits, shows that respondent has cooperated with the Commission staff and has instituted procedures which will correct the infractions of General Order No. 99 mentioned above. Respondent is directed to continuously maintain complete compliance with General Order No. 99.

Upon consideration of the circumstances here involved, the Commission concludes that the purposes for which this investigation was instituted have been satisfied and that this investigation should now be discontinued.

O R D E R

A hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

1. That the investigation concerning Signal Trucking Service, Ltd., a corporation, is discontinued.
2. That Case No. 5676 is dismissed.

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

Dated at San Francisco, California, this 23rd day of July, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners