Decision No. 59736

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations and practices of M. FRIIS-HANSEN CO., INC., a California corporation.

Case No. 6358

Orville A. Schulenberg and Dean A. Bailey, for respondent.

Robert H. Moran, for John J. Crippes, interested party.

Elmer Sjostrom, for the Commission staff.

OPINION

This proceeding, instituted September 29, 1959, is an investigation on the Commission's own motion into the operations and practices of M. Friis-Hansen Co., Inc., for the following purposes:

- (1) To determine whether the respondent is violating or has violated any of the provisions of General Order No. 99.
- (2) To determine whether the respondent should be ordered to cease and desist from any or all unlawful operations and practices.
- (3) To determine whether any or all of the operating authority of respondent should be canceled, revoked, or suspended.
- (4) To issue any other order that may be appropriate and lawful in the premises.

A certified copy of the order of investigation was duly served upon respondent by personally delivering it to and leaving it with A. Friis-Hansen, the Vice President, Treasurer and General Manager of M. Friis-Hansen Co., Inc., on October 6, 1959.

As to Section 3.51 which requires drivers' logs for all drivers, it is observed that from a two-month sampling it is shown that for 25 drivers on the payroll during July, twelve had no logs on file and one driver had a log for only two days, and during September, with thirty-one drivers working, ten had no logs and three had logs covering only a few days.

Finally, Section 8.52 deals with the specific content and accuracy of the driver logs. As to such requirement it is observed that 80 percent of all logs checked were illegible or so sketchily performed as to render them completely useless for the purpose intended. Even the logs that could be read were not accurate when compared with payroll time sheets for the same periods.

These studies were made by a qualified Commission staff expert after personal inspection of equipment and company records, and the exhibits which contained them were stipulated as correct. Consequently, the Commission finds that the exhibits truly represent the facts as they existed on the dates and occasions referred to and reveal a careless and wantonly negligent attitude on the part of respondent corporation and its managing officers as well as on the part of the drivers.

It follows from such finding that the Commission would be justified in cancelling respondent's operative rights. This would be a very drastic action. However, the failure of the company to operate its vehicles safely and properly endangers all persons using the public highways of this State and creates an active menace to such persons. Such actions of the carrier, under no circumstances can be condoned. In this case we will give the carrier one last opportunity to operate its vehicles in a safe and proper manner,

complying with all applicable rules and regulations, and if the carrier fails to do so then there will be no alternative but to cancel the carrier's operating rights. The following order, therefore, rather than cancelling respondent's rights will impose a suspension of twenty days and direct the respondent to cease and desist from future violations of the Commission's General Order No. 99, providing for the safe and proper operation of vehicles on the public highways of this State.

ORDER

Public hearing having been held and based upon the above findings,

IT IS ORDERED AND ADJUDGED AND DECREED,

- (1) That respondent M. Friis-Hansen Co., Inc., its managing officers and employees are ordered to cease and desist from carrying on any operation as a petroleum irregular route carrier, or petroleum contract carrier without full compliance with the provisions and requirements of the Commission's General Order No. 99 and particularly with the provisions and requirements of Sections thereof numbered 6.01, 6.02, 6.08, 7.10, 7.25, 7.34, 8.51 and 8.52.
- (2) That in carrying on all or any operations pursuant to such authority, respondent M. Friis-Hansen Co., Inc., its managing officers and employees shall fully comply with and carry out all the requirements of General Order No. 99 and in particular all the requirements of Sections thereof numbered 6.01, 6.02, 6.08, 7.10, 7.25, 7.34, 8.51 and 8.52.

(3) That the authority of respondent, M. Friis-Hansen Co., Inc., to operate as a petroleum irregular route carrier and a petroleum contract carrier is hereby suspended for a period of twenty days commencing on the first Monday after the effective date of this order.

The effective date of this order shall be twenty days after personal service upon respondent and upon A. Friis-Hansen, its general manager, and the Secretary of this Commission is directed to cause such service of a copy of this order, certified under the seal of this Commission as required by Section 1705 of the Public Utilities Code, to be made upon respondent and upon A. Friis-Mansen.

	Dated at _	San Francisco,	California,	this	292
day of	FEBRUARY	. 1960.			•

President

Mally Sold

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Commissioners

Commissioner Everett C. McKeage . being necessarily absent, did not participate in the disposition of this proceeding.