

**ORIGINAL**Decision No. 60539

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations )  
and practices of F.J. BURNS )  
DRAYING, a California corporation. )

Case No. 6389

Marvin Handler, for respondent.  
Elmer Sjostrom, for Commission staff.

O P I N I O N

This proceeding instituted December 1, 1959, is an investigation on the Commission's own motion into the operations and practices of F. J. Burns Draying, a California corporation, for the following purposes:

1. To determine whether the respondent is violating or has violated any of the provisions of said 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 said 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 and leaving it with Joe Ratto, the president and general manager.

Public hearings were held in San Francisco on June 8 and 16, 1960, before Examiner Rowe. Evidence both oral and documentary was adduced and the matter was duly submitted for decision.

According to the evidence submitted by the staff a number of respondent's trucks examined in its terminal were found to be in substantial disrepair and in need of extensive work on the braking systems. Also, some of those trucks while in its main terminal did not have required equipment such as fire extinguishers and unbroken rear view mirrors. Further, its system of checking and servicing of trucks appeared to be in need of revision.

Although defects of braking equipment were disclosed, the Commission has considered the recent definite indications of sincere efforts by respondent to improve its automotive equipment and its checking and servicing thereof and we are of the opinion and find that respondent should not have its operative rights revoked or suspended, but that in order to assure a continued compliance with the Commission's safety regulations, the following order will direct the cessation of all highway common carrier service in the future without full compliance with said general order.

#### O R D E R

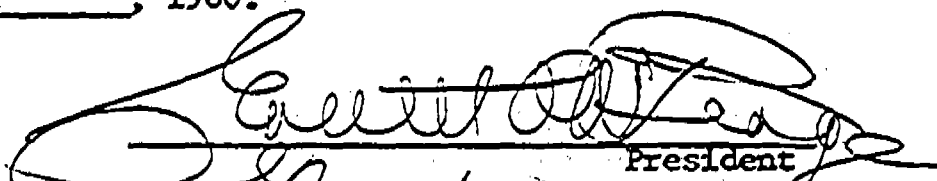
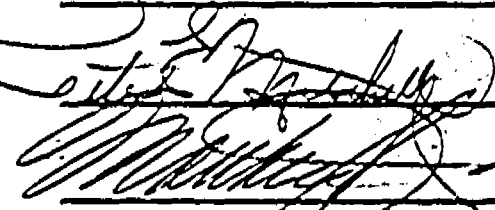
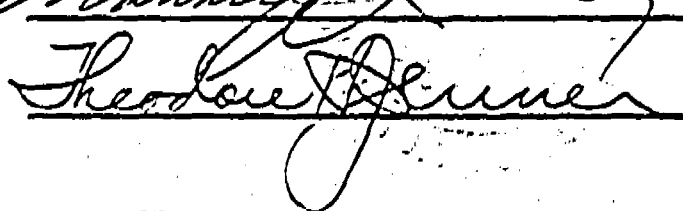
Public hearing having been held and based upon the above findings,

#### IT IS ORDERED:

1. That F. J. Burns Draying, a corporation, its managing officers and employees are ordered to cease and desist from carrying on any operation as a highway common carrier without full compliance with provisions and requirements of the Commission's General Order No. 99.

2. That the effective date of this order shall be twenty days after personal service upon respondent, 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.

Dated at San Francisco, California, this 9th  
day of August, 1960.

  
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President  
  
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Commissioners

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