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Decision No. \_\_\_\_\_

61891

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations and  
practices of CONSUMERS TRANSPORTATION  
CORPORATION, a California corporation.

Case No. 6543

Henry D. Fox and Martin L.  
Abrams for respondent.  
William C. Bricca for the  
Commission staff.

O P I N I O N

This proceeding, instituted June 20, 1960, is an investigation on the Commission's own motion into the operations and practices of Consumers Transportation Corporation which operates as a highway common carrier, a petroleum irregular route carrier, and a petroleum contract carrier, as defined by Sections 213, 214, 3514, and 3518 of the Public Utilities Code, to determine whether respondent may have maintained and operated, or may be operating vehicles in violation of General Order No. 99, by failing repeatedly to observe and comply with various safety rules and regulations pertaining to brakes and braking equipment, tires, equipment maintenance and maintenance records of motor vehicles.

This investigation was set for hearing on August 30, 1960, at which time Henry D. Fox appeared on behalf of respondent and requested a continuance to October 11, 1960, for the reason that Martin L. Abrams, attorney for respondent was absent from the State. This continuance was granted. Hearings were thereafter held on October 25 and November 29, 1960, and on February 7 and 8 and on March 21, 1961. At the three latter hearings respondent was not represented by counsel. On March 21, 1961, the matter was duly submitted for decision.

Six vehicles were examined by the Commission staff on several occasions, and found to be in serious violation of General Order No. 99. The violations consisted in most instances of the use of equipment with defective and ineffective braking facilities, the failure to have and use equipment designed for the safety of inflammables and drivers who had not procured and filed physical examination certificates. This carrier was also found not to have performed periodic or systematic inspection of vehicles and repairs were made on a "breakdown" basis.

Respondent attempted to show in justification that many repairs on its vehicles were made and that it had suffered no serious accidents. Also all Commission inspections were made on vehicles while they were not in service but were in the repair shop or terminal for the purpose of repair. The Commission finds that while it cannot conclude from the mere fact that respondent's vehicles get out of repair and are repaired that violations of General Order No. 99 necessarily follow, yet in this case such violations are revealed principally because several violations appeared to be of long standing by reason of their constant repetition on the same vehicles. Also, no excuse or justification is indicated for respondent's failure to require physical examinations of its drivers, and file reports. As to one piece of equipment, respondent admitted operating without fire extinguishers, without repairing the speedometer, and without adjusting the parking brakes, so that they complied with the requirements of said General Order. At the hearings, respondent indicated a willingness to comply in the future.

From a consideration of the evidence of record the Commission is of the opinion and finds that respondent should be ordered to cease and desist from carrying on any such operations in

the future without full compliance with the provisions and requirements of the Commissions's General Order No. 99 and that its operative rights should be suspended for a period of five days.

O R D E R

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

IT IS ORDERED:

1. That Consumers Transportation Corporation, a corporation, its managing officers and employees are ordered to cease and desist from carrying on any operation as a highway common carrier, a petroleum irregular route carrier or as a petroleum contract carrier without full compliance with the provisions and requirements of the Commission's General Order No. 99.

2. That in carrying on all or any operations pursuant to such authority respondent shall fully comply with and carry out all the requirements of General Order No. 99.

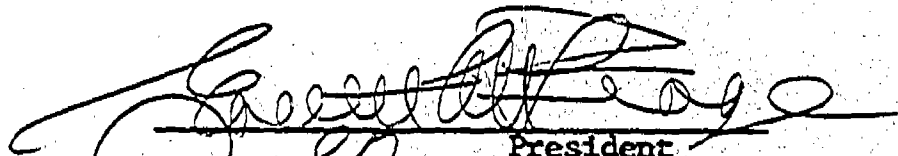
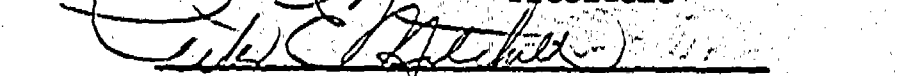

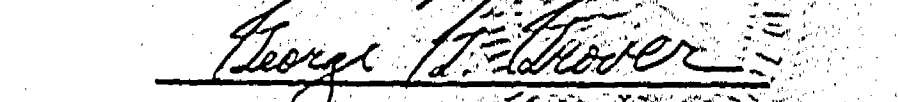
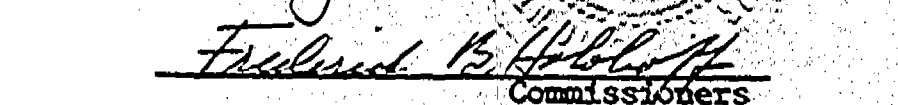
3. That the authority of Consumers Transportation Corporation to operate as a highway common carrier, a petroleum irregular route carrier and as a petroleum contract carrier is hereby suspended for a period of five consecutive days starting at 12:01 a.m. on the Monday following the effective date of this order; and respondent shall not lease the equipment or other facilities used in operations under these authorities for the period of the suspension or directly or indirectly permit such equipment or facilities to be used to circumvent the suspension.

4. That Consumers Transportation Corporation shall post at its terminal or facility for receiving property from the public for transportation, not less than five days prior to the beginning of the suspension period, a notice to the public stating that its highway common carrier, and petroleum irregular route carrier operative

rights and petroleum contract carrier permit have each been suspended by the Commission for the five day period; that within five days after such posting said respondent shall file with the Commission a copy of such notice, together with an affidavit setting forth the date and place of such posting.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondent and upon Dominic M. Patriitti its president, and this order shall become effective twenty days after the completion of such service upon respondent.

Dated at San Francisco, California, this 25<sup>th</sup> day of April, 1961.

  
President  
  
  
  
  
Commissioners