

**ORIGINAL**

Decision No. 63230

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations and )  
practices of L.P.G. TRANSPORTATION )  
CORPORATION and VENTURA TRANSFER )  
COMPANY, dba ORR TANK LINES, )  
California corporations. )

Case No. 7205

Phil Jacobson for respondents.  
Richard V. Godino for the Commission staff.

O P I N I O N

This Commission on October 17, 1961, issued an order of investigation into the operations and practices of L.P.G. Transportation Corporation and Ventura Transfer Company, doing business as Orr Tank Lines, California corporations, which operate under one management as highway common carriers and petroleum irregular route carriers, as defined by Sections 213, 214 and 3514 of the Public Utilities Code. Public hearing was held on December 6, 1961, at Los Angeles, before Examiner Robert D. DeWolf, and the matter was submitted on said date.

Purpose of Investigation

The purpose of this investigation is to determine whether respondents may have maintained and operated, or may be operating, vehicles in violation of Sections 8.01, 8.11 and 8.15 of General Order No. 99 by failing to observe and comply with various safety rules and regulations pertaining to the on-duty time and hours of

service of drivers, and monthly report of excess hours in the operation of said vehicles.

Evidence Submitted by the Commission Staff

A Commission staff witness testified that he made a study of the payroll records of respondents, with the assistance of their employees, for the months of April and May 1961, and found tours of duty by respondents' employees in violation of General Order No. 99. Exhibit No. 1, which was introduced into evidence through the testimony of a Commission staff safety expert, shows that respondents permitted or required their drivers to operate vehicles in violation of General Order No. 99 on a total of eighty-three separate tours of duty during the aforementioned period.

The carriers at the time of the investigation were operating forty-five tank trucks, fifty-one tank trailers, and eleven semi-tank trailers, or a total of one hundred and seven units. Fifteen of the respondents' drivers were involved in the violations set forth in Exhibit No. 1. Fifty of these tours of duty show "on duty time less breaks" to be 20 hours or more and in 35 of them mileage travel exceeded 500 miles in substantial amounts.

Evidence of Respondent

The manager in charge of operations of respondents testified that until December 1960 the companies had employed a driver and safety supervisor who had quit to go into business for himself, and that he had not been replaced and his duties had been transferred and divided between other supervisors and drivers; that traffic had declined and competition had increased, making it necessary for management to spend more time in securing business,

and, as a consequence, the Commission's safety regulation had been neglected. The witness and counsel for respondents conceded that the alleged violations had been committed and offered full cooperation and disclosure, which was affirmed by the Commission staff. The respondents offered in evidence Exhibit No. 2 by way of extenuation and mitigation to show that the actual hours of driving time were less than the elapsed duty time. Exhibit No. 2 for example is a Service Recorder Chart dated May 6, 1961, for Driver W. E. Smith, showing the running time to be approximately 10% of the on-duty time and that the respondents claimed many of the other schedules are similar. The respondents indicated a willingness to comply in the future in all respects, and contended that these violations were not willful.

#### Findings and Conclusions

From a consideration of the evidence of record, the Commission finds that respondents have failed to comply with the provisions of General Order No. 99 as more particularly hereinabove set forth and concludes that respondents should be ordered to cease and desist from carrying on any operations in the future without full compliance with the provisions and requirements of the Commission's General Order No. 99; that their operative rights should be suspended for a period of ten days; and that the execution of one-half of said suspension should be deferred for a period of one year. If, at the end of the period of one year, the Commission is satisfied that respondents are complying with the orders, rules and regulations of this Commission, the suspension of the additional five days will be vacated without further order of this Commission. However, if the Commission finds at any time during the one-year period that respondents or either of them are failing to comply with all such orders, rules and regulations, the suspension will be imposed.

O R D E R

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

IT IS ORDERED:

1. That L.P.G. Transportation Corporation and Ventura Transfer Company, doing business as Orr Tank Lines, corporations, their managing officers and employees, are ordered to cease and desist from carrying on any operation as highway common carriers and petroleum irregular route carriers, 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, respondents shall fully comply with and carry out all the requirements of General Order No. 99.

3. That the authority of L.P.G. Transportation Corporation and Ventura Transfer Company, doing business as Orr Tank Lines, to operate as highway common carriers and petroleum irregular route carriers, is hereby suspended for a period of ten days. Five consecutive days shall be deferred for a period of one year, and five consecutive days shall be effective starting at 12:01 a.m. on the Monday following the effective date of this order. Respondents shall not lease the equipment or other facilities used in operations under these operating rights for the period of the suspension or directly or indirectly permit such equipment or facilities to be used to circumvent the suspension.

4. That L.P.G. Transportation Corporation and Ventura Transfer Company, doing business as Orr Tank Lines, shall post at their terminal or facilities 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 their highway common carrier and petroleum irregular route operative rights have each been suspended by the Commission for the five-day period; that within five days after such posting said respondents 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 respondents, and this order shall become effective twenty days after the completion of such service upon respondents.

Dated at San Francisco, California, this 6<sup>th</sup> day of FEBRUARY, 1962.

Robert A. King  
President  
W. L. Mitchell  
E. J. Fox  
George G. Grover  
Frederick B. Hallock  
Commissioners