

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION FOR TRANSPORTATION BY MOTOR
COMMON CARRIERS OF PROPERTY

(PLEASE READ INSTRUCTIONS BEFORE PREPARING APPLICATION)

RECEIVED
BUREAU OF
TRANSPORTATION & SAFETY

For PUC Use Only	
Docket No.	<u>A-112746</u>
Folder No.	_____

RECEIVED
DEC 29 1995

SECRETARY'S OFFICE
Public Utility Commission

1. Davis Cartage Co.
(Full and correct name in which you intend to operate)

RECEIVED
JAN 02 1996

2. _____
(Trade name, if any)

BUREAU OF
TRANSPORTATION & SAFETY

The trade name, if fictitious, _____ been registered with the Secretary of
(has or has not)

the Commonwealth on _____ (attach copy of date-stamped registration
(Date) form).

DOCUMENT
FOLDER

3. 230 Earl Steeseeman Dr. 517-743-4445
(Physical Address) (Telephone No.)

Corunna Chiawassee MI. 48817
(City) (County) (State) (Zip)

4. Same
(Mailing Address; if different)

DOCKETED
APPLICATION DOCKET
JAN 17 1996
ENTRY NO. gt

(City) (County) (State)

5. Applicant does hold ICC authority under Doc# No. 145485
(does or does not)

6. Applicant does have a current safety rating issued by U.S. DOT
(does or does not)

(attach copy).

7. Approximate number of commercial vehicles to be operated intrastate:
owned 56 leased 3

8. Applicant is (check one):

Individual

Partnership. Attach copy of partnership agreement and list names and addresses of all partners below (use additional sheet if necessary).

(Name)	(Address)

Corporation. Organized under the laws of the State of Michigan and qualified to do business in Pennsylvania by registering with the Secretary of the Commonwealth on 2/24/17 (Attach date-stamped copy of application for Certificate of Incorporation or Authority). Include as an attachment a list of corporate officers and their titles and the names, addresses and number of shares held by each stockholder.

9. Attach the following, as appropriate (check those attached):

Partnership Agreement.

Date-stamped copy of Fictitious Trade Name registration certificate.

Date-stamped copy of Application for Certificate of Incorporation or Certificate of Authority.

Copy of a current safety rating issued by a state or federal agency.

List of corporate officers and stockholders and distribution of shares.

Proof of Insurance.

VERIFICATION OF APPLICATION

I/We hereby state that the statements made in the application are true and correct to the best of my/our knowledge, information belief.

The undersigned understand(s) that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Glen Merkel Glen Merkel 12/7/95
(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

This section must be completed by the applicant appearing on Line 1, if an individual; by all partners, if a partnership; or by the President or Secretary if a corporation).

10. Certification

- a. Applicant certifies that it is not now engaged in any intrastate transportation of property for compensation between points in Pennsylvania and will not engage in the transportation for which approval is herein sought unless and until authorization for such transportation is received.
- b. Applicant certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance, and will be able to comply with them; and acknowledges that failure to abide by the requirements of the Commission as they relate to safety and insurance may result in civil penalties, suspension or cancellation of the certificate.
- c. Applicant certifies that it understands that it is subject to an annual assessment based upon its gross intrastate operating revenues to help pay expenses incurred by the PUC in regulating motor common carriers of property; and acknowledges that failure to file the annual assessment report and timely satisfy the assessment may result in civil penalties, suspension or cancellation of the certificate

FORM H
UNIFORM MOTOR CARRIER CARGO
CERTIFICATE OF INSURANCE
(EXECUTED IN TRIPLICATE)

Filed with PENNSYLVANIA PUBLIC UTILITY COMMISSION (hereinafter called Commission)
(NAME OF COMMISSION)

This is to certify, that the Protective Insurance Company
(NAME OF COMPANY)

(hereinafter called Company) of 1099 N. Meridian Street, Ste. 7, Indianapolis, Indiana 46204
(HOME OFFICE ADDRESS OF COMPANY)

has issued to DAVIS CARTAGE COMPANY
(NAME OF MOTOR CARRIER) *OC 7 1995*

of 230 SLEESEMAN DRIVE -- CORUNNA, MI 48817
(ADDRESS OF MOTOR CARRIER)

a policy or policies of insurance effective from 10/10/95 12:01 A.M., standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Cargo Insurance Endorsement, has or have been amended to provide cargo insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon. This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at 1099 North Meridian Street, Ste 7, Indianapolis, Indiana 46204 this 10TH day of

OCTOBER 19 95

Insurance Company File No. FD 1323
(POLICY NUMBER)

Becky Fraction
AUTHORIZED COMPANY REPRESENTATIVE

Protective Insurance Company

*Bill [unclear]
1-17-96*



Protective Insurance Company

1099 North Meridian Street
Indianapolis, IN 46204
(317) 636-9800

CERTIFICATION TO MICHIGAN SECRETARY OF STATE
FOR FLEET NO-FAULT COVERAGE

This is to certify that PROTECTIVE INSURANCE COMPANY
located at 1099 N. MERIDIAN ST./INDIANAPOLIS, IN 46204
has issued Policy No. FD 1323 covering all vehicles owned
or leased to DAVIS CARTAGE COMPANY
located at 230 SLEESEMAN DRIVE - CORUNNA, MICHIGAN 48817
that are registered in Michigan and all other vehicles owned or
leased by DAVIS CARTAGE COMPANY

while being operated in the State of Michigan, and said policy
complies with the requirements of Act 294 Public Acts of 1972,
as amended.

Said policy expires on the 30TH day of DECEMBER
19 95. The carrier will notify immediately the Secretary of
State of non-renewal or cancellation.

PROTECTIVE INSURANCE COMPANY

BY: Bucky Fraction
(Authorized Representative)

c/o Baldwin & Lyons, Inc.
1099 N. Meridian Street
Indianapolis, IN 46204



Protective Insurance Company

1099 North Meridian Street
Indianapolis, IN 46204
(317) 636-9800

CERTIFICATION TO MICHIGAN SECRETARY OF STATE
FOR FLEET NO-FAULT COVERAGE

This is to certify that PROTECTIVE INSURANCE COMPANY
located at 1099 N. MERIDIAN STREET -- INDIANAPOLIS, IN 46204
has issued Policy No. FD 1323 covering all vehicles owned
or leased to DAVIS CARTAGE COMPANY
located at 230 SLEESEMAN DRIVE - CORUNNA, MICHIGAN 48817
that are registered in Michigan and all other vehicles owned
or leased by DAVIS CARTAGE COMPANY
while being operated in the State of Michigan, and said policy
complies with the requirements of Act 294 Public Acts of 1972,
as amended.
Said policy expires on the 30TH day of DECEMBER
19 96. The carrier will notify immediately the Secretary of
State of non-renewal or cancellation.

PROTECTIVE INSURANCE COMPANY

BY: Becky Fraction
(Authorized Representative)
(Becky Fraction)
c/o Baldwin & Lyons, Inc.
1099 N. Meridian Street
Indianapolis, IN 46204



U.S. Department
of Transportation
**Federal Highway
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MARCH 22, 1991

REFER TO: HFO-10

JAMES H MCKAY
SAFETY & PERSONNEL MGR
DAVIS CARTAGE CO
230 EARL SLEESEMAN DRIVE
CORUNNA MI 48817

DEAR SIR/MADAM:

LISTED BELOW IS THE SAFETY RATING ASSIGNED TO THE MOTOR CARRIER
REQUESTED IN YOUR LETTER.

<u>CENSUS</u>	<u>CARRIER(S) NAME</u>	<u>SAFETY RATING(S)</u>
071961	DAVIS CARTAGE CO	SATISFACTORY

SINCERELY YOURS,

for Dale M. Reinicki
SAM W. P. REA, JR
CHIEF, FEDERAL PROGRAMS DIVISION

CC:
DF-RATING 3110

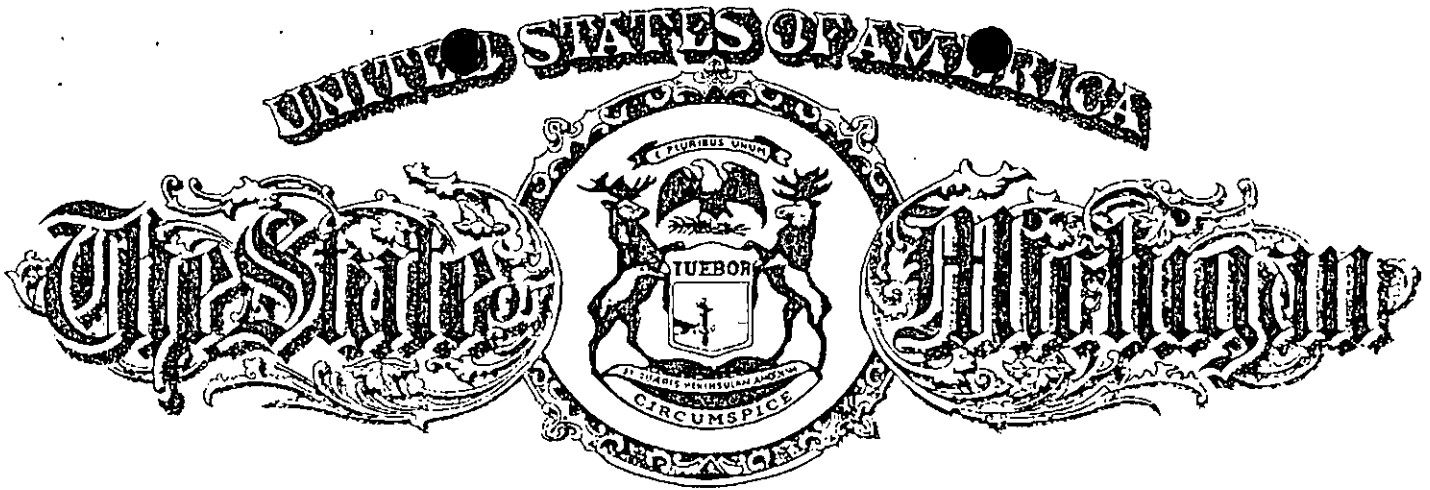
RECEIVED
3-30-91

JOHN J. STEHLIK
CHAIRMAN
1762 YORK ISLAND DRIVE
NAPLES, FL 33962

GLEN MERKEL
PRESIDENT
4658 MORRICE ROAD
OWOSSO, MI 48867

JOHN C. STEHLIK
TREASURER
1106 N. WASHINGTON STREET
OWOSSO, MI 48867

RENE' WALTERS
SECRETARY
3313 S. M-52
OWOSSO, MI 48867



Michigan Department of Commerce

Lansing, Michigan

This is to Certify That

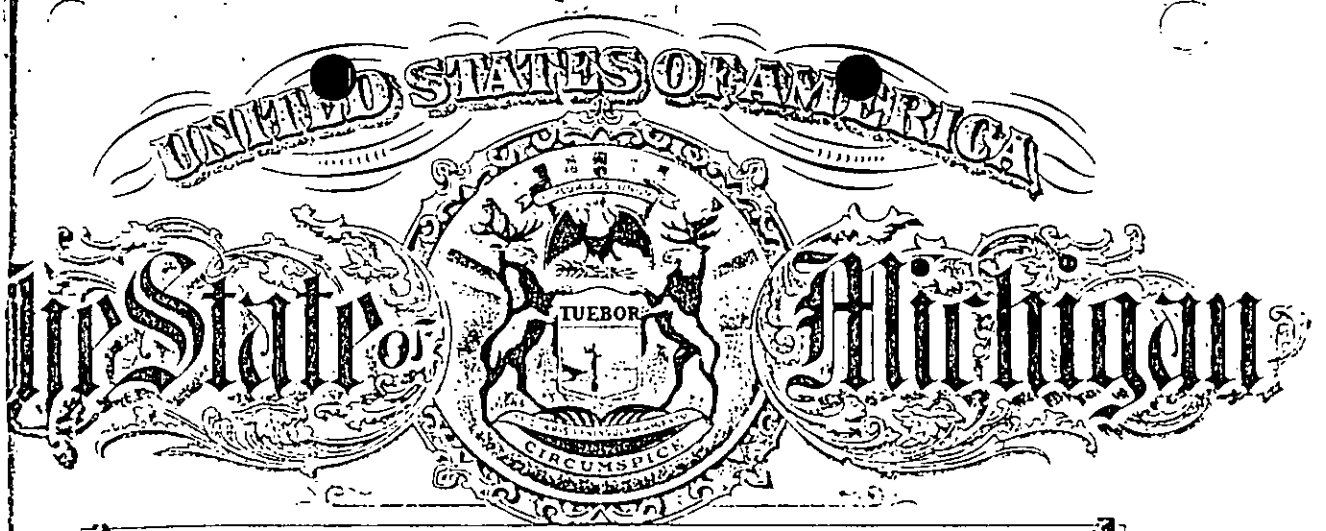
DAVIS CARTAGE CO.

was validly incorporated on February 24, 1947, as a Michigan profit corporation, and said corporation is validly in existence under the laws of this State.

This certificate is issued to attest to the fact that the corporation is in good standing in this office as of this date and is duly authorized to transact business or conduct affairs in Michigan and for no other purpose. It is in the usual form, made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 14th day of November, 1995.

Carl L. Lora, Director
Corporation & Securities Bureau



MICHIGAN CORPORATION AND SECURITIES COMMISSION

LANSING, MICHIGAN

ALL TO WHOM THESE PRESENTS SHALL COME

I, Howard M. Warner, Commissioner of the Michigan Corporation and Securities Commission, Do Hereby Certify That
Articles of Incorporation of

DAVIS CARTAGE CO.

are duly filed in this office on the 24th *day of* February
A. D., Nineteen Hundred and Forty ~~Seven~~ *in conformity with*
Act 327, Public Acts of 1931.

In testimony whereof, I have hereunto
set my hand and affixed the Seal of the
Commission, in the City of Lansing, this
Twenty-fourth *day of* February

A. D. 194 7.

Howard M. Warner
Commissioner

ARTICLES OF INCORPORATION OF

DAVIS CARTAGE CO.

(Company, Corporation or Incorporated)

These Articles of Incorporation are signed and acknowledged by the incorporators for the purpose of forming a corporation for profit under the provisions of Act No. 327 of the Public Acts of 1931, as amended, known as the Michigan General Corporation Act, as follows:

ARTICLE I.

The name of this corporation is Davis Cartage Co.

ARTICLE II.

The purpose or purposes of this corporation are as follows:

To conduct a general trucking and cartage business and to acquire by lease or purchase all property, real and personal, necessary in the conduct of such business, and to do such other things as are incidental, proper and necessary to the successful operation of the business aforesaid.

(In general to carry on any business in connection therewith and incident thereto not forbidden by the laws of the State of Michigan and with all the powers conferred upon corporations by the laws of the State of Michigan.)

ARTICLE III.

Location of the corporation is:

2522 Hess Street, Saginaw, Saginaw County, Michigan
(No.) (Street) (City) (County) (State)

Address of the registered office in Michigan is:

2522 Hess Street, Saginaw, Saginaw County Michigan
(No.) (Street) (City) (County)

ARTICLE IV.

The total authorized capital stock is

(1) Preferred _____ shs. Par Value \$ _____ per share
Common 1500 shs. Par Value \$ 100.00 per share

and/or shs. of (2) Preferred _____ no par value Book value \$ _____ per share
Common _____ no par value Price fixed for sale \$ _____ per share
Book value \$ _____ per share
Price fixed for sale \$ _____ per share

(3) The following is a description of each class of stock of the corporation with the voting powers, preferences and rights and qualifications, limitations or restrictions thereof:

Each share of common stock has one vote and equal dividend rights and all common stock is on the same and equal basis.

ORIGINAL
FOR PECUNIARY PROFITS
OF INCORPORATION
OF

RECEIVED

NOV 1 1946

IS CARTAGE CO.

MICHIGAN CORPORATION AND
SECURITIES COMMISSION

(or print corporate name)

Public Acts, 1931, as amended

Michigan Corporation and
Securities Commission

FILED

FEB 24 1947

These articles to be
filed original on file

M. W. [Signature]
COMMISSIONER
CORPORATION AND
SECURITIES COMMISSION

NOTE, ALL ORIGINALS, TO:
Michigan Corporation and Securities Commission
P. O. Box 898
Lansing 4, Michigan

MICHIGAN CORPORATION AND
SECURITIES COMMISSION

FEB 24 1947

RW - PH

Compared by

[Vertical text, possibly a stamp or signature]

SAFETY FITNESS REVIEWS

Carriers who have been granted a certificate of public convenience and do not have a satisfactory safety rating, must complete a safety fitness review with the Public Utility Commission. This review is an evaluation of a carrier's safety management programs, to determine whether the carrier is prepared to comply with the Commission's driver and vehicle safety requirements. It consists of a brief interview with a carrier representative and a sampling of required carrier records. The following items will be examined during the review:

- * Copy of the Federal Motor Carrier Safety Regulations
- * Accident Register containing accident information for the previous 365 days
- * Controlled Substance and Alcohol Testing Records
- * Driver Qualification Files
- * Six months of Records of Duty Status or Time Records
- * Maintenance files for each vehicle
- * Driver Vehicle Condition Reports for three months

The goal of the safety fitness review is to identify deficiencies and potential problems, and to provide recommendations to establish correct management controls to ensure future compliance.

Copies of the Federal Motor Carrier Safety Regulations, and record keeping materials may be obtained from State and National Trucking Associations.

Most major truck stops sell copies of the Federal Motor Carrier Safety Regulations in pocket size format.

Questions regarding the completion of the safety review can be directed to the following:

Pa. Public Utility Commission
Bureau of Transportation and Safety
Motor Carrier Enforcement Division
P.O. Box 3265
Harrisburg, PA 17105-3265

Phone: 717-772-2254.

SAFETY FITNESS COMPLIANCE

The Pennsylvania Public Utility Commission has promulgated motor carrier safety requirements for its certificated common carriers at Chapter 37 of 52 Pa. Code. These requirements have been established to reduce the potential for highway accidents. Motor common carriers should possess a working knowledge of these requirements, in order to pursue safe operations, as well as regulatory compliance.

The Commission has generally adopted the Federal Motor Carrier Safety Regulations (49 CFR Parts 382, 390-396). These regulations have been incorporated in order to provide consistency with the Pennsylvania Department of Transportation's motor carrier safety regulations, as well as with the Federal Highway Administration.

In adopting the FMCSRs, the Commission has incorporated most provisions verbatim, while revising and deleting other regulations. Carriers will not find the FMCSR regulations, which have been adopted in their entirety, rewritten within Chapter 37. The carrier must turn to the appropriate FMCSR reference to determine the requirements. Those regulations revised in Chapter 37, will contain the amended language, and all deletions are pointed out.

The Commission's safety requirements in Chapter 37 are applicable to its certificated common carriers of property and passengers. Specifically it applies to: property common carriers operating vehicles with a gross weight rating in excess of 10,000 pounds, and passenger carriers operating buses with a seating capacity of 16 or more. Chapter 37 also provides safety requirements for carriers operating lightweight vehicles (gross weight rating of 10,000 lbs. or less). These carriers are excepted from some FMCSR regulations, and must maintain their vehicles in accordance to the Commonwealth's inspection regulations.

The safety requirements are applicable to all employees of the motor carrier. Therefore the carrier should ensure that it has instructed all of its employees about the motor carrier safety regulations, to ensure complete compliance.

Carriers operating motor vehicles which transport hazardous materials should ensure they are in compliance with both the United States, and Pennsylvania Departments of Transportation Hazardous Material Regulations.

As previously stated, the Public Utility Commission has adopted Part 382, and Parts 390-396 of the Federal Motor Carrier Safety Regulations. The following discussion is intended as a brief overview of each of the adopted Parts, but should not be considered a substitute for obtaining and becoming familiar with the Federal Motor Carrier Safety Regulations and Chapter 37.

Part 382- Controlled Substances and Alcohol Use and Testing. The Commission has adopted most of the Federal Highway Administration's Drug and Alcohol Testing requirements. The regulations in this Part require motor carriers to test drivers, who are required to possess a CDL, for alcohol misuse and/or controlled substance use. Testing under this Part is required to begin as of 1/1/95, for those carriers employing fifty or more drivers. For carriers employing less than fifty drivers, testing according to Part 382 must commence on 1/1/96. However, carriers employing less than fifty drivers must still test drivers for controlled substance use according to Part 391, Subpart H- Controlled Substance Testing, which the Commission has also adopted. Carriers are reminded that they must have a testing program in place when it commences certificated motor vehicle operations. Motor carriers will not be permitted grace periods to implement alcohol and drug testing.

The type of testing required by Part 382 and Subpart H of part 391 are: pre-employment, periodic, random, post-accident and reasonable suspicion. The testing procedures must be in accordance with the FMCSR requirements and 49 CFR Part 40.

There are numerous record keeping requirements for the drug and alcohol testing programs. Most of these records must be maintained for several years, and must be kept confidential. However, all records shall be made available for inspection upon request by an authorized representative of the Commission.

Part 390- General. In the FMCSR, this Part speaks about applicability, definitions, accident record keeping, and other miscellaneous provisions. The Commission has established the application of its safety regulations at 52 Pa. Code 37.201(b), and provided for most definitions to be utilized throughout the Chapter, at 52 Pa. Code 37.202. Chapter 37 has incorporated the accident record keeping requirements found in 49 CFR 390.15. Marking of vehicles is found at 49 CFR 390.21, however the PUC has deleted this regulation entirely, since it already provides for vehicle marking at 52 Pa. Code 29.71 and 31.33.

Part 391- Qualifications of Drivers. This part contains the requirements for ensuring that drivers are properly qualified to operate motor vehicles. The Commission has adopted most of the regulations contained in this part. However, one of the more important revisions made in Chapter 37 regards the age of drivers. The Federal minimum age for interstate drivers is 21, while the Commission permits a minimum age of 18 for intrastate drivers.

Part 391 requires carriers to maintain driver qualification files on each driver it employs. These files contain items such as:

DRIVER QUALIFICATION FILE
CHECKLIST

- | | |
|--|--|
| * <u> </u> Driver Application | * <u> </u> Inquiry to Previous
Employers-3 Years |
| * <u> </u> Medical Certificate | * <u> </u> Inquiry to State Agencies |
| * <u> </u> Driver's Road Test | * <u> </u> Annual Review-Driving
Record |
| * <u> </u> Written Exam | * <u> </u> Driver Data Sheet |
| * <u> </u> Certs-Road & Written Test | * <u> </u> Checklist for Casuals |
| * <u> </u> Annual Driver Cert. of
Violations | * <u> </u> Controlled Substances Test |

Subpart H (Controlled Substance Testing) of Part 391, has generally been adopted within Chapter 37. As was noted in the discussion of Part 382, only those drivers operating vehicles with a gross weight rating in excess of 26,000 pounds, or buses, will be subject to drug testing. Subpart H will be effective in 1995 only, for those carriers employing less than 50 drivers.

Part 392- Driving of Motor Vehicles. This Part focuses on the operation of the motor vehicle on the highway. The Commission has adopted this entire Part, while revising only 392.2. Included are requirements prohibiting the use of alcohol and/or drugs while the driver is on duty; stopping requirements for certain vehicles; the use of lighting devices and emergency signals; duties of drivers involved in accidents; and prohibitions for transporting unauthorized passengers and use of radar detectors.

Part 393- Parts and Accessories Necessary for Safe Operation. Part 393 has established minimum standards for vehicles. These include requirements for lights, brakes, fuel and exhaust systems, coupling devices, tires and wheels, emergency equipment, frames, steering, suspension and safe loading. The Commission has adopted Part 393 in its entirety, except for minor revisions regarding oversize tires and bus exhaust systems.

In addition to the regulations found in Part 393, the Commission has also established Vehicle Out-of-Service Criteria. This criteria has been formulated by the Commercial Vehicle Safety Alliance, and is utilized during roadside inspections to determine the defects which must be repaired prior to continued operation.

Part 394. The regulations previously found under Part 394 have been removed from the FMCSR.

Part 395- Hours of Service of Drivers. Motor carriers may not permit or require drivers to exceed the hours of service limitations established under this Part. In addition, carriers must ensure that drivers complete a record of duty status (log book) for each twenty-four hour period, and these records must be maintained by the carrier for the previous six months. Drivers who operate within a 100 air-mile radius of their work reporting location, may complete time records in lieu of the record of duty status.

Chapter 37 has adopted most of the requirements of Part 395, and has added a provision for drivers of lightweight vehicles.

In addition to Part 395, the Commission has also established a Driver Out-of-Service Criteria. This criteria has been created by the Commercial Vehicle Safety Alliance, and is used to determine when drivers must obtain additional rest prior to operating the vehicle.

Part 396- Inspection, Repair, and Maintenance. Motor carriers are required to ensure that the vehicles under its control are systematically inspected, repaired and maintained, in order that all vehicle systems and parts are in safe and proper operating condition. Carriers must maintain records of its inspection, repair and maintenance program for at least one year. Carriers must require its drivers to complete vehicle condition reports at the completion of the work day for each vehicle the driver operates. Finally, carriers must ensure that each vehicle under its control successfully completes an annual inspection conducted according to Appendix G of Part 396.

The Commission has adopted all provisions of Part 396, except for section 49 CFR 396.9, which has been completely revised.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

January 26, 1995

DAVIS CARTAGE CO
230 EARL SLEESMAN DRIVE
CORUNNA MI 48817

In re: A-00112746 - Application of Davis Cartage Co.

Dear Sir:

The above-cited application has been received and accepted for publication. It will be published in the Pennsylvania Bulletin of January 27, 1996.

You are further advised that the above-cited application will be submitted for review provided no comments are filed on or before February 12, 1996. If comments are filed, you will be advised as to the procedure.

You are not yet authorized to provide intrastate service. You will receive notification when you may begin.

Very truly yours,

Peter S. Marzolf, Supervisor
Application Review Section
Bureau of Transportation & Safety

PSM:lg

