

ORIGINAL

Decision No. 77364

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 EDGAR LEROY REICHARD, an individual)
 dba ED REICHARD - TRUCKING SERVICE,)
 of Rosemead, California, for a)
 permit to operate as a dump truck)
 carrier, 50 mile radius from point)
 of operation, Los Angeles.)
 (File No. T-94,492))

Application No. 51637
 (Filed January 15, 1970)

Edgar Leroy Reichard, in propria persona,
 applicant.
James R. Foote, for Associated Independent
 Owner Operators, Inc.; E. O. Blackman,
 by G. Ralph Grago, for Associated Inde-
 pendent Owner-Operators, California
 Dump Truck Owners Association, CAP
 Transport, Rock Morosa Bros. Transporta-
 tion, HEC Trucking, Construction Materials
 Trucking, Inc., and Handler-Baker &
 Green; Daniel Feins and Cam Ferrell, for
 Western Conference of Teamsters, protestants.
James Diani, for the Commission staff.

O P I N I O N

Edgar Leroy Reichard, doing business as Ed Reichard -
 Trucking Service, of Rosemead, California, requests a permit as
 a dump truck carrier on a statewide basis.

A public hearing was held before Examiner DeWolf on
 April 15, 1970 at Los Angeles, California and the matter was
 submitted on such date.

Applicant testified that he bought the tractor described in the application in November and has kept the same at his residence for use under a dump truck permit and that he planned to haul dirt from sites in Century City for a named contractor who told him that he had 18 months of work ahead for him. Applicant testified that he would operate the tractor himself and that he has had 25 years experience in trucking, three of which were continuous with dump trucks. Applicant testified that he had the equipment checked for safety and overhauled at an expense of \$1,200; that he is familiar with tariffs and has procured insurance. Applicant's equipment is a 1963 International Tractor. Applicant has assets of \$41,400 and liabilities of \$13,280, and is making payments on the tractor of \$240 per month. Applicant testified that he knows several companies in need of tractors for whom he can go to work, and that there is a need for his service to operate the tractor. Applicant did not have any shipper witness testify to the need for his services or what affect operations by him would have on present dump truck carriers.

A Commission representative appeared for the Commission staff and examined the witnesses.

Two witnesses testified for a number of protestants who opposed the application. A dump truck owner testified that he finds that there is a lack of work for the full use of his equipment and the issuance of this permit would increase such lack of work. A union witness testified that there are many drivers waiting for work at the union hall and that such driving work is

scarce for this kind of equipment. The protestant witness testified that there have been a great many permits issued to dump truck operators and that there are already too many trucks operating in the area in which applicant proposes to work; that issuance of this permit will burden the public highways and will interfere with the ability of presently permitted truck carriers to engage in business and will reduce their traffic and their revenue.

Findings and Conclusions

Upon consideration of the evidence the Commission finds as follows:

1. Applicant Reichard has not heretofore been licensed as a permitted carrier by this Commission and is not entitled to a dump truck carrier permit in accordance with the grandfather provision of Section 3612 of the Public Utilities Code as amended in March 1970.
2. Applicant Reichard has proven by a preponderance of evidence that he has sufficient operating knowledge and financial ability to initiate and continue a dump truck operation.
3. That the privilege sought by applicant;
 - (a) Will not endanger the safety of the public; or
 - (b) Interfere with public use of the highways or impair the condition or maintenance of them directly or indirectly; and
 - (c) Will not unnecessarily burden the public highways.
4. Applicant Reichard has failed to prove by a preponderance of evidence that the privilege sought is necessary to serve the public and will not impair the ability of presently permitted dump truck carriers to provide adequate service at the lowest possible reasonable rates.

Based on the foregoing findings of fact the Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED that the application of Edgar Leroy Reichard doing business as Ed Reichard - Trucking Service for a permit to operate as a dump truck carrier is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of JUNE, 1970.

William J. Brown
President
Arthur
J. P. Martin
John
Vernon L. Stinson
Commissioners