

Decision 91 01 009 JAN 15 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Pipeline Carriers, Inc. for a cement)
contract carrier permit to transport)
Portland or similar cements in bulk)
or in packages, in San Bernardino)
County.)

ORIGINAL
Application 90-06-059
(Filed June 26, 1990)

O P I N I O N

Pipeline Carriers, Inc. (Pipeline), a California corporation, seeks a cement contract carrier permit for operations within and to San Bernardino County, exclusively for Rialto Concrete Products, Inc.

The application states that Pipeline will not handle C.O.D. shipments, will not lease equipment from employees, and will not engage subhaulers; therefore it is not subject to the bonding requirements of General Orders (GO) 84 and 102 Series.

Subsequent to the filing of the application, the following documents were received from applicant which are received in evidence as indicated:

<u>Exhibit No.</u>	<u>Description of Document</u>
1	Highway Carrier Certification Concerning Hazardous Materials Transportation,
2	Balance Sheet as of May 10, 1990,,
3	Projected Profit and Loss Statement,
4	Forty-Five Days Required Working Capital Worksheet,
5	Highway Carrier Applicant Certification Concerning Highway Safety,

6	Questionnaire Mandated by P.U. Code § 3557,
7	Statement of Residence,
8	Statement of Support from Rialto Concrete Products,
9	Articles of Incorporation,
10	Certification of Liability and Property Damage Liability Insurance, and
11	Workers' Compensation Insurance.

Exhibit 1 states that Pipeline will not transport hazardous materials or hazardous wastes.

In 1988, the Legislature added §§ 460.5, 1063.5, and 3553 to the (PU) Code. These sections established new requirements which applicants must meet before the Commission may issue new authorities or allow transfers of existing authorities. Section 3553 is the section applicable to cement contract carrier authorities.

Section 3553(a) contains eight subsections covering requirements which must be met as follows:

"3553. (a) The commission shall issue or authorize the transfer of no permit under this chapter except upon a showing before the commission and a finding by the commission that the applicant or proposed transferee meets all of the following requirements:

"(1) Is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

"(2) Is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subhaulers, operating vehicles in transportation for compensation under the permit.

"(3) Has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

"(4) Participates in a program to regularly check the driving records of all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation requiring a class 1 driver's license under the permit.

"(5) Has a safety education and training program in effect for all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation.

"(6) Will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

"(7) Has filed with the commission a certificate of workers' compensation insurance coverage for its employees or a certificate of consent to self-insure issued by the Director of Industrial Relations.

"(8) Has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this section may be inspected by the commission and the Department of the California Highway Patrol."

The information set forth in the application, and Exhibit 2 through 11 disclose that Pipeline meets the requirements of Section 3553 as follows:

1. The financial data contained in Exhibits 2, 3, and 4 disclose that Pipeline demonstrated it meets this requirement.

2. and 6. Section 3553(b) provides that the Commission may base a finding with respect to these requirements on a certification by the Commission that applicant has filed a sworn declaration of ability to comply and intent to comply. The sworn declaration of Pipeline's vice President is included as part of Exhibit 5.
- 3., 4., and 5. Exhibit 5 discloses that Pipeline meets these requirements.
7. Exhibit 11 is a copy of Pipeline's certificate of workers' compensation insurance coverage.
8. Pipeline's address is located at:

2250 W. Lowell
Rialto, CA 92377

Notice of the filing of the application appeared on the Commission's Daily Transportation Calendar of July 5, 1990. No protests have been received.

The Transportation Division has advised that:

"The Analyst Unit staff has reviewed the application and believes it is one which, in the absence of protest, may be granted by ex parte order, providing that the applicant has complied fully with General Order 100-L, the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety."

Findings of Fact

1. Pipeline meets all requirements for financial responsibility, residency, type of transportation to be performed, expected results of operations, and need for service.
2. Pipeline complies with Section 3553.

Conclusions of Law

1. The application should be granted.
2. A public hearing is not necessary.

3. Since no one has protested the application and it appears applicant desires to commence service as soon as possible, the decision should be effective on the date of the signature.

ORDER

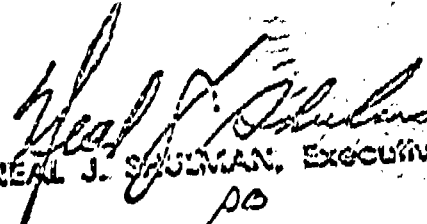
IT IS ORDERED that the Executive Director shall issue a cement contract carrier permit to Pipeline Carrier, Inc., authorizing operations from any and all points of origin within the State to and within points in the County of San Bernardino, solely for the account of Rialto Concrete Products, Inc.

This order is effective today.

Dated JAN 15 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SPELMAN, Executive Director
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