

Mailed

APR 24 1991

Decision 91-04-043 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR HEARING OF ECONO-LINE )  
EXPRESS (Re: suspension, revocation, )  
or denial of renewal authority of )  
property or passenger carrier at )  
request of California Highway Patrol. )

**ORIGINAL**  
Application 90-12-066  
(Filed December 28, 1990)

OPINION

Statement of Facts

Upon receipt of a written recommendation from the Department of the California Highway Patrol following an unsatisfactory biannual inspection of the terminal of Econo-line Express, Inc., this Commission on December 12, 1990 suspended the carrier's certificate of public convenience and necessity to operate as a highway common carrier and its highway contract carrier permit (see File T-89,081), pursuant to provisions of Public Utilities Code §§ 1070.5 and 3774.5.

Econo-line employs 23 drivers and operates 27 trucks and 22 trailers out of its terminal at 42600 Boyce Road, Fremont, California.

After receipt of the suspension, Econo-line filed the present application to contest the suspension. Econo-line then waived its right to a hearing within 21 days of the suspension and asked for delay in the hearing to have opportunity to have a Highway Patrol reinspection prior to such hearing, anticipating that such reinspection would result in an upgraded safety rating which would obviate the need for a hearing. The hearing date was successively postponed at Econo-line's request to March 19, 1990.

Econo-line's safety programs received a "satisfactory" rating on March 5, 1990 when reinspected by the Highway Patrol, although one vehicle, Unit No. 607, License No. 1R08164, was placed out of service because of a violation. The requisite reinstatement

fee of \$125 was paid to the Commission and deposited in the Transportation Rate Fund. Upon written recommendation from the Highway Patrol, and exercising the authority delegated to him by Resolution 18336 dated May 22, 1990, the Executive Director of the Commission reinstated the operating authorities in T-89,081 effective March 6, 1991.

Discussion

Econo-line's operating authorities having been restored, the carrier's request for a hearing is moot, and the application should be dismissed effective immediately.

ORDER OF DISMISSAL

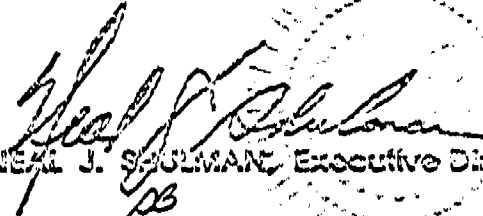
IT IS ORDERED that Application 90-12-066 filed December 28, 1990 is dismissed with prejudice.

This order is effective today.

Dated April 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SPELMAN, Executive Director