

Decision No. 91386

MAR 4 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LAW EXPRESS, INC., to modify Decision No. 79093 for elimination of any authority to enter into written contracts for the leasing of equipment with driver, LA Basin Territory.

Application No. 59358
(Filed December 26, 1979)

O P I N I O N

Law Express, Inc., a California corporation, presently providing service as a highway common carrier for the transportation of general commodities between points within southern California, requests that its certificate be amended by adding the following restriction:

"10. Leasing of equipment with driver to a shipper(s) under written contract(s) for the exclusive use of a vehicle or combination of vehicles at hourly, daily, weekly, monthly or yearly vehicle unit rates."

Applicant alleges that the cost of operating vehicles at unit rates varies substantially with the type, size, and age of the equipment required by the contracting party, making it impracticable and uneconomical to publish the tariff rates necessary to meet the needs and requirements of contracting parties; and that the proposed restriction would enable applicant to provide such service pursuant to its contract carrier permit at or above established minimum rates, or where reasonable to request a deviation pursuant to Section 3666 of the Public Utilities Code.

Applicant misconstrues the nature of the operation it desires to have restricted from its operating authority. Rather than a lease, this service is for-hire transportation performed

under a written agreement for an extended period of time, notwithstanding the fact that we may have referred to it by other descriptions in prior decisions. However, this type of operation is peculiarly susceptible to the contract carrier service and we will, therefore, grant applicant's request.

Notice of the application was published in the Commission's Daily Calendar on December 27, 1979. No protest has been received.

Findings of Fact

1. Applicant is presently authorized as a highway common carrier to transport general commodities between points within southern California.
2. Applicant proposes to enter into leases for the exclusive use of equipment with driver at vehicle unit rates.
3. Because of the variety of circumstances involved in the leasing of equipment with driver, applicant does not intend to hold itself out to provide such service to the general public.
4. Public convenience and necessity no longer require applicant's service for transportation involving equipment with driver provided to a shipper(s) under written agreement for the exclusive use of a vehicle or combination of vehicles at hourly, daily, weekly, monthly, or yearly vehicle unit rates.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The Commission concludes that the application should be granted. However, such conclusion should not be construed as a policy determination with respect to future petitions to exempt certain transportation service from the requirements of public utility certificated operating authority. A public hearing is not necessary.

4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
- *10. Transportation by equipment with driver for a shipper(s) under written agreement(s) for the exclusive use of a vehicle or combination of vehicles at hourly, daily, weekly, monthly or yearly vehicle unit rates.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

*Amended by Decision 91386, Application No. 59358.