

Decision No. 91949 JUN 17 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Robert Milton Marglon)
(R & L Trucking) to obtain a)
Dump Truck Carrier Permit,)
Vallejo, (File No. 372.70).)

ORIGINAL

Application No. 59513
(Filed March 12, 1980)

O P I N I O N

Applicant Robert Milton Marglon, an individual, doing business as R & L Trucking, requests the issuance of a dump truck carrier permit. Applicant presently holds a highway contract carrier permit issued by this Commission under File T-127814. Notice of the filing of the application appeared on the Commission's Daily Calendar of March 13, 1980. No protests to the application have been received.

Applicant's principal place of business is located at 641 Brunswick Drive, Vallejo, California, and his equipment is kept and maintained either at that location or at a yard on State Highway 29 in Napa. He has been employed as a subhauler by various dump truck carriers for the past year. Prior to that he was employed as a driver for various excavating companies for a period of eight years.

Applicant proposes to operate a tractor and end-dump trailer as a subhauler and as a prime carrier in the Counties of Contra Costa, Solano and Napa. He has stated that he is familiar with the rates in Minimum Rate Tariff 7-A and will charge in accordance therewith. As of March 3, 1980, applicant indicates a net worth of \$80,274.48.

As attachments to his application, applicant has filed letters from five excavating contractors who have stated that they would utilize the services of the applicant in the counties applied for, as a prime carrier.

Applicant has alleged that he intends to maintain his own equipment and have it inspected by the California Highway Patrol at frequent intervals.

Applicant states that he possesses the necessary licenses to operate the equipment and has a good driving record. He has a good credit rating, has never filed bankruptcy, and has no record of criminal behavior.

Findings

1. Applicant possesses sufficient knowledge and experience to conduct the proposed operation.
2. Applicant proposes to use his dump truck equipment for five excavating contractors as a prime carrier. These parties have each furnished a letter in support of the application.
3. Applicant has demonstrated that there is a need for his services which is not presently being provided by existing dump truck carriers.
4. Applicant has demonstrated by preponderance of evidence that:
 - a. He is a fit and proper person to receive a permit as a dump truck carrier and possesses sufficient operating knowledge and financial ability to perform the proposed operation.
 - b. His equipment is presently being used on the public highways within and between the Counties of Contra Costa, Solano and Napa and its proposed future use will not endanger the safety of said highways or impair the condition or maintenance of them either directly or indirectly.
 - c. His proposed operation will not unnecessarily burden the public highways, and 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.
5. Applicant has provided information regarding the record of operation of vehicles over the public highways.
6. Applicant has the experience, equipment and financial resources necessary to institute and maintain the proposed operation.

7. Applicant has resided in the State of California for not less than ninety days next preceding the filing of this application.

8. It can be seen with certainty that there is no possibility that the application in question may have a significant impact on the environment.


The Commission concludes that the applicant should be granted a dump truck permit authorizing operation within and between the Counties of Contra Costa, Solano and Napa.

O R D E R

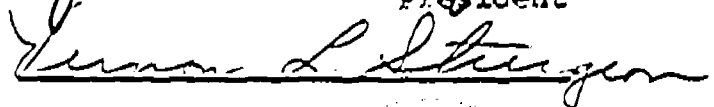
IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Robert Milton Marglon, an individual, doing business as R & L Trucking, authorizing operations within and between the Counties of Contra Costa, Solano and Napa.

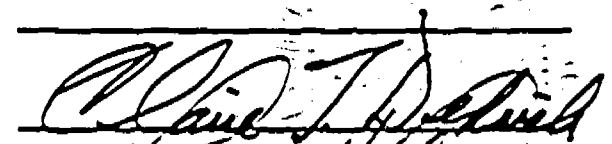
The effective date of this order shall be thirty days after the date hereof.

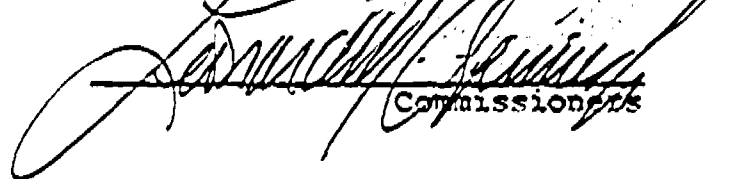
Dated JUN 17 1980, at San Francisco, California.



President







Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.