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Decision 96-01-002 January 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order instituting investigation into the operations of Golden Gate Sightseeing Tours, Inc., a California Corporation doing business as

AMTRAVEL INTERNATIONAL (Investigation) (Filed September 11, 1994)

Respondent: Green Belt Stage, Inc. (Green Belt) filed Application A 94-10-026, on

In the Matter of the Application of GREEN BELT STAGE, INC. for a Class "B" Certificate of Public Convenience and Necessity as a Charter-party Carrier of Passengers (Application No. 94-10-026) (Filed October 18, 1994)

ORIGINAL

OPINION

Background

On September 1, 1994, the Commission issued an Order Instituting Investigation ((I.) 94-09-003) into the operations of Golden Gate Sightseeing Tours, Inc., doing business as Amtravel International (Amtravel).

The investigation of Amtravel was the result of allegations that it continued to operate as a charter-party carrier of passengers during various suspensions of its certificate. It held a Class A certificate of public convenience and necessity (CPC&N or certificate) to operate as a charter-party carrier of passengers (TCP 303-A), but this certificate was revoked on August 28, 1994 for failure to pay Public Utilities Commission Transportation Reimbursement Account fees due to the Commission. It

DECLINING

was also alleged that Amtravel committed numerous unlawful business practices by failing to maintain evidence of adequate public liability and Workers Compensation Insurance on file with the Commission.

Approximately six weeks after the Commission's investigation of Amtravel's investigation was instituted, Green Belt Stages, Inc. (Green Belt) filed Application (A) 94-10-026, on October 18, 1994, requesting a CPC&N to operate as a Class B charter party carrier of passengers. Green Belt proposed to provide charter party service in the San Francisco Bay Area from its terminal in Albany, California.

On October 20, 1994, the Compliance and Enforcement Branch of the Commission's Transportation Division now the Safety and Enforcement Division (S&E), filed a protest to A.94-10-026 alleging that the application represented a subterfuge to allow the operations formerly conducted by Amtravel to continue as the operations of Green Belt, and an attempt by Amtravel to avoid the penalties the Commission might impose upon it in I.94-09-003. S&E requested that I.94-09-003 be consolidated with A.94-10-026 and the matter be set for hearings.

In support of its recommendation, S&E stated that, based on a review of two documents attached to the application entitled the "Equipment Statement of Applicant and CHP Inspection Report" and the "Driver Statement of Applicant," it appeared that certain vehicles and drivers that Green Belt proposed to employ were formerly used by Amtravel. Neither Amtravel nor Green Belt opposed S&E's motion. Transportation Reimbursement Account fees due to the Commission. If

By ruling dated December 12, 1994, the assigned Administrative Law Judge consolidated the proceedings and scheduled a prehearing conference (PHC) in the consolidated matter.

At the PHC, Amtravel stated that in October, 1993, it filed a petition to reorganize under Chapter 11 of the Bankruptcy Code. On August 12, 1994, the petition was converted to a petition to liquidate under Chapter 7 of the Bankruptcy Code. Amtravel also stated that prior to conversion to Chapter 7, it had ceased operating the business.

While Amtravel conceded that Green Belt acquired some of Amtravel's equipment, Amtravel maintains that Green Belt's acquisition of Amtravel's equipment was a result of the bankruptcy proceeding. Amtravel asserted that it did not sell any of its equipment directly to Green Belt. Green Belt stated that it had never owned any part of Amtravel.

S&E reiterated the concerns expressed in its protest to Green Belt's application.

During an off-the-record discussion, S&E reached an agreement with Amtravel and Green Belt regarding resolution of all issues in the consolidated proceeding.

According to the agreement, S&E would not have objected to the Commission granting Green Belt a Class B CPC&N to operate as a charter-party carrier of passengers, however, the Commission would not issue the certificate.

Class B certificates to operate as a charter-party carrier are routinely issued by the Director of S&E. This particular request for a Class B certificate was converted to a formal application because it was protested by S&E.

recommended that Green Belt's authority to operate as a charter-party carrier be effective initially for a one-year duration instead of the standard three-year duration. S&E proposed that if during the first year of operation Green Belt did not violate any Commission regulations, Green Belt's authority to operate be extended for an additional two years, or the full three-year duration. S&E also proposed that the extension of authority to operate for two additional years be granted by the Executive Director upon S&E's recommendation.

In addition, S&E agreed that Green Belt applied for a Class A certificate to operate as a charter-party carrier, S&E would not have objected.

As to the resolution of the issues related to the investigation of Amtravel, S&E stated that it would file for adoption by the Commission a written "Stipulation for Settlement" (Stipulation) signed by S&E's counsel and Amtravel's president.

On April 21, 1995, S&E filed a motion to adopt the Stipulation reached between S&E and Amtravel. The Stipulation was filed concurrently with the motion.

By the terms of the Stipulation, Amtravel had agreed among other things, to revocation of its certificate to operate as a charter-party carrier. Amtravel also agreed to notify the Director of S&E in writing and to file a formal application with the Commission in the event that it ever were to seek authority as a transportation carrier to provide services within the jurisdiction of the Commission. In return, S&E recommended that the Commission terminate the formal investigation of Amtravel's operation and that Amtravel not be subject to further Commission

action or fines. A copy of the Stipulation is attached as Appendix A to this order.

After receiving S&E's motion for adopting of the Stipulation, an order granting Green Belt a CPC&N and adopting the Stipulation was prepared. The order was to be placed on the Commission's agenda for its meeting of June 21, 1995. However, on May 25, 1995, the California Highway Patrol (CHP) contacted S&E and recommended that Green Belt's request for a CPC&N be denied. According to the CHP, Green Belt had failed an initial terminal vehicle safety inspection conducted by the CHP on April 17, 1995. The CHP states that its inspection revealed 28 mechanical safety violations. The CHP placed two of Green Belt's vehicles out of service for "imminently hazardous mechanical safety violations." A copy of the CHP's recommendations and safety report is attached as Appendix B to this order.

On July 26, 1995, S&E filed a motion requesting that Green Belt's application for a CPC&N be denied and that I.94-09-003 be reopened for further hearings.

S&E believes that the failure by Green Belt to pass the CHP's safety inspection requires the Commission to deny Green Belt's request for a CPC&N. In addition, S&E points out that while S&E agreed to Green Belt receiving a Class B CPC&N to operate as a charter-party carrier of passengers, S&E proposed to monitor Green Belt's operations for possible violations of regulations. According to S&E, had it been aware of the safety violations demonstrated by the CHP, it would never have agreed to Green Belt's receiving a CPC&N.

As to I.94-09-003, S&E recommends that the Commission reopen the proceeding for further hearings to receive evidence to

determine whether respondent's operating authority should be action  
revoked for cause. Appendix A to this order.

Neither Green Belt nor Amtravél has filed a response to  
S&E's motion. The MOTION and the order granting Green Belt's motion stipulation, an order granting Green Belt's motion stipulation, and the stipulation was prepared. The order was to be placed in the  
**Discussion**

With regard to a new or renewal application for a charter-party carrier, § 5378.6 of the Public Utilities (PU) Code provides, in relevant part as follows: S&E and recommended that Green Belt be denied the application.

(a) Upon receipt of a written recommendation from the Department of the California Highway Patrol that a new or renewal application for a charter-party carrier certification or permit be denied either (1) for failure to maintain any vehicle used in transportation for out of compensation in a safe operating condition or to comply with the Vehicle Code or with regulations contained in Title 13 of the California Code of Regulation relative to motor carrier safety or (2) for failure to enroll all drivers in the pull notice system as required by Section 1808.1 of the vehicle Code, the commission shall deny the application. The department's written recommendation shall specifically indicate compliance with subdivision (b). (Emphasis added.)

Green Belt's failure to pass the initial terminal inspection of vehicles by CHP, disqualifies it to receive a certificate to operate as a charter-party carrier of passengers. Green Belt's operations for possible violations of regulations. According to S&E, had it been aware of the violations demonstrated by the CHP, it would never have agreed to provide Green Belt an opportunity to respond to the

the proceedings for further hearings to receive evidence to

recommendations made by S&E and CHP.<sup>2</sup> Green Belt has not responded. We will deny Green Belt's request for a CPC&N to operate as a charter-party carrier of passengers. Next, we will consider S&E's recommendation to reopen the proceeding in I.94-09-003. In its motion, S&E recommends that:

- 1. The Commission reopen the proceeding for further hearings to receive evidence to determine whether the respondent's (Amtravel) principals are unfit to hold operating authority and whether their operating authority should be revoked for cause.

According to the stipulation filed by S&E and Amtravel, Amtravel agreed to the revocation of its certificate to operate as a charter-party carrier of passengers. Amtravel also agreed to notify the Director of S&E in writing and to file a formal application with the Commission in the event that it ever were to seek authority as a transportation carrier to provide services within the jurisdiction of the Commission. By adopting the Stipulation, we would accomplish what S&E seeks to accomplish through the reopening of the proceeding. No other purpose would be served by reopening of the proceeding. We will deny S&E's request to reopen the proceeding in I.94-09-003.

Hence as to the Stipulation between S&E and Amtravel, it appears that in light of the fact that Amtravel has filed for bankruptcy under Chapter 7 of the Bankruptcy Code, the terms of the Stipulation are reasonable. We will adopt the stipulation.

<sup>2</sup> A copy of CHP's recommendations and safety report was attached to S&E's motion.

**Findings of Fact**

1. Green Belt requests a Class B CPC&N to operate a charter-party carrier of passengers. Class B certificates to operate as charter-party carrier of passengers are routinely issued by the Director of S&E.

3. Green Belt's request for a Class B certificate to operate as a charter-party carrier of passengers was converted to a formal application because it was protested by S&E.

4. At the PHC held on February 28, 1995, S&E withdrew its protest to Green Belt's request for a Class B certificate to operate as a charter-party carrier of passengers.

5. An order granting Green Belt a CPC&N was to be placed on the Commission's agenda for the meeting of June 21, 1995.

6. On May 25, 1995, the CHP informed S&E that Green Belt had failed the CHP's initial terminal vehicle safety inspection and recommended that Green Belt's request for a CPC&N be denied.

7. On July 26, 1995, S&E filed a motion requesting that Green Belt's application for a CPC&N be dismissed.

8. PU Code § 5378.6 provides that upon written recommendation of the CHP, an application for a charter-party carrier certificate be denied for failure to maintain vehicles in safe operating conditions.

9. S&E's July 26, 1995 motion also requested that I.94-09-003 be reopened for further hearings to determine if Amtrav's operating authority be revoked.

A copy of CHP's recommendations and safety report was attached to S&E's motion.

10. In the Stipulation filed by S&E and Amtravel, Amtravel agreed to revocation of its certificate to operate as a charter-party carrier of passengers.

11. No purpose would be served by reopening I.94-09-003. The Stipulation between S&E and Amtravel is reasonable, consistent with the law and in the public interest.

12. The Stipulation is uncontested.

Conclusions of Law

1. Green Belt's request for a Class B CPC&N to operate as a charter-party carrier of passengers should be denied.

2. The Stipulation between S&E and Amtravel should be adopted.

3. S&E's request to reopen I.94-09-003 should be denied.

4. As provided in the Stipulation, Amtravel's CPC&N to operate as a charter-party carrier of passengers should be revoked and Amtravel should be required to file a formal application with the Commission in the event it ever seeks authority to operate as a transportation carrier.

5. This order should be made effective immediately.

DAVID M. FISHER  
P. GREGORY CONTON  
DEBBIE G. KNIGHT, JR.  
HENRY M. DUQUE  
JUSTIA L. NEPPER

ORDER

IT IS ORDERED that:

1. The Stipulation for Settlement reached between the Commission's Safety and Enforcement Division and Golden Gate Sightseeing Tours, Inc. doing business as Amtravel International (Amtravel) is adopted.

Green Belt Stages, Inc.'s request for a Class B certificate of public convenience and necessity (CPC&N) to operate as a charter-party carrier of passengers in accordance with the request made in Application (A) 94-10-026 is denied.

Amtravel's CPC&N to operate as a charter-party carrier of passenger is revoked.

4. Amtravel shall file a formal application with the Commission in the event it ever seeks authority to operate as a transportation carrier.

5. Since all issues raised in this consolidated proceeding have been resolved, Order Instituting Investigation 94-09-003 and A. 94-10-026 are closed.

This order is effective today.

Dated January 10, 1996, at San Francisco, California.

Amtravel should be required to file a formal application with the Commission in the event it ever seeks authority to operate as a transportation carrier.

DANIEL Wm. FESSLER  
President

P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER

Commissioners

The stipulation for settlement reached between the Commission's Safety and Enforcement Division and Golden Gate Sightseeing Tours, Inc. doing business as Amtravel International (Amtravel) is adopted.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the operations of Golden Gate Sightseeing Tours, Inc., a California corporation doing business as AMTRAVEL INTERNATIONAL, Respondent. I.94-09-003 Filed September 1, 1994

STIPULATION FOR SETTLEMENT

The California Public Utilities Commission's Compliance and Enforcement Branch of the Safety and Enforcement Division ("Commission Staff") and Respondent Golden Gate Sightseeing Tours, Inc., a California corporation doing business as AMTRAVEL INTERNATIONAL ("Amtravel"), through its president and major stockholder, David Sproul, ("Parties"), desiring to avoid the expense, inconvenience and uncertainty attendant to litigation of the issues in dispute between them, have agreed upon a settlement of certain issues. The Parties desire to submit this Stipulation for Settlement (Stipulation) to the Public Utilities Commission ("Commission") and request that the Commission adopt it as its final disposition of the investigation of Respondent Amtravel.

NOW THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

- 1. The Commission Staff has conducted an investigation of the operations and practices of Respondent Golden Gate Sightseeing Tours, Inc., doing business as Amtravel International ("Amtravel").
2. As a result of the investigation and Staff's submission of findings, the Commission issued Order Instituting Investigation No. I. 94-09-003 alleging that Respondent Amtravel may have:
a. This formal investigation be terminated insofar as certificate of Respondent Amtravel, be confirmed;
b. The revocation of the charter-party carrier may have;

I. \_\_\_\_\_ L/IRA/bjk:MPQA APPENDIX A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the

- a. violated Public Utilities Code section 5379 by continuing to operate during periods of suspension;
- b. violated PU Code Section 5387 by operating without evidence of accident liability protection on file with the Commission as required by PU Code Section 5391;
- c. violated PU Code Section 5378.1 by operating without evidence of workers' compensation insurance coverage on file with the Commission.

3. Thereafter and as a result of communications between Respondent Amtravel, and Commission Staff, this Stipulation for Settlement has been reached. There is nothing in this Stipulation which does admit or may be construed as being an admission of responsibility for the acts and omissions claimed in the investigation.

4. The charter-party carrier certificate of Respondent Amtravel (TCP 303-A) was revoked effective August 27, 1994 for failure to pay fees due the Commission and has not been reinstated.

5. Respondent Amtravel, represents that it has ceased all operations subject to the Commission's jurisdiction and has filed a petition in bankruptcy under Chapter 7.

6. Respondent Amtravel, agrees to notify the Director of the Safety and Enforcement Division in writing and to file a formal application with the Commission in the event that it ever seeks authority as a transportation carrier to provide services within the jurisdiction of the Commission.

7. Commission Staff agrees with the terms of this stipulation and recommends to the Commission that:

- a. These terms be approved and adopted by the Commission;
- b. The revocation of the charter-party carrier certificate of Respondent Amtravel, be confirmed;
- c. This formal investigation be terminated insofar as it pertains to Respondent Amtravel; and

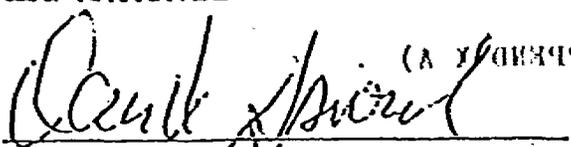
I. L/IRA/pjk...

APPENDIX A

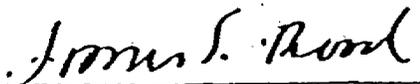
d. Respondent AmTravel heretofore not be subject to any Commission actions or fines arising from acts and omissions claimed to have occurred or not occurred during the period in question in this investigation. The parties enter into this stipulation for settlement freely and voluntarily.

REVISED April 17, 1995  
Dated: March 30, 1995

DAVID SPROUL, President  
GOLDEN GATE SIGHTSEEING TOURS, INC.  
dba AMTRAVEL

  
David Sproul

COMPLIANCE AND ENFORCEMENT BRANCH  
SAFETY AND ENFORCEMENT DIVISION  
PUBLIC UTILITIES COMMISSION

  
By James S. Rood, Attorney  
for Safety and Enforcement Division

(END OF APPENDIX A)

CERTIFICATE OF SERVICE

Commission actions on fines arising from acts and omissions  
I hereby certify that I have this day served the foregoing  
document upon all known parties, of record in this proceeding,  
by mailing by first class a copy thereof properly addressed to  
each party.

Dated at San Francisco, California, this 21st day of  
April, 1995.

/s/ NANCY A. SALYER  
Nancy A. Salyer

DAVID SPROUT, President  
GOLDEN GATE SIGHTSEEING TOURS, INC.  
SAN FRANCISCO, CALIFORNIA

(END OF APPENDIX A)

*David Sprout*  
David Sprout

PUBLIC UTILITIES COMMISSION  
SAFETY AND ENFORCEMENT DIVISION  
COMPLIANCE AND ENFORCEMENT BRANCH

*James S. Rood*

BY James S. Rood, Attorney  
for Safety and Enforcement Division

(END OF APPENDIX A)

State of California

M U B U S I O M O M

Memorandum

Date: May 25, 1995

To: Mr. William R. Schulte, Director  
Transportation Division  
Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
Commercial and Technical Services Section

File No.: 062.A5101.9505094MC

Subject: RECOMMENDATION FOR DENIAL, TCP 9403

We concur with the attached recommendation from our Golden Gate Division for denial of Green Belt Stages Inc.'s pending application for intrastate operating authority, TCP 9403.

On October 26, 1994, our Department completed an initial terminal inspection and forwarded an approval to your office, however, according to Chris Flores of your licensing staff, the carrier's request for intrastate operating authority has not yet been granted by the Commission.

Additionally, since this carrier is currently operating under Interstate Commerce Commission (ICC) operating authority, MC 248043, a recommendation for administrative action has also been forwarded to the Federal Highway Administration, Office of Motor Carriers, in

Sacramento. As a result of this inspection, an unsatisfactory rating was assigned and a California Highway Patrol Notice to Carrier (CHP 742) was issued. The terminal inspection report and the CHP 742 were furnished to and signed by the carrier's representative. These documents notify the carrier of the unsatisfactory rating. An unsatisfactory rating will result in denial of the carrier's ICC operating authority and denial of the carrier's operating authority, and that a review of the carrier's operating authority will be requested by the carrier within five days. As of May 3, 1995 no review was requested.

Attachment  
cc: Golden Gate Division  
Mr. Glenn E. Beck

State of California

Business, Transportation and Housing Agency

Memorandum

M U B I S T O N I O M

Date: May 3, 1995

To: Enforcement Services Division

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
Golden Gate Division

File No.: 301.A7963.A3949

Subject: RECOMMENDATION FOR SUSPENSION, ICC, MC-248043 AND  
RECOMMENDATION FOR DENIAL, TCP-9403

Golden Gate Division Motor Carrier Safety Unit conducted a terminal inspection of Green Belt Stages, Inc., MC-248043/TCP-9403, on April 17, 1995.

The inspection included six vehicles and revealed 26 mechanical safety violations. Two vehicles were placed out-of-service for imminently hazardous mechanical safety violations. This carrier has failed to maintain vehicles used in transportation for compensation in safe operating condition and/or to comply with the Vehicle Code and/or regulations contained in Title 13, California Code of Regulations relative to motor carrier safety.

The following are our specific areas of concern:

The carrier does not have an adequate preventive maintenance program as outlined in and required by Title 13, California Code of Regulations, Section 1232(a).

The carrier was not performing the required 45-day preventive maintenance inspections as specified in California Vehicle Code Section 34505.

As a result of this inspection, an unsatisfactory terminal rating was assigned and a California Highway Patrol Notice to Carrier (CHP 345) was issued. The terminal inspection report and the CHP 345 were furnished to and signed by the carrier's representative. These documents notify the carrier of the unsatisfactory rating, that an unsatisfactory rating will result in a recommendation to suspend the carrier's ICC operating authority and denial of the carrier's operating authority, and that a review of the rating may be requested by the carrier within five days. As of May 3, 1995 no review was requested.

cc: Golden Gate Division  
Mr. Glenn E. Bach



DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
 SAFETY COMPLIANCE REPORT  
 MOTOR CARRIER SAFETY OPERATIONS  
 CHP 343 (Rev 2-91) OPI 062

INSPECTION LOCATION: MUSEA STREET, CITY OR COUNTY,  
1055 EASTHURST HWY.  
 TELEPHONE NUMBER: 525-4998 AREA CODE: 570  
 CARRIER TYPE: BUS CODE: T CARRIER REPRESENTATIVE'S NAME AND TITLE: DAVE SPANGLER - LOUPE SERV.

FLEET AND EMERGENCY RESOURCE INFORMATION

HM Lic No.	IHWV Reg. No.	IIMS Lic No.	PUC NUMBER
Exp. Date	Exp. Date	Exp. Date	<u>TCR-9403 MC24P043</u>
TRUCKS AND TYPES	TRAILERS AND TYPES	BUSES BY TYPE	REG. C.T. HW. VEH. HW CONT. DRIVERS
		<u>22</u>	<u>23</u>
SHOP	FUEL	WATER	WIND
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
INSPECTION RATINGS: S = Satisfactory U = Unsatisfactory C = Conditional UR = Unrated			

MAINTENANCE PROGRAM	DRIVER RECORDS	REGULATED EQUIPMENT	HAZARDOUS MATERIALS	TERMINAL
<u>UR24 3C 4</u>	<u>UR25 3S 4S</u>	<u>UR24 3S 4U</u>	<u>NA</u>	<u>UR24 3C 4</u>
No. 6 Time 4.0	No. 17 Time 5.0	No. 6 Time 7.0	TIME IN: <u>1430</u>	TIME OUT: <u>1530</u>

CONTAINERS/TANKS	VAPOR RECOVERY SYS.	MISTEA CATEGORY	DATE OF LAST:
No. Time	Tested Cer.	<input type="checkbox"/> Carrier <input checked="" type="checkbox"/> Terminal	<u>CHP 352A 4-17-95</u>

REOMTS.	VIOL.	REMARKS
MAINTENANCE PROGRAM	7	
DRIVER RECORDS	1	
DRIVER HOURS		Follow-up inspection of Conditional Terminal Rating dated 1-19-95.
BRAKES	3	
LAMP-SIGNALS	10	13 CCR 1280(a) - The following vehicles were placed out of service and shall not be used upon the roadways until repairs are made:
CONNECTING DEVICES		
STEERING & SUSPENSION		
TIRES & WHEELS	3	Equipment # 572 - License # YAP1469-OR.
EQUIPMENT REOMTS.	12	Equipment # 112 - License # 3H80086-CA.
CONTAINERS/TANKS		See ATTACHED CHP 343A'S FOR

HAZARDOUS MATERIALS	INSPECTED BY: <u>ESTELLE B. EVANS</u>	ID. NUMBER: <u>1A7367</u>	SUSPENSE DATE: <u>AUTO 120 DAYS</u>
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MOTOR CARRIER CERTIFICATION

I hereby certify that all violations described hereon and recorded on attached vehicle inspection reports (pages 1 through 9), will be corrected in accordance with applicable provisions of the California Vehicle Code and the California Code of Regulations.

An unsatisfactory rated carrier who believes the rating is not justified, may, within five calendar days of the rating, contact the Motor Carrier Safety Unit Supervisor at 707 1648 - 4180 to obtain a review of the rating and an opportunity to respond to this report.

ADDRESS: 5600 Kings, OR 97415  
 416 B Hillside Ave  
 4-17-95 Green Belt Stages, Inc.  
 CA 95833  
 1815 51

Department of California Highway Patrol  
SAFETY COMPLIANCE REPORT CONTINUATION

CHP 143-11 Rev 2-90 OPI 062

Remarks (continued from CHP 343)

Specific violations:

34505(a) VC - Carrier does not perform required

4.5 day inspections on all vehicles. no business

13CCR 1232(s) - Carrier's preventive maintenance

program is not adequate to ensure vehicles are

kept in safe and proper operating condition.

Vehicle condition indicates more frequent

and/or thorough systematic inspections are

necessary.

13CCR 1234(e) - Carrier does not make necessary

corrections as indicated on vehicle condition

reports.

13CCR 1215(b) - Numerous violations found during

this inspection should have been detected and

reported by driver's on required documented

daily vehicle inspection reports.

13CCR 1234(f)(3) - Inspection and maintenance records

do not show the interval of service to be

performed.

13CCR 1215 - Driver's drove vehicle that was

not in safe operating condition.

Address: 5109 S. Hillside Ave. 91795  
Date: 4-17-95  
Carrier Name: Green Belt  
Clip Carrier Number: CA-101-8321

Department of California Highway Patrol  
SAFETY COMPLIANCE REPORT CONTINUATION

HP 343-1 (Rev 2-90) OPI 062

marks (continued from CHP 343)

SAFETY COMPLIANCE REPORT CONTINUATION

13 CLK 12.30 - CARRIER PERMITS THE OPERATION  
of vehicles in unsafe condition. OUT OF  
SERVICE VIOLATIONS found during this inspection  
were reported on daily vehicle condition  
reports BUT NOT addressed BY CARRIER.

13 CLK 12.13 (i)(4) - DRIVERS ARE INCORRECTLY  
ENTERING OFF DUTY TIME ON LOG BOOK PAGES.  
DRIVERS ARE ON DUTY / NOT DRIVING AS DEFINED  
IN 13 CLK 12.01 (c)

ALL VIOLATIONS AND COLLECTIVE ACTIONS were  
fully explained to CARRIER.

CARRIER WAS DIRECTED during inspections conducted  
by this Department on 10-11-94 and  
1-19-95 TO INSTITUTE A SYSTEMATIC INSPECTION  
AND MAINTENANCE PROGRAM THAT WOULD INSURE  
SAFE OPERATION of vehicles. CARRIER HAS  
FAILED TO FOLLOW those directives.

IT IS THE OPINION of this Department THAT  
CARRIER'S OPERATION PRESENTS AN IMMEDIATE  
DANGER TO PUBLIC SAFETY. Condition of  
CARRIER'S vehicles indicates wide spread

Vertical text on the right margin: 13 CLK 12.30, 13 CLK 12.13, 13 CLK 12.01, 10-11-94, 1-19-95, SAFETY COMPLIANCE REPORT CONTINUATION

CARRIER IS ADVISED THAT A REQUEST WILL BE FORWARDED TO THE FEDERAL HIGHWAY ADMINISTRATION OFFICE OF MOTOR CARRIERS FOR APPROPRIATE ADMINISTRATIVE ACTION AGAINST CARRIERS INTERSTATE COMMERCE COMMISSION OPERATING AUTHORITY MC 24P043.

CARRIER IS FURTHER ADVISED THAT A REQUEST WILL BE FORWARDED TO THE PUBLIC UTILITIES COMMISSION TO DENY CARRIERS RUC AUTHORITY C.P. 9403 WHICH IS PENDING APPROVAL.

CARRIER IS ADVISED THAT A REINSPECTION WILL BE CONDUCTED BY THIS DEPARTMENT WITHIN 120 DAYS TO MONITOR CARRIERS COMPLIANCE.

ADMINISTRATIVE ACTION AGAINST CARRIERS MC 24P043

3/17-95  
GREEN BELT STAGE 5 INC  
REN-155931  
CA-121694

DATE: 4/1/95  
OFFICER: [Signature]  
SUPERVISOR: [Signature]  
CARRIER: [Signature]

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
NOTICE TO CARRIER  
CHP 345 (Rev 9-93) OPI 062

APPENDIX (B) AUTHORITY REPORT Page 8

CARRIER NAME: GREEN BELT STAGES INC.  
ADDRESS: 1055 FAIRSHIRE HWY. ALBANY  
CARRIER NAME (IF DIFFERENT):  
PRINCIPAL OWNER(S): DAVID SPAN

The motor carrier terminal named above was inspected this date and has been rated **UNSATISFACTORY**. This is the second consecutive unsatisfactory rating. As indicated on the accompanying Safety Compliance Report, the principal areas of noncompliance are: (Carrier is to initial spaces beside each box checked.)

- Maintenance Program/Records
- Driver Records/Hours of Service
- Pull-Notice Program
- Vehicles/Tanks/Containers
- Hazardous Materials

You are advised that:

- Failure to correct the noted deficiencies and to upgrade this terminal's compliance rating to satisfactory before the next inspection (see below) will result in action number(s) TCR 9403 below by this Department.
- As a result of the inspection findings indicated above, this Department will initiate action number(s) MC 248543 below without further notice. You may, within 5 calendar days of this notice, request a review of the inspection findings and the action to be taken. If you so request, you will be entitled to a prompt and impartial review by the Division Special Services Commander. To request a review, contact Golden Gate Division at: (707) 648-4150.
- 1. A recommendation to the Public Utilities Commission (PUC) to deny, suspend, or revoke your:  operating authority.  private carrier registration. Carrier is placed or notice that the PUC will deny or suspend its operating authority or private carrier registration on receipt of a written recommendation from the CHP, without further notice to the carrier. The PUC may thereafter revoke the carrier's operating authority or private carrier registration.
- 2. A recommendation to the Department of Toxic Substances Control for administrative action, to include possible suspension, denial, revocation or assessment of significant monetary penalties regarding your Hazardous Waste Transporter Registration, Number 7144 081.
- 3. Suspension or revocation of your:  Hazardous Materials Transportation License, Number 7144 081  
 Inspection and Maintenance Station License, Number \_\_\_\_\_
- 4. A criminal complaint being filed with the District Attorney's office.
- 5. Other: ADMINISTRATIVE ACTION AGAINST CARRIERS ICC  
MC 248543.
- A reinspection is  required  tentatively scheduled in 120 day(s).
- Pursuant to Vehicle Code Section 34501.12(n), a BIT reinspection fee of (\$ \_\_\_\_\_) must be submitted to the CHP within \_\_\_\_\_ days of the unsatisfactory rating.
- After a recommendation has been forwarded to the PUC, no reinspections will be conducted until requested by the PUC.

If you desire further information concerning this notice, you may telephone the golden gate Division Motor Carrier Safety Unit at (707) 648-4150.

I acknowledge receipt and understanding of the above notice.

SIGNATURE: <u>David Span</u>	TITLE: <u>Route Service</u>
NAME PRINTED: <u>DAVID SPAN</u>	CALIFORNIA DRIVER LICENSE NUMBER: <u>G-0025286</u>
ISSUED BY: <u>...</u>	DATE: <u>4/17/95</u>
	ID NUMBER: <u>A7967</u>

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
 VEHICLE/EQUIPMENT INSPECTION REPORT  
 MOTOR CARRIER SAFETY OPERATIONS  
 CHP 343A (REV 4-91) OPI 062

CARRIER NAME OR TERMINAL/CONTROL NAME: Golden Bell Stages  
 INSPECTION ADDRESS: 11055 Eastshore Hwy  
 CITY OR COUNTY: ALBANY, CA  
 DATE: 4/2/07  
 TIME: 9:00 AM

CIRCLE ONE Tractor Truck	Tractor Bus	Trailer Doby	MAKE <u>KOPLAN</u>	EQUIPMENT NUMBER <u>572</u>	LICENSE NUMBER <u>NAP 1469</u>	VIN <u>08</u>	ODOMETER (V5/F1) <u>138700</u>	TYPE FUEL <u>D</u>
CIRCLE ONE Tractor Truck	Tractor Bus	Trailer Doby	MAKE <u>TYPE 1</u>	EQUIPMENT NUMBER <u>PASS 45</u>	LICENSE NUMBER <u>PASS 45</u>	VIN <u>08</u>	ODOMETER <u>0</u>	TYPE FUEL <u>D</u>
TANK/CONTAINER MAKE			SPEC TYPE	SERIAL NUMBER	UNIT NUMBER	CT NUMBER	VAS <input type="checkbox"/> Certified <input type="checkbox"/> Witnessed	Test
CERTIFICATE TYPE		CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER			

SECTION

24252 UC - STEP LIGHT IN-OPERATIVE -  
 24252 UC - Reverse Lights in-OPERATIVE -  
 13CC 1259(9) - DETROIT IN-OPERATIVE -  
 13CC 1232(9) - Right side windshield cracked - Lower center  
 26453 UC - Audible Air Leak AT Brake Chamber -  
 Axle 3 - Left side - 60 PSI (Loss) (Compressed  
 cannot compensate) "OUT OF SERVICE"  
 AUTHORITY 13CC 1230(9)

CIRCLE ONE Tractor Truck	Tractor Bus	Trailer Doby	MAKE	EQUIPMENT NUMBER	LICENSE NUMBER	VIN	ODOMETER	TYPE FUEL
CIRCLE ONE Tractor Truck	Tractor Bus	Trailer Doby	MAKE	EQUIPMENT NUMBER	LICENSE NUMBER	VIN	ODOMETER	TYPE FUEL
TANK/CONTAINER MAKE			SPEC TYPE	SERIAL NUMBER	UNIT NUMBER	CT NUMBER	VAS <input type="checkbox"/> Certified <input type="checkbox"/> Witnessed	Test
CERTIFICATE TYPE		CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER			

SECTION

*(This section is crossed out with a large X)*

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
 VEHICLE/EQUIPMENT INSPECTION REPORT  
 MOTOR CARRIER SAFETY OPERATIONS  
 HP 343A (Rev 4-91) OPI 052

CARRIER NAME OR TRAILER FILE CONTROL NUMBER: **Greenbelt Trucking**  
 SECTION ADDRESS: **15551 EAST VALLEY BLVD**  
 CITY OR COUNTY: **ALBANY, CA**  
 STATE: **CA**  
 ZIP: **94501**  
 DATE: **9/11/95**  
 PAGE 7 of 9

CIRCLE ONE Tractor Trailer	MAKE <b>INORAN</b>	EQUIPMENT NUMBER <b>577</b>	LICENSE NUMBER <b>142124291</b>	VEHICLE WEIGHT <b>CD</b>	COOMETER <b>59732510</b>	TYPE <b>TRUCK</b>
CIRCLE ONE Tractor Trailer	MAKE <b>INORAN</b>	EQUIPMENT NUMBER <b>TYPE 1</b>	LICENSE NUMBER <b>PASS 231K</b>	VEHICLE WEIGHT <b>1</b>	COOMETER <b>1</b>	TYPE <b>TRUCK</b>

CERTIFICATE TYPE: \_\_\_\_\_ CERTIFICATE NUMBER: \_\_\_\_\_ DATE ISSUED: \_\_\_\_\_ REINSPECTION DATE: \_\_\_\_\_

SECTION

24252 UC - LEFT LOW BEAM LIGHT OPERATIVE

24252 UC - LEFT TAIL LIGHTS OPERATIVE

4252 UC - 2 OF 3 REAR CLEARANCE LIGHTS OPERATIVE

26453 UC - HARDWARE AIR LEAK AT VALVE FITTING BETWEEN AXLES 2 & 3 - HARDWARE SIMILAR TO OTHER AXLES

NOTE: PULLING BRAKE ACTIVATES AT 60PSI -

CIRCLE ONE Tractor Trailer	MAKE	EQUIPMENT NUMBER	LICENSE NUMBER	VEHICLE WEIGHT	COOMETER	TYPE
CIRCLE ONE Tractor Trailer	MAKE	EQUIPMENT NUMBER	LICENSE NUMBER	VEHICLE WEIGHT	COOMETER	TYPE

CERTIFICATE TYPE: \_\_\_\_\_ CERTIFICATE NUMBER: \_\_\_\_\_ DATE ISSUED: \_\_\_\_\_ REINSPECTION DATE: \_\_\_\_\_

SECTION

*(This section is crossed out with a large X)*

STATE OF CALIFORNIA HIGHWAY PATROL  
 VEHICLE/EQUIPMENT INSPECTION REPORT  
 MOTOR CARRIER SAFETY OPERATIONS  
 CHP 343A (REV. 4-91) OPI 052

CARRIER NAME OR TERMINAL / FEE CONTROL NUM. **9/REDD/ALTO STAGES**  
 INSPECTION ADDRESS **10555 EAST SHILOH ROAD**  
 CITY OR COUNTY **ALBANY, CA**  
 INSPECTOR **Y. J. 1295**

CIRCLE ONE Truck <input checked="" type="checkbox"/> Bus <input type="checkbox"/>	Tractor <input type="checkbox"/> Trailer <input checked="" type="checkbox"/> Dolly <input type="checkbox"/>	MAKE <b>Flyer</b>	EQUIPMENT NUMBER <b>1167</b>	LICENSE NUMBER <b>9Y8469</b>	VIN <b>1111111111111111</b>	ODOMETER <b>10000</b>	TYPE FUEL <b>Diesel</b>
CIRCLE ONE Truck <input type="checkbox"/> Bus <input checked="" type="checkbox"/>	Tractor <input type="checkbox"/> Trailer <input checked="" type="checkbox"/> Dolly <input type="checkbox"/>	MAKE <b>Flyer</b>	EQUIPMENT NUMBER <b>01-2291</b>	LICENSE NUMBER <b>5-9911</b>	VIN <b>1111111111111111</b>	ODOMETER <b>10000</b>	TYPE FUEL <b>Diesel</b>
TANK/CONTAINER MAKE	SPEC/TYPE	SERIAL NUMBER	UNIT NUMBER	CT NUMBER	VRS <input type="checkbox"/> Certified <input type="checkbox"/> Witnessed	ODOMETER	
CERTIFICATE TYPE	CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER		ODOMETER	

SECTION

13CC-1232(a) - numerous seat cushions not secured  
 13CC-1232(a) - numerous seat covers not secured  
 13CC-1232(a) - Rear roof vent gasket not secured  
 13CC-1232(a) - side door gasket missing (left side)  
 13CC-1232(a) - front door latch not secured  
 13CC-1232(a) - front door latch not secured  
 13CC-1232(a) - front door latch not secured  
 13CC-1232(a) - front door latch not secured

CIRCLE ONE Truck <input checked="" type="checkbox"/> Bus <input type="checkbox"/>	Tractor <input type="checkbox"/> Trailer <input checked="" type="checkbox"/> Dolly <input type="checkbox"/>	MAKE <b>GMC</b>	EQUIPMENT NUMBER <b>157</b>	LICENSE NUMBER <b>1NAP8812</b>	VIN <b>1111111111111111</b>	ODOMETER <b>10000</b>	TYPE FUEL <b>Diesel</b>
CIRCLE ONE Truck <input type="checkbox"/> Bus <input checked="" type="checkbox"/>	Tractor <input type="checkbox"/> Trailer <input checked="" type="checkbox"/> Dolly <input type="checkbox"/>	MAKE <b>GMC</b>	EQUIPMENT NUMBER <b>12-2291</b>	LICENSE NUMBER <b>1-9911</b>	VIN <b>1111111111111111</b>	ODOMETER <b>10000</b>	TYPE FUEL <b>Diesel</b>
TANK/CONTAINER MAKE	SPEC/TYPE	SERIAL NUMBER	UNIT NUMBER	CT NUMBER	VRS <input type="checkbox"/> Certified <input type="checkbox"/> Witnessed	ODOMETER	
CERTIFICATE TYPE	CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER		ODOMETER	

SECTION

24252 UC - All clearance and side marker lights in-operative  
 27405 (b) - excess lot side marker lights less than 18 inches  
 24252 UC - Right brake light in-operative  
 13CC-1232(c) - excess grease + oil on chassis

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
 VEHICLE/EQUIPMENT INSPECTION REPORT  
 MOTOR CARRIER SAFETY OPERATIONS  
 CHP 343A (REV 2-91) OPI062

CARRIER NAME OR TRUCK LEASE CONTRACT NUMBER: **70600A BELT'S STAGES**  
 INSPECTION ADDRESS: **1000 EAST SHAW BLVD**  
 CITY OR COUNTY: **ALBANY, CA**  
 DATE OF INSPECTION: **4/12/95**  
 PAGE **9** OF **9**

CIRCLE ONE Tractor Trailer Truck Bus	MAKE <b>Ford</b>	EQUIPMENT NUMBER <b>11213H 2006</b>	LICENSE NUMBER <b>TYPE 2 PASS. 10</b>	ODOMETER <b>95465</b>	TYPE FUEL <b>D</b>
CERTIFICATE TYPE	CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER	TESTED

SECTION

13CC 1232(A) - Axle 2 - Right side - 1/2 of plug nuts loose  
 13CC 1232(G) - Windshield cracked - Line cracked to left  
 24252 VC - Left front turn signal in-operative  
 27465(b) VC - Axle 2 - Left side - Brake tread less than 2" in outer area  
 27901 VC - I.D. signs inadequate (not visible from 50')  
 34507.5(b)(1) - Carrier identification number not displayed  
 26453 VC - Axle 2 - Right side - Brake lining oil saturated (wheel removed) OUT OF SERVICE  
 AUTHORITY 13CC 1230(G)

CIRCLE ONE Tractor Trailer Truck Bus	MAKE <b>NEOPLAN</b>	EQUIPMENT NUMBER <b>57431NAP1471</b>	LICENSE NUMBER <b>TYPE 1 PASS. 35</b>	ODOMETER	TYPE FUEL
CERTIFICATE TYPE	CERTIFICATE NUMBER	DATE ISSUED	REINSPECTION DATE	ODOMETER	TESTED

SECTION

13CC 1232(G) - Windshield cracked  
 13CC 1232(G) - Horn in-operative  
 24252 VC - Reverse lights in-operative  
 24252 VC - 2 of 3 clearance lights (rear)  
 13CC 1232(G) - Entrance door does not fully close -  
 26453 VC - Axle 2 - Right side - Brake lining oil saturated (wheel removed) OUT OF SERVICE  
 AUTHORITY 13CC 1230(G)

APPENDIX B

State of California - Business, Transportation and Housing Agency

PETE WILSON, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P. O. Box 942893  
Sacramento, CA 94293-0001  
(916) 445-3253  
1-800-735-2929 (TT/TDD)  
1-800-735-2922 (Voice)

Mr. R. Beck, State Director  
MAY 25 1995



May 25, 1995

File No.: 60.A5101.062.9505094

Mr. Glenn R. Beck, State Director  
Office of Motor Carriers  
Federal Highway Administration  
980 9th Street Suite 450  
Sacramento, CA 95814-2724

Enforcement Services Division  
Golden Gate Division  
Mr. William H. Beckwith

Dear Mr. Beck:

Enclosed for your review and consideration is a copy of our most recent terminal inspection report for Green Belt Stages, Inc. This is forwarded in support of our request that your office coordinate appropriate administrative action concerning this carrier's active Interstate Commerce Commission (ICC) operating authority, MC 248043.

The primary area of noncompliance is the carrier's failure to maintain vehicles in a safe and proper operating condition as required in Title 13, California Code of Regulations (13 CCR), Section 1232(a), and Title 49, Code of Federal Regulations (49 CFR), Section 396.3(a). This carrier fails to correct unsafe mechanical defects noted on the drivers' daily vehicle inspection reports as required by 13 CCR 1234(e), and 49 CFR 396.11(c), and allows or permits the continued operation of unsafe buses in violation of 13 CCR 1230 and 49 CFR 396.7(a).

The unsatisfactory rating assigned as a result of our inspection clearly shows that this carrier willfully fails to comply with motor carrier safety regulations, with disregard for public safety.

Additional information regarding this carrier may be obtained from our Golden Gate Division Motor Carrier Safety Unit, 1551 Benicia Road, Vallejo, CA 94591 (707) 648-4180.

APPENDIX B

APPENDIX B

RECEIVED MAY 25 1995

State of California - Business, Transportation and Housing Agency  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Mr. Glenn R. Beck, State Director  
Page 2  
May 25, 1995

P.O. Box 945525  
Sacramento, CA 95825-0025  
(916) 445-4122  
1-800-333-4333 (toll free)  
1-916-445-4122 (local)

Please advise us of any action taken in response to this request.

MAY 25 1995

Sincerely,

L. DENNO, Chief  
Enforcement Services Division

Enclosure

cc: Golden Gate Division  
Mr. William R. Schulte

File No. 60A2101.002.9202094  
Mr. Glenn R. Beck, State Director  
Office of Motor Carriers  
Federal Highway Administration  
980 9th Street Suite 450  
Sacramento, CA 95814-0734  
Dear Mr. Beck:

Enclosed for your review and consideration is a copy of our most recent terminal inspection report for Great Bell Stage, Inc. This is forwarded in support of our request that your office coordinate appropriate administrative action concerning this carrier's active Interstate Commerce Commission (ICC) operating authority, MC 7080-37. **(END OF APPENDIX B)**

The primary cause of non-compliance is the carrier's failure to maintain vehicles in safe and proper operating condition as required in Title 15, California Code of Regulations (15 CCR) Section 15322(e), and Title 49, Code of Federal Regulations (49 CFR) Section 396.23(a). This carrier fails to correct unsafe mechanical defects noted on the driver's daily vehicle inspection reports as required by 15 CCR 15324(e) and 49 CFR 396.11(c), and allows or permits the continued operation of unsafe buses in violation of 15 CCR 15330 and 49 CFR 396.73(a).

The unsatisfactory rating assigned as a result of our inspection clearly shows that this carrier will fail to comply with motor carrier safety regulations with disregard for public safety.

Additional information regarding this carrier may be obtained from our Golden Gate Division Motor Carrier Safety Unit, 1551 Benicia Road, Vallejo, CA 94591 (707) 648-4180.