

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION TEA-5
SAFETY AND ENFORCEMENT DIVISION**R E S O L U T I O N**RESOLUTION CANCELLING GENERAL ORDERS 149, 150
AND 151 IN RESPONSE TO PUBLIC LAW 103-305**SUMMARY**

Effective January 1, 1995, Section 601 of Public Law (PL) 103-305 generally preempts the states' ability to enforce laws related to a price, route, or service of motor carriers of property, except household goods carriage. PL 103-305 does not preempt the states' ability to regulate vehicle safety and insurance. General Orders 149, 150 and 151 relate to the price and service of motor carriers of property. In Resolutions TEA-2 and TEA-4 the Commission stated it would not enforce General Orders 149, 150, and 151. Since these General Orders are preempted by federal law and will not be enforced by the Commission, they are hereby cancelled.

GENERAL ORDER 149:

General Order 149 contains the Rules and Regulations Governing Tariff Filings by Common Carriers and Contract Carriers for the Transportation of Trailer Coaches, Campers and Recreational Vehicles under the Commission's Reregulation Program. All of the rules and regulations contained in General Order 149 are preempted by PL 103-305.

GENERAL ORDER 150:

General Order 150 contains Rules and Regulations Governing the Transportation of Cement and Related Commodities by Cement Carriers and Cement Contract Carriers. All of the transportation subject to General Order 150 is covered by PL 103-305. Most of the rules and regulations contained in General Order 150 are clearly preempted. Those rules and regulations not clearly preempted regulate vehicle leasing practices. The leasing regulations in General Order 150 were promulgated to support the preempted pricing activities and no longer serve a valid regulatory purpose. With the cancellation of General Order 150, the rules in General Order 130 will continue to regulate leasing by cement carriers. General Order 130, as modified by Resolution TEA-2, establishes leasing rules that support the Commission's insurance and vehicle safety program.

GENERAL ORDER 151:

General Order 151 contains the Rules and Regulations Governing the Transportation of Motor Vehicles in Secondary Truckaway Movement by Common Carriers and Contract Carriers under the

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Commission's Reregulation Program. All of the rules and regulations contained in General Order 151 are preempted by PL 103-305.

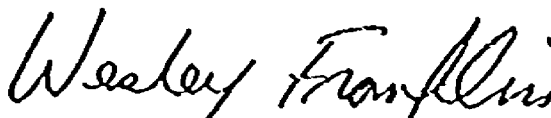
FINDINGS

1. Section 601 of Public Law 103-305 generally preempts states from enacting or enforcing laws or regulations related to a price, route or service of motor carriers transporting property and air carriers transporting property by motor vehicle.
2. The preemption became effective January 1, 1995.
3. General Orders 149, 150 and 151 are regulations related to the price or service of motor carriers transporting property.
4. Resolution TEA-2, adopted October 26, 1994, states that General Orders 149, 150 and 151 will not be enforced.

THEREFORE, IT IS ORDERED that:

1. General Orders 149, 150 and 151 are cancelled.
2. The Executive Director shall cause copies of this resolution to be served on all carriers subject to General Orders 149, 150 or 151, and on all persons listed on Appendix A to this resolution. The Executive Director shall also cause notice of the issuance of this resolution to be included in the Commission's Daily Calendar.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 7, 1995. The following Commissioners approved it:



WESLEY M. FRANKLIN
Acting Executive Director

DANIEL Wm. FESSLER
President
P. GREGORY CONLÓN
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

APPENDIX A

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Calif. Motor Carrier Tariff Bureau
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Oakland, CA 94621

Golden State Tariff Bureau
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Santa Rosa, CA 95402-4123

Pacific Coast Tariff Bureau
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San Francisco, CA 94105-1915

Pacific Motor Tariff Bureau
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Rocky Mountain Tariff Bureau
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Southwest Motor Tariff Bureau
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