

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. TL 18254
Transportation Division

R E S O L U T I O N

RESOLUTION SUSPENDING THE HIGHWAY CONTRACT CARRIER AND DUMP TRUCK CARRIER PERMITS OF DANIEL A. HERNANDEZ DBA DANIEL HERNANDEZ TRUCKING (CAL T-76,590) FOR FAILURE TO PASS CALIFORNIA HIGHWAY PATROL VEHICLE SAFETY INSPECTION AND TERMINAL INSPECTION

Daniel A. Hernandez dba Daniel Hernandez Trucking (T-76,590) holds Highway Contract Carrier and Dump Truck Carrier permits.

The California Highway Patrol (CHP) has statutory authority in the area of safety of Highway Permit Carriers under PU Code Section 3774(g).

The California Highway Patrol (CHP) has informed the Commission that it has performed four evaluation inspections of Daniel Hernandez Trucking. All four inspections resulted in unsatisfactory ratings with vehicles being placed out-of-service for imminently hazardous mechanical defects. The carrier's preventive maintenance program was ineffective, and required maintenance records were not maintained. Accordingly, the CHP has recommended suspension of these operating authorities.

This order is being issued without advance publication on the Commission's agenda, pursuant to the emergency conditions exemption under Public Utilities Code Section 306 (b). The emergency situation presented by continued operation of Daniel Hernandez Trucking severely impairs public safety.

IT IS ORDERED that:

1. The Highway Contract Carrier and Dump Truck Carrier permits of Daniel A. Hernandez dba Daniel Hernandez Trucking (T-76,590) are suspended.

2. If Hernandez wishes to challenge the suspension he should file an application with the Commission's Docket Office, asking that his suspension be lifted and requesting a prompt hearing. (The Public Advisor's Office (telephone (415) 557-0890) is available to provide information about how to file an application.) Upon receipt of such an application the Commission will set a hearing as soon as possible. Hernandez may also request reinspection by the California Highway Patrol.

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3. Hernandez shall conduct no operations as a Highway Contract Carrier or Dump Truck Carrier during the period of suspension.

4. The Executive Director may reinstate Hernandez's operating authorities upon receipt of a written recommendation from the California Highway Patrol that Hernandez's safety compliance warrants reinstatement, provided that Hernandez's operating authorities are not then suspended, or subject to suspension, for other reasons.

The Executive Director is directed to mail a copy of this resolution to:


Daniel A. Hernandez (T-76,590)
DANIEL HERNANDEZ TRUCKING
10167 Live Oak
Fontana, CA 92335

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission on APR 13 1988.

The following Commissioners approved it.

STANLEY W. HULETT
President
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners



Executive Director