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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. TL 18278
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. Hernández dba Daniel Hernández 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).

At the request of the Highway Patrol the permits of Daniel A. Hernandez were suspended by Resolution TL 18254, dated April 13, 1988, for failure to pass safety inspection. The permits were reinstated at the request of the Patrol by Resolution TL 18255, dated April 27, 1988.

The California Highway Patrol (CHP) has informed the Commission that it performed an inspection of Daniel Hernandez Trucking (T-76, 590) on November 16 through 21, 1988. The Patrol termed this a "quality control" inspection, following the carrier's suspension and reinstatement. The inspection included 26 vehicles which disclosed 129 mechanical violations, and resulted in 9 vehicles being placed out-of-service for imminently hazardous brake, steering, and suspension defects. In addition, required maintenance records were not maintained. The terminal was rated unsatisfactory.

The CHP report states, "This carrier's previous suspension for failure to comply, together with the current conditions, is convincing evidence of 'consistent failure' therefore, as a minimum, suspension of T-76, 590 is recommended."

IT IS ORDERED that:

1. The Highway Contract Carrier and Dump Truck Carrier permits of Daniel A. Hernández dba Daniel Hernández Trucking (T-76, 590) are suspended.
2. If Hernández wishes to challenge the suspension he should file a petition for modification of this resolution, asking that his suspension be lifted and requesting a prompt hearing. (Information about how to

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participate in Commission proceedings is available from the Public Advisor's Office (telephone (415) 557-0890). Upon receipt of such a petition, the Commission will set a hearing as soon as possible. Hernandez may also request reinspection by the California Highway Patrol.

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 JAN 27 1989

The following Commissioners approved it.

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



Executive Director