

9/7 T-4

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. TL 18316
Transportation Division
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R E S O L U T I O N

RESOLUTION SUSPENDING THE PASSENGER STAGE CORPORATION CERTIFICATE OF LUXE LIVERY SERVICE, INC. (PSC-1044) FOR FAILURE TO PASS HIGHWAY PATROL VEHICLE SAFETY INSPECTION AND TERMINAL INSPECTION

Luxe Livery Service, Inc. holds a Passenger Stage Corporation certificate (PSC-1044) and a Charter-Party Carrier permit (TCP-1044).

PU Code Sections 1033.5 and 5378 (a) authorize the suspension or revocation of Passenger Stage Corporations or Charter-Party Carriers respectively for safety-related reasons as shown by the records of the California Highway Patrol or the carrier.

The Patrol has informed the Commission that it conducted a carrier fitness evaluation inspection of Luxe Livery Service, Inc. The inspection included 16 vehicles and disclosed 73 mechanical safety violations which resulted in six vehicles being placed out-of-service for imminently hazardous suspension and tire defects. In addition, the carrier's records indicated that their preventive maintenance program was ineffective, that they were not completing the required 45-day inspections, and the drivers were being allowed to operate vehicles without meeting current licensing requirements. The carrier was also not complying with the requirements of the Pull-Notice program contained in the Vehicle Code. As a result, Luxe was assigned an unsatisfactory terminal rating and a Public Utilities Commission Notice to carrier (PE 750) was issued.

Terminal inspection reports and the PE 750 were furnished to and signed by the General Manager. These documents notify the carrier of the unsatisfactory terminal rating, that an unsatisfactory determination may result in suspension or revocation of the carrier's operating authority and that a review of the rating may be requested by the carrier within five days. Accordingly, the Patrol has recommended that Luxe Livery Service, Inc.'s Passenger Stage Corporation authority be suspended.

IT IS ORDERED that:

1. The Passenger Stage Corporation certificate of Luxe Livery Service, Inc. (PSC 1044) is suspended.
2. Luxe Livery Service, Inc. may request reinspection by the California Highway Patrol by contacting the License Section of the Commission's Transportation Division (telephone (415) 557-0377).
3. The Executive Director shall reinstate Luxe Livery Service, Inc.'s authority upon receipt of a written recommendation from the California Highway Patrol that its safety compliance warrants reinstatement, provided that its operating authority is not then suspended, or subject to suspension, for other reasons.
4. If Luxe Livery Service, Inc. wishes to challenge the suspension it should file a petition for modification of this resolution, asking that its suspension be lifted and requesting a prompt hearing. (Information about how to 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.
5. Luxe Livery Service, Inc. shall conduct no operations as a Passenger Stage Corporation during the period of suspension.
6. Luxe Livery Service, Inc. shall not lease its vehicles to other carriers during the period of suspension.
7. Luxe Livery Service, Inc.'s Passenger Stage Corporation authority shall be revoked 90 days from this date if it has not been reinstated by then and if no hearing has been requested.

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


LUXE LIVERY SERVICE, INC.
Attn: Lawrence Robertson
2624 South Hickory
Santa Ana, CA 92707

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission on September 7, 1989.

The following Commissioners approved it.

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


WESLEY FRANKLIN
Acting Executive Director