

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18521
Transportation Division

RESOLUTION

RESOLUTION APPROVING ISSUANCE AND TRANSFER OF HIGHWAY CARRIER
AUTHORITY PURSUANT TO SECTIONS 1063.5 AND 3553 OF THE PUBLIC UTILITIES CODE

Applicants named in the attached schedule have applied for common carrier authority and/or highway carrier authority under various sections of the P U Code. In 1988 the Legislature added Sections 1063.5 and 3553 to the Code which set new requirements carriers must meet before the Commission may issue authorities.

Sections 1063.5 and 3553 state that the Commission shall issue or authorize the transfer of no certificate or permit except upon a showing before the Commission and a finding by the Commission that the applicant or proposed transferee meets all of the following requirements:

- (1) Is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.
- (2) Is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subhaulers, operating vehicles in transportation for compensation under the certificate or permit.
- (3) Has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.
- (4) Participates in a program to regularly check the driving records of all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation requiring a class 1 driver's license under the certificate or permit.
- (5) Has a safety education and training program in effect for all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation.
- (6) Will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.
- (7) Has filed with the Commission a certificate of workers' compensation insurance coverage for its employees or a statement under penalty of perjury that, in its operations as a certificated or permitted carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of California.
- (8) Has provided the Commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by these sections may be inspected by the Commission and the Department of the California Highway Patrol.

With respect to paragraphs (2) and (6) the Commission may base a finding on a certification by the Commission that an applicant has filed, with the Commission, a sworn declaration of ability to comply and intent to comply.

In addition to complying with Sections 1063.5 and/or 3553, applicants meet all other requirements pertaining to financial responsibility, residency, accident liability protection, type of transportation to be performed, expected results of operations and the need for service.


The Commission finds that each of the applicants on the attached schedule has shown that it meets the eight requirements listed in Sections 1063.5 and 3553.

The Commission further finds that the applicants in all other ways qualify for the types of authority applied for and shown on the attached schedule, and concludes that each should be granted such operating rights.

IT IS ORDERED that:

1. Each applicant is granted the type of certificate and/or permit as shown on the attached schedule.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on the 23rd day of November 1992, the following Commissioners voting favorably thereon:


Executive Director

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

Transportation Division
Tariff & License Branch
License Section

SCHEDULE OF ACTIONS REGARDING PERMITS AND CERTIFICATES
UNDER RESOLUTION TL-18521

Docket Number	Type of Authority	Name	Reason for denial Resolution Para #
T-164127	(ACS)	50 Leonard Walter Baggett dba L W B Trucking	2
T-168127	(HWY)	19 Preferred Delivery Systems Inc	2
T-171534	(ACS)	54 Jesse Sanchez and Joel Sanchez dba Smooth Trucking	2
T-173797	(HWY)	19 Bobby H Yoo dba Autobahn Messenger Service	2
T-174075	(DMP)	19 Mario Arnoldo Barrientos and Carlos B Chacon dba Chacon Trucking	2
T-174443	(DMP)	19 Kevin D Washington & Leonard R Howard dba Two Brothers Trucking	2
T-174489	(DMP)	48 Don Kelley and Joe DeLaTorre dba J DeLaTorre and Sons	2
T-174949	(ACS)	10 Carlos Armando Rodrigues Amaya	2
T-175045	(ACS)	13 Jesus Pimentel	2
T-175082	(HWY)	20 Darin C Bates	2
T-175091	(TTC)	38 Seamus P Kehoe dba Seamus Kehoe Trucking	3
T-175092	(HWY)	10 Robert R Cotter	2, 3
T-175128	(ACR)	19 Efrain S Pelayo and Dagoberto Corona dba Golden Hay Company	2
T-175158	(HWY)	37 Ernest H Klemm Jr dba Klemm Ranch	2, 3
T-175200	(ACS)	36 Hugo Aleides Barrera and Rito Recendez dba Barrera Transportation	2

Docket Number	Type of Authority	Name	Reason for Denial
			Resolution para =
T-164259	(AGS)	20 Anthony Eugene Deniz Jr dba Deniz Trucking	2, 3
T-168670	(AGS)	10 Tomas Mojarro	2
T-173488	(DMP)	36 Dennis L Evans dba Dennis Evans Trucking	2, 3
T-174413	(AGS)	43 Jagdish Singh Badwal	2
T-174606	(HHC)	44 Jimmy Ray Smith	2, 3
T-174829	(AGS)	36 Antonio Hernandez	2
T-174830	(AGS)	13 Mary Velasco dba Velasco Trucking	2, 3
T-175196	(AGS)	15 Ferdinand Galvek dba Fervel Enterprises	2

AGR = Agricultural Carrier Permit
AGS = Seasonal Agricultural Carrier Permit
DMP = Dump Truck Carrier Permit
HWY = Highway Contract Carrier Permit
TTC = Tank Truck Carrier Permit