

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18739  
Safety and Enforcement Division  
April 19, 1996

R E S O L U T I O N

RESOLUTION APPROVING ISSUANCE AND TRANSFER OF HIGHWAY CARRIER AUTHORITY PURSUANT TO SECTIONS 1063.5 AND 3553 OF THE PUBLIC UTILITIES CODE AND APPROVING ISSUANCE AND TRANSFER OF CHARTER-PARTY CARRIER OF PASSENGER CERTIFICATES PURSUANT TO SECTION 5374 OF THE PUBLIC UTILITIES CODE

Applicants named in the attached schedule have applied for common carrier, highway carrier or charter-party carrier authority under various sections of the PU Code. In 1988 the Legislature added Sections 1063.5 and 3553 to the Code, and in 1994 the Legislature amended PU Code Section 5374, all of which set new requirements carriers must meet before the commission may issue authorities.

Sections 1063.5 and 3553, pertaining to highway carriers of property, 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 A 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, highway carrier 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.

Section 5374 (b) (1), pertaining to charter-party carriers, states that before a certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a certificate pursuant to this chapter unless the applicant meets all of the following requirements:

- (A) It 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.
- (B) It is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subcarriers,

operating vehicles in transportation for compensation under the certificate.

- (C) It 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.
- (D) It participates in a program to regularly check the driving records of all persons, whether employees or subcarriers, operating vehicles used in transportation for compensation requiring a class B driver's license under the certificate.
- (E) It has a safety education and training program in effect for all employees or subcarriers operating vehicles used in transportation for compensation.
- (F) It 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.
- (G) It has filed with the commission the certificate of workers' compensation insurance coverage or statement required by Section 5378.1.
- (H) It has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the commission and the Department of the California Highway Patrol.
- (2) With respect to subparagraphs (B) and (F) of paragraph (1), 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.
- (c) In addition to the requirements in subdivision (b), class A and class B charter-party carriers shall meet all other state and, where applicable, federal regulations as prescribed.

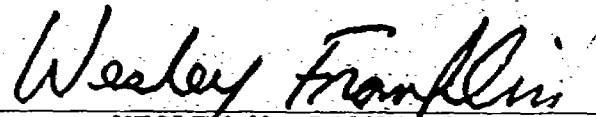
The Commission finds that each of the applicants on the attached schedule has shown that it meets the requirements listed in Sections 1063.5, 3553 or 5374.

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 19th day of April 1996, the following Commissioners voting favorably thereon:

  
WESLEY M. FRANKLIN  
Executive Director

DANIEL Wm. FESSLER  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, Jr.  
HENRY M. DUQUE  
Commissioners

Commissioner Josiah L. Neeper,  
being necessarily absent, did  
not participate.

Safety Regulation Division  
 License Section

SCHEDULE OF ACTIONS REGARDING PERMITS AND CERTIFICATES  
 UNDER RESOLUTION TL-18739

Resolution TL-18739  
 4/19/96

Page 1 of 3 Pages  
 Attachment T-1

Docket Number  
 Type of Authority  
 County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
P001061	(A )	37	David Wittman & Linda Wittman dba Bobs Ride	Renew
P007959	(B )	39	Willie James Billingsly Sr dba Billingsly Charter	Renew
P010224	(B )	19	Anthony Banks dba A B Charter Bus	New
T173472	(HCP)	56	Isidro Pitones dba Garcia Trucking	Additional
T177658	(HCP)	50	Innovative Warehouse Distribution Services	Additional
T177661	(HCP)	52	Irby H Jordan dba I H Jordan Trucking	Transfer from T174470
T183771	(HCP)	55	Greg Allen Smith dba Rick Smith Trucking	Additional
T184269	(HCP)	50	L Shoker & S Toor dba Sun Shine Trucking	Additional
T184341	(HCP)	34	Ca Emergency Food Link	Additional
T184398	(HCP)	27	Lupe Villagrana dba LV Trucking	New
T184456	(HCP)	30	Scott D Brown	Transfer from T153799
T184491	(HCP)	41	A & B Transportation Inc	Transfer from T153994
T186036	(HCP)	07	Samuel Warren dba Warren Trucking	New
T186098	(HCP)	19	Armen Chilingaryan dba A Ch Trucking	Transfer from T185167
T186181	(HCP)	39	Mahmood Shahid dba K H Trucking	Transfer from T174009
T186232	(HCP)	19	Felipe Canche	New

Docket Number  
Type of Authority  
County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
T186310	(HCP)	17	Helms Transportation Company LLC	New
T186312	(HCP)	01	Mario Quinoñes Lara dba The 3 M's Trucking	New
T186330	(HCP)	14	Earl V Brown dba Earl V Brown Maintenance & Supply	Transfer from T139966
T186360	(HCP)	13	Rolling R Enterprises Inc	New
T186442	(HCP)	10	J L Benson dba J B Cooling and Equipment Company	Transfer from T184029
T186452	(HCP)	30	David M Bartholme	New
T186574	(HCP)	43	John Alexander Harous dba Josh Transportation	New
T186583	(HCP)	19	Victor Manuel Gonzalez	New
T186588	(HCP)	59	Steven A Schofield dba Steven Schofield Trucking	Transfer from T170328
T186659	(HCP)	43	KaRa Supply	Transfer from T146396
T186696	(HCP)	56	M R Delgado dba West Coast Refrigerated Trucking	Transfer from T134751
T186734	(HCP)	19	Toyota Logistics Services Inc dba Toyota Transport	New
T186776	(HCP)	45	R D Serna dba Dave Serna Trucking	Transfer from T093152
T186840	(HCP)	01	Sebastian Bufardeoi Jr dba Swan Enterprises	New
T186872	(HCP)	07	Divaydeep Singh Bal dba Bal Carriers	New
T186876	(HCP)	32	Jimmie Lee Harrison dba Harrison & Son Trucking	Transfer from T108147
T186900	(HCP)	43	David A Garcia dba Garcia Trucking	Transfer from T175233
T186907	(HCP)	59	Cynthia M Kuroozko dba Diamond Trucking	New

Docket Number  
Type of Authority  
County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
T186910	(HCP)	19	C Marroquin, A Hinojosa & Alfred Yaquez dba Marroquin Trucking	Transfer from T186154
T186932	(HCP)	09	Robert Eugene Shields	Transfer from T141727
T186968	(HCP)	30	Marvin L Sanders dba Marvins Freight Service/ M & M Freight Co	New
T187037	(HCP)	36	Joseph Adam Martinez	Transfer from T172661
T187046	(HCP)	22	Karen Sue Miller dba K S Miller Trucking	Transfer from T175282
T187064	(HCP)	19	Ooie John Hardy	New
T187110	(HCP)	34	James R Martin dba Martin & Sons Trucking	Transfer from T162205
T187123	(HCP)	07	Charles G Root dba Roots Transportation	Transfer from T159096

A =Charter-Party A Certificate  
B =Charter-Party B Certificate  
C =Charter-Party C Certificate  
AGR=Agricultural Carrier Permit  
AGS=Seasonal Agricultural Carrier Permit  
CCC=Cement Contract Carrier Permit  
CMT=Cement Certificate  
DMP=Dump Truck Carrier Permit  
HCC=Highway Common Carrier Certificate  
HCP=Highway Carrier Permit  
HSC=Heavy Specialized Carrier Permit  
HWY=Highway Contract Carrier Permit  
LIY=Livestock Carrier Permit  
LVS=Seasonal Livestock Carrier Permit  
TTC=Tank Truck Carrier Permit  
VTC=Vacuum Truck Carrier Permit