

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18771
Rail Safety/Carriers Division
November 26, 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

(NOTE: The Public Utilities Code sections cited in this Resolution relating to motor carriers of property were repealed effective September 30, 1996 when the Governor signed AB 1683. This bill transfers responsibility for the licensing of motor carriers of property (except household goods carriers) to the Department of Motor Vehicles. However, as permitted by AB 1683, the Commission is temporarily continuing to administer motor carrier licensing statutes as they existed on January 1, 1996, pursuant to an agreement executed with the DMV on October 1, 1996.)

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.
- (I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.
- (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 26th day of November 1996, the following Commissioners voting favorably thereon:

Wesley Franklin

Wesley M. Franklin
Executive Director

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, Jr.
JOSIAH L. NEEPER
Commissioners

Commissioner Henry M. Duque being necessarily absent, did not participate.

Transportation Division
 Safety & Enforcement Branch
 License Section

SCHEDULE OF ACTIONS REGARDING PERMITS AND CERTIFICATES
 UNDER RESOLUTION TL-18771

Resolution TL-18771
 11/26/96

Page 1 of 4 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
P005921	(B)	19	Delfin Cabot Jr dba Cabot Tours & Charters	Renew
P006647	(B)	43	Michael A Canoilla dba All Airlines Limousine Serv	Renew
P006941	(A)	33	G Cardiff Enterprises Inc dba Cardiff Limo-Cardiff Transp	Additional
P007827	(B)	38	G C Quidachay & T M Wyland dba Tag Tours	Renew
P007965	(B)	09	Thomas T Traphagan, Lisa D Traphagan, & Truman T Traphagan dba Allegro Bus Service	Additional
P008419	(B)	19	Lucky Team Express Inc	Renew
P008478	(B)	33	Luxury Limo Inc	Renew
P008614	(B)	07	East Bay Connection Inc	Refile
P008649	(B)	19	Gonzalez Inc dba Golden State Transportation	Renew
P008724	(B)	05	K M Freedlun dba K W Support Equipment	Renew
P008762	(B)	38	David Y Chow dba Worldwide Personal Service	Renew
P010493	(A)	19	Executive Coach Inc	Transfer from P004952
P010554	(B)	19	LCW Traveland International Inc dba Traveland Tour Co	New
P010611	(B)	19	Stardust Executive Transport- ation Services Inc	Transfer from P002313
P010636	(B)	01	Golden West Travel Inc	Transfer from P008692
P010656	(B)	43	Luis Sanchez dba United Brothers Tours	New

Docket Number
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County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
P010669	(B)	38	Eddie Kai Chuen Poon dba A Perfect Express	New
T157678	(HCP)	33	P M Kraxberger & J E Kraxberger dba Paul & Jevell Kraxberger Trucking	Additional
T167972	(HCP)	16	Sanco Enterprises Inc	Additional
T174185	(HCP)	19	Jidbar E C Valdez dba Calderon Brothers Trucking	Additional
T184370	(HCP)	57	David Lyman Clark dba DLC Trucking	Transfer from T149635
T186078	(HCP)	33	Hector Castaneda dba Cast Castaneda Trucking	Transfer from T178411
T186358	(HCP)	04	Radco Trucking	Transfer from T180021
T186893	(HCP)	31	Charles Wilson dba Flying W Ranch Trkg & Land Clearing	Transfer from T079036
T187019	(HCP)	59	Environmental Transp Svcs Inc dba Dwight Trkg A Division of Environmental Transportation	Transfer from T142829
T187169	(HCP)	37	V Rubio-Guzman, L R Pina & J L Espinoza dba Luvio Trucking	New
T188003	(HCP)	34	Charcy Co Inc	Transfer from T157768
T188178	(HCP)	20	B Bertoncini & W Johnson Jr dba Belcher Transfer Co	Transfer from T169752
T188461	(HCP)	30	Juan Ramos Cruz dba Cruz Trucking	New
T188462	(HCP)	27	Vinvision Inc dba Vinvision Trucking	New
T188491	(HCP)	50	C A P S Transportation Inc	Transfer from T115605
T188507	(HCP)	19	Raul González dba Raul Gonzalez Trucking	New
T188561	(HCP)	33	Lee Escher Oil Co Inc dba LEOCO Transport	New

Docket Number
Type of Authority
County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
T188570	(HCP)	19	V E Holloway dba Vincent Holloway	Transfer from T181617
T188586	(HCP)	19	Willie A Tims dba Tims Trucking	New
T188595	(HCP)	36	Randall J Atencio dba Atencio Transport	Transfer from T181688
T188650	(HCP)	19	XL Logistics Inc	New
T188651	(HCP)	33	David Chavez	Transfer from T178984
T188679	(HCP)	33	Donald E Nicholson dba Johns Lite Delivery & Courier Service	Transfer from T182577
T188687	(HCP)	16	Stephen L Deathridge dba MST Trucking	Transfer from T188687
T188694	(HCP)	19	Rigoberto Romero	New
T188735	(HCP)	19	J V Rebollar, C Vargas & Julio Vargas dba Vargas & Sons Trucking	Transfer from T178220
T188746	(HCP)	40	T Thompson & Frank Harvey dba Thompson & Harvey Transp.	Transfer from T148240
T188751	(HCP)	38	Supershuttle of San Francisco Inc	New
T188778	(HCP)	23	Roach Bros Inc	Transfer from T071564
T188872	(HCP)	54	Whitco Transport Inc	Transfer from T165379
T188880	(HCP)	37	Terry Wayne Rush dba Rush Trucking	Transfer from T186225
T188886	(HCP)	36	K Bronson & R Gomez dba Bronson Trucking	Transfer from T175728

