

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18793  
Rail Safety/Carriers Division  
April 23, 1997

R E S O L U T I O N

RESOLUTION APPROVING ISSUANCE OF CHARTER-PARTY CARRIER CERTIFICATES PURSUANT TO SECTION 5374 OF THE PUBLIC UTILITIES CODE AND APPROVING ISSUANCE AND TRANSFER OF HIGHWAY CARRIER AUTHORITY PURSUANT TO THE COMMISSION'S CONTRACT WITH THE DEPARTMENT OF MOTOR VEHICLES AS PERMITTED BY VEHICLE CODE SECTION 34605(b)

(NOTE: The Public Utilities Code sections cited in this Resolution relating to motor carriers of property were repealed effective September 30, 1996, when the Governor signed AB 1683. That bill transferred responsibility for the licensing of motor carriers of property (except household goods carriers) to the Department of Motor Vehicles. However, as permitted by Vehicle Code Section 34605(b), the Commission is temporarily continuing to administer motor carrier licensing statutes as they existed on January 1, 1996, pursuant to a contract executed with the DMV.)

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, 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.
- (J) 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.

- (K) 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.

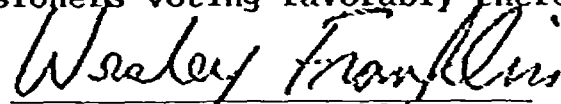
The Commission finds that each of the applicants on the attached schedule has shown that it meets the requirements listed in Sections 1063.5, 3553 or 5374.

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 23rd day of April 1997, the following Commissioners voting favorably thereon:



Wesley M. Franklin  
Executive Director

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, Jr.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners

RAIL, SAFETY/CARRIERS DIVISION  
Safety & Enforcement Branch  
License Section

SCHEDULE OF ACTIONS REGARDING PERMITS AND CERTIFICATES  
UNDER RESOLUTION TL-18793

Resolution TL-18793  
4/23/97

Page 1 of 2 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
P004292	(B)	19	Ki Won Chang dba Tour 7	Refile
P008021	(B)	43	Ronald L Pacheco dba Venture Tours & Charters	Refile
P008139	(B)	41	Yousef M Bakir & V Marie Davis dba A Airport Meridian Limo & Tours and Airport Limo for You	Refile
P009903	(B)	33	Robert B Seberry dba Try Me Charter Tours & Co	Refile
P010762	(B)	43	Deborah Ann Wright dba Center Piece Charter Serv	New
P010775	(A)	19	Hollywood Banana Bungalow Inc dba Banana Bus	New
P010871	(A)	19	Pal Creation Inc	New
P010889	(B)	33	Armando Velasquez Federico and Olga Montoya Federico dba Armandos Casino Express	New
P010897	(A)	19	Blue Bird Bus Inc	New
P010902	(B)	38	Mohamad Masoud Dastghaib dba Americoach	New
P010956	(B)	01	Lester W Rall dba Sunshine Travel	New

Docket Number  
Type of Authority  
County Code

Name

Type of Application

P010978 (B ) 19 Jacqueline Carol Hamm

Transfer from P008359

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  
LIV=Livestock Carrier Permit  
LVS=Seasonal Livestock Carrier Permit  
TTC=Tank Truck Carrier Permit  
VTC=Vacuum Truck Carrier Permit