

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18826
Rail Safety/Carriers Division
December 16, 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(NOTE: The Public Utilities Code sections cited in this Resolution relating to motor carriers of property were repealed effective September 30, 1996, when the Governor signed AB 1683.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.

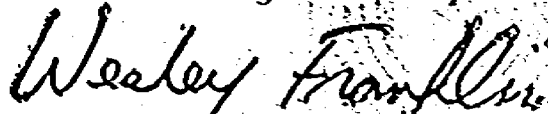
The Commission finds that each of the applicants on the attached schedule has shown that it meets the requirements listed in Sections 1063.5, 3553 or 5374.

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 16th day of December, 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-18826**

Resolution TL-18826
12/16/97

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Attachment

Docket Number
Type of Authority
County Code

Name

Type of Application

Docket Number	Type of Authority	County Code	Name	Type of Application
P011092	(B)	19	Ashken Arsenyan and Levon Arsenyan dba Masis Tour Lines	New
P011280	(B)	19	Joie Express Inc	New
P011314	(A)	34	Narinder S Thandi dba Charter America	New

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

RAIL SAFETY/CARRIERS DIVISION
Safety & Enforcement Branch
License Section

**SCHEDULE OF ACTIONS REGARDING PERMITS AND CERTIFICATES
 UNDER RESOLUTION**

 The Commission has found that each of the applicants shown below has failed to meet the filing requirements, and concluded that the types of authority applied for be denied for the following reason(s):
 1. Pay regulatory fees and taxes owed as a prior holder of authority.
 2. File evidence of adequate public liability and property damage, workers' compensation, and/or cargo insurance. 3. Respond to requests for information. 4. Redeem unpaid checks submitted in payment of filing fees. 5. To comply with highway safety requirements. 6. Failure to meet residency requirements.

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 Attachment T-2

Docket Number
 Type of Authority
 County Code

Name

Reason for Denial
 Resolution para #

P010964	(B)	42	DAVID DAVIS AND ROSLYN WARD dba SANTA BARBARA TROLLEY	3, DRUG PROGRAM AND TEST AND SUPV TRNG
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A =CHARTER-PARTY A CERTIFICATE

B =CHARTER-PARTY B CERTIFICATE