

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
February 2, 1994	:	
3. <u>BUREAU:</u>	:	FEB-94-T-133*
Transportation	:	
4. <u>SECTION:</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	February 24, 1994
<i>RE</i>	:	
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>PERSON IN CHARGE:</u>	:	
Travitz 7-5513	:	
8. <u>DOCKET NO.:</u>	:	
A-00107793, F. 2, Am-D	:	

9. (a) **CAPTION** (abbreviate if more than 4 lines)  
 (b) Short summary of history & facts, documents & briefs  
 (c) Recommendation

(a) Application of Trans American Trucking Service, Inc., South Plainfield, NJ, for the approval of the transfer to applicant part of the rights held by F & B Trucking, Inc. at A-00106400, F. 3.

(b) Transferor proposes to transfer its P.U.C. common carrier rights for a total consideration of \$50,000. No tangible assets are involved.

(c) The Bureau of Transportation recommends that the Commission adopt the attached proposed order approving the transfer application and that the certificate issued to the applicant as amended, be further amended to include the transferred rights; the transferred rights be modified by adding a restriction to eliminate a duplication of rights; that all transferred rights be eliminated from transferor's authority and the retained right held by transferor will be as set forth in the supplemental order.

GT:em

10. MOTION BY: Commissioner Chm. Rolka      Commissioner Quain - Yes  
 Commissioner Crutchfield-Yes  
 SECONDED: Commissioner Rhodes      Commissioner Hanger - Yes

CONTENT OF MOTION: Staff recommendation adopted.

**DOCKETED**  
MAR 31 1994

**DOCUMENT**  
FOI DEP

LDA



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

March 2, 1994

IN REPLY PLEASE  
REFER TO OUR FILE

A-00107793F0002Am-D

JOHN A PILLAR ESQUIRE  
SUITE 700  
312 BOULEVARD OF THE ALLIES  
PITTSBURGH PA 15222 1916

DOCUMENT  
FOLDER

INDEXED  
SOCKETED

Application of Trans American Trucking Service, Inc.

MAR 24 1994

Enclosed is the compliance order issued by the Commission in this proceeding.

The application will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Commission.

Commission regulations require compliance with the above requirements within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of February 24, 1994 and dismiss the application without further proceeding.

Very truly yours,

John G. Alford, Secretary

smk  
Encls.  
Cert.Mail  
Receipt Requested  
Tariff Contact Person: Joseph Machulsky (717) 787-5521  
Trans American Trucking Service, Inc.  
115 St. Nicholas Avenue  
South Plainfield, NJ 07080

MODIFICATION

ENTRY NO.: 0001  
NAME: TRANS AMERICAN TRKG SERVICE,INC  
ADDRESS1: 115 ST. NICHOLAS AVENUE  
ADDRESS2:  
CITY: SOUTH PLAINFIELD STATE: NJ ZIP: 07080  
REPRESENTING: SELF TYPE

ENTRY NO.: 0002 ✓  
NAME: JOHN A. PILLAR, ESQ.  
ADDRESS1: SUITE 700  
ADDRESS2: 312 BOULAVARD OF THE ALLIES  
CITY: PITTSBURGH STATE: PA ZIP: 15222-1916  
REPRESENTING: APPLICANT TYPE

ENTRY NO.: 0003 ✓  
NAME: F & B TRUCKING INC  
ADDRESS1: 1647 OLD BUTLER PLANK ROAD  
ADDRESS2:  
CITY: GLENSHAW STATE: PA ZIP: 15116  
REPRESENTING: TRANSFEROR TYPE

CU25 A-00107793 F 0002 AMD PRINT-

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

Public Meeting held February 24, 1994

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
John M. Quain  
Lisa Crutchfield  
John Hanger

DOCKETED

MAR 24 1994

Application of Trans American Trucking Service, Inc.  
for the transfer of a portion of the operating  
rights of F & B Trucking, Inc. under the certificate  
issued at A-00106400, F. 3 subject to the same  
limitations and conditions.

A-00107793  
F. 2  
Am-D

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Pillar and Mulroy, P.C. by John A. Pillar for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 16, 1993. Public notice of the application was given in the Pennsylvania Bulletin of November 27, 1993. The unopposed application is certified to the Commission for its decision without oral hearing.

Trans American Trucking Service, Inc. (transferee, applicant or Trans American) is seeking to acquire additional intrastate authority through the instant transfer proceeding.

Applicant is a currently authorized Pa. PUC common carrier authorized to transport, generally, property between points in Pennsylvania. Transferee maintains facilities at Pittsburgh and New Castle, Pennsylvania, in addition to its office in South Plainfield, NJ. Trans American operates a large fleet of both leased and company owned equipment, including specialized equipment for the transportation of heavy commodities. A comprehensive safety and maintenance program is in effect. Applicant has a healthy financial position.

In order to eliminate a duplication of authority in the rights being retained by the transferor and those being transferred, it is necessary to place a restriction on the rights being acquired by transferee. All of the rights being acquired by transferee will be restricted against the transportation of property, from the warehouse facilities of Falcon, Inc., located in the city of

Pittsburgh, Allegheny County, and the township of Lancaster, Butler County, and the warehouse facilities of F & B Trucking, Inc., located in the county of Allegheny, to points in Pennsylvania, and vice versa.

The total consideration for the rights is fifty thousand (\$50,000) dollars. No tangible assets are involved. The sales agreement requires the consideration to be paid as follows: five thousand (\$5,000) dollars has been deposited into an escrow account; the balance will be paid in cash or by cashier's check on the closing date which will be within a period of thirty (30) days after the effective date of the order of the PUC approving the transfer application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Superior Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. There is duplication in the rights being transferred and those being retained by transferor that shall be eliminated by placing a restriction on the rights being acquired by transferee.
3. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;  
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that the certificate of public convenience issued on October 9, 1991, as amended, be further amended to include the following rights:

1. To transport, as a Class D carrier, foundry facings, foundry core compounds and coke, in bags and drums, from the facilities of J. S. McCormick Co., in the city of Pittsburgh, Allegheny County, to points on and west of U. S. Highway Route 15;

with right number 1 subject to the following condition:

That no right, power or privilege is granted to transport the above named commodities to points within fifteen (15) miles of the limits of the city of Williamsport, Lycoming County,

and the borough of Milton, Northumberland County, and points on Route 120, between the city of Lock Haven, Clinton County, and the village of Westport, Noyes Township, Clinton County, or to points in Leidy Township, Clinton County;

2. To transport, as a Class D carrier, coke, in bags, from the facilities of Limewood Corp., division of J. S. McCormick Co., in the township of Cherry, Butler County, to the facilities of J. S. McCormick Co. in the city of Pittsburgh, Allegheny County;
3. To transport, as a Class D carrier, paper and paper products, plastic and plastic products, adhesives, chemicals and machinery, from the facilities of Weyerhaeuser Company, in the borough of Harmony, Butler County, to points on and east of U. S. Highway Route 15, and vice versa;

with right number 3 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport less than truckload quantities.
  - (b) That no right, power or privilege is granted to transport shipments to or from the facilities owned or operated by Sears Roebuck and Company.
  - (c) That no right, power or privilege is granted to transport shipments to or from facilities owned or operated by Hills Department Stores.
4. To transport, as a Class D carrier, construction equipment and property which requires trucks having winches or special equipment between points in the territory west of the eastern boundaries of the counties of Bedford, Blair, Clearfield, Elk and McKean.
  5. To transport, as a Class C carrier, property for McClintic-Marshall Company and American Bridge Company, from points in the borough of Leetsdale, Allegheny County, to points within one hundred miles, by the usually traveled highways, of the limits of said borough and vice versa;
  6. To transport, as a Class D carrier, property for the Bethlehem Steel Corporation, from the borough of Leetsdale, Allegheny County, to points within one hundred miles, by the usually traveled highways of the limits of said borough and vice versa;

7. To transport, as a Class B carrier, property, excluding household goods in use, between points in the borough of Leetsdale, Allegheny County, and within five (5) miles by the usually traveled highways of the limits of the said borough;
8. To transport, as a Class D carrier, property, for American Bridge Division of United States Steel Corporation, from its facilities in the borough of Leetsdale, Allegheny County, and the borough of Ambridge, Beaver County, to points in Pennsylvania, and vice versa;

with right no. 8 subject to the following conditions:

- (a) That no right, power or privilege is hereby granted to transport contractors' or erection equipment.
  - (b) That no right, power or privilege is hereby granted to transport commodities which because of size or weight require special handling or the use of special equipment, such as winch trucks or tractors or carryalls, or which require a permit from the Department of Transportation, excepting fabricated iron and steel.
  - (c) That no right, power or privilege is granted to transport sand, in bulk in truckloads, from Pennsylvania Glass Sand Corporation, in the boroughs of Mapleton, Huntingdon County, and McVeytown, Mifflin County, to the said plant site.
  - (d) That no right, power or privilege is granted to transport commodities in bulk, in dump vehicles.
9. To transport, as a Class D carrier, iron and steel and iron and steel articles of Ampco-Pittsburgh Corporation, Wyckoff Steel Division, from the facilities of said company in the borough of Ambridge, Beaver County, to points in Pennsylvania, and vice versa;
  10. To transport, as a Class D carrier, iron and steel and iron and steel articles from the facilities of Republic Steel Corporation, Union Drawn Division, in the city of Beaver Falls, Beaver County, to points in Pennsylvania, and vice versa;

with rights nos. 9 and 10 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities, in dump or tank vehicles; and such commodities, which, because of size or weight, require the use of special equipment such as pole or extendable trailers, or carryalls, or which require a permit from the Pennsylvania Department of Highways.
- (b) That no right, power or privilege is hereby granted to provide service to or from the facilities of Bethlehem Steel Company, in Cambria County.

11. To transport, as a Class D carrier, property, from points in the borough of Leetsdale, Allegheny County, to points in Pennsylvania, and vice versa;

with right no. 11 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport property in bulk in tank or dump vehicles.
- (b) That no right, power or privilege is granted to transport shipments in van-type trailers or van-type trucks.
- (c) That no right, power or privilege is granted to transport shipments to and from the facilities of Allegheny Ludlum Steel Co., located in Brackenridge, Natrona, West Leechburg and Baghdad.
- (d) That no right, power or privilege is granted to transport shipments weighing less than five thousand (5,000) pounds per shipment.
- (e) That no right, power or privilege is granted to render service to and from the borough of Martinsburg, Blair County, and points within an airline distance of thirty (30) statute miles of the limits thereof, plus the city of Johnstown, Cambria County, and the boroughs and townships contiguous thereto.

12. To transport, as a Class D carrier, nickel briquettes, ingots, billets and powder in drums, for AMAX, Inc., from the borough of Leetsdale and the city of Pittsburgh, Allegheny County, to points in Pennsylvania, and vice versa;

with right no. 12 subject to the following conditions:

That no right, power or privilege is granted to transport commodities in bulk.

13. To transport, as a Class D carrier, property, for H. H. Robertson Company, from its facilities located in the borough of Ambridge, Beaver County, and the borough of Bridgeville, Allegheny County, to points in Pennsylvania located in and west of the counties of Bedford, Blair, Clearfield, Elk and McKean, and vice versa;

with right no. 13 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities in bulk.
  - (b) That no right, power or privilege is granted to transport commodities which, because of size or weight, require the use of special equipment or special handling.
14. To transport, as a Class D carrier, iron and steel and iron and steel articles for J&L Specialty Products Corporation from its facilities located in the borough of Midland, Beaver County, to points in Pennsylvania, and vice versa;

with right no. 14 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport commodities, in bulk, in dump or tank vehicles.
- (b) That no right, power or privilege is granted to transport commodities, which because of size or weight, require the use of special equipment such as pole or extendible trailers or carry-alls, or which require a permit from the Pennsylvania Department of Transportation.
- (c) That no right, power or privilege is granted to provide service to or from the facilities of Bethlehem Steel Corporation, in Cambria County.
- (d) That no right, power or privilege is granted to transport to or from the facilities of Climax Molybdenum Corporation, Washington County.

with rights nos. 5 through 14 subject to the following conditions:

- (a) That no right, power or privilege is granted to transport coal, contractors' equipment and building materials, such as are usually transported in dump trucks, between points in the counties of Allegheny and Beaver, which are less than a distance of twenty-five (25) miles from point of origin to point of construction or disposal.
- (b) That no right, power or privilege is granted to transport excavated materials and road and building construction materials, such as are transported in dump trucks, between points which are less than a distance of twenty-five (25) miles from point of origin to point of construction or disposal within thirty-five (35) miles, by the usually traveled highways, of the City-County Building in the city of Pittsburgh, Allegheny County.
- (c) That no right, power or privilege is granted to transport excavated materials and road and building construction materials, such as are transported in dump trucks, for McCrady-Rodgers Company, McCrady Construction Company and the Tri-Borough Construction Company, between points which are less than a distance of twenty-five (25) miles from point of origin to point of construction or disposal in the western portion of the state of Pennsylvania, including points west of or in the counties of Bedford, Blair, Clearfield, Elk and McKean.
- (d) That no right, power or privilege is granted to transport coal from the mines of Westmoreland Coal Company to the brick plant of the Milliken Brick Company in the borough of Wilkinsburg, Allegheny County.

with all of the above rights further subject to the following condition:

That no right, power or privilege is granted to transport property, from the warehouse facilities of Falcon, Inc., located in the city of Pittsburgh, Allegheny County, and the township of Lancaster, Butler County, and the warehouse facilities of F & B Trucking, Inc., located in the county of Allegheny, to points in Pennsylvania, and vice versa.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
3. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) no. 2 above.
4. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, F & B Trucking, Inc., at A-00106400, F. 3 shall be modified by supplemental order to eliminate the transferred rights and setting forth the retained right of the transferor.

BY THE COMMISSION,



John G. Rufford  
Secretary

(SEAL)

ORDER ADOPTED: February 24, 1994

ORDER ENTERED: MAR 2 1994

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and  a & b.
- Print your name and  s on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following  vices (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 A-00107793 F. 2  
 TRANS AMERICAN TRUCKING SERVICE  
 INC.

4a. Article Number  
 4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise  
 7. Date of Delivery

5. Signature (Addressee)  
 6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 \*U.S. GPO: 1982-323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and  a & b.
- Print your name and  s on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following  vices (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 A-00107793 F2 AMD  
 CO  
 JOHN A. PILLAR ESTD

4a. Article Number  
 044952  
 4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise  
 7. Date of Delivery  
 07 MAR 1994

5. Signature (Addressee)  
 6. Signature (Agent)  
 A. Bungoon

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 \*U.S. GPO: 1983-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.