

1. <u>REPORT DATE:</u>	September 19, 1991	:	2. <u>BUREAU AGENDA NO.</u>
3. <u>BUREAU:</u>	Transportation	:	OCT-91-T-967*
4. <u>SECTION</u>	Technical Review	:	5. <u>PUBLIC MEETING DATE:</u>
6. <u>APPROVED BY:</u>		:	October 24, 1991
Director:	Ernst 7-2154	:	
Supervisor:	Bigelow/Marzolf 3-5945	:	
7. <u>MONITOR:</u>		:	
8. <u>PERSON IN CHARGE:</u>	Keener-Farley 7-4386	:	
9. <u>DOCKET NO.:</u>	A-00109639	:	

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

(a) Application of George William Truitt and Robert Joseph Truitt, Copartners, t/d/b/a Truitt Brothers Trucking, Mayport, Clarion County, for the right to begin to transport, as a common carrier, by motor vehicle, blacktop and hot mix asphalt, between points in the counties of Armstrong, Clarion, Jefferson and Clearfield, and from points in said counties, to points in Pennsylvania.

(b) One protest was filed but withdrawn upon restrictive amendment. No oral hearings were held. Three supporting shippers submitted verified statements indicating a public need for the proposed service, as amended.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application, as amended.

LK-F:11

**DOCUMENT
FOLDER**

**DOCKETED
JAN 24 1992**

11. MOTION BY:	Commissioner Chm. Smith	Commissioner Holland - Yes
		Commissioner Rhodes - Yes
SECONDED:	Commissioner Rolka	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

KJR

October 30, 1991

IN REPLY PLEASE
REFER TO OUR FILE

A. 00109639

WILLIAM E HAGER III ESQUIRE
352 BROAD STREET
NEW BETHLEHEM PA 16242

Application of GEORGE WILLIAM TRUITT and ROBERT JOSEPH TRUITT, copartners, trading
and doing business as TRUITT BROTHERS TRUCKING

Dear Sir:

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

A Certificate of Public Convenience evidencing the
Commission's approval of the right to operate will not be issued until
the applicant has complied with the following insurance and tariff
requirements:

- I. Arrange through an insurance agent to have an insurance
company file the following forms with the Commission.
 - a. A Form E as evidence of minimum public liability and
property damage insurance coverage as shown on the back
of this sheet.
 - b. A Form H or Form UCPC-31 as evidence of cargo insurance
coverage in an amount not less than \$5,000 per vehicle.
Under certain circumstances, exemption from the cargo
insurance requirement may be secured by filing the
enclosed Form PUC-288.
- II. Prepare and file a tariff according to the enclosed
instructions except applicants for transfer of authority must
file a tariff adoption supplement which will be forwarded by
separate cover at a later date.

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FOLDER

DOCKETED
NOV 05 1991

Minimum Limits for PA Public Utility Commission Authorized Service

Passenger Carriers:

- 15 passengers or less: \$35,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- \$25,000 first party medical benefits, \$10,000 first party wage loss benefits and \$1,500 first party funeral benefits for all passengers and pedestrians.
- \$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits for drivers (PA registered vehicles only).
- 16 to 28 passengers: \$1,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- 29 passengers or more: \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.

Property Carriers:

- Common or Contract: \$300,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
- \$10,000 first party medical benefits, \$5,000 first party wage loss benefits, and \$1,500 first party funeral benefits (PA registered vehicles only).
- Common only: \$5,000 per accident per vehicle for loss or damage to cargo.

No motor carrier shall operate or engage in any transportation until compliance with all of the above requirements and a certificate has been issued authorizing actual operations. A motor carrier operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of October 24, 1991 and dismiss the application without further proceedings.

If you foresee problems in meeting these requirements, please direct your questions to the following contact persons:

Insurance Filings: Mr. James McCarthy-Insurance Section
(717) 783-5933

Tariff Filings: Mr. Joseph Machulsky-Tariff Section
(717) 787-5521

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Rich". The signature is stylized with a large loop at the bottom and a flourish at the end.

Jerry Rich, Secretary

EMD
Enclosures
Certified Mail
Receipt Requested

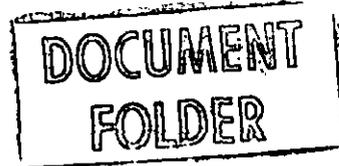
GEORGE WILLIAM & ROBERT JOSEPH TRUITT
t/a TRUITT BROTHERS TRUCKING
RD #1 BOX 8
MAYPORT PA 16240

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held October 24, 1991

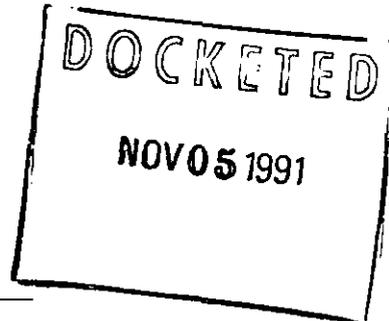
Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner
David W. Rolka, Commissioner



A-00109639

Application of George William Truitt and Robert Joseph Truitt, Copartners, t/d/b/a Truitt Brothers Trucking, for the right to begin to transport, as a common carrier, by motor vehicle, blacktop and hot mix asphalt, between points in the counties of Armstrong, Clarion, Jefferson and Clearfield, and from points in said counties, to points in Pennsylvania.



William E. Hager, III, for the applicant.
Peter G. Loftus for the protestant, Seaboard Tank Lines, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 28, 1991. Public notice of the application was given in the Pennsylvania Bulletin of February 23, 1991. One protest as filed to the application but were withdrawn contingent upon the Commission's acceptance of a restrictive amendment, limiting service to "in bulk, in dump vehicles." The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted by the applicant and three supporting shippers.

George William Truitt and Robert Joseph Truitt are copartners, who do business as "Truitt Brothers Trucking" (Truitt or applicant). By this application, they seek initial certification as a common carrier. The partnership has operated under the exemption for road construction materials, 66 Pa. C.S. §102(4), for seven years and now desires authority to transport black top and hot mix asphalt that is used for non-road building purposes. Operations will be conducted from a terminal in Fairmount City, Clarion

County, using a fleet of four tri-axle dump trucks. A comprehensive safety program for drivers and vehicles is presently in operation. As evidence of its financial capacity to begin operations as a common carrier, Truitt reports assets of \$100,032, with liabilities of \$9,000, leaving a net worth of \$91,032.

John M. Stauffer, truck dispatcher for Glenn O. Hawbaker, Inc. (Hawbaker), submitted a verified statement in support of the amended application. This shipper requires the transportation of blacktop and hot asphalt mix from its plant in Clearfield County to various construction sites in the state. Recent non-road building construction sites have included points in the counties of Clarion, Clearfield, Elk, Indiana, Jefferson and McKean. Hawbaker ships 500 to 750 thousand tons per year and expects to tender daily shipments to the applicant.

David Burtner, president of Jefferson Paving Corp. (JPC), submitted a verified statement in support of the amended application. JPC specializes in building and repairing roads, parking lots and other blacktop or asphalt surfaces. It purchases blacktop and hot asphalt mix from various suppliers located in the counties of Armstrong, Clarion, Jefferson and Clearfield. During the construction season, it expects to require the applicant's services about three days a week for moves from its suppliers to various construction sites, such as points in the counties of Armstrong, Clarion, Clearfield, Elk, Forest, Indiana, Jefferson and Venango.

Ronald Truitt, owner of Truitt's Backhoe Service, submitted a verified statement in support of the amended application. This general contractor purchases blacktop and hot mix asphalt from suppliers in the counties of Armstrong and Clarion and requires transportation to parking lot and residential driveway construction sites in the area.

While the evidence submitted in this case is not overwhelming, we do note that the majority of the transportation of blacktop and hot mix asphalt is for road construction purposes and thus beyond our jurisdiction. The purpose of this application is to allow transportation to those non-road construction sites that require these materials. Approval of this application will allow the applicant and the shippers the maximum flexibility in their operations.

After a review of the record before us, we find it sufficient to warrant approval of the application, as amended.

We find that:

1. The applicant is fit to hold a certificate of public convenience.
2. The applicant has demonstrated that there is a public need for the proposed service, as amended.
3. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved granting the following right:

To transport, as a Class D carrier, black top and hot mix asphalt, in bulk, in dump vehicles, between points in the counties of Armstrong, Clarion, Jefferson and Clearfield, and from points in said counties to points in Pennsylvania.

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

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

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.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: October 24, 1991

ORDER ENTERED: OCT 30 1991