

Decision No. 86164

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the adoption of a)
 General Order prescribing rules)
 governing handling of baggage and)
 baggage claims by all passenger)
 stage corporations, passenger)
 vessel common carriers and rail-)
 road corporations.)

Case No. 9511
 (Filed February 21, 1973)

O P I N I O N

California State Senate Concurrent Resolution 45, dated April 18, 1972, called upon this Commission to adopt regulations necessary to the handling of baggage and baggage claims by passenger stage corporations within its jurisdiction. Pursuant to this legislative request, the Commission staff prepared a proposed General Order setting forth regulations for the handling of baggage and baggage claims by passenger stage corporations. This proposed General Order was mailed to all passenger stage corporations on August 3, 1973. No protests have been received.

Since the time the proposed General Order was distributed, the Interstate Commerce Commission has increased the baggage liability limits for interstate passenger transportation. The references to the interstate limits in the proposed Order will be updated accordingly.

Additionally, we are of the view that several incidental modifications of the original staff proposal should be incorporated in the General Order as adopted herein. These include provisions prohibiting the carriage of more baggage than can be safely and conveniently carried without causing discomfort or unreasonable annoyance to passengers, prohibiting the carriage of baggage to the exclusion of a passenger, and requiring the issuance of baggage checks, where appropriate, upon request.

After consideration, the Commission finds that:

1. There is a need for a General Order governing the handling of baggage and baggage claims by passenger stage corporations, as called for by the State Legislature in Senate Concurrent Resolution 45.
2. The proposed General Order should be adopted as modified herein.

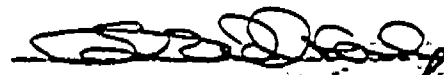
O R D E R

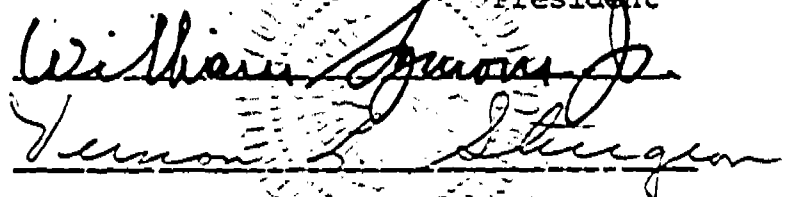
IT IS ORDERED that, in response to Senate Concurrent Resolution 45, General Order 140, attached hereto is hereby adopted.

General Order 140 shall be effective September 1, 1976.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of JULY, 1976.



President


Secretary

Commissioners

Commissioner Leonard Riss, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.

*
GENERAL ORDER NO. 140

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES GOVERNING HANDLING OF BAGGAGE
AND BAGGAGE CLAIMS BY ALL
PASSENGER STAGE CORPORATIONS

Adopted JUL 27 1976

Effective September 1, 1976

1. Definition of Baggage

Baggage shall include all property, checked or not, which a passenger stage corporation (herein carrier) accepts for transportation, storage, handling, or safekeeping, as a part of, or in connection with, passenger transportation.

2. Quantity to be Carried

Passenger stage corporations and their drivers shall not permit the carrying of any greater quantity of baggage in passenger stages than can be safely and conveniently carried without causing discomfort or unreasonable annoyance to passengers.

3. Depriving Passenger of Seat Prohibited

The quantity and location of baggage carried on a vehicle shall not be such as to deprive a passenger of, or exclude a passenger from, a seat.

4. Baggage Checks Required

Every passenger stage corporation when taking possession of a passenger's baggage, shall give such passenger, if requested to do so, a baggage check which will enable the carrier, upon surrender of the check, to identify and deliver such passenger's baggage.

5. Liability Limits

The limitation of liability of carriers for the loss of, damage to or delay in delivery of baggage shall be not less than \$500 for each trunk, and \$250 for each valise, suitcase, traveling bag, box, bundle, or package.

6. Carrier's Public Notice of Liability Limits

Each carrier shall give notice of its baggage liability limits by posting signs at each of its counter stations setting forth its baggage liability limitations, and by utilizing one or more of the following four methods:

- (1) Printing the limitations on both sides of the baggage claim check;
- (2) Printing the limitations on the ticket envelope;
- (3) Printing the limitations on a notice to be inserted in the ticket envelope;
- (4) Printing the limitations on the ticket.

Every notice shall consist of a clear statement setting forth the dollar limits and comparative conditions for intrastate and interstate travel.

7. Excess Valuation Insurance

Each carrier shall make available to all passengers baggage insurance coverage of not less than \$2,500 per passenger, at reasonable rates, for declarations of valuation in excess of the currently applicable liability limits.

8. Carrier's Public Notice of Excess Value Insurance Availability

Each carrier shall include in all notices and signs setting forth its liability limits, that additional insurance is available for higher limits.

9. Visible Baggage Ownership Identification

Each carrier shall not accept as baggage to be checked any piece not having clear and external ownership identification.

Each carrier shall post notice to this effect at baggage checking counters and shall make available all materials necessary for this purpose at no charge to its passengers.

10. Baggage Loss Liability, Inclusive

Each carrier shall assume full liability for baggage loss. Said baggage loss liability shall cover all articles contained in baggage.

11. Baggage Damage Liability and Notice of Articles Carried Without Liability for Damage

Each carrier shall assume full liability for damage to baggage and contents of baggage, except as provided herein.

Liability for damage to genuinely fragile articles included in baggage may be disclaimed by a carrier, provided that the carrier posts a clear notice of said exceptions. Said notice shall specify all articles intended to be excluded, and clearly state said exclusion is related only to liability for damage and not to liability for loss or delay in transit. Additionally, each carrier so disclaiming damage liability for genuinely fragile items shall note such disclaimer on the claim check, ticket envelope, notice or ticket, as outlined in Section 6, above.

12. Baggage Delay Liability

Each carrier shall assume full liability for reasonable expenses incurred by its passengers in the event of baggage being delayed in transit. These "reasonable expenses" shall include lodging, meals, telephone calls, additional transportation, replacement of essential articles and any other reasonable expenses incurred owing to delay in delivery of baggage.

13. Claims Acceptance

Each carrier shall accept and service all baggage claims filed with it when it is the originating or delivering carrier, or the carrier on whose line the loss, damage, injury or delay occurred.

14. Claims Acceptance Period

Each carrier shall specify the time period(s) in which it will accept baggage claims. Such specification shall be for a

minimum of nine months after the delivery of the baggage, or in case of failure to make a delivery, a minimum of nine months after the lapse of a reasonable time for delivery, which shall not be less than 90 days, computed from the time baggage was delivered into the custody of the carrier.

15. Carrier's Public Notice of Claims Acceptance Period

Each carrier shall post clear notice at its counter stations of its claims acceptance periods in accordance with Section 14.

16. Period in which to Offer Settlement

Each carrier shall offer reasonable settlement for baggage damage within 30 days of claim and shall offer reasonable settlement for baggage loss or delay within 60 days of claim.

17. Explanation of Settlement Offer

Each carrier shall, when offering compensation as settlement for a baggage claim, provide a clear detailed explanation of how the amount offered was calculated.

18. Public Notice of Public Utilities Commission

Each carrier shall give notice of the Commission, its address, and its role as a regulatory agency available to assist its passengers.

19. Tariff Provisions

Each carrier shall include all of the provisions of this order in its tariff(s) on file with the Commission.

20. Example Notice

NOTICE

Carrier Baggage Liability

Liability	Interstate	\$250.00 per adult ticket
Limits		\$125.00 per half-fare ticket
	Intrastate (trips within California)	\$500.00 for each trunk
		\$250.00 for each valise, suitcase, traveling bag, box, bundle, or package

Excess Value Excess valuation insurance is available.
Inquire at baggage counter.

Loss Liability Liability for LOSS covers entire baggage shipment, inclusive of all contents.

Delay Liability Liability for DELAY in delivery will cover reasonable expenses, including lodging, meals, telephone calls, additional transportation, replacement of essential articles, and any other reasonable expenses incurred owing to delay in delivery of baggage.

Damage Liability Liability for DAMAGE covers entire baggage shipment, subject only to the following list of fragile items for which the carrier assumes no damage liability:

