

ORIGINAL

Decision No. 92970 APR 21 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
own motion to establish require- )  
ments to be met by applicants for )  
highway carrier authority issued )  
by the Commission. )

Case No. 10278  
(Filed March 9, 1977)  
Phase I Topic 3

SUPPLEMENTAL OPINION AND ORDER

Decision No. 89201 dated August 8, 1978 in this proceeding,  
adopted General Order No. 100-I which was effective October 1 1979.

General Order 100-I requires, as a condition of holding  
highway carrier operating authority, that highway carriers maintain on  
file with the Commission evidence of protection against public  
liability and property damage at least at the levels set by the  
Commission. Petroleum irregular route carriers and petroleum contract  
carriers must provide and maintain higher levels of protection than  
other highway carriers.

Senate Bill 1886, which became law in California on  
January 1, 1981 replaces the classifications of Petroleum Irregular  
Route Carrier and Petroleum Contract Carrier with new classes of  
permit carriers designated the Tank Truck Carrier and the Vacuum Truck  
Carrier.

Operations presently conducted under the higher insurance minimum levels will, in the future, be performed by the new classes of carriers established by Senate Bill 1886.

Conclusions

1. General Order 100-I should be amended to include reference to the new classes of permitted highway carriers in order that the currently required financial protection for the public at the higher level is continued for the subject operations when performed under the new types of operating authorities.

2. The higher levels of protection also apply to the transportation of waste petroleum and/or petroleum products.

3. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

4. A public hearing is not necessary.

The Commission concludes that General Order 100-I should be canceled and superseded by General Order 100-J.

The Appendix sets forth the changes made in General Order 100-I which will be incorporated into General Order 100-J.

IT IS ORDERED that:

1. General Order 100-J attached hereto and made a part hereof, is hereby adopted to supersede General Order 100-I which is canceled on the effective date of this order.

2. The Executive Director shall cause a copy of General Order No. 100-J to be mailed forthwith to every carrier subject to the governing provisions contained therein.

The effective date of this order is the date hereof.

Dated APR 21 1981, at San Francisco, California.

John E. Simpson  
President  
Charles J. ...  
Francis ...  
Victor ...  
Pres ...  
Commissioners

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Underlining denotes addition; Overlining denotes deletion.

GENERAL ORDER 100-J

(Supersedes General Order No. 100-I)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES AND REGULATIONS REQUIRING ALL HIGHWAY CARRIERS, FREIGHT FORWARDERS WHICH OPERATE MOTOR VEHICLES, HOUSEHOLD GOODS CARRIERS AND HIGHWAY CARRIERS ENGAGED IN INTERSTATE OR FOREIGN TRANSPORTATION OF PROPERTY FOR COMPENSATION WHICH ARE EXEMPT FROM REGULATION BY THE INTERSTATE COMMERCE COMMISSION, TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY IMPOSED BY LAW UPON SUCH CARRIERS FOR THE PAYMENT OF DAMAGES FOR PERSONAL BODILY INJURIES (INCLUDING DEATH RESULTING THEREFROM) AND DAMAGE TO OR DESTRUCTION OF PROPERTY.

(1) Every highway carrier, (except highway common carriers of petroleum products in bulk in tank vehicles, petroleum irregular route carriers, ~~and~~ petroleum contract carriers, tank truck carriers and vacuum truck carriers, when transporting petroleum and/or petroleum products, including waste petroleum and petroleum products), freight forwarder which operates motor vehicles, and household goods carrier as defined in the Public Utilities Code, and every highway carrier engaged in interstate or foreign transportation of property (except petroleum and/or petroleum products including waste petroleum and petroleum products, in bulk in tank vehicles) for compensation in or through California which is exempt from regulation by the Interstate Commerce Commission, shall provide and thereafter continue in effect, so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than two hundred fifty thousand dollars (\$250,000) on account of bodily injuries to, or death of, one person; and protection against total liability of such carriers on account of bodily injuries to, or death of more than one person as a result of any one accident, but subject to the same limitation for each person, in the amount of not less than five hundred thousand dollars (\$500,000) and protection in the amount of

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not less than one hundred thousand dollars (\$100,000) for one accident resulting in damage to or destruction of property other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant; or a combined single limit in the amount of not less than \$600,000 on account of bodily injuries to, or death of, one or more persons and/or damage to or destruction of property other than property being transported by such carrier for any shipper or consignee whether the property of one or more than one claimant in any one accident.

(2) Every highway common carrier of petroleum products in bulk in tank vehicles, petroleum irregular route carrier, ~~and~~ petroleum contract carrier, ~~as defined in the Public Utilities Code,~~ tank truck carrier, and vacuum truck carrier, when transporting petroleum and/or petroleum products, including waste petroleum and petroleum products, and every highway carrier engaged in interstate or foreign transportation of petroleum and/or petroleum products, including waste petroleum and petroleum products, in bulk in tank vehicles for compensation in or through California which is exempt from regulation by the Interstate Commerce Commission, shall provide and thereafter continue in effect, so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than five hundred thousand dollars (\$500,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of such carriers on account of bodily injuries to, or death of more than one person as a result of any one accident, but subject to the same limitation for each person, in the amount of not less than one million dollars (\$1,000,000); and protection in an amount of not less than two hundred thousand dollars (\$200,000) for one accident resulting in damage to or destruction to property other than property being transported by such carrier for any shipper or consignee, whether the property of one or more than one claimant; or a combined single limit in the amount of not less than \$1,200,000 on account of bodily injuries to, or death of, one or more persons and/or damage to or destruction of property other than property being transported by such carrier for any shipper or consignee whether the property of one or more than one claimant in any one accident.

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(3) The protection required under Sections (1) and (2) hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in conducting the service performed by each such highway carrier, freight forwarder which operates motor vehicles, and household goods carrier of a policy or policies of public liability and property damage insurance, issued by a company licensed to write such insurance in the State of California, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if such policies meet the rules promulgated therefor by the Commission or of a bond of a surety company licensed to write surety bonds in the State of California.

(4) The protection required under Sections (1) and (2) hereof by every highway carrier engaged in interstate or foreign transportation of property in or through California who is exempt from regulations by the Interstate Commerce Commission, shall be evidenced by the filing and acceptance of a certificate of insurance or surety bond, or qualification as a self-insurer as may be authorized.

(5) A copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the Commission in lieu of the original or a duplicate or counterpart of said policy. This section does not apply to filings made under Section (4).

(6) A policy of insurance, or surety bond, evidencing such protection, shall not be cancelable on less than thirty (30) days' written notice to the Public Utilities Commission, such notice to commence to run from the date notice is actually received at the office of the Commission.

(7) Any highway carrier, freight forwarder and household goods carrier desiring to furnish equivalent protection to the public by means other than those prescribed in the foregoing sections, whether as a self-insurer or otherwise, shall file an application for authority to do so in accordance with the Commission's Rules of Practice and Procedure.

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(8) Every insurance policy, surety bond or equivalent protection to the public shall contain a provision that such policy, surety bond or equivalent protection will remain in full force and effect until canceled in the manner provided by Section (6) of this General Order.

(9) Upon cancellation, expiration or suspension of an insurance policy or surety bond, or the cancellation of equivalent protection issued by this Commission, the operative authority of any highway carrier, freight forwarder subject to this order or household goods carrier shall stand suspended immediately upon the effective date of such cancellation, expiration or suspension. The registration issued by this Commission to every highway carrier engaged in interstate or foreign transportation of property in or through California who is exempt from regulation by the Interstate Commerce Commission shall stand suspended immediately upon the effective date of cancellation, expiration or suspension of an insurance policy, surety bond or equivalent protection.

(10) The suspension of the operative authority of any highway common carrier, petroleum irregular route carrier, cement carrier or freight forwarder pursuant to Section (9) hereof shall suspend also tariff filings of such carrier. Suspension supplements to tariffs so suspended are not required and shall not be filed.

(11) No carrier shall engage in any operation on any public highway in this State during the suspension of its operative authority or suspension of its registration.

(12) The operative right or rights held by any highway common carrier, petroleum irregular route carrier, cement carrier or freight forwarder shall be subject to revocation in the manner provided by Section 1070 of the Public Utilities Code whenever the operative right of such carrier has been suspended under the provisions of this General Order.

(13) No highway common carrier, petroleum irregular route carrier, cement carrier or freight forwarder whose operative rights have been suspended under the provisions of Section (9) of this General Order shall resume operations unless and until such carrier shall have filed evidence of an insurance policy, surety bond or equivalent protection in effect at the time and which meets the standards set forth in this General Order. The operative rights of such complying carriers shall be reinstated from suspension upon the filing of evidence of adequate insurance coverage, surety bond or equivalent protection.