

2/11

T-5*

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. PE-2631
Transportation Division
Page 1 of 4

R E S O L U T I O N

RESOLUTION CONCERNING THE SAFETY OF PASSENGER CARRIER OPERATIONS

On June 25, 1986, the Commission directed the staff to study the safety of passenger carrier operations. In particular, Resolution No. PE-2320 directed the staff to prepare and present to the Commission a proposed program to improve the safety and fitness of all passenger carriers regulated by this Commission, both charter and passenger stage carriers. As part of this assignment, the staff was also directed to hold workshops to which representatives from the California Highway Patrol (CHP), the Department of Motor Vehicles (DMV), the affected carriers, and other interested parties were invited. Pending completion of the staff study and proposed safety program, a temporary moratorium was imposed on the issuance of new charter carrier authorities.

Pursuant to the above, the Commission staff conducted workshops in both San Francisco (July 21, 1986) and Los Angeles (July 25, 1986). These workshops included the participation of the CHP and DMV and were attended by over 150 persons representing carriers, labor unions, and other interested parties. In addition, over 50 of these parties completed a questionnaire concerning a multitude of proposals addressing the issue of safety. On September 30, 1986, the staff submitted its report, entitled "Report on Passenger Carrier Safety", which considered recommendations in the areas of vehicle mechanical safety, driver qualifications, carrier fitness, equipment modifications, and other ideas to improve safety.

The Commission has now had an opportunity to review the staff report and consider its recommendations. While the Commission intends to take all reasonable actions to advance the safety of passenger carrier operations, the Commission jurisdiction in this area is not comprehensive. Two other agencies of state government have important responsibilities in this respect. The CHP is by law the agency charged with the primary responsibility for bus safety and the DMV is the agency which licenses the drivers of the vehicles used by the passenger carriers regulated. In adopting these recommendations, we acknowledge that continued cooperation between the

Commission and these Departments is both necessary and desirable in order to limit overlap and ensure complementary action.

As a result of the study, the following is adopted:

1. That the following require legislative changes and they should become a part of our 1987 legislative program endorsed on January 28, 1987:
 - a. Extend to passenger stage operators and to all charter operators the vehicle inspection requirements and driver qualifications required of tour bus operators in recently enacted legislation (for charter carriers operating buses seating more than 16 passengers AB-3262 requires a self-inspection vehicle program monitored by the CHP and AB 3666 requires a driver certification program monitored by the DMV).

It is noted that in the case of passenger stage operations, many of the same buses and drivers are utilized as with tour bus operations, and it is flawed to have separate licensing and inspection programs.

- b. Provide a safety inspection program for vehicles operated by passenger carriers seating less than 10 persons (the vehicle code presently authorizes CHP to make onsite inspection of vehicles seating 10 or more passengers).

The Commission staff should work with the CHP and the Department of Consumer Affairs in determining if this inspection program could be carried out through the existing network of privately licensed garages, directly with bus operators.

From a consumer's point of view, there is every need to assure that small for-hire vehicles have similar safety oversight as large vehicles.

- c. Provide a program to regulate the construction standards whereby vehicles are "stretched" into limousines.

Currently, there are neither engineering standards nor oversight into the practice of cutting a vehicle in half, adding a center section, and reconstructing the vehicle. It is clear that such a lack of standards are not desirable in view of the growing use of stretch limousines and our concern for public safety. The limousine associations and several of the major companies building the stretch limousines support the development of standards. Oversight of such standards would be performed by the CHP and/or the Department of Consumer Affairs. ✓

2. That the staff shall:

- a. Revise Commission passenger carrier applications and authority documents to require passenger carriers to certify compliance with CHP and DMV safety regulations and revise the application and authority documents to advise passenger carriers that their authority will be suspended/revoked for violations of CHP and/or DMV safety regulations. Passenger carrier authority will not be issued or renewed until the staff has obtained clearance from the CHP for the equipment to be operated and from the DMV for the drivers to be employed. ✓
- b. Assist the CHP with its MISTER program by requiring applicants for new or renewal of passenger authority to provide any necessary information to the CHP. MISTER is a CHP computerized data program which will contain basic information for each passenger operator and will assist in researching the causes of for-hire passenger vehicle accidents.
- c. Make a study into the insurance requirements and entry fitness requirements that could improve the protection and safety of passenger operators and report back to the Commission by October 1987.
- d. Coordinate its regulatory functions with the CHP and DMV and establish continuous liaison between the staff or DMV and CHP and the Commission staff to determine progress and to take necessary action to any shortcomings to the safety procedures of passenger carriers that may become evident.

3. Information gathered at Commission workshop regarding special equipment, such as potential requirements for seat belts, radios, tachographs, first-aid kits, and fire extinguishers be transmitted to the CHP for their review and action. It is noted that the CHP already has a study underway on seat belts, and these activities correlate most closely to that agency's responsibility. Discussions have been held with the CHP to ensure prompt action on these items.

Resolution No. PE-2631
Transportation Division
Page 4 of 4

- 4. The issue of driver substance abuse was discussed in the context of the study. The Commission staff will explore options for dealing with this problem with the DMV and CHP and will recommend to the Commission whether further action is necessary. ✓

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on FEB 11 1987.
The following Commissioners approved it.



Executive Director

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
Commissioners