

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TL-18877
Rail Safety and Carriers Division
December 17, 1998
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RESOLUTION

RESOLUTION ADOPTING GENERAL ORDER 160-A REQUIRING PRIVATE CARRIERS OF PASSENGERS AS DEFINED BY PUBLIC UTILITIES CODE SECTION 4001 AND ORGANIZATIONS THAT PROVIDE TRANSPORTATION SERVICES INCIDENTAL TO OPERATION OF A YOUTH CAMP WHICH ARE REQUIRED TO REGISTER AS PRIVATE CARRIERS PURSUANT TO PUBLIC UTILITIES CODE SECTION 5353(n)(2)(A) TO PROVIDE AND THEREAFTER CONTINUE IN EFFECT ADEQUATE PROTECTION AGAINST LIABILITY

By Resolution TL-18351, dated September 30, 1990, the Commission adopted General Order (G.O.) 160, requiring every private carrier, as defined by Public Utilities (PU) Code Section 4001, which is required to register its operations with the Commission pursuant to PU Code Section 4005, to provide and thereafter continue in effect adequate protection against liability. At that time "private carriers" under Section 4001 included both private carriers of passengers and private carriers of property.

Effective September 29, 1996, pursuant to Assembly Bill (AB) 1683, responsibility for registering private carriers of property was transferred to the Department of Motor Vehicles (DMV). However, under a contract with the DMV, as authorized by AB 1683, the Commission continued to register private carriers of property on behalf of the DMV through December 31, 1997. The Commission now has responsibility only for private carriers of passengers.

Effective January 1, 1998, pursuant to AB 153, subsection 5353(n) was added to the PU Code to exclude from the requirements of the Passenger Charter-party Carriers' Act transportation services incidental to operation of a youth camp that are provided by either a nonprofit organization or an organization that operates an organized camp, as defined in Section 18897 of the Health and Safety Code, serving youth 18 years of age or younger. Section 5353(n) provides, though, that such organizations be subject to certain other requirements, including registering with the Commission as a private carrier and obtaining general liability insurance in amounts specified for vehicles that are used to transport youth.

In view of these statutory changes, the Commission should replace General Order 160 with General Order 160-A to conform with AB 1683 and AB 153. Additionally, to

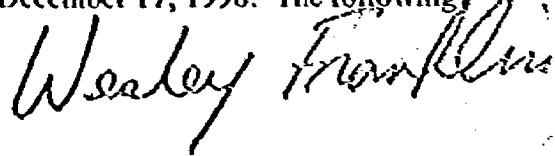
ensure that private carriers of passengers and organizations providing transportation services incidental to operation of a youth camp registered with the Commission maintain evidence of continuous insurance coverage on file, the Executive Director should be authorized to suspend a registration upon determination that the certificate of insurance, surety bond, or evidence of qualification as a self-insurer of the carrier or organization has lapsed or been terminated.

THEREFORE, IT IS ORDERED

1. General Order 160-A is adopted as set forth in Appendix A, superseding General Order 160.
2. The Executive Director is hereby authorized to issue and/or revise any insurance certificates, surety bonds or standard forms of endorsement and any other forms appropriate for the implementation of the Commission's order set forth herein.
3. In determining whether an organization providing transportation services incidental to operation of a youth camp is required to file, in addition to evidence of general liability coverage, evidence of an umbrella policy that covers vehicles, the Commission's staff shall rely on information provided by the organization under penalty of perjury.
4. The Executive Director shall suspend the registration of a private carrier of passengers or an organization providing transportation services incidental to operation of a youth camp upon determination that its certificate of insurance, surety bond, or evidence of qualification as a self-insurer has lapsed or been terminated and notify the carrier or organization of said action.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on December 17, 1998. The following Commissioners voted favorably thereon:



WESLEY M. FRANKLIN
Executive Director

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

Appendix A to Resolution TL-18877

GENERAL ORDER 160-A
(Supersedes General Order 160)

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES AND REGULATIONS REQUIRING PRIVATE CARRIERS OF PASSENGERS, AS DEFINED BY PUBLIC UTILITIES CODE SECTION 4001, AND ORGANIZATIONS THAT PROVIDE TRANSPORTATION SERVICES INCIDENTAL TO OPERATION OF A YOUTH CAMP WHICH ARE REQUIRED TO REGISTER AS PRIVATE CARRIERS PURSUANT TO PUBLIC UTILITIES CODE SECTION 5353(n)(2)(A), 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.

Adopted December 17, 1998 by Resolution TL 18877

(1) Except as greater amounts are required by Section (2) of this General Order, every private carrier of passengers as defined by Public Utilities Code Section 4001 which is required to register under Public Utilities Code Section 4005 shall provide and thereafter continue in effect so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carrier in accordance with the following:

For the payment of damages for bodily injury to, or death of, one person in any one accident in the amount of at least fifteen thousand dollars (\$15,000); and subject to the limit for one person, in the amount of at least thirty thousand dollars (\$30,000) for bodily injury to, or death of, two or more persons in any one accident; and for injury to or destruction of property of others in the amount of at least five thousand dollars (\$5,000) for any one accident.

(2) Every organization that provides transportation services incidental to operation of a youth camp which is required by Public Utilities Code Section 5353(n)(2)(A) to register with the Commission as a private carrier pursuant to Public Utilities Code Section 4005, shall provide and thereafter continue in effect so long as it may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carrier in at least the minimum amounts required by the following schedules:

(a) FOR MOTOR VEHICLES USED IN TRANSPORTATION SERVICES PROVIDED BY A NONPROFIT ORGANIZATION THAT QUALIFIES FOR TAX EXEMPTION UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE. (Seating capacities shown include the driver.)

GENERAL LIABILITY POLICY

Any vehicle with a seating capacity of 16 passengers or more	\$1,500,000
Any vehicle with a seating capacity of 9 passengers through 15 passengers, inclusive	\$1,000,000
Any vehicle with a seating capacity of 8 passengers or less	\$ 500,000

AND ADDITIONAL INSURANCE PROVIDED BY

GENERAL UMBRELLA POLICY THAT COVERS VEHICLES

Any vehicle with a seating capacity of 16 passengers or more	\$3,500,000
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(Umbrella policy not required for any vehicle seating 15 passengers or less.)

(b) FOR MOTOR VEHICLES USED IN TRANSPORTATION SERVICES PROVIDED BY AN ORGANIZATION THAT OPERATES AN ORGANIZED CAMP, AS DEFINED IN SECTION 18897 OF THE HEALTH AND SAFETY CODE. (Seating capacities shown include the driver.)

GENERAL LIABILITY POLICY

Any vehicle with a seating capacity of 16 passengers or more	\$1,500,000
Any vehicle with a seating capacity of 9 passengers through 15 passengers, inclusive	\$1,000,000
Any vehicle with a seating capacity of 8 passengers or less	\$ 500,000

AND ADDITIONAL INSURANCE PROVIDED BY

GENERAL UMBRELLA POLICY THAT COVERS VEHICLES

Any vehicle with a seating capacity of 16 passengers or more	\$3,500,000
Any vehicle with a seating capacity of 9 passengers through 15 passengers, inclusive	\$ 500,000
Any vehicle with a seating capacity of 8 passengers or less	\$ 250,000

(3) The protection required under Section (1) hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in conducting the operation of each such private carrier, of the appropriate Commission-authorized certificate of bodily injury liability and property damage liability insurance issued by a company licensed to write such insurance in the State of California, or by nonadmitted insurers subject to Sections 1763 and 1765.1 of the Insurance Code, or of an original bond of a surety company licensed to write surety bonds in the State of California.

(4) The protection required under Section (2) hereof shall be evidenced by the deposit with the Public Utilities Commission, covering each vehicle used or to be used in providing transportation services incidental to operation of a youth camp, of the appropriate Commission-authorized certificate(s) of general liability insurance (and umbrella insurance), issued by a company licensed to write such insurance in the State of California, or by nonadmitted insurers subject to Sections 1763 and 1765.1 of the Insurance Code.

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

(6) Every insurance certificate or surety bond shall contain a provision that such certificate or surety bond shall remain in full force and effect until cancelled in the manner provided by Section (5) of this General Order.

(7) With respect to private carriers described in Section (1), in lieu of the evidence authorized by Section (3) hereof, the carrier may file a certificate of self-insurance issued by the California Department of Motor Vehicles where the certificate evidences authority to self-insure pursuant to Vehicle Code Section 16053 in the amounts required by Section (1) of this General Order.

(8) Upon cancellation of an insurance certificate or surety bond, or the cancellation of a certificate of self-insurance issued by the Department of Motor Vehicles, the registration of any private carrier or organization providing transportation services incidental to operation of a youth camp shall stand suspended immediately upon the effective date of such cancellation.

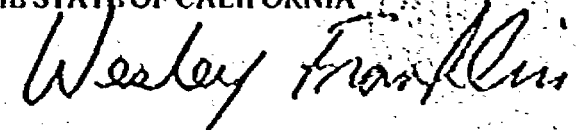
(9) The Executive Director shall suspend the registration of a private carrier of passengers or an organization providing transportation services incidental to operation of a youth camp upon determination that its certificate of insurance, surety bond, or evidence of qualification as a self-insurer has lapsed or been terminated and notify the carrier or organization of said action.

(10) The registration of any private carrier or organization providing transportation services incidental to operation of a youth camp suspended under the provisions of Section (8) or Section (9) of this General Order shall not be reinstated unless and until there is filed on behalf of such carrier a current insurance certificate(s), a surety bond, or a certificate of self-insurance issued by the Department of Motor Vehicles that is authorized by this General Order.

Approved and dated at San Francisco, California, this 17th day of December, 1998.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

By



WESLEY M. FRANKLIN
Executive Director