

APPENDIX A

General Order 157-C
(Supersedes General Order 157-B)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES AND REGULATIONS GOVERNING THE OPERATIONS OF CHARTER-PARTY
CARRIERS OF PASSENGERS PURSUANT TO CHAPTER 8 OF DIVISION 2 OF THE
PUBLIC UTILITIES CODE (BEGINNING WITH SECTION 5351).

Adopted December 20, 1995. Effective January 1, 1996.
Resolution TL-18716

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CHARTER-PARTY CARRIERS OF PASSENGERS

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PART 1--GENERAL PROVISIONS

- 1.01--SHORT TITLE. These rules and regulations shall be known as "General Order Series 157".
- 1.02--REFERENCES TO STATUTES AND RULES AND REGULATIONS. Whenever reference is made to any portion of any law, such reference shall apply to all amendments and additions heretofore or hereafter made; and whenever reference is made to any portion of these rules and regulations, such reference shall apply to all amendments and additions hereafter made.
- 1.03--CONSTRUCTION OF SINGULAR AND PLURAL. The singular number includes the plural, and the plural the singular.
- 1.04--"SHALL" and "MAY". "Shall" is mandatory and "may" is permissive.
- 1.05--LIABILITY INSURANCE REQUIREMENTS. Every charter-party carrier shall comply with all provisions of General Order Series 115.
- 1.06--APPLICABILITY OF VEHICLE CODE. Every charter-party carrier and their drivers shall comply with the provisions of the California Vehicle Code.
- 1.07--COMMISSION MAY ORDER DEVIATIONS. The Commission may authorize deviations from these rules and regulations or prescribe or require the observance of additional or different rules by special order.
- 1.08--AVAILABILITY OF GENERAL ORDER SERIES 157, VEHICLE CODE AND TITLE 13. Every charter-party carrier shall have a current copy of General Order series 157 and a current copy of the California Vehicle Code and the Motor Carrier Safety Sections (Subchapter 4, Article 12 and 14, and Subchapter 6.5, Articles 1, 3, 6, and 8) of Title 13 of the California Code of Regulations in a place available to all drivers.

PART 2--DEFINITIONS

- 2.01--"COMMISSION". "Commission" means the Public Utilities Commission of the State of California.
- 2.02--"CHARTER-PARTY CARRIER OF PASSENGERS", "TCP", "CARRIER". The definition of "charter-party carrier of passengers" shall be that set forth in Sections 5351-5360 of the Public Utilities Code. The initials "TCP" mean "transportation charter-party". Within this General Order the word "carrier" means charter-party carrier of passengers.
- 2.03--"CHARTER-PARTY VEHICLE", "VEHICLE". "Charter-party vehicle" is a motor vehicle used in charter-party service. Within this General Order the word "vehicle" means charter-party vehicle.

- 2.04--"SPECIAL IDENTIFICATION LICENSE PLATE". A "special identification license plate" is a plate issued to a limousine owner or operator by the California Department of Motor Vehicles in accordance with Section 5385.6 of the Public Utilities Code.
- 2.05--"LIMOUSINE". A "limousine" includes any luxury sedan, of either standard or extended length, with a seating capacity of not more than 9 passengers, including the driver, used in the transportation of passengers for hire on a prearranged basis to or from airports within this state.
- 2.06--"DRIVER-APPLICANT". A driver-applicant is any applicant for charter-party carrier operating authority who will also be a driver of any vehicle authorized to be operated under the authority.

PART 3--GENERAL REQUIREMENTS AND RESTRICTIONS

- 3.01--PREARRANGED TRANSPORTATION. Class A and Class B charter-party carriers, as defined in Public Utilities Code Section 5383, and carriers holding permits under Public Utilities Code Section 5384(b) shall provide transportation only on a prearranged basis. The party arranging the transportation shall have exclusive use of the vehicle. The driver shall possess a waybill which includes the following:
1. Name of carrier and TCP number.
 2. Vehicle license plate number.
 3. Driver's name.
 4. Name and address of person requesting or arranging the charter.
 5. Time and date when charter was arranged.
 6. Number of persons in the charter group.
 7. Points of origination and destination.
- Upon request, the driver shall show the waybill to any Commission or airport enforcement officer.
- 3.02--OPERATIONS AT AIRPORTS. No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority.
- 3.03--TAXI TRANSPORTATION SERVICE NOT AUTHORIZED. A carrier is not authorized to engage in taxicab transportation service licensed and regulated by a city or county. Carriers are prohibited from using vehicles which have top lights and/or taxi meters.
- 3.04--SUB-CARRIERS. A carrier shall not use the services of another carrier (sub-carrier) that provides the vehicle and the driver, unless the second carrier holds Commission authority as a charter-party carrier. The agreement for the utilization of the second carrier's vehicle(s) and

driver(s) by the operating carrier shall be evidenced by a written document, and shall contain the carriers' names, TCP numbers, and the services to be provided.

- 3.05--RENEWAL OF AUTHORITY. Each carrier shall be responsible for filing renewal applications at least three months prior to the expiration date of the certificate or permit.
- 3.06--FICTITIOUS NAMES. A carrier shall not use any trade, business, or fictitious names which are not on file with the Commission.
- 3.07--ADVERTISEMENTS SHALL INCLUDE TCP NUMBER OR SPECIAL LICENSE PLATE NUMBER. Carriers shall state the number of their certificate or permit in every written or oral advertisement, broadcast, or other holding out to the public for services, except that every charter-party carrier operating a limousine may instead state its special identification license plate number. The certificate or permit number shall include the prefix "TCP", and the suffix "A", "B", "C", "S", "P", and/or "Z" (Class "A" certificate, Class "B" certificate, Class "C" certificate, round-trip sightseeing permit, charter-party permit, and specialized carrier permit, respectively) which identify the authority or authorities under which transportation service will be provided.

PART 4--VEHICLES

- 4.01--EQUIPMENT STATEMENT TO BE CURRENT. Every carrier shall maintain, on file with the Commission, an equipment list of all vehicles (owned or leased) in use under each certificate and permit. The information for each vehicle shall include the manufacturer, model year, vehicle identification number (V.I.N.), seating capacity (including driver), description of body type or model designation, whether the vehicle is leased or owned, handicap accessible status, and its license plate number. Additions and deletions to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.
- 4.02--SAFETY REQUIREMENTS BEFORE OPERATION. All vehicles operated under each certificate or permit shall comply with the requirements of the California Highway Patrol and the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations. Every carrier must inspect all vehicles and maintain proper documentation of such inspections.
- 4.03--NAME OF CARRIER AND VEHICLE NUMBER TO BE DISPLAYED ON VEHICLE. A vehicle shall not be operated in service unless there is painted or displayed, on each side of the vehicle, the name or trade name of the carrier. Every carrier shall assign an identifying number to each vehicle. Such number shall be painted on or otherwise permanently attached to the rear and each side of the exterior of each vehicle. The carrier's name and vehicle numbers shall be

sufficiently large and color contrasted as to be readable, during daylight hours, at a distance of 50 feet. However, the provisions of this section shall not apply to vehicles temporarily leased by carriers for a period of less than 30 days or to vehicles designed to carry not more than 15 persons, including the driver.

- 4.04--TCP NUMBER TO BE DISPLAYED ON VEHICLE. The number assigned by the Commission to the carrier's authority shall be shown in full on all charter party vehicles, including the prefix "TCP", the authority number and the authority suffix "A", "B", "C", "S", "P" and/or "Z" (which designate Class "A" certificate, Class "B" certificate, Class "C" certificate, round-trip sightseeing permit, charter-party permit, and specialized carrier permit, respectively). The letter and numeral symbol size and placement shall be as follows:

The identification symbol shall be in sharp color contrast to the background and such size and shape and so located as to be readily legible during daylight hours at a distance of 50 feet. The symbols shall be displayed on each side of the vehicle, **EXCEPT** vehicles designed to carry not more than 15 persons, including the driver, which shall display the identification symbol on the front and rear bumpers.

The identifying symbol displayed by a carrier subject to the jurisdiction of the Interstate Commerce Commission (ICC) shall serve in lieu of the above requirements, provided such ICC operating authority is registered with this Commission in accordance with the Interstate and Foreign Highway Carrier's Registration Act (commencing with PU Code Section 3901).

- 4.05--DECALS TO BE DISPLAYED. Vehicles designed to carry not more than 8 persons, including the driver, shall display the Commission-issued decal. Vehicles with seating capacity of 9 to 15 persons, including the driver, may display the Commission-issued decal, which will be issued upon request to the License Section of the Safety and Enforcement Division. Any decals issued by the Commission shall be affixed to the lower right hand corner of the rear bumper of the vehicle.
- 4.06--SPECIAL IDENTIFICATION LICENSE PLATES FOR LIMOUSINES. Charter-party carriers operating limousines shall display a set of special identification license plates issued by the Department of Motor Vehicles pursuant to Public Utilities Code Section 5385.6. The special identification license plates shall be displayed in lieu of the decal requirements of Part 4.05. Upon cancellation, suspension or revocation of a charter-party carrier's permit or certificate, the carrier shall immediately remove the special identification license plates and surrender them to the Commission. This Part is effective February 4, 1996.
- 4.07--DAMAGE TO IDENTIFICATION SYMBOLS. It shall be the carrier's responsibility to make immediate restoration or

replacement of any damage caused to the identification names and numbers on vehicles.

4.08--ILLEGAL DISPLAY OF P.U.C. IDENTIFICATION. Immediately upon revocation or termination of any permit or certificate the TCP number for the permit or certificate shall be removed from all vehicles. If new operating authority is later granted, it shall be the responsibility of the carrier to make the appropriate identification.

4.09--UNAUTHORIZED USE OF OPERATING AUTHORITY. A carrier shall not knowingly permit its operating authority, TCP number(s) or special identification license plate(s) to be used by others.

4.10--SALE OR TRANSFER OF VEHICLE. It shall be the carrier's responsibility to remove all certificate or permit numbers, identification symbols, and all special identification license plates when a vehicle is sold or transferred.

PART 5--DRIVERS

5.01--DRIVER TO BE LICENSED. Every driver of a charter-party vehicle shall be licensed as required under the California Vehicle Code and shall comply with the driver provisions of the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations.

5.02--DRIVER RECORD. Every carrier shall enroll in the "Pull Notice Program" of the Department of Motor Vehicles as defined in Vehicle Code Section 1808.1. A charter-party vehicle shall not be operated by any driver who is presumed to be a negligent operator under Vehicle Code Section 12810.5.

5.03--DRIVER STATUS. Every driver of a vehicle shall be the permit/certificate holder or under the complete supervision, direction and control of the operating carrier and shall be:

- A. An employee of the permit/certificate holder; or,
- B. An employee of a sub-carrier; or,
- C. An independent owner-driver who holds charter-party carrier authority and is operating as a sub-carrier.

5.04--ALCOHOLIC BEVERAGES AND DRUGS: USE BY DRIVER FORBIDDEN. All drivers shall comply with the rules in the Code of Federal Regulations Title 49, Parts 392.4 and 392.5. This rule, in part, prohibits drivers from consuming or being under the influence of a drug or alcoholic beverage while on duty, and prohibits carriers from allowing drivers to consume or be under the influence of a drug or alcoholic beverage while on duty.

PART 6--RECORDS AND INSPECTIONS

- 6.01--CHARTER-PARTY RECORDS. Every carrier shall institute and maintain in its offices, a set of records which reflect information as to the services performed, including waybills, as described in Section 3.01. Every carrier shall also maintain copies of all lease and sub-carrier agreements, and shall maintain maintenance and safety records (including, but not limited to, the records required in Sections 4.01 and 4.02), driver records (including, but not limited to, the records required in Section 5.02), and consumer complaint records (including, but not limited to, the records required in Section 7.01). Such records shall be maintained for a minimum period of three years.
- 6.02--INSPECTIONS. The duly authorized representatives of this Commission shall have the right at all times and shall be allowed to enter into any vehicle or facility for the purpose of inspecting the accounts, books, papers, and documents and for ascertaining whether or not these rules are being complied with and observed. Every owner, operator, or driver of any vehicle shall afford the duly authorized representatives of this Commission all reasonable opportunity and facilities to make such an inspection.

PART 7--COMPLAINTS

- 7.01--CARRIER REQUIRED TO ANSWER COMPLAINTS. Every carrier shall respond within 15 days to any written complaint concerning transportation service provided or arranged by the carrier. A carrier shall, within 15 days, respond to Commission staff inquiries regarding complaints and provide copies of any requested correspondence and records.

PART 8--EXEMPTIONS

- 8.01--BY WRITTEN REQUEST. If, in a particular case, exemption from any of these rules and regulations is desired, a written request may be made to the Commission for such exemption. Such a request shall be accompanied by a full statement of the conditions existing and the reasons relied on to justify the exemption. It is to be understood that any exemption so granted shall be limited to the particular case covered by the request.

PART 9--TRANSPORTATION BY YOUTH CAMPS

- 9.01--TRANSPORTATION BY NONPROFIT YOUTH CAMPS. Transportation performed by nonprofit organizations which is incidental to the operation of youth camps is not subject to the Passenger Charter-Party Carriers' Act, Public Utilities (PU) Code Section 5351, et seq., under the exclusion set forth in PU Code Section 5353(f).
- 9.02--TRANSPORTATION BY FOR-PROFIT YOUTH CAMPS. Transportation performed by for-profit organizations which is incidental

to the operation of youth camps is subject to the Passenger Charter-Party Carriers' Act, Public Utilities Code Section 5351, et. seq.

**PART 10--CONTROLLED SUBSTANCE AND ALCOHOL
TESTING CERTIFICATION PROGRAM**

- 10.01--WHO MUST COMPLY. All charter-party carrier applicants (new and renewal) who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a mandatory controlled substance and alcohol testing certification program for those drivers as required by this General Order unless all such drivers are already covered by federal testing regulations. Charter-party carriers who employ any driver who operates a vehicle with a seating capacity of 16 persons or more, including the driver, must comply with the federal regulations concerning controlled substance and alcohol testing for those drivers.
- 10.02--CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM REQUIRED. Every applicant who must comply with this General Order shall provide for a testing program as required in Parts 40 and 382 of Title 49 of the Code of Federal Regulations (CFR), except as modified herein.

For the purposes of this Commission's program vehicles with a seating capacity of 15 persons or less, including the driver, shall be considered commercial vehicles. This affects, for example, the determination of what are "safety sensitive functions" for purposes of this Commission's program.

A negative test for alcohol shall show a breath alcohol concentration of less than 0.02 percent and drivers must show a valid California driver's license at the time and place of testing.

Every such applicant must conduct pre-employment testing (Part 382.301), post accident testing (Part 382.303), random testing (Part 382.305), testing due to reasonable suspicion (Part 382.307), followup testing (Part 382.311), and return-to-duty testing (Part 382.309), except that pre-employment testing for alcohol is not required.

Each such applicant must provide educational materials (Part 382.601) that explain the requirements of Part 382 of Title 49 of the CFR and this General Order as well as the employer's policies and procedures with respect to meeting the testing requirements.

Such applicants must advise employees (Part 382.605) of the resources available to them to resolve problems associated with the misuse of alcohol and use of controlled substances.

Such applicants must ensure that supervisors undergo the appropriate training to determine whether reasonable suspicion exists to require a driver to undergo testing (Part 382.603).

Such applicants must use a custody and control form that is substantially similar to, but distinct from, the "Federal Drug Testing Custody and Control Form" and the "DOT Breath Alcohol Testing Form" to identify employees who are being tested and to request specific kinds of tests (49 CFR Parts 40.23 and 40.59).

- 10.03--REQUIREMENTS FOR PRE-EMPLOYMENT TESTING. An earlier negative result for a driver shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing. (Any negative test result shall be accepted for one year as meeting any requirement for periodic testing if the driver has not tested positive subsequent to a negative result.)
- 10.04--TESTING COSTS. Applicants shall be responsible for being in compliance with the testing program and shall pay all costs of the testing program, except that an employer may require employees who test positive to pay the costs of rehabilitation and return-to-duty and followup testing.
- 10.05--CONFIDENTIALITY OF TESTS. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law. 49 CFR Parts 40.35, 40.81; 382.405 and 382.413 detail rules concerning disclosure and confidentiality of employee test records. The results of tests required under the Commission's testing program may be released under the same circumstances as those detailed in 49 CFR Parts 40 and 382. The Commission may require laboratories to make copies of test results available to it on request. No evidence from a positive test shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.
- 10.06--DRIVER-APPLICANT TEST RESULTS TO BE REPORTED TO THE COMMISSION. Test results for applicants who are also drivers must be reported directly to the Commission consistent with the requirements of 49 CFR Part 382.407. Therefore, a driver-applicant applying for new operating authority must cause a copy of its pre-employment controlled substance test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled. A driver-applicant applying for renewal of operating authority must cause a copy of its most recent controlled substance and alcohol test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled.

Approved and dated September 4, 1996, at San Francisco, California.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

Wesley Franklin

By Wesley M. Franklin
Executive Director

DANIEL Wm. FESSLER
JESSIE J. KNIGHT, JR.
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Commissioners

President P. Gregory Conlon,
being necessarily absent, did not
participate.

