

PUBLIC UTILITIES COMMISSION

Office of Governmental Affairs

770 L Street, Suite 1230
Sacramento, CA 95814
(916) 327-3277

July 10, 2009

The Honorable Alan Lowenthal, Chair
Senate Transportation & Housing Committee
State Capitol, Room 2032
Sacramento, CA 95814

RE: AB 636 (Jones) – As Amended June 26, 2009 – Support
Status: Senate Transportation & Housing Committee Hearing – July 14, 2009

Dear Senator Lowenthal:

On May 7, 2009, the California Public Utilities Commission (Commission) voted unanimously to support AB 636. The revocation of a carrier's operating authority for knowingly employing an unqualified driver might appear as overly harsh for a first-time offender. However, the tragic Colusa bus accident demonstrates that additional safeguards need to be in place to prevent unqualified drivers from operating buses. This bill would provide significant sanctions for charter-party carriers and their drivers who jeopardize public safety.

The Commission supports the direction of this bill. The latest set of amendments have addressed our technical concerns pertaining to the vehicle impoundment provisions. However, these amendments have also created some new technical issues and we would like to suggest some amendments for your committee's consideration. First, Public Utilities Code Section 5387 (c) only refers to a carrier being "permanently barred." Additional language should be added in this code section to clarify that the operating carrier shall have its permit or certificate permanently revoked by the Commission to ensure the intent of this measure is implemented. Second, the suspension provisions in this bill should be limited to those related to public safety issues under Public Utilities Code Section 5378.5, since many suspensions are not related to safety and may just involve paperwork, such as delinquent payment of fees.

Please see the attached analysis for a more detailed explanation of the Commission's position.

If you have any questions or wish to discuss this matter further, please do not hesitate to call me at (916) 327-7788.

Sincerely,

A handwritten signature in cursive script that reads "Michael Poe".

MICHAEL POE
Legislative Liaison

Attachment

cc: The Honorable Dave Jones, Member, California State Assembly
Members, Senate Transportation and Housing Committee
Carrie Cornwell, Senate Transportation and Housing Committee
Wade Teasdale, Senate Republican Caucus/Policy
Melissa Macias, Senate Energy, Utilities and Communications Committee
Michael Webb, Deputy Legislative Secretary, Office of Governor Arnold Schwarzenegger