



Safety and Enforcement Division Report



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Goal

- Ensure passenger carriers provide the traveling public with safe and reliable service.





Charter Bus Licensing and Enforcement Overview

- Licensing
- Coordination with California Highway Patrol
- Assembly Bill 5387: Permanent Revocation





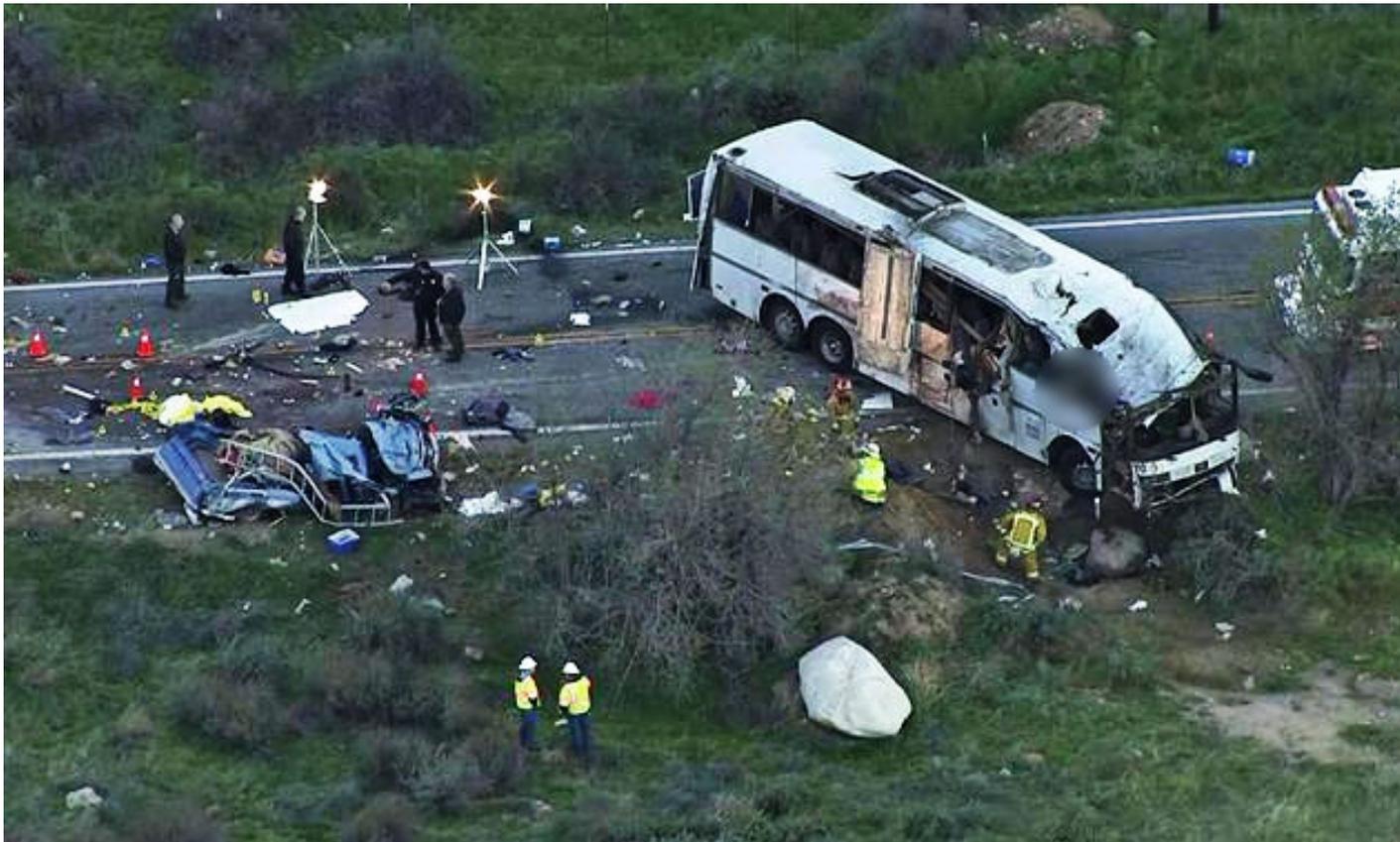
Licensing

- Types of Certificates.
- Transportation Charter-Party (TCP)
 - Regulated pursuant to Charter-Party Carrier's Act (5153).
 - Charters the vehicle on a prearranged basis for the exclusive use of an individual or group.
- Passenger Stage Corporation (PSC)
 - Regulated under Division 1 of PU Code.
 - Provides transportation service to the general public between points on an individual fare basis.
 - Most either scheduled fixed route, or on-call, door-to-door airport shuttle type.





Yucaipa, February 3, 2013, Scapadas Magicas Eight Fatalities, Multiple Injuries





Yucaipa, February 3, 2013, Scapadas Magicas





Coordination with the California Highway Patrol for Bus Safety

- The CHP is responsible for regulating the safe operation of buses (Vehicle Code 34500).
- A vehicle used to transport > 10 passengers for profit is a “bus”.
- The CPUC, through its charter-party licensing program, coordinates with and supports the CHP in bus safety.





Licensing Requirements

- Before being authorized to operate as a passenger stage or charter-party carrier, the carrier must, among other things:
 - File evidence of public liability and workers' compensation insurance.
 - Participate in DMV Pull-Notice System, a program for monitoring the driving records of drivers.
 - Participate in the Drug and Alcohol testing program.
 - For vehicles seating > 10 passengers, undergo initial and annual CHP Safety Inspections.





Licensing Requirements (Con't.)

- Many of the requirements applicants must meet are related to safety.
- Applicants must demonstrate knowledge of and a commitment to:
 - Maintaining vehicles in accordance with CHP requirements.
 - Observing hours of service regulations (Vehicle Code).
 - Providing safety education and training to its employees and subcarriers (GO 157/158).
 - As noted above, monitoring the driving records, participating in drug and alcohol testing program, and annual inspections.





Coordination with the California Highway Patrol

- If an Application or Renewal indicates vehicles seating more than 10 passengers:
 - CPUC sends equipment list to CHP (Sacramento).
 - CHP performs inspections and sends report back to CPUC.
 - CHP also conducts annual inspections.
 - Licensing Unit reviews CHP reports.
 - CHP may recommend deny, suspend, pass, or “other”.
 - CHP may order a bus out of service.
 - “Other” may include a carrier’s declaration that a vehicle is no longer in service, for example.





Coordination with CHP for Safety Inspections (cont.)

- Information Provided by CHP inspections allows CPUC to Act or Investigate.
 - Deny
 - Suspend
 - Investigate
 - Permanent Revocation
- Other violations may be reported by officers engaged in on-highway enforcement (much less frequent)
 - Citation to carrier
 - CHP will endeavor to report to CPUC (PU Code 5387)





Other Law Enforcement

- Other law enforcement agencies may encounter and report violations to the CPUC:
 - Airport police
 - Local police
 - Joint operations such as “Hollywood Strike Force”, Border Inspections
- SED provides public agencies with access to its Transportation Management Information System (TMIS) for real-time information about operating authority or insurance status.





Risk Assessment

– Management of Risk

- Work with local law enforcement to identify locations where bus traffic is common (Sightseeing, Casinos, Party Bus traffic)
- Target carriers with unsafe operating history or multiple suspensions
- Mitigate against harmful impact
- Increase program visibility





Williams, October 5, 2008, Cobb Bus Services Eight Fatalities





Williams, October 5, 2008, Cobb Bus Services





Scapadas Magicas

- TCP #26959, First Issued March 10, 2011.
- Safety Inspections January, 2013 – Passed both Federal and State Inspections.
- CPUC Suspended for Worker’s Compensation.
- Prior suspension for nonpayment of fees and failure to file workers’ compensation.
- Investigation Ongoing.
 - Reviewing CPUC history and that of our federal counterparts, the Federal Motor Carrier Safety Administration (FMCSA), part of the Department of Transportation.
- Suspended by FMCSA on February 8, 2013.





Permanent Revocation

- AB 636 (Statutes of 2009) amended the PU Code effective January 1, 2010 to require permanent revocation of a TCP for certain violations:
 - Operates a bus without a certificate.
 - Operates on a certificate suspended for 5378.5 (CHP Safety).
 - Cited for three or more liability insurance violations in a two year period.
 - Citation for operating a bus while suspended for failure to maintain liability insurance (actual lapse).
 - Knowingly employs a bus driver who does not have a valid drivers license of the proper class, a passenger vehicle endorsement, or the required certificate to drive a bus.
 - Has one or more buses improperly registered with DMV (CHP)

