

Date of Hearing: June 13, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 247 (Lara) – As Amended June 8, 2016

SENATE VOTE: 26-4

SUBJECT: Charter bus transportation: safety improvements

SUMMARY: Requires a charter-party carrier of passengers engaged in charter bus transportation to ensure each vehicle operated for that purpose is equipped with specified safety features. Specifically, **this bill:**

- 1) Requires each vehicle used for charter bus transportation to be equipped with interior and exterior luminescent or retroreflective emergency signage by July 1, 2019.
- 2) Requires each vehicle used for charter bus transportation manufactured after on or after July 1, 2020, to be equipped with a secondary door for use as an additional emergency exit, windows that can be easily opened and remain open during an emergency, and emergency lighting fixtures that will turn on in the event of an impact or collision.
- 3) Requires each vehicle used for charter bus transportation to comply at all times with applicable federal motor vehicle safety standards (FMVSS).
- 4) Requires the Department of the California Highway Patrol (CHP) to adopt standards and criteria for the implementation of the above safety equipment by July 1, 2017.
- 5) Requires the driver of each vehicle used for charter bus transportation instruct all passengers on the safety equipment and emergency exits on the vehicle prior to the beginning of any trip and requires CHP to adopt standards and criteria for the implementation of this requirement by July 1, 2017.

EXISTING LAW:

- 1) Defines “charter-party carrier of passengers” as a person engaged in the transportation of persons by motor vehicle for compensation over any public highway.
- 2) Establishes the “Passenger Charter-Party Carriers Act,” which directs the California Public Utilities Commission to issue permits or certificates to charter-party carriers, investigate complaints against carriers, and cancel, revoke, or suspend permits and certificates for specific violations.
- 3) Defines “charter bus transportation” as transportation using a vehicle with a capacity of more than 10 persons, including the driver, of a group of persons who have acquired the exclusive use of the vehicle to travel together under a single contract at a fixed charge.
- 4) Requires CHP to regulate the equipment, maintenance, and safe operation of specified vehicles.

FISCAL EFFECT: Unknown

COMMENTS: In April 2014, a tractor trailer drifted across the median of Interstate 5 near Orland and collided with a charter bus carrying high school students on a college visit to northern California. The collision disabled the bus door and caused diesel fuel from the tractor trailer's fuel tank to spray into the passenger compartment of the bus and ignite. Both drivers and eight bus passengers were killed from the impact of the collision or injuries sustained in the fire.

After its investigation of the accident, the National Transportation Safety Board (NTSB) made a number of recommendations to the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) for ways to improve the safety of both charter buses and motor carriers. Those recommendations included requiring rigorous performance standards for flammability and smoke emissions characteristics for bus interiors, requiring new bus designs to include a secondary door for use as an additional emergency exit, requiring a pretrip safety briefing for bus passengers, requiring windows to be easily opened and remain open during an emergency evacuation, developing standards for on-board crash data recorders, requiring all motorcoaches be equipped with emergency lighting fixtures outfitted with an independent power source, and requiring interior luminescent or exterior retroreflective markings for emergency exits. The federal entities identified in the NTSB report have not yet adopted these recommendations. The report also identified, but made no recommendations relating to numerous other accident factors in the Orland collision, such as the absence of a highway median barrier at the collision site, disuse of seatbelts by some bus passengers, and the volatility of the tractor trailer's fuel tank.

This bill codifies a number of the NTSB report's recommendations in California statute for vehicles used in charter bus transportation.

The author believes that SB 247 will close the gap in safety standards between buses and other modes of transportation, such as airplanes and rail, and address the potentially dangerous conditions faced by bus passengers. The author intends to ensure that, although accidents will continue to happen, the survival rate of passengers in those future accidents is as high as possible, and that no future deaths are caused by inadequate emergency exit systems.

According to CHP, the annual number of fatalities caused by collisions with charter buses has been fewer than four since 2010, and it is unclear if any of those are attributable to the same fatal circumstances of the Orland collision.

The Legislature has enacted similar safety requirements for charter party carrier vehicles in recent years, including equipment requirements for modified limousines as a result of a fatal limousine fire in San Mateo.

Federal preemption potential: Under the federal National Traffic and Motor Vehicle Safety Act, states cannot adopt a safety standard for motor vehicle equipment that conflicts with a federal standard in effect on the same aspect of performance of that equipment. However, SB 247 would mandate the installation of certain safety features to, in effect, mitigate the impact of a traffic accident, but would not mandate that the performance of that equipment meets a specified standard. For this reason, it appears the requirements of this bill would not be preempted by federal law. For example, under this bill, a motorcoach would be required to be equipped with windows that are easily opened, but those windows would still be required to meet all federal standards for characteristics such as size, design, and manufacture.

Previous legislation: SB 611 (Hill), Chapter 860, Statutes of 2014, among other provisions required modified limousines to be equipped with two fire extinguishers.

SB 109 (Corbett), Chapter 752, Statutes of 2013, required modified limousines to be equipped with specified safety features, including an additional emergency exit and push-out windows.

REGISTERED SUPPORT / OPPOSITION:

Support

Consumer Attorneys of California
Consumer Federation of California
Consumers for Auto Reliability and Safety

Opposition

ABC Bus Companies, Inc.
All West Coachlines
Amador Stage Lines
American Star Trailways
California Bus Association
Carreras Tours, LLC
Certified Transportation Services, Inc.
Classic Charter
Discovery Luxury Motorcoach Charters
Goldfield Stage
Greyhound Lines, Inc.
Lin Lines
Motor Coach Industries
Pacific Coachways
Pacific Coast Sightseeing Tours and Charters, Inc.
Pacific Monarch Ltd.
Royal Coach Tours
San Diego Charter Company
Sierra Pacific Tours
Silverado Stages
Silver Bay Tours
Storer Coachways
Sundance Stage Lines
The Volvo Group
WESS Transportation Services, Inc.

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