

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1677 (Ting) – As Introduced January 19, 2016

SUBJECT: Vehicles: tour buses: safety inspections

SUMMARY: Requires the California Highway Patrol (CHP) to develop protocols for the inspection of tour buses by local agencies. Specifically, **this bill:**

- 1) Requires CHP to develop protocols, in consultation with representatives of local government, to allow for the inspection of tour buses by a local agency of a jurisdiction in which the tour bus operates.
- 2) Requires that the protocols include a requirement that the local agency report its findings to the Public Utilities Commission (CPUC).
- 3) Requires that any inspection conducted by a local agency pursuant to CHP's protocols be in addition to, and not in lieu of, any existing inspection requirements imposed by state law.

EXISTING LAW:

- 1) Defines "charter-party carrier of passengers" (CPC) as a person engaged in the transportation of persons by motor vehicle for compensation over any public highway.
- 2) Defines "passenger stage corporation" (PSC) as a corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in the state between a fixed termini or over a regular route, as specified.
- 3) Establishes the "Passenger Charter-Party Carriers Act," which directs the CPUC to issue permits or certificates to charter-party carriers, investigate complaints against carriers, and cancel, revoke, or suspend permits and certificates for specific violations.
- 4) Defines a "bus" as a vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any non-profit organization or group.
- 5) Defines a "tour bus" as a bus operated by or for a CPC or PSC.
- 6) Requires CHP to regulate the equipment, maintenance, and safe operation of tour buses.
- 7) Requires CHP to inspect every maintenance facility or terminal of any person who operates any bus and prohibits a person from operating a bus without this inspection having been conducted.
- 8) Additionally requires all tour buses to be inspected every 45 days by the tour bus operator, or more often if necessary to ensure safe operation.

FISCAL EFFECT: Unknown

COMMENTS: Existing law generally vests CPUC with the responsibility to regulate CPCs and PSCs. Tour buses operated by CPCs and PSCs are required to be inspected every 13 months by CHP and additionally every 45 days by the tour bus operator. The findings of the inspections carried out by CHP are reported to CPUC, and tour buses may not legally operate unless the bus operator's terminal and maintenance facilities have been inspected. Terminal inspections typically include inspections of a vehicle's registration, the driver's licensure, and the condition of the vehicle itself.

Due to the size of tour bus fleets, CHP only inspects a representative sample of each carrier's fleet in the annual inspection. According to some estimates, CHP inspects less than 1/3 of all buses, leaving some buses uninspected. Data from CHP and CPUC indicating the true proportion of vehicles inspected is not readily available.

This bill would require CHP to develop protocols for a state standard of tour bus inspections that could be performed by local agencies of a jurisdiction in which a tour bus operates. The author cites a number of incidents occurring in San Francisco that resulted in fatalities and injuries in recent years as demonstrative of the need to fully inspect tour buses operating in California. The author believes that if CHP is unable to adequately inspect the state's tour bus fleet with its current resources, local agencies should be empowered to perform those inspections under a standard set by CHP, leaving a smaller proportion of buses uninspected, and potentially, a smaller proportion of unsafe vehicles on the road. According to the author, this bill would ensure that local communities in which tour buses operate have the authority to flag and inspect problem buses and companies.

Committee concerns: Although the author does not intend to completely duplicate CHP inspections or create local inspections with differing standards in different jurisdictions, it is unclear if this bill will restrict the authority of CHP to conduct its operations and cause a detrimental patchwork of local regulations to emerge. By authorizing local agencies to perform some CHP functions, this bill may erode the statewide consistency of enforcement brought by CHP inspections. The author should continue to work with CHP, CPUC and organizations in opposition to this bill to ensure that the functions performed by local agencies supplement the efforts of CHP, but do not add a burdensome additional level of local regulation that subjects a carrier to multiple, differing enforcement schemes in each jurisdiction in which it operates. This could potentially be accomplished by requiring local agencies contract with CHP to augment the department's resources in local jurisdictions and increase the inspection rate of tour buses or by specifying under what conditions and what types of inspections a local agency may perform.

Author's proposed amendments: In order to address the concerns of a patchwork of local regulation conducting inspections to inconsistent or potentially duplicative standards, the author proposes to amend the bill to do the following:

- 1) Clarify that CHP shall develop protocols, in consultation with representatives of local governments in jurisdictions where tour buses operate, for entering into memoranda of understanding with those local governments to allow CHP to, upon request of the local government, increase the number of locally operating tour buses that are being inspected by CHP, in furtherance of existing 13-month inspection requirements.
- 2) Require that any inspection conducted pursuant to those protocols not be duplicative of any inspection conducted by CHP to meet the existing 13-month inspection requirements.

Related legislation: AB 1574 (Chiu), requires CPUC to verify with DMV that the buses, limousines, and modified limousines used by a PSC or CPC have been reported and meet safety requirements. AB 1574 passed out of the Assembly Utilities and Commerce on March 30, 2016, with a 13-0 vote and is scheduled to be heard by this committee on April 18, 2016.

SB 812 (Hill), requires CHP to develop inspection fees for CPCs and requires CPCs or PSCs to schedule CHP inspections, as specified. SB 812 is scheduled to be heard by the Senate Energy, Utilities and Communications Committee on April 19, 2016.

Previous legislation: SB 541 (Hill), Chapter 718, Statutes of 2015, codified the State Auditor report's recommendation on strengthening CPUC's oversight of transportation-related activities of household good carrier and CPCs.

SB 611 (Hill), Chapter 860, Statutes of 2014, required all modified limousines, as defined, to be equipped with two fire extinguishers and required the CHP to develop and implement an inspection program for modified limousines, as specified.

REGISTERED SUPPORT / OPPOSITION:**Support**

City and County of San Francisco
Consumer Attorneys of California
Honorable Norman Yee, San Francisco Board of Supervisors, District 7

Opposition

California Association of Highway Patrolmen
California Bus Association

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