

File No. 160162

Committee Item No. _____

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: March 1, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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OTHER

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill 1574</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill 1677</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Senate Bill 812</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: February 25, 2016

Prepared by: _____

Date: _____

1 [Supporting California Assembly Bill Nos. 1574 and 1677 (Chiu and Ting) and California
2 Senate Bill 812 (Hill) - Increasing the Safety Oversight and Local Coordination of Tour Buses
3 and Charter Party Bus Carriers]

4 **Resolution supporting California Assembly Bill Nos. 1574 and 1677, authored by**
5 **Assembly Members Chiu and Ting, and California Senate Bill 812, authored by Senator**
6 **Hill, that increase the inspection protocol, safety oversight, and local coordination**
7 **between the Department of Motor Vehicles, the California Public Utilities Committee,**
8 **and the National Highway Traffic Safety Administration for tour bus and charter-party**
9 **carriers, and for both legislative bodies to pass the bills.**

10
11 WHEREAS, San Francisco is the 25th most visited city in the world, and tour buses
12 and charter-party carriers are frequently used by tourists to visit famous landmarks; and

13 WHEREAS, The City and County of San Francisco adapted Vision Zero as a policy in
14 2014; and

15 WHEREAS, In the past few years San Francisco has experienced an increase in
16 accidents, injuries, and fatalities caused by tour bus and charter bus operators; and

17 WHEREAS, On October 23, 2014, a city employee was killed outside city hall by a tour
18 bus, on November 13, 2015, a tour bus crashed in Union Square injuring 20 people, and on
19 January 16, 2016 an 82 year-old San Francisco resident was killed by a tour bus; and

20 WHEREAS, The company operating the tour bus in the Union Square incident had a
21 history of safety problems and was not properly registered; and

22 WHEREAS, The California Public Utilities Committee (CPUC) recently reported that
23 12,613 buses are registered, yet industry estimates indicate that around 30,000 buses are
24 operating across the state; and

1 WHEREAS, California Assembly Bill No. 1677 (AB1677) directs the California Highway
2 Patrol to work in conjunction with local agencies to create local supplementary inspection
3 programs for tour bus companies that would supplement required yearly state inspections of
4 tour buses; and

5 WHEREAS, Tour buses must be registered with the state's Department of Motor
6 Vehicles (DMV), but the DMV is not required to share registered bus information with the
7 CPUC; and

8 WHEREAS, This loophole means that one state agency, the DMV, knows a tour bus is
9 on our roads, but the lead regulatory entity, the CPUC, does not; and

10 WHEREAS, California Assembly Bill No. 1574 (AB1574) the Tour Bus Registration Act,
11 will require the implementation of a process to identify "ghost" charters that are not properly
12 registered with the CPUC, such as the one involved in Union Square accident; and

13 WHEREAS, AB1574 will reduce the number of tour buses operating without the
14 knowledge of the CPUC by requiring increased coordination between the DMV and the CPUC
15 to identify unregistered tour buses; and

16 WHEREAS, California Senate Bill 812 (SB812) would require the Public Utilities
17 Commission to monitor recall notification of the National Highway Traffic Safety Administration
18 and require the charter party carriers to order affected vehicles to be placed out of service
19 until safety defects are addressed; and

20 WHEREAS, AB1574 and SB812 are supported by the San Francisco Transportation
21 Authority; and

22 WHEREAS, AB1574 and AB1677 are supported by the California Bicycle Coalition,
23 The San Francisco Bicycle Coalition, Walk SF; now, therefore, be it

24 RESOLVED, That the Board of Supervisors states their support for AB1574, AB1677,
25 and SB812, and urges the Senate and Assembly to pass this package of bills; and, be it

1 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
2 the Clerk of the Board to transmit copies to Senator Hill, Assembly Member David Chiu,
3 Assembly Member Phil Ting with a request to take all action necessary to achieve the
4 objectives of this Resolution.

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ASSEMBLY BILL

No. 1574

**Introduced by Assembly Member Chiu
(Principal coauthor: Assembly Member Ting)
(Principal coauthor: Senator Hill)**

January 4, 2016

An act to add Sections 1042.2 and 5374.4 to the Public Utilities Code, and to add Section 1686 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1574, as introduced, Chiu. Vehicles of charter-party carriers of passengers and passenger stage corporations.

Existing law provides for the Department of Motor Vehicles to register vehicles used on the public streets and highways and to verify insurance coverage. Existing law provides for the Public Utilities Commission to regulate certain classes of passenger carriers, including charter-party carriers of passengers and passenger stage corporations, and to issue certificates or permits in that regard. Existing law requires the Department of the California Highway Patrol to regulate the safe operation of certain classes of vehicles, including buses and modified limousines. Existing law requires charter-party carriers of passengers and passenger stage corporations to report the vehicles they use in their operations to the commission. A violation of provisions governing charter-party carriers of passengers and passenger stage corporations is a crime.

This bill would require the Department of Motor Vehicles to notify the Public Utilities Commission when a charter-party carrier of passengers or a passenger stage corporation first registers a bus, limousine, or modified limousine with the department, and to provide

1 the newly registered buses, limousines, or modified limousines
2 meet all statutory and regulatory requirements for safe operation.

3 (c) (1) If the commission becomes aware, pursuant to Section
4 1686, of a newly registered bus, limousine, or modified limousine
5 of the passenger stage corporation that has not been reported to
6 the commission by the corporation, the commission shall
7 immediately take steps to require the corporation to update its
8 reporting of buses, limousines, and modified limousines to the
9 commission and to request the Department of the California
10 Highway Patrol to conduct a safety inspection of the bus,
11 limousine, or modified limousine.

12 (2) A passenger stage corporation may not transport passengers
13 on a bus, limousine, or modified limousine described in paragraph
14 (1) in the absence of securing a satisfactory rating from the
15 Department of the California Highway Patrol for the bus,
16 limousine, or modified limousine. A bus, limousine, or modified
17 limousine operated in violation of this section may be impounded
18 by a law enforcement agency.

19 (3) The commission may impose a penalty against the affected
20 corporation for a violation of paragraph (2) and may suspend or
21 revoke the corporation's operating certificate, as provided in this
22 article.

23 SEC. 2. Section 5374.4 is added to the Public Utilities Code,
24 to read:

25 5374.4. (a) The commission shall, on a continuous basis, verify
26 with the Department of Motor Vehicles the buses, limousines, and
27 modified limousines used by a charter-party carrier of passengers
28 and reported to the commission by the carrier.

29 (b) The commission, with respect to newly registered buses,
30 limousines, or modified limousines of charter-party carriers of
31 passengers reported by the Department of Motor Vehicles to the
32 commission pursuant to Section 1686 of the Vehicle Code, shall
33 ensure that the newly registered buses, limousines, or modified
34 limousines meet all statutory and regulatory requirements for safe
35 operation.

36 (c) (1) If the commission becomes aware, pursuant to Section
37 1686, of a newly registered bus, limousine, or modified limousine
38 of the charter-party carrier of passengers that has not been reported
39 to the commission by the carrier, the commission shall immediately
40 take steps to require the carrier to update its reporting of buses,

ASSEMBLY BILL

No. 1677

**Introduced by Assembly Member Ting
(Principal coauthor: Assembly Member Chiu)
(Principal coauthor: Senator Hill)**

January 19, 2016

An act to add Section 34505.2 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1677, as introduced, Ting. Vehicles: tour buses: safety inspections.

Existing law requires the Department of the California Highway Patrol to regulate the safe operation of tour buses, as defined, and requires the department to adopt rules and regulations relating to the equipment and maintenance of tour buses. At least once every 13 months, existing law requires the department to inspect every maintenance facility or terminal of any person who at any time operates any bus, including a tour bus, and makes it unlawful for any person to operate a bus without this inspection having been conducted. In addition to the systematic inspection required of all motor carriers, existing law requires tour bus operators to require each tour bus to be inspected at least every 45 days, or more often if necessary to ensure safe operation.

This bill would require the department to develop protocols, in consultation with representatives of local government, to allow for the inspection of tour buses by a designated local agency of the local jurisdiction in which the tour bus operates, and would require these protocols to include, at a minimum, a requirement that, upon completion of an inspection of a tour bus, the designated local agency report its

AMENDED IN SENATE FEBRUARY 12, 2016

SENATE BILL

No. 812

Introduced by Senator Hill

(Principal coauthors: Assembly Members Chiu and Ting)

January 4, 2016

An act to amend Section 5373.1 ~~of of, and to add Sections 1033.6 and 5374.4 to~~, the Public Utilities Code, and to amend Sections 612, 34505, 34505.1, and 34513 of, and to add Section 34505.2 to, the Vehicle Code, relating to ~~tour buses: vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Hill. ~~Four bus inspection fees: charter-party carriers of passengers and passenger stage corporations. Charter-party carriers of passengers and passenger stage corporations.~~

(1) Existing law defines a tour bus to include any bus operated by or for a charter-party carrier of passengers or a passenger stage corporation, with a bus in this respect defined to mean any vehicle designed, used, or maintained for carrying more than 10 persons, including the driver. Existing law provides for the Department of the California Highway Patrol to regulate the safe operation of various classes of vehicles, including tour buses. Existing law requires charter-party carriers of passengers, upon initial application and annually thereafter, to pay tour bus terminal inspection fees of \$15 per tour bus, up to a maximum of \$6,500, to offset the costs of inspections of the Department of the California Highway Patrol, and requires the Public Utilities Commission to collect these fees and to deposit fee revenues in the Motor Vehicle Account. Existing law does not impose similar fees on passenger stage corporations. A violation of various statutes

governing tour buses, as well as buses generally, with the objective of identifying opportunities for simplification, consolidation, avoidance of duplication, and consistent use of terminology, as specified. The bill would require a report containing the department's recommendations for proposed statutory changes to be submitted to the policy committees of both houses of the Legislature with responsibility for transportation matters by January 1, 2018.

(2) Existing law provides for the regulation of passenger stage corporations and charter-party carriers of passengers by the Public Utilities Commission.

This bill would require the commission to monitor the recall notifications of the National Highway Traffic Safety Administration (NHTSA) relative to buses and limousines operated by passenger stage corporations and charter-party carriers of passengers. The bill would require the commission, upon determining that a limousine or bus is the subject of a safety recall, to notify the carrier and order affected vehicles out of service. The bill would prohibit a carrier from operating a limousine or bus that is the subject of a safety recall after being notified by the commission or otherwise becoming aware of the recall. The bill would require carriers to fix the safety defects of an affected vehicle before returning it to service and to submit written documentation to the commission in that regard. The bill would require the commission, upon determining that the safety defects have been fixed, to rescind its out-of-service order and notify the carrier that the vehicle may again be operated. Because a violation of provisions governing passenger stage corporations and charter-party carriers of passengers is a crime, this bill would impose a state-mandated local program by creating new crimes.

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.*

1 (b) The commission shall also require each application to be
2 accompanied by a fee to offset the cost of the charter-party carrier
3 bus terminal inspections conducted by the Department of the
4 California Highway Patrol. The fee shall be fifteen dollars (\$15)
5 per tour bus, as defined in Section 612 of the Vehicle Code, or a
6 maximum of six thousand five hundred dollars (\$6,500) for each
7 operating carrier, until the effective date of the new fee structure
8 established by the Department of the California Highway Patrol
9 pursuant to subdivision (b) of Section 34513 of the Vehicle Code.

10 (c) The commission shall require each charter-party carrier that
11 operates tour buses, as defined in Section 612 of the Vehicle Code,
12 to undergo an annual bus terminal inspection conducted by the
13 Department of the California Highway Patrol and to pay an annual
14 fee of fifteen dollars (\$15) per tour bus, or a maximum of six
15 thousand five hundred dollars (\$6,500), to offset the cost of the
16 inspections, until the effective date of the new fee structure
17 established by the Department of the California Highway Patrol
18 pursuant to subdivision (b) of Section 34513 of the Vehicle Code.

19 (d) The commission shall deposit the fees collected pursuant to
20 subdivisions (b) and (c) in the Motor Vehicle Account in the State
21 Transportation Fund to cover the costs of the inspections conducted
22 by the department as specified in subdivisions (b) and (c). The
23 revenues from the fees shall not be used to supplant other sources
24 of funding for, or otherwise support, any other inspection program
25 conducted by the department.

26 *SEC. 3. Section 5374.4 is added to the Public Utilities Code,*
27 *to read:*

28 *5374.4. (a) The commission shall monitor the recall*
29 *notifications of the National Highway Traffic Safety Administration*
30 *(NHTSA) relative to buses and limousines operated by*
31 *charter-party carriers of passengers in this state and shall*
32 *subscribe to NHTSA's electronic mail notification system.*

33 *(b) Upon determining that a limousine or bus of a charter-party*
34 *carrier of passengers is the subject of a safety recall by NHTSA,*
35 *the commission shall immediately notify the affected charter-party*
36 *carrier of passengers and shall order affected vehicles to be placed*
37 *out of service.*

38 *(c) A charter-party carrier of passengers shall not operate a*
39 *limousine or bus that is the subject of a safety recall by NHTSA*
40 *after being notified by the commission pursuant to subdivision (b),*

- 1 (2) Date and nature of each inspection and any repair performed.
- 2 (3) Signature of operator's authorized representative attesting
- 3 to the inspection and to the completion of all required repairs.
- 4 (4) Company vehicle number.
- 5 (d) Prior to operating a newly acquired tour bus, a charter-party
- 6 carrier of passengers or a passenger stage corporation shall first
- 7 schedule an inspection of the tour bus with, and obtain a
- 8 satisfactory rating for the tour bus from, the department.

9 ~~SEC. 4.~~

10 *SEC. 6.* Section 34505.1 of the Vehicle Code is amended to

11 read:

12 34505.1. (a) Upon determining that a tour bus carrier or

13 modified limousine carrier has either (1) failed to maintain any

14 vehicle used in transportation for compensation in a safe operating

15 condition or to comply with the Vehicle Code or with regulations

16 contained in Title 13 of the California Code of Regulations relative

17 to motor carrier safety, and, in the department's opinion, that failure

18 presents an imminent danger to public safety or constitutes such

19 a consistent failure as to justify a recommendation to the Public

20 Utilities Commission or the United States Department of

21 Transportation or (2) failed to enroll all drivers in the pull notice

22 system as required by Section 1808.1, the department shall

23 recommend to the Public Utilities Commission that the carrier's

24 operating authority be suspended, denied, or revoked, or to the

25 United States Department of Transportation that appropriate

26 administrative action be taken against the carrier's interstate

27 operating authority, whichever is appropriate. For purposes of this

28 subdivision, two consecutive unsatisfactory compliance ratings

29 for an inspected terminal assigned because the tour bus carrier or

30 modified limousine carrier failed to comply with the periodic report

31 requirements of Section 1808.1 or the cancellation of the carrier's

32 enrollment by the Department of Motor Vehicles for nonpayment

33 of required fees may be determined by the department to be a

34 consistent failure. However, when recommending denial of an

35 application for new or renewal authority, the department need not

36 conclude that the carrier's failure presents an imminent danger to

37 public safety or that it constitutes a consistent failure. The

38 department need only conclude that the carrier's compliance with

39 the safety-related matters described in paragraph (1) of subdivision

40 (a) is sufficiently unsatisfactory to justify a recommendation for

1 34513. (a) The department shall adopt rules and regulations
2 relating to the equipment, maintenance, and operation of tour buses.

3 (b) The department shall, by regulation, develop and adopt a
4 fee structure for bus terminal inspections of charter-party carriers
5 of passengers and passenger stage ~~corporation~~, *corporations*, to
6 be paid by charter-party carriers of passengers and passenger stage
7 corporations that operate one or more tour buses. The fees shall
8 be based upon the number of buses operated by or for a company
9 and shall be collected upon initial application and annually
10 thereafter by the Public Utilities Commission pursuant to Section
11 5373.1 for carriers subject to that section, or as otherwise provided
12 in regulations. The fees shall be in an amount sufficient to offset
13 the costs to administer the inspection program as it pertains to
14 charter-party carriers of passengers and passenger stage
15 corporations, and revenues from the fees shall be deposited in the
16 Motor Vehicle Account in the State Transportation Fund. The
17 revenues from the fees shall not be used to supplant other sources
18 of funding for, or otherwise support, any other inspection program
19 conducted by the department. When developing the regulations,
20 the department shall consider measures that increase efficiencies
21 to limit the financial impact to charter-party carriers of passengers
22 and passenger stage corporations subject to the fees. The
23 department shall adopt the regulations in consultation with
24 appropriate interested parties.

25 (c) The department shall, by regulation, modify its existing tour
26 bus terminal inspection program to ensure that the program is
27 performance-based, with parameters to evaluate and target on-site
28 inspections of buses operated by or for charter-party carriers of
29 passengers and passenger stage corporations. The bus terminal
30 inspection program shall prioritize newly acquired tour buses
31 operated by charter-party carriers of passengers and passenger
32 stage corporations, as well as affected companies that are
33 noncompliant or have a history of noncompliance with safety laws
34 or regulations. It is the intent of the Legislature that, to the greatest
35 extent possible, the bus inspection program shall strive to inspect
36 as many tour buses operated by or for charter-party carriers of
37 passengers and passenger stage corporations as possible.

38 *SEC. 7.*

39 *SEC. 9.* The Department of the California Highway Patrol shall
40 conduct a comprehensive review of the statutes and regulations

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor Norman Yee, Jane Kim

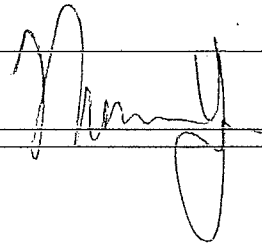
Subject:

Resolution in support of California Senate and Assembly package of bills that increase the safety oversight and local coordination of tour buses or charter bus carriers.

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

