

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5,  
ARTICLE 3, ADD SECTION 1217.2 AND  
ARTICLE 8, ADD SECTION 1263.2

### **CHARTER PARTY CARRIER BUS SAFETY (CHP-R-2017-06)**

The Commissioner of the California Highway Patrol (CHP) finds that the adoption of these proposed regulations is necessary to carry out the duties of the CHP. Section 34501 of the California Vehicle Code (CVC) requires the Department to adopt reasonable regulations that, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 including, but not limited to, tour buses operated by charter party carriers of passengers. As the result of an April 2014 horrific crash in Orland, CA, which resulted in the tragic loss of eight bus passengers' lives, the Legislature put forth statute contained in Sections 27425 and 34505.8 CVC to improve passenger safety and required the CHP to adopt regulations for criteria and implementation of those safety improvements. Section 27426 CVC requires the CHP to establish by regulation, standards and criteria for the implementation of emergency lighting fixtures, as required by Section 27425 CVC, for a charter bus, described in Section 5363(b)(1) of the Public Utilities Code (PUC), that is designed to carry 39 or more passengers, and is manufactured on or after July 1, 2020. Additionally, Section 34505.8 CVC requires the CHP to establish by regulation, standards and criteria for the implementation of safety equipment and emergency exit instructions for passengers of a charter bus, described in Section 5363(b)(1) PUC, that is designed to carry 39 or more passengers. This regulatory action is in response to that statutory mandate.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

In April of 2014, a collision between a truck-tractor and semi-trailer combination, and a bus occurred in Orland, California. The crash resulted in the tragic loss of eight bus passengers' lives attributable to the initial impact and subsequent smoke inhalation. Due to the smoke within the bus, many passengers' ability to escape was hindered by poor visibility and insufficient interior lighting. Following the collision, the National Transportation Safety Board conducted an investigation and made recommendations for safety improvements, including improvements in vehicle design, to facilitate passenger evacuation. As a result of the investigation, Senate Bill 247 (Lara, Statutes of 2016, Chapter 705) was signed into law which mandated the implementation of safety improvements on buses operated by charter party carriers of passengers. The new law added Division 12, Article 3.6, commencing with Section 27425 CVC and Section 34505.8 CVC.

This regulatory rulemaking will implement standards and criteria, as required by Section 27426

CVC and Section 34505.8(b), for safety improvements in vehicle design which will facilitate the evacuation of passengers in an emergency. The regulations will clarify new requirements that will protect users of these vehicles from catastrophic incidents like the one that occurred in 2014.

### **CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

After conducting an evaluation, the CHP has determined these are the only regulations concerning charter party carrier bus safety. Therefore, the proposed regulations are neither inconsistent, nor incompatible with existing state regulations.

### **ANTICIPATED BENEFITS OF THE PROPOSED REGULATION**

This proposed regulatory action will provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment. The changes to the application of the regulation are a response to existing statute.

### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Officer Joseph Mosinski  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 pm, April 30, 2018.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in the event the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS. Interested parties are advised to call for an appointment. All documents regarding the proposed action are available through the CHP's Web site at: <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP's Web site.

### **CONTACT PERSON**

Any inquiries, concerning the written materials pertaining to the proposed regulations or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Craig Weaver, CHP, CVS, at (916) 843-3400.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

*The CHP has made the following determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code (GC) Sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The CHP contacted the PUC to obtain an estimate of the total number of charter-party carriers operating buses with a passenger capacity of 39 or more. The PUC conducted a query of their information which indicated California has 621 charter-party carriers operating buses with a passenger capacity of 39 or more. The CHP does not anticipate that number will change significantly as a result of these proposed regulations.

Businesses purchasing a charter bus manufactured on or after July 1, 2020, that does not meet the requirement for emergency lighting fixtures as specified by Section 27425 CVC, will be required to retrofit a system that meets the statutory and regulatory requirements. The CHP conducted an internet search to obtain an approximate cost needed to install emergency lighting fixtures that will automatically illuminate the interior of a bus as prescribed by proposed new Section 1263.2 of Title 13 CCR. The estimates for the total estimated cost ranged from \$624 - \$704 depending on vehicle configuration and vendor. This estimation was based on the total estimated costs of the system's parts of \$49-\$129, which includes: an inertia switch (\$30-\$50), lighting systems

(\$3 per bulb to \$63 for an LED lighting kit), and wiring (100 foot roll of 14 gauge Wire at \$16 per roll). The CHP estimates approximately five hours of labor, required to install the lighting system at \$115 per hour. The \$115 per hour estimation for labor was based upon estimates the CHP obtained during the previous year for installation of Child Safety Alert Systems, which are similar in configuration.

Businesses that manufacture charter buses may incur additional costs to meet the standards and criteria for emergency lighting fixtures for buses manufactured on or after July 1, 2020. The CHP is unable to determine the exact manufacturer costs to install emergency lighting fixtures however, the CHP anticipates those costs to not be significant and be absorbed within the overall manufacture costs. Current prices of a new charter buses subject to these regulations, range from approximately \$134,800 to \$500,000 or more. The CHP does not anticipate the costs of the required emergency lighting fixtures to significantly affect the overall sale value of a respective charter bus. There is not a discernible impact on the level and distribution of costs and prices for large or small businesses.

The CHP contacted various safety video and materials production companies, including our own graphics and reproduction units, to obtain an estimate for the costs related to the development of safety instructions, including cost for production of written or video instructions for passengers as required by Section 34505.8 CVC. It is assumed that the choice between written or video instructions will be likely be determined by existence of available video systems installed in the charter bus. The CHP estimates a one-time cost for safety video production to range from \$10,000 to \$15,000. The CHP estimates the design cost of written instructions to be approximately \$415 and a print cost to be approximately \$0.16 to \$0.21 per copy. There will be some cost involved in training required for drivers of charter buses on the presentation of the instructions and demonstration of safety equipment and emergency features for passengers, however the CHP does not anticipate this cost to be significant.

Statewide adverse economic impact directly affecting business and individuals: Although the proposed action *will* directly affect business statewide, including small business, the CHP concludes that the adverse economic impact, including the ability of California business to compete with businesses in other states, *will not* be significant.

Significant effect on housing costs: None.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The CHP concludes this proposed regulatory action: (1) is unlikely to create additional jobs, nor eliminate any jobs in the State of California; (2) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the State of California; (3) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment. The changes to the application of the regulation are a response to existing statute.

## **STUDIES, REPORTS OR DOCUMENTS RELIED UPON**

None.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Section 11346.5(a)(13) GC, the CHP has determined that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposed action; or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY AND REFERENCE**

The authority and references for the adopted and amended sections contained in this rulemaking are as follows:

### **Section 1217.2**

Note: Authority cited: Sections 2402, 34500.1, 34501, and 34505.8 CVC. Reference: Section 34505.8 CVC and Section 5363 PUC.

### **Section 1263.2**

Note: Authority cited: Sections 2402, 27426, 34500.1, and 34501 CVC. Reference: Sections 27425 CVC and Section 5363 PUC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
E. L. FALAT, Chief  
Enforcement and Planning Division