

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

In re: New Guidelines and Procedures for Charter Bus Transportation

BACKGROUND

Congress recently passed the Transportation Equity Act ("the Act") for the 21st Century. Section 14501 (a) of that bill preempted state authority over "charter bus" transportation. The conference substitute of this Act contained a clarifying provision to ensure that states may continue to regulate safety with respect to motor vehicles and impose highway route controls or limitations based on the size or weight of the motor vehicle or with regards to minimum amounts of financial responsibility relating to insurance requirements. Congress did not define "charter bus" and research of the Code of Federal Regulations did not provide a uniform definition. This preemption necessitates that certain changes be made in Commission rules and procedures.

Even though the Act does not specify which agency of the state is to provide regulation of safety, insurance and financial fitness, the state of Louisiana has designated in its constitution that the Louisiana Public Service Commission is to regulate motor carriers. Consequently, this Commission has the power and the duty to carry out these functions.

PROCEDURAL BACKGROUND

At Open Session of this Commission held in Baton Rouge, Louisiana on January 20, 1999, the Staff presented Proposed New Guidelines and Procedures for Charter Bus Transportation. On motion of Commissioner Field, seconded by Commissioner Dixon, and unanimously adopted, the Commission voted to accept the Staff recommendation and publish the proposed guidelines and procedures in the Commission's Official Bulletin for public comment for a period of 15 days.

Subsequently, as approved, the proposed guidelines and procedures were published in Official Bulletin #664 on February 5, 1999 requesting public comments by 4:30 p. m. February 22, 1999. No comments were received during that period.

The Commission again considered adopting the guidelines in an Open Session held in Baton Rouge, Louisiana on March 24, 1999. On motion of Commissioner Field, seconded by Commissioner Blossman and unanimously adopted, the Commission voted to accept the Staff recommendation and adopted the proposed New Guidelines and Procedures for Charter Bus Transportation as outlined in Official Bulletin #664.

JURISDICTION

The Commission exercises jurisdiction over motor carriers pursuant to Article 4, Section 21 of the Louisiana Constitution, and La. R.S. 45:1163(A)(1).

Louisiana Constitution, Article 4, Section 21 provides in pertinent part:

The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall *adopt and enforce* reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law. (Emphasis added).

La. R.S. 45:1163 provides in pertinent part:

A. (1) The Commission shall exercise all necessary power and authority over any street, railway, gas, electric light, heat, power, waterworks, or other local public utility for the purpose of fixing and regulating the rates charged or to be charged by and service furnished by such public utilities.

La. R. S. 45: 163 (D) states that the Commission shall require the following policies of insurance and indemnity bonds:

Public liability insurance on passenger buses providing coverage of two hundred fifty thousand dollars for injury or death to any one person not to exceed five hundred thousand dollars per occurrence, and property damage insurance on passenger buses providing coverage of ten thousand dollars.

THEREFORE IT IS ORDERED AND DECREED THAT:

The following New Guidelines and Procedure for Charter Bus Transportation are hereby adopted.

I. "Charter Bus" shall be defined as follows:

Charter Bus is a passenger carrier with a seating capacity of 16 or more and is engaged or hired by a particular organization or group of persons for their exclusive use for a specific purpose or journey, or during a specific period of time. This definition does not include regular route buses.

II. General Requirement for Charter Bus Service to Transport Passengers Within the State of Louisiana:

A. Register annually with the Commission by:

- i. Filing an Application
- ii. File Proof of Insurance-Form E
- iii. Pay a fee of \$10.00 per vehicle.

B. Carriers shall be required to carry a copy of the current registration/insurance receipt on board at all times for presentation to law enforcement officials upon demand. Failure to comply with this requirement shall subject the carrier to possible citation and/or fines and any other enforcement procedures provided by law.

C. Expedited Procedures for Currently Regulated Charter Bus Service Carriers:

Current holders of common carrier certificates would be eligible for registration/insurance receipts on an expedited basis, and without payment of a new per-vehicle fee, (if currently registered) upon the filing of a written application within 120 days of the effective date of this Order.

Subsequent to the 120 days, regular application and payment of fees as described above would be required.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
APRIL 21, 1999**



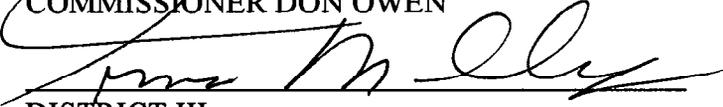
DISTRICT IV
CHAIRMAN C. DALE SITTIG



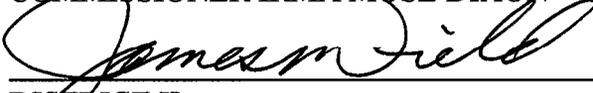
DISTRICT I
VICE CHAIRMAN JACK "JAY" A. BLOSSMAN, JR.



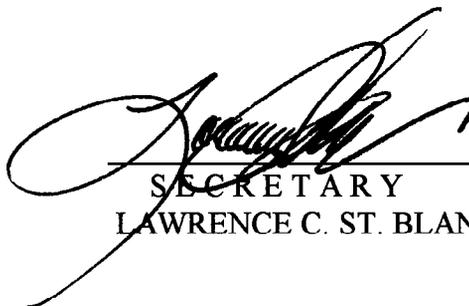
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COMMISSIONER DON OWEN



DISTRICT III
COMMISSIONER IRMA MUSE DIXON



DISTRICT II
COMMISSIONER JAMES M. FIELD



SECRETARY
LAWRENCE C. ST. BLANC