



March 17, 2022

Amanda Ray
Commissioner
California Highway Patrol
601 North 7th Street
Sacramento, CA 95811

Re: En Route Bus Inspections at Commercial Vehicle Enforcement Facilities

Dear Commissioner Ray:

In January 2019, we reached out to former Commissioner Stanley raising concerns about Management Memorandum No. 18-021, dated December 10, 2018 (Policy Memorandum). (Letter attached) We recently learned the California Highway Patrol (CHP) has proceeded to implement the program outlined in this Policy Memorandum, or something similar in terms of an en route bus inspection program conducted at weigh station facilities. This action is in direct conflict with federal law. We ask that CHP refrain from taking any further action under this bus inspection program, unless and until it revises its program in accordance with federal law.

Although it is unclear what authority CHP is currently relying on to support its current en route inspection program at three weigh station facilities, the initial Policy Statement was based on outdated guidance explicitly overridden by current federal law and provided insufficient guidance in terms of policy execution.

Specifically, the background section of the Policy Memorandum stated:

The Fixing America's Surface Transportation Act requires bus strike forces be limited to points of origin; stations, terminals, border crossings, maintenance facilities, destinations, highway rest areas, or other locations where a motor carrier may make a planned stop. The Federal Motor Carrier Safety Administration (FMCSA) clarified its definition of "station" to include a "weigh station."

This section is inaccurate and misleading. Current federal law and FMCSA guidance for the Motor Carrier Safety Assistance program explicitly state that weigh stations are not permissible stopping points for conducting bus inspections. In terms of the law, in order for a state to be eligible for federal funding under the FMCSA Motor Carrier Safety Assistance Program, the state's multi-year plan must:

(W) except in the case of an imminent hazard or obvious safety hazard, ensure[s] that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned

stop (excluding a weigh station):” (emphasis added), P.L. 114-94, Sec. 5101(a); 49 U.S.C. 31102 §31102 (c)(2)(W).

The FMCSA’s MCSAP guidance for the grant program, also reiterates the law in several places, clearly advising “weigh stations are no longer considered a planned stop for the purposes of en-route bus inspections”. (See, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, Motor Carrier Safety Assistance Program – Grant Comprehensive Policy, Version 3.1, March 2018, p. 1 (emphasis added)). Both federal law and FMCSA guidance are explicitly clear that weigh stations are not permissible places to conduct bus inspections. Further, the law and guidance remain unchanged by the recently passed Infrastructure and Investment Jobs Act (P.L. 117-58).

As well, the statutory provision applies to “vehicles transporting passengers,” we note that a distinction between laden and unladen vehicles does not necessarily distinguish the applicability of the statutory provision. The purpose of the statute is to prevent interference with service to passengers. Whether a vehicle is en route to pick-up or deliver passengers, it is involved in *transporting passengers*. In both instances, passengers are dependent on the services of the vehicle, and the service should not be interfered with else passenger accommodation and security are put at risk. Alternatively, unladen vehicles no longer engaged in providing service, fall outside the intent of the statutory provision. Therefore, inspection programs should ensure that only those unladen vehicles not engaged in providing service to passengers be randomly selected for inspection.

Based on the clear language and intent of the law, along with FMCSA guidance, weigh stations are impermissible locations to conduct bus inspections, unless there is an imminent or obvious safety hazard. Therefore, we request you refrain from conducting any further bus inspections at Cordelia (I-80), Gilroy (US 101), and Mountain Pass ((I-15) weigh station facilities. Notably, California’s eligibility to receive continued federal funding under the Motor Carrier Safety Assistance Grant Program (MCSAP) is contingent upon the state plans that incorporate specific statutory criteria, including the bus inspection exception.

If you wish to discuss this matter further, please contact Suzanne Rohde, the American Bus Association’s Senior Vice President of Government Affairs & Policy at 202-218-7224, or Ken Presley, the United Motorcoach Association’s Vice President of Legislative & Regulatory Affairs & Industry Relations/COO at 703-838-2929.

Respectfully,



Peter J. Pantuso
President and CEO
American Bus Association



Scott Michael
President and CEO
United Motorcoach Association

CC: Vickie Cole
President, California Bus Association
Owner, American Stage Tours

Attachment