



# **CPUC Bus and Limousine Enforcement Napa County**



**Transportation Enforcement Branch  
Consumer Protection & Enforcement Division**

**August 9, 2018**





# Presentation Overview

- Pre-2018 situation
  - High profile crash spurred greater coordination between TEB and Wine Country law enforcement against unlicensed passenger carriers
- Early training efforts
  - Coordination with and education of local law enforcement officers starts in Napa County
- 2018 enforcement activity
  - Joint operations produce positive results and discourage illegal operations
- Future trainings
  - Plans to expand operations across Napa County and into Sonoma County





# Pre-2018 Situation





## Enforcement Prior to 2018

- Investigators would follow up on leads of illegal activity, write up investigation reports, and issue administrative citations
- Illegal advertising (PU Code § 5414.5)
- Illegal operations (PU Code § 5411)
  - Three elements need to prove illegal transportation
    - Proof of passengers
    - Proof of compensation
    - Proof that the trip was over public highways
- October 8, 2017 unpermitted bus crash with Wine Train was impetus for greater enforcement against illegal carriers





# Unlicensed Bus Causes Collision





# Early Training Efforts





# Law Enforcement Training Yountville, CA (Napa County)

**January 30, 2018:**

- TEB staff provided training on CPUC regulations
- Attendees:
  - Napa Valley Railroad Police
  - Napa Police Department
  - American Canyon Police Department
  - Napa County Sheriff's Department





# Law Enforcement Training Yountville, CA (Napa County)

Law Enforcement agencies identified two major areas of interest:

- TNCs and how to retrieve waybills on electronic devices  
Waybills are proof that the transportation was prearranged and show that the ride was prearranged. Lack of a waybill means that the driver is acting independently/illegally and the ride is not covered by the TNC's insurance
- Procedures to impound vehicles  
Impounds are an effective way to combat illegal carriers. Procedures are outlined under Public Utilities Code § 5387(d)







## Impounding per Public Utilities Code § 5387(d)

Any peace officer may impound a bus or limousine of a charter-party carrier if the peace officer determines:

- The driver operated the vehicle while the carrier lacked a valid permit or certificate
- The driver operated the vehicle after the CPUC suspended the carrier's permit or certificate
- The driver was driving without a current and valid driver's license, a passenger endorsement, or a valid certificate





# Impounding a Vehicle Under Public Utilities Code § 5387(d)





# 2018 Enforcement Activity





# First Napa County Interagency Operation: February 2, 2018

- The team found two carriers operating after revocation of their permits, and impounded their vehicles
- One driver lacked the type of commercial driver's license needed to operate a bus and was cited for driving out of class
- One carrier operated without workers' compensation insurance; the case was referred to the Napa County District Attorney's office for prosecution
- Agencies agreed to continue coordinated enforcement efforts moving forward.





# Vehicles Inspected/Impounded March – July 2018

	Vehicles Checked	Vehicles Impounded
March, 2018	26	2
April, 2018	32	2
May, 2018*	124	8
June, 2018	15	1
July, 2018	32	3
Total	229	16

\*May included operations at the BottleRock Napa Valley music and wine festival





# Napa County Interagency Operations: Common Violations

- Reasons for impoundment and citation include:
  - Carrier operated after its permit expired and the CPUC denied its renewal application
  - Carrier operated without obtaining a permit
  - Carrier operated with a pending permit
  - Driver was operating without the proper license





# Future Trainings





# Summer 2018 Planned Activity

August 2018 scheduled trainings:

- Napa County Sheriff
- Napa Police Department
- St. Helena Police Department
- California Highway Patrol
- Sonoma Police Department
- Sonoma Code Enforcement
- Santa Rosa Police Department







# Regular Agenda – Management Reports and Resolutions

## Item # 41 [16712]

### Report and Discussion on Recent Consumer Protection and Safety Activities

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# Regular Agenda – Management Reports and Resolutions

**Item # 42 [16713]**

## **Management Report on Administrative Activities**

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