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August 6, 2018

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**RE: Proposed Rulemaking Order for Title 52 of the Pennsylvania Code Pertaining to  
Regulation of Motor Carriers of Passenger and Property;  
Docket No. L-2017-2604692**


Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission are the Comments of the Pennsylvania Bus Association regarding the above-referenced proceeding.

Please let me know if you have any questions. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By   
Kenneth R. Stark

Counsel to the Pennsylvania Bus Association

enclosure

cc via email: Joseph Cardinale, PUC Assistant Counsel  
Elaine Farrell, CAE, Executive Director of the Pennsylvania Bus Association

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Proposed Rulemaking Order	:	Docket No. L-2017-2604692
For Title 52 of the Pennsylvania Code	:	
Pertaining to Regulation of Motor Carriers of	:	
Passenger and Property	:	

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**COMMENTS OF  
THE PENNSYLVANIA BUS ASSOCIATION  
TO THE PROPOSED RULEMAKING**

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Dated: August 6, 2018

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## **I. BACKGROUND**

On June 14, 2017, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) adopted an Advance Notice of Proposed Rulemaking (“ANOPR”) for Title 52 of the Pennsylvania Code Pertaining to Regulation of Motor Carriers of Passengers and Property to engage in a robust re-examination of the Commission’s motor carrier regulations.<sup>1</sup> Several parties, including the Pennsylvania Bus Association (“Bus Association” or “the Association”), filed comments in response to the ANOPR. On August 29, 2017, the Association filed comments to ensure that charter bus companies operating in Pennsylvania may continue to operate in a safe and financially viable manner.<sup>2</sup>

The Commission evaluated the comments filed in response to the ANOPR. On February 9, 2018, the Commission entered a Proposed Rulemaking Order proposing specific language changes to the Commission’s motor carrier passenger insurance regulations at 52 Pa. Code § 32.11.

The Bus Association agrees with the heart of the Commission’s decisions in the Proposed Rulemaking, especially the determinations that would affect buses and large motor coach carriers, such as Commission’s decision to not increase the minimum insurance requirements for carriers

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<sup>1</sup> See PUC Docket No. L-2017-2604692.

<sup>2</sup> Established in 1922, the Pennsylvania Bus Association is a non-profit trade association that represents the business and governmental interests of private and public charter bus companies operating in Pennsylvania. The Association is committed to a Code of Ethics in which its members strive to offer the highest level of safety in their operations, quality in their services, and consumer protection for their customers. The Association holds annual events and training seminars to ensure best practices for its carriers. Most of the Association’s members operate interstate as well as intrastate and, therefore, are licensed and regulated by the Federal Motor Carrier Safety Administration (“FMCSA”).

with more than 16 passengers.<sup>3</sup> Accordingly, the Bus Association files these brief comments in support of the steps and actions taken in the Proposed Rulemaking.

## II. COMMENTS

### 1. Fuel Surcharge.

Because the fuel surcharge only applies to household goods carriers, the Bus Association does not have any comments here.

### 2. Fines and Assessments.

The Bus Association does not have any comments here.

### 3. Granting of Provisional Authority.

In the Proposed Rulemaking, the Commission explained that the PUC's existing regulations governing emergency temporary authority and temporary authority provide sufficient flexibility to the Commission to ensure that services are still provided safely.<sup>4</sup> Therefore, the Commission declined to propose new regulations governing provisional authority.<sup>5</sup>

The Association agrees with the Commission's decision not to propose new regulations that would make it easier for an applicant to obtain provisional/emergency authority. If the Commission continues to allow applicants to obtain Emergency Authority and Emergency Temporary Authority, the Bus Association emphasizes that the Commission, in reviewing those applications, should impose a high burden on an applicant to demonstrate that granting Emergency Authority and Emergency Temporary Authority is in the public interest.

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<sup>3</sup> See *Proposed Rulemaking Order*, Docket No. L-2017-2604692 (Feb. 9, 2018) at 11.

<sup>4</sup> *Proposed Rulemaking Order* at 4–5.

<sup>5</sup> *Proposed Rulemaking Order* at 5.

#### 4. *Web-based Training.*

The Association agrees with the Commission's plan to develop current training modules for the industry to enhance common carrier service.<sup>6</sup> As indicated in its comments to the ANOPR, the Association strongly supports using web-based training and appreciates the PUC's interest in allowing motor coach operators and their staff to benefit from such training. The Association's operator members currently benefit from the Association's training offered during the annual meeting and the special full-day Inspection Workshop. The Association asks that the PUC consider training specific to bus carriers and larger motor coaches. The Association notes that its members would benefit from training or manuals that condense the motor carrier regulations and policies applicable to the charter bus industry into a single source or format. Commission staff and personnel may feel free to reach out directly to the Pennsylvania Bus Association to coordinate any training opportunities.

#### 5. *52 Pa. Code Chapter 32 – Motor Carrier Insurance.*

The Bus Association fully supports the Commission's decision to not increase the minimum insurance requirements for carriers with more than 16 passengers.<sup>7</sup> In its comments to the ANOPR, the Association explained that insurance requirements are in place to protect the interests of both carriers and their passengers. Many companies may carry insurance limits exceeding the minimal required limit. The limits of insurance carried by a bus company is a decision for an individual carrier that is made based on a carrier's specific business needs, subject to governing regulatory requirements.

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<sup>6</sup> *Proposed Rulemaking Order* at 5–6.

<sup>7</sup> *See Proposed Rulemaking Order* at 11.

In its comments to the ANOPR, the Association also explained that increasing the minimum financial responsibility for common carriers carrying more than 16 passengers could detrimentally impact motor coach companies in Pennsylvania because many companies would not be able to absorb premium increases while trying to replace and maintain millions of dollars of equipment and capital investment, meet payroll and other operational requirements, and stay competitive. Increasing the minimum financial responsibility for those carriers would also lead to an increase in premiums and force some carriers (especially the smaller carriers) out of business, thereby resulting in a serious disruption in transportation for the public as well as potential increases in prices and fares.

Accordingly, the Association strongly agrees with the Commission's decision in the Proposed Rulemaking to not propose any changes to the current insurance requirements for motor carriers operating vehicles with seating capacities of 16 passengers or more.<sup>8</sup>

6. 52 Pa. Code Chapter 37 – Safety Code for Transportation of Property and Passengers.

In the Proposed Rulemaking Order, the Commission declined to propose any changes to the safety code for the transportation of property and passengers.<sup>9</sup> As noted in its comments to the ANOPR, the Bus Association encourages the Commission to keep its regulations consistent with the Federal Motor Carrier Safety Administration ("FMCSA") regulations whenever possible to minimize confusion between overlapping requirements.

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<sup>8</sup> See *Proposed Rulemaking* at 11, Annex at 1–2.

<sup>9</sup> See *Proposed Rulemaking* at 7.



7. 52 Pa. Code Chapter 41- General Orders, Policy Statement, and Guidelines on Transportation Utilities.

In the Proposed Rulemaking Order, the Commission declined to address its general orders, policy statements, and guidelines regarding 52 Pa. Code Chapter 41. The Association does not have any comments here.

8. P-00981458; Regulation of Group and Party Carriers.

The Commission will not make any updates or changes with respect to Docket No. P-00981458. The Association does not offer any further comments at this time other than recommending that the Commission strive to modify its regulations in a manner consistent with federal regulatory requirements.

9. Other Considerations.

As noted in its comments to the ANOPR, the Bus Association recommends that the Commission continue to modify its regulations in a manner that is consistent with the FMCSA and federal requirements. Consistency, unless a specific Commonwealth interest or statutory requirement necessitates otherwise, offers clear guidance and compliance requirements to carriers (many of which operate interstate). The Bus Association appreciates the Commission's efforts to update, consolidate, and modernize its motor carrier regulations and policies.



### III. CONCLUSION

The Pennsylvania Bus Association appreciates the opportunity to provide comments in response to the Commission's Proposed Rulemaking for Title 52 of the Pennsylvania Code Pertaining to Regulation of Motor Carriers of Passengers and Property. Should the Commission have any questions regarding the charter bus industry in Pennsylvania, please do not hesitate to reach out to the undersigned or to Elaine Farrell, Executive Director of the Pennsylvania Bus Association, at [efarrell@pabus.org](mailto:efarrell@pabus.org) or 717-236-1391, Ext. 600.

Respectfully Submitted,

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Dated: August 6, 2018