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Safety, Service, and Security

CALIFORNIA HIGHWAY PATROL (CHP)
COMMERCIAL ENFORCEMENT PROGRAM (CEP)

On August 14, 1929, the CHP was created within the Department of Motor Vehicles and was provided statewide authority to enforce traffic laws on county and State Highways. The primary function of the CHP is "the management and regulation of traffic to achieve safe, lawful, and efficient use of the highway transportation system." As a major statewide law enforcement agency, the secondary mission of the Department is to assist in emergencies exceeding local capabilities. The CHP also provides disaster and lifesaving assistance. In October 1947, the Department of the California Highway Patrol was established and the position of commissioner was created to head the new Department. Currently the CHP has over 10,000 authorized positions: over 7,385 uniformed (or sworn), and over 3,375 civilian (non-sworn) positions.

The CHP performs its mission on all state highways constructed as freeways in both incorporated and unincorporated areas of the state. These freeways include interstate routes, U.S. highways, and state routes. The CHP also performs its mission on all streets and highways in unincorporated areas of the state. This jurisdiction encompasses highways under the control of both state and county government maintenance authorities. In total, the CHP currently patrols approximately 104,000 miles of roadway throughout California.

The primary function of the CHP is traffic enforcement and general law enforcement services along the roadways within its jurisdiction. The Department does have the authority to enforce all code sections, pertaining to traffic and law enforcement, on all public roadways within the state. As emergency first-responders, CHP personnel provide emergency medical assistance and aid to victims of traffic collisions as well as complete detailed investigations of these incidents.

As a result of the consolidation of the California State Police (CSP) with the CHP in 1995, the Department provides protective services for the Governor and other constitutional and state officials. The CHP also provides protective and other law enforcement services to all state employees and facilities.

Since the terrorist attacks on September 11, 2001, the CHP has expanded its role in providing security for state assets and infrastructure. The Department participates in various joint terrorism task forces comprised of federal, state, and local law enforcement representatives. The Department also established the Emergency Notification and Tactical Alert Center (ENTAC) located at CHP Headquarters in Sacramento. ENTAC acts as an emergency notification and information conduit for Executive Management. ENTAC provides a means for coordinating departmental response to major incidents occurring with CHP's jurisdiction.

The CHP provides service to the commercial vehicle industry through promulgation of regulations pertaining to vehicle safety, driver fitness, and the transportation of hazardous

and other materials requiring special load securement. The CHP also regulates the operation of specialized vehicles (e.g., ambulances, armored cars, and school buses). These requirements are intended to facilitate the safe and efficient delivery of passengers, property, goods, and services thereby enhancing commerce and the quality of life in general.

The CHP monitors compliance with these requirements through periodic terminal inspections, aided by on-highway inspections at fixed facilities or by specially trained mobile road enforcement (MRE) officers. Specialty vehicles, such as privately owned or operated ambulances, authorized emergency vehicles, armored cars, hazardous materials transporters, and contract school buses are subject to licensing and/or permitting by the CHP. Similarly, privately owned or operated ambulances and specified vehicles used to transport school pupils or farm laborers are subject to annual inspection and certification by the CHP. The CHP also works closely with industry organizations to foster cooperative initiatives to further transportation safety.

STATUTORY MANDATES

In accordance with Sections 2400 and 34501 of the Vehicle Code (VC), the Department administers an internationally recognized CEP in an on-going effort to improve commercial motor vehicle safety on California's highway transportation system through enforcement, training, education and new technologies. Section 34501 VC mandates the department to adopt regulations designed to promote the safe operation of commercial motor vehicles. Section 34501.5 VC mandates the department to adopt regulations designed to promote the safe operation of school buses.

Per Title 49, Code of Federal Regulations (49 CFR), Part 350.201(c), the CHP is designated by the Governor as the lead State agency responsible for implementing a Commercial Vehicle Safety Plan (CVSP) in which the Department' goals and mission are a required element (49 CFR, Part 350.213). Title 49 CFR, Part 350 also requires the CHP to "Allocate adequate funds for the administration of the CVSP..."

GOALS AND OBJECTIVES

The goal of the CHP's CEP is to contribute to a lower statewide Mileage Death Rate (MDR) (fatalities per 100 million miles) by utilizing the CVSP to target those areas with an above average rate of commercial motor vehicle collisions. A high priority is also placed on random, on and off-highway inspection programs for vehicles and containers transporting flammable and/or combustible liquids, placardable amounts of other hazardous materials and hazardous wastes.

On-Highway Vehicle and Driver Inspections: The CHP has primary regulatory responsibility over the commercial motor vehicle industry in California. Its importance

to California's economy and the severity of collisions involving commercial motor vehicles make the safe operation of commercial motor vehicles a vital element of the CHP's traffic safety efforts. The Department's on-highway CEP currently consists of approximately 248 officers and 257 non-uniformed Commercial Vehicle Inspection Specialists (CVIS) dedicated to the Department's on-highway commercial enforcement program at 16 Inspection Facilities and 34 platform scales. These officers and CVISs are wholly focused on inspection of commercial motor vehicles and their drivers. An additional 138 personnel are assigned as MRE officers. MRE positions were established to allow for the inspection of commercial motor vehicles that purposely avoid, or due to delivery routes, do not traverse Inspection Facilities or platform scales. Accordingly, MRE officers have the dual responsibility of conducting commercial motor vehicle inspections and enforcing rules-of-the-road violations.

Despite the steady annual increase in the number of commercial motor vehicles registered in California, commercial motor vehicles traversing the highways, and commercial motor vehicle-involved collisions, California has experienced a continued reduction in the commercial motor vehicle MDR from 3.03 to 2.10 between 1997 and 2004. A decrease in the MDR is a direct result of the increased random, on-highway vehicle and driver inspections performed by the CHP and the continued focus on enforcement of passenger vehicle violations around commercial motor vehicles.

In recent years, there has been a dramatic increase in the number of miles traveled by commercial motor vehicles throughout California. In 2004, there were 18.9 billion commercial motor vehicle-miles traveled, as compared to 14.4 billion commercial motor vehicle-miles traveled in 1997. The number of miles traveled by commercial motor vehicles will continue to increase in the upcoming years; therefore, the CHP has implemented several strategies to ensure California's highways remain safe for travel by all motorists. The CVSP and the CHP's Strategic Plan is used by CHP commanders to annually evaluate the needs of the Department for better training and operational issues. As problem areas are identified, commanders evaluate possible solutions, identify training needs, and adjust personnel deployment strategies to accomplish the Department's goals.

In an ongoing effort to improve commercial motor vehicle safety and enhance the safety of the motoring public, the CHP has implemented various enforcement, training, and educational programs. In addition, we have submitted legislative proposals to change and/or improve existing laws and regulations regarding commercial motor vehicles.

To further strengthen the goal of saving lives on California's highway transportation system, the CHP has established strong interagency partnerships with other interested stakeholders such as the Office of Traffic Safety, California Department of Transportation (Caltrans), Department of Motor Vehicles, Heavy Vehicle Electronic License Plate, Inc., trucking associations, and local unions. The CHP also collaborates with the Federal Motor Carrier Safety Administration (FMCSA), the Federal Highway Administration, the Federal Railroad Administration and other federal agencies with

jurisdictional authority in California's ports to ensure we are addressing safety issues in a coordinated effort.

The Commercial Industry Education Program (CIEP) was established in September 1999, and is an on-going complimentary education program designed to provide information on various laws and regulations, as well as safety awareness and rules-of-the-road education for anyone who operates, or causes the operation of, commercial motor vehicles. The CIEP has been successful since its inception in meeting, and often exceeding, its goals and objectives. In 2005, CIEP personnel administered 1,340 seminars for California motor carriers, 26 seminars for Mexican motor carriers and 177 hazardous materials security seminars. In 2006, 1,080 seminars were administered for California motor carriers, 203 seminars for Mexican motor carriers, 39 hazardous materials security seminars, one security seminar for handler/transporters of poison inhalation hazards and six security seminars for handlers/transporters of radioactive materials. Additionally, the commercial industry and various professional associations/organizations fully support and encourage the CIEP, not only because valuable safety and educational information is provided, but because a local working relationship has been developed between the CHP and the commercial industry, a relationship which creates a win-win situation.

The CHP hosted its second annual Commercial Vehicle Safety Summit (CVSS) in San Diego, CA from June 13-15, 2007. The summits brought different safety oversight agencies (i.e., DMV, Caltrans, BOE, FMCSA, FHWA) together with many facets of the commercial industry. Mr. John Hill, FMCSA Administrator, was a keynote speaker at this year's summit and representatives of his California staff were also present. Additionally, representatives from the Commercial Vehicle Safety Alliance and the Nevada Department of Public Safety also attended.

During the annual summits, one hour block sessions are held featuring specific subjects (loading regulations, Compliance Reviews, Intelligent Technology Systems, hours-of-service). The first fifteen minutes of each session consists of subject matter experts explaining new laws, regulations, programs, etc., and the remaining time is devoted to an exchange of ideas, recommendations and information with industry. This free exchange of ideas and suggestions promote a partnership in achieving the best procedures and practices for government and industry while ensuring public safety is maintained. Many recommendations initiated during the 2006 CVSS have been forwarded and/or implemented as appropriate.

The efforts of the CHP have resulted in the most productive commercial program in North America. Between 2004 and 2006, the CHP conducted an average of 45,313 on-highway commercial inspections every month. These inspections resulted in approximately 3.2 percent of drivers and approximately 24 percent of vehicles being placed out of service. This compares to the national average of 8 percent of drivers and 24 percent of vehicles out of service. We believe a clear correlation can be drawn between California's lower out of service average and the large number of random vehicle and driver inspections performed by our on-highway inspection personnel.

Off-Highway Terminal Inspections: In 1963, the Public Utility Commission's administration of motor carrier safety regulation was transferred to the CHP by act of the Legislature. Today, the CHP's Motor Carrier Safety Program is staffed by non-uniformed Motor Carrier Specialists (MCS) dedicated to the off-highway inspection of both truck and bus terminals. Currently, there are 205 MCS I allocated positions statewide, in addition to 30 MCS IIs (Field Supervisors), 10 MCS IIIs (Unit Supervisors), and one Program Manager. The primary purpose of the Motor Carrier Safety Program is the off-highway inspection of motor carriers' vehicle/driver safety programs, with the objective of reducing collisions and injuries attributed to vehicle mechanical defects, excessive drivers' hours of service, or the misuse of alcohol or controlled substances by commercial drivers. Inspecting motor carriers at their places of business is the Department's pro-active approach to obtaining and maintaining compliance through education or by taking subsequent enforcement against non-compliant motor carriers.

The CHP's off-highway inspection program is driven in large part by legislative mandates as well as the segments of the transportation industry which have been identified as high-profile elements of public safety. California's off-highway inspection program is similar to Compliance Review (CR) conducted by FMCSA and other states. However, there are a few differences between the Biennial Inspection of Terminal (BIT) and federal compliance review. California inspectors do not look at the Traffic collision (accident) register, the Driver employment history file, or proof of financial responsibility. Furthermore, the California program conducts a representative number of vehicle inspections at each terminal, where the CR focuses on the paper aspects of the business. Finally, the biggest difference between a California BIT and a CR is the fact that California conducts an inspection on every terminal a motor carrier operates from within the state; while the CR is conducted only at a motor carrier's principle place of business.

There are several statutes which require the CHP to inspect motor carriers for compliance with safety-related requirements. The following motor carrier safety inspection programs represent a major portion of the overall mandated workload of the Department, and are high-profile elements of the Department's commitment to public safety and reduction of the overall highway MDR. These program goals are as following:

1. The requirement to inspect every truck terminal in the state, every 25-months under the Biennial Inspection of Terminals (BIT) program pursuant to California Vehicle Code (VC) Section 34501.12. There are currently 77,260 fee-paid BIT terminals requiring inspection. The CHP has established the goal to inspect 100 percent of these fee-paid BIT terminals by the end of 2009, utilizing additional resources recently approved by the Legislature (55 additional MCS Is, 5 additional MCS IIs and 11.5 additional clerical staff). Currently, the percentage of BIT inspections completed is 64 percent within the 25 month period.

2. The inspection and certification of every school bus annually, and the inspection of every school bus terminal every 13 months, pursuant to Sections

2807 and 34501 VC. There are over 26,000 school buses inspected and certified annually.

3. The inspection of every School Pupil Activity Bus (SPAB) pursuant to Section 2807.1 VC. There are over 1,600 SPABs inspected and certified annually.

4. The inspection of every Youth Bus pursuant to Section 2807.3 VC. There are over 500 Youth Buses inspected and certified annually.

5. Conducting an annual safety evaluation of every bus operator (those not requiring Public Utilities Commission operating authority), pursuant to Section 34501 VC. There are approximately 3,000 bus terminal inspections conducted each year which includes the random inspection of over 7,000 buses.

6. Conducting an annual safety inspection of every tour bus operator in the state, pursuant to Section 34500.1 VC. There are over 1,000 tour bus terminals inspected annually which includes the random inspection of over 2,700 tour buses.

7. The inspection of motor carriers that transport hazardous materials, pursuant to Section 32000 VC.

8. The inspection of every shipper of hazardous materials, pursuant to Title 13, California Code of Regulations (13 CCR), Section 1160.4(e), including proper packaging, labeling, marking, and shipping paper preparation.

9. The inspection of every motor carrier for compliance with the controlled substances and alcohol testing of commercial drivers, pursuant to Section 34520 VC, of which over 11,000 of these inspections are conducted annually.

10. The annual inspection and certification of every General Public Paratransit vehicle, pursuant to Section 34501.8 CVC. There are 73 terminals and the inspection of 900 vehicles.

In addition to specific commercial (truck/bus) programs both on- and off-highway, the Department oversees the following:

Hazardous Materials Transportation Licenses: This license is required to transport HM in California under certain conditions (placardable amounts of HM or transporting more than 500 pounds of HM for-hire)

Inspection Maintenance Station Licenses: Trucking companies with high compliance ratings are licensed and thereby authorized by CHP to sign-off equipment related citations upon repair.

Authorized Emergency Vehicles: Headquarters staff coordinates the inspection and licensing of any private company operating fire fighting vehicles and any private company operating ambulances.

School Pupil Transportation: Headquarters staff facilitates the background/fingerprint requirements for potential school bus drivers. Coordinators throughout the state conduct testing and recommend approval of specific required certificates/endorsements to transport school pupils.

DISCIPLINARY, ADMINISTRATIVE, PUNITIVE, STATUTORY, REGULATORY ACTION BY THE DEPARTMENT

Statutory authority, provided the Legislature, permits the Department to recommend the suspension of registration and/or operating authority of a motor carrier (truck and bus) when we find, through inspection, any violation(s) that presents an imminent danger to public safety. Those statutes are:

1. Section 34505.1 VC - Suspension of Tour Bus Operating Authority through the Public Utilities Commission (PUC);
2. Section 34505.6 VC - Suspension of Motor Carriers of Property Operating Authority (for-hire) through Department of Motor Vehicles (DMV);
3. Section 34505.7 VC - Suspension of private motor carriers (truck and bus) private carrier registration through either DMV (truck) or PUC (bus);
4. Section 34623 VC - Suspension of operating authority for violations of controlled substances and alcohol random testing of commercial driver requirements;
5. Section 2417 VC - suspension of permit to operate authorized emergency vehicles;
6. Section 2531 VC - Suspension of license to transport hazardous materials (requires a "hearing" prior to suspension);
7. Section 32002.5 VC - CHP Commissioner's authority to suspend HM license in the interest of public safety, prior to a "hearing" (this authority was used by Commissioner Brown to suspend Sabek Transportation's HM license).

Effective September 20, 2005, Section 2800 VC was amended by the Legislature to allow California law enforcement to enforce any lawful out of service order issued by the United States Secretary of the Department of Transportation. Effective January 1, 2007, Section 2800 VC additionally allows California law enforcement to enforce specific lawful out of service orders [49 CFR, Part 395.13 (HOS) and Part 396.9 (vehicle maintenance)] issued by a peace officer of, or commercial vehicle inspector of, any state, any province of Canada, or the Federal Government of the United States, Canada or Mexico.

RECOMMENDATIONS TO IMPROVE MOTOR CARRIER SAFETY

In an effort to provide Congress with balanced, knowledgeable, and informed information regarding new legislation, FMCSA should serve as a conduit between Congress, the States and industry. FMCSA needs to serve more as a safety agency and less like an enforcement agency. They should work closely with the States, various associations, such as the Commercial Vehicle Safety Alliance, American Association of Motor Vehicle Administrators, the American Trucking Association (ATA), etc., to develop new ideas for legislation. This allows for a group endorsement for improving highway safety which could be carried forward to Congress for the passage of new laws or inclusion into the reauthorization bills. This approach serves as more of a ground up approach to implementing safety processes and allows for the inclusion of the primary stakeholders prior to the passage of new laws or regulations.

We have seen safety equipment in passenger vehicles mandated which has contributed to the decrease of fatalities on our nations highways. Equipment such as seat belts, air bags, and ABS brake systems has been instrumental in improving occupant protection and safety on those vehicles. New technology has provided us with new opportunities to improve safety. Congress should consider new laws to mandate commercial motor vehicles to be equipped with collision avoidance technologies (e.g., lane departure warning systems, roll-over protection, radar and forward looking infrared systems, computer enhanced braking) at the time of manufacture. At the very least, consideration should be given to applying tax credit incentives for motor carriers and manufacturers. Currently, the use of these systems is market driven. Motor carriers that have equipped their commercial motor vehicles with collision avoidance technologies have reported a reduction in traffic collisions and maintenance costs.

Additional funding to states to upgrade existing commercial vehicle inspection technologies (i.e., computers, inspection software, safety databases, pathways to transmit data) should be made available through FMCSA. Many law enforcement jurisdictions are already overwhelmed with commercial motor vehicle traffic due to increases in commercial motor vehicle transportation, the lack of trained staffing and revenue, and antiquated computer equipment and software. While three million annual roadside inspections seem to be significant, it represents only a fraction of the number of vehicles and truck trips completed annually. Estimates range from 500 million to one billion trips annually on the nations roadways by commercial motor vehicles. A greater presence of enforcement personnel and technology on the roadways is needed.

FMCSA, in cooperation with the States and motor carrier associations, should develop an electronic system to identify unsafe commercial drivers. The system would allow motor carriers, commercial vehicle inspectors and driver licensing agencies to take necessary action (i.e., provide necessary training, take administrative or judicial action to suspend, revoke or cancel a commercial driver license) to remove unsafe drivers from the highway.

Finally, we need to revamp the CDL Program for drivers and how it is administered by the states. There needs to be tougher medical qualifications for drivers and doctors need to be held accountable. There needs to be mandatory driver training. I am hopeful that the recommendations from the Commercial Drivers License (CDL) Advisory Committee will be strongly considered when presented.

CALIFORNIA COMMERCIAL ENFORCEMENT PROGRAM (CEP) STATISTICS

CHP COMMERCIAL ENFORCEMENT BUDGET

06/07	$ 161,410,000	(CA Fiscal year is July 1 though June 30)
07/08	$ 182,703,000	

MCSAP FUNDS

Basic 06/07	$ 8,225,322
Public Law 107-87	$ 5,300,000 (HR 2299 – additional border personnel)
Border Enforcement '07	$ 2,959,000
NESAP '07	$ 933,333
PACT	$ 929,904 (Public Awareness of Commercial Trucks)
CHP 555D Training	$ 98,756
Total MCSAP Funds	$ 18,446,315

CEP PERSONNEL – FEBRUARY 2007

ON – HIGHWAY

Commercial Vehicle Inspection Specialist	267
Facility Officers	248
Mobile Road Enforcement Officers	133
MCP, FLV, CIEP Officers	38
Sergeants	63
Lieutenants	16
CVS	38
Total On – Highway Personnel	803

Inspection Facilities	16
Platform Scales	34
Pit Scales	59
PrePass® sites	34

OFF-HIGHWAY

Motor Carrier Specialist 1s	205
Motor Carrier Specialist 2s	30
Motor Carrier Specialist 3s	10
Program Manager	1
Total Off-Highway Personnel	246
Total Commercial Enforcement Personnel	1049

COMMERCIAL DRIVERS – JANUARY 1, 2007

Class A	450,681
Class B	249,420
Total Class A & B	700,101
Haz Mat Endorsements	8,167
Tank Veh Endorsements	27,200

REGISTERED COMMERCIAL MOTOR VEHICLES – JANUARY 1, 2007

Total	7,860,152 (estimated 60 percent are pickup trucks)
CA CMVs	1,337,427 (estimated)
IRP foreign-based	1,806,629
CMV miles traveled	18.902 billion ('04)
CMV MDR	2.10 ('04)

CALIFORNIA POPULATION – US CENSUS BUREAU

36,452,549

STATEWIDE TOTALS FOR BEATS 850 -890
1998 - 2006

CATEGORY	STATEWIDE TOTALS								
	1998	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Level I Inspections	329,863	318,703	289,840	285,173	283,726	307,408	326,433	330,858	300,859
Level II Inspections	40,542	44,229	33,420	35,681	35,730	45,003	44,613	49,633	48,683
Level III Inspections	82,541	88,469	109,974	179,934	174,713	167,641	205,793	165,509	159,748
Total Inspections	**452,856**	**451,401**	**433,234**	**500,788**	**494,169**	**520,052**	**576,839**	**546,000**	**509,290**
Trucks Out-of-Service	102,331	95,577	102,531	109,711	112,743	118,248	122,638	131,940	126,292
Drivers Out-of-Service	26,600	21,867	21,148	19,340	16,680	16,999	17,338	18,651	16,616
Trucks Weighed	8,384,961	7,140,627	15,533,906	20,297,825	18,575,936	16,806,088	15,769,023	15,648,681	14,599,628
Weight Violations	49,664	46,776	56,537	47,388	41,082	64,294	41,739	79,556	38,910
Commercial Movers	10,926	14,470	12,829	16,557	19,563	19,872	17,712	20,272	17,019
CHP 215s Issued	182,770	170,677	166,102	160,093	154,261	170,208	170,196	173,711	163,832
CHP 281s Issued	92,829	72,988	76,434	76,004	79,201	95,037	92,704	90,687	73,294