



**NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF HIGHWAY SAFETY
WASHINGTON, D.C.**

**MOTOR CARRIER FACTORS GROUP CHAIRMAN'S
FACTUAL REPORT**

A. CRASH INFORMATION

Location: State Route 12 (SR-12) mile marker 10.4 near Bryce Canyon City,
Garfield County, Utah

Vehicle 1: 2017 Freightliner, Embassy body 37-passenger medium-size bus

Operator 1: America Shengjia Inc.

Date: September 20, 2019

Time: Approximately 11:30 a.m. MDT

NTSB #: **HWY19MH012**

B. MOTOR CARRIER FACTORS GROUP

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C. CRASH SUMMARY

For a summary of the crash, refer to the Crash Summary Report in the docket for this investigation.

D. DETAILS OF THE MOTOR CARRIER FACTORS INVESTIGATION

This investigation will focus on the motor carrier operations in this crash, America Shengjia Inc. As well as the oversight of the maintenance of the medium-size shuttle bus involved in this crash. It will also examine the qualification, training, drug testing, hours of service, and medical qualification of the bus driver. The report will also look at the regulatory oversight of the carrier by the Federal Motor Carrier Safety Administration as well the oversight provided by the State of California.

1. AMERICA SHENGJIA INC.

1.1. Present Information

America Shengjia Inc, hereafter (Shengjia) was registered with Federal Motor Carrier Safety Administration (FMCSA)¹ on August 6, 2015 and was assigned United States Department of Transportation (USDOT) Number 2788195.² The carrier has Motor Carrier (MC) number 929604 because it is an Inter State carrier and is required to have operating authority. The carrier is also registered with the CHP and has a California permit number CA 476776 this is for the Shengjia's Intra state operating authority. The carrier currently operates 2 vehicles and employs 2 drivers. The carriers Principle Place of Business (PPOB) is in Ontario, California. This is the residence of the owner, and the vehicles are garaged in El Monte, California.

America Shengjia Inc is owned and operated by husband and wife team, they both run the day by day operations. They contract, dispatch, qualify drivers, schedule vehicle services, maintenance, and inspections.

¹ Registration with FMCSA is accomplished by the carrier filing an MCS-150 form with the FMCSA detailing information about the carrier's operations. This form is used to provide biannual updates as well as changes in the carrier's information.

² See Motor Carrier Attachment – American Shengjia MCS-150 Dated March 31, 2019

All business is generated from Chinese tour companies that cater to people from China. April to October is the travel season for China and those are basically the months that carrier is operating. The carrier limits its travel operations to Nevada, Utah, Idaho, Montana, and locations within California to visit historical landmarks, national parks, amusement parks, and entertainment locations.

On January 14, 2020 Shengjia filed an Out of Business Notification MCS-150 with FMCSA.³

1.2. The Bus Driver

The bus driver is a 60-year-old male and had just started work for the motor carrier. While this was his first trip for Shengjia, the driver had made nine (9) trips in 2018 and 2019 to Bryce Canyon with his previous employers. The last trip was on July 2, 2019. The driver had worked for Dragon Coach Lines and Sun Cruise Inc. These carriers are owned by the same principle and are connected in the FMCSA data base.⁴ The driver had two and a half years of experience as a bus driver. Prior to that he had been a tour guide. The driver received his CDL training at a school that taught the course in Chinese.

1.3. Driver Qualification File

The driver of the bus in this crash (hereinafter “the bus driver”). The bus driver’s driver qualification (DQ) file had most of the required documents. Contained in the driver qualification file was a copy of the driver’s CDL, application for employment, medical certificate, motor vehicle report (MVR), copy of the Pre-Employment drug test, and Pre-employment Screening Program (PSP) report.⁵

The file was missing an employee written policy on misuse of alcohol and controlled substances as required by Title 49 CFR 382.601 (b) 1-11. As well as the annual inquiry and review of driving record as outlined in Title 49 CFR 391.25 and the previous employer background checks as outlined in Title 49 CFR 391.23(a) and Title 49 CFR 391.23 (e)(1). The DQ file complied with the remainder of the regulations.⁶

³ See Motor Carrier Attachment – American Shengjia Out of Business Notification MCS-150 dated January 14, 2020

⁴ These carriers are owned by the same person but operate under separate USDOT numbers and cater to the same clientele of Chinese tourists as Shengjia.

⁵ A PSP record provides a commercial driver’s 5-year crash history, and 3-year inspection history.

⁶ See Motor Carrier Attachment - Bus Driver’s DQ File

1.4. Bus Driver's License and Medical Certificate

The driver had a class B California CDL with Passenger Endorsement.⁷ His license also had restrictions for Corrective Lenses must be worn and for automatic transmission equipped vehicles only restriction.⁸

The license was issued on June 8, 2016 and expired in July 2020. A Commercial Driver License Information System (CDLIS) report was obtained and it did not list any violations.⁹ A California Department of Motor Vehicles (DMV) report was also obtained, and it clear as well.¹⁰

The driver had a medical certificate that was issued on October 9, 2017 and was to expire on October 9, 2019. The certificate was valid for 2 years and was performed by a medical provider listed on the National Medical Examiners Registry.

1.5 Bus Driver's Roadside Inspection History

The driver was employed by Dragon Coach Lines USDOT 2392815 and Sun Cruse Inc USDOT 2817047 from 2017 until August of 2019. During this time the accident driver was subject to three roadside inspections. The driver underwent a fourth inspection as a result of the crash.

- First Inspection: September 22, 2017 conducted by the Arizona Highway Patrol at the Grand Canyon at a fixed location. This was a level one (Full Inspection). The driver had two equipment violations one of which was an Out of Service (OOS).¹¹
- Second Inspection: February 12, 2018, conducted by the California Highway Patrol at Universal Studios This was a level one (Full Inspection). There were four violations noted. Three were vehicle violation and one was a driver violation under 392.2. None of the violations were an OOS violation.
- Third Inspection: March 15, 2019 conducted by the California Highway Patrol at Universal Studios in Los Angeles, California. This was a level one (Full Inspection). The driver had no violations.
- Fourth Inspection: September 20, 2019 conducted by the Utah Highway Patrol. As a result of the crash on Utah SR 12. Driver was cited for Failure to Maintain Lane. This was the only inspection while the driver was employed by America Shengjia

⁷ A Class B CDL is required for operation of a single vehicle with a gross GVWR of over 26,001 LBS. A Passenger endorsement is required for operating a vehicle that seats greater than 16 passengers.

⁸ These restrictions require the operator to wear corrective lenses when driving and limit the vehicles to a automatic equipped vehicles only.

⁹ See Motor Carrier Attachment – Shengjia driver CDLIS Report

¹⁰ See Motor Carrier Attachment – Shengjia driver California DMV Report

¹¹ The OOS Violation was for Title 49 CFR 393.209(d) Steering System Components Worn, Welded, or Missing.

1.6 Bus Driver's Drug and Alcohol Testing

The accident driver held a Class B CDL; the subject vehicle in this accident had a seating capacity of 37, is greater than 26001 LBS, and requires a CDL. The accident driver was subject to the requirements of 49 CFR §382. As part of the hiring process for Shengji, the accident driver had a pre-employment test on September 10, 2019 this test was negative.¹² Additionally, while working for his previous employers, the accident driver had been subject to three random drug tests and one pre-employment drug and alcohol test. All tests were returned with negative results. The driver voluntarily gave a blood sample to the Utah Highway Patrol. The results of that testing are still pending. Also, following the crash, the carrier did not conduct any post-accident testing as required by Title 49 CFR 382.303. This occurred due to the remote location of the crash and being on a weekend the carrier did not get the driver to a test facility within the time limits for the required tests. The carrier was not cited for this failure in the post-crash compliance review but were given credit for the voluntary blood draw taken by the Utah Highway Patrol.

1.7. Bus Driver's Hours of Service

The bus driver's driving and on-duty hours were reviewed for 10-hour, 15-hour, and 70-hour violations as well as for any false log entries. A review of the driver's logbook entries for the previous 7 days before the crash are presented in the below. Using information from the electronic logging device (ELD) that the driver was using the following table lists the driver's hours of service.

A. Table 1

Date	Times worked	Source	Total Hours
September 14, 2019	Driving: 3.37 Hours	ELD	3.62 Hours
September 15, 2019	Driving: 2.11 Hours	ELD	2.44 Hours.
September 16, 2019	Driving: 6.34 Hours	ELD	6.79 Hours
September 17, 2019	Driving: 6.30 Hours	ELD	6.66 Hours
September 18, 2019	Driving: 6.23 Hours	ELD	6.66 Hours
September 19 2019	Driving: 6.07 Hours	ELD	6.63 Hours
September 20 2019	Driving: 3.27 Hours	ELD	3.75 Hours

The driver was on duty a total of 36.35 hours in the seven days prior to the crash. The hours of service regulations allow a passenger carrier driver to be on duty/driving 70 hours in a eight (8)

¹² See Motor Carrier Attachment – Bus Driver's Pre-Employment Drug Test Dated September 10, 2019.

day period and a 15 hour duty day 10 driving, 5 on duty not driving. The day of the crash the driver had been on duty/driving 3.75 hours at the time of the crash.¹³

1.7.1 Electronic Logging Device (ELD) Rule Implementation

ELDs have technology that automatically records a driver’s driving time and other HOS data. An ELD monitors a vehicle engine to capture when the engine is running, moving, miles driven and engine hours. The driver of the bus was required to have an ELD under this requirement. The FMCSA Final Rule on ELD’s was published on December 16, 2015. The ELD compliance date was December 18, 2017 which stated that all carriers and drivers that are subject to the regulations are required to use either an ELD or automatic on-board recording device (AOBRD) by December 18, 2017.¹⁴ AOBRDs may be used until December 16, 2019 if the devices were put into use before December 18, 2017. Starting December 16, 2019 all carriers and driver must use ELDs

1.8. Accident Trip

The trip leading up to the crash began on September 14, 2019 and was scheduled to end on September 20, 2019 in Salt Lake City, Utah. The tour group was then going to tour Yellowstone National Park with a different tour company before traveling to the East Coast for additional tours prior to returning to China.

On the day of the crash , the tour group was scheduled to travel to Bryce Canyon National Park. The trip began in Hurricane, Utah and was to end in Salt Lake City, Utah.¹⁵ The tour stopped in Orderville, Utah from 10:00 a.m. to 10:30 a.m. for a rest stop. The group then proceeded toward Bryce Canyon National Park. The crash occurred 10.4 miles outside the park at 11:30 a.m. Mountain Daylight Time. The table below lists the locations and miles driven each day on the tour.

B. Table 2

Date	Locations Traveled To	Source	Total miles
September 14, 2019	El Monte, CA to Hollywood, CA and Return	ELD	92 Miles
September 15, 2019	El Monte, CA to Universal Studios and Return	ELD	85 Miles
September 16, 2019	El Monte, CA to Tijuana, Mexico and Return	ELD	329 Miles
September 17, 2019	El Monte, CA to Las Vegas, NV	ELD	303 Miles
September 18, 2019	Las Vegas, NV to Flagstaff, AZ	ELD	371 Miles

¹³ See Motor Carrier Attachment – Bus Driver’s E-Rods

¹⁴ Retrieved from www.fmcsa.dot.gov

¹⁵ See Human Performance Attachment – Trip Itinerary in the docket for this report.

September 19 2019	Flagstaff, AZ to Hurricane, UT	ELD	309 Miles
September 20 2019	Hurricane, UT to Bryce Canyon City, UT	ELD	71 Miles

1.9. Carrier Safety Culture

The carrier stated that they do not have a safety plan or training program. As a prerequisite of their hiring newly hired drivers are expected to come already trained and be familiar with tour bus operations as a condition of hire. The minimum driver qualification standards adopted by Shengjia for new hires consists of the following:

- A minimum age of 21 Years Old
- Have a clean DMV record
- Have two years' experience in bus operations.
- Successful completion of a Pre-Employment Drug Test.
- Accepted by the carrier's insurance company to be added to the insurance policy.

The carrier does not advertise for drivers but accepts applications by word of mouth. The carrier is non-union. Drivers are paid by the mile. All the driver's hotel expenses are paid for by the group chartering the bus.

2. Vehicle Information

The accident vehicle was a 2017 Freightliner Embassy body 36-passenger medium size bus. The vehicle was put into service by the carrier on May 3, 2017. The company provided maintenance records for the vehicle that indicated the vehicle had received a safety inspection every 45 days as required by California regulations. The vehicle had its last 45-day California Safety Inspection on August 26, 2019 at 171342 miles.¹⁶ At the time of the crash the mileage was 172912. The file indicated the vehicle had undergone repairs and regular maintenance as required.¹⁷

3.0 Federal Oversight

The carrier is overseen by FMCSA as well as by the California Highway Patrol (CHP) At the time of the crash, the carrier did not have any alerts in the Safety Management System (SMS) Shengjia's only FMCSA compliance review was in September of 2019 post-crash. This was a comprehensive review that was rated as satisfactory. Prior to that the only intervention Shengjia

¹⁶ The Federal Motor Carrier Administration (FMCSA) determined that the California Safety Inspection program is comparable to, or as effective as, the part 396 requirements requiring an annual inspection.

¹⁷ Further vehicle information is in the *Vehicle Factors Group Chairman's* report in the docket for this investigation.

had with FMCSA was a new entrant safety audit on May 4, 2016 which resulted in a “Pass” The carrier was operating a charter tour at the time of the crash.

3.1. CSA and SMS

In 2010, the FMCSA introduced the Compliance, Safety, Accountability (CSA) system as an initiative to improve large truck and bus safety and ultimately reduce crashes, injuries, and fatalities that are related to CMVs. It introduced a new in 2010, enforcement and compliance model that allows the FMCSA and its state partners to contact a larger number of carriers earlier in order to address safety problems before crashes occur. Along with CSA, the FMCSA also introduced an operational model called the Safety Measurement System (SMS), which replaced its predecessor, known as the SAFESTAT model. SMS uses a motor carrier’s data from roadside inspections, (including all safety-based violations), state-reported crashes, and the Federal Motor Carrier Census to quantify performance in the following Behavior Analysis and Safety Improvement Categories (BASICS).

3.2. CSA BASICS

- **Unsafe Driving** — Operation of CMVs by drivers in a dangerous or careless manner. *Example violations:* Speeding, reckless driving, improper lane change, and inattention. (FMCSR Parts 392 and 397)
- **Hours-of-Service (HOS) Compliance** — Operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the HOS regulations. This BASIC includes violations of regulations pertaining to records of duty status (RODS) as they relate to HOS requirements and the management of CMV driver fatigue *Example violations:* false HOS RODS and operating a CMV while ill or fatigued. (FMCSR Parts 392 and 395)
- **Driver Fitness** — Operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. *Example violations:* Failure to have a valid and appropriate commercial driver’s license (CDL) and being medically unqualified to operate a CMV. (FMCSR Parts 383 and 391)
- **Controlled Substances and Alcohol** — Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. *Example violations:* Use or possession of controlled substances/alcohol. (FMCSR Parts 382 and 392)
- **Vehicle Maintenance** — Failure to properly maintain a CMV and/or properly prevent shifting loads. *Example violations:* Brakes, lights, and other mechanical defects, failure to make required repairs, and improper load securement. (FMCSR Parts 392, 393, and 396)
- **Hazardous Materials (HM) Compliance** — Unsafe handling of HM on a CMV. *Example violations:* Release of HM from package, no shipping papers (carrier), and no placards/markings when required. (FMCSR Part 397 and Hazardous Materials Regulations Parts 171, 172, 173, 177, 178, 179, and 180)

- **Crash Indicator** — Histories or patterns of high crash involvement, including frequency and severity based on information from state-reported crashes.

A carrier’s measurement for each BASIC depends on the following:

- The number of adverse safety events (violations related to that BASIC or crashes).
- The severity of violations or crashes.
- When the adverse safety events occurred (more recent events are weighted more heavily).

After a measurement is determined, the carrier is then placed in a peer group (i.e., other carriers with similar numbers of inspections and carrier size). Percentiles from 0 to 100 are then determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile of “100” indicates the worst performance.

To address carrier specific safety issues, the FMCSA established threshold levels that would require agency action. Unsafe Driving, HOS, and Crash BASICs were set at lower thresholds because of their inherent risk. Additionally, passenger and hazmat carriers have lower thresholds than all other carriers because of their inherent risk.

Table 2 represents the thresholds set by the FMCSA that help prioritize agency intervention and resource management.¹⁸

Table 2 BASIC thresholds.¹⁹

BASIC	Passenger Carrier	HM Carrier	All Other Motor Carriers
Unsafe Driving, HOS, Crash	50%	60%	65%
Driver Fitness, Drug & Alcohol, Maintenance	65%	75%	80%
Hazardous Materials	80%	80%	80%

Shengjia is classified as a Passenger carrier and falls under the “passenger carrier” criteria.

The carrier’s SMS profile, which is publicly available on the Safer website, provides for an alert symbol to be displayed in any designated BASIC where the carrier has exceeded the corresponding threshold.²⁰ This is also referred to as having an “alert” in a BASIC. At the time of the crash SHENGJIA did not have any alerts in the Safety Management System (SMS)²¹

¹⁸ Retrieved from www.fmcsa.dot.gov.

¹⁹ Retrieved from <http://csa.fmcsa.dot.gov/FAQs.aspx>.

²⁰ FMCSA BASIC information publicly available for passenger and Hazardous Material carriers only. See additional information at the FMCSA Safer website: <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

²¹ The Safety Measurement System (SMS) is FMCSA’s workload prioritization tool. FMCSA uses the SMS to identify carriers with potential safety problems for interventions. <https://ai.fmcsa.dot.gov/SMS>

The BASICs scores reflected the following data elements:

- Unsafe Driving- 2.5 percent
- Hours of Service- 3 percent
- Vehicle Maintenance – 0.35 percent (less than (5) vehicle inspections with violations.
- Crash Indicator - 0 percent (Zero Crashes reported.)

The other BASICs showed 0 percent. The carrier’s registration required the carrier be entered in the FMCSA New Entrant Program. The carrier had a New Entrant audit on May 5, 2016 and the result was a “PASS”. Since obtaining the New Entrant audit, the carrier had not been reviewed by FMCSA until after the crash occurred.

3.3. FMCSA Compliance Review (CR)

As a result of this crash the FMCSA conducted a post-crash rated CR on the carrier.²² The carrier had 10 violations.²³

- §382.305(i)(2) Not ensuring each driver has an equal chance at random testing.
- §382.601(b) Failing to provide to employees a written drug policy.
- §391.11(b)(6) No annual list of traffic violations.
- §391.21(a) Incomplete or no employment application.
- §391.23(a) Failing to investigate a driver’s background.
- §391.23(e)(1) Failing to investigate a driver’s drug and alcohol history for previous three years.
- §391.25(b) Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.
- §395.30(a) Failing to ensure that the driver’s ELD record is accurate.
- §395.8(a)(1) Failing to require a driver to prepare a record of duty status.
- §396.3(b)(4) Failing to keep a record of tests conducted on pushout windows.

²² FMCSA conducts both rated and non-rated compliance reviews depending on the circumstances of the intervention with the carrier.

²³ See Motor Carrier Attachment - Shengjia Compliance Review dated October 2, 2019.

The FMCSA gathers information through an in-depth examination of the motor carrier's compliance with identified “acute” or “critical” regulations of the FMCSRs and HMRs.²⁴ None of the violations noted in the compliance review performed on October 2, 2019 were acute or critical violations as a result the compliance review (CR) was rated as satisfactory.²⁵

4. State of California Oversight

The oversight of Motor Carriers operating in California is a shared responsibility between, the Public Utilities Commission (PUC), the Department of Motor Vehicles (DMV) and the California Highway Patrol (CHP). The CHP is the designated law enforcement agency responsible for compliance of the California Vehicle Code (CVC) relating to the safe operation of commercial motor vehicles. The Motor Carrier Safety Operations (MCSO) Program is part of the CHP's Commercial Enforcement Program. CVC requires the CHP to inspect every designated maintenance facility, or terminal, or any person who operates any regulated truck or bus. Carriers must designate those terminals which will be subject to the Biennial Terminal Inspection program (BIT) Under the CVC the CHP conducts inspections of commercial motor vehicles (CMV's) and on-site terminal inspections of motor carrier operations.

California Public Utilities Commission (CPUC) is responsible for licensing of Shengjia as a passenger carrier in California. This process ensures that the carrier has the proper level of insurance and the drivers are monitored in the California “Pull” program. Shengjia has a Class A Charter-party Certificate TCP0035871-A that is valid until February 19, 2022.²⁶

4.1 CHP- BIT Program

Effective January 1, 2016, the terminal inspection requirements changed from a time-based inspection system to a performance-based inspection selection system.²⁷ Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles. Generally, carriers with a BASIC percentile at or above the Federal alert level, it will select all California terminals for inspection. Additionally, the prioritized inspection of terminals includes those never inspected and those from which hazardous materials are transported. This is for property carriers located in California. Passenger carriers are inspected every 13 months.

4.2 Terminal Inspections

Division 14.8 of the California Vehicle Code outlines the CHP's authority and mandate to conduct terminal inspections and describes the vehicles and records that are subject to CHP inspection. Terminal inspections are like the Safety Audits and Compliance Reviews conducted by the FMCSA. During Terminal Inspections the CHP is required to inspect a portion or all the

²⁴ Following a compliance review of a motor carrier operation, the FMCSA, using the factors prescribed in §385.7 as computed under the Safety Fitness Rating Methodology set forth in appendix B of this part, shall determine whether the present operations of the motor carrier are consistent with the safety fitness standard set forth in §385.5, and assign a safety rating accordingly.

²⁵ See Motor Carrier Attachment – Shengjia Compliance Review dated October 2, 2019.

²⁶ See Motor Carrier Attachment – Shengjia Class A Certificate TCP0035871-A.

²⁷ Prior to 2016 a property carrier in California was inspected every 25 months.

carrier's fleet. California Vehicle Code Section 34501 requires the Department to inspect every designated maintenance facility, or terminal, of any person who operates any bus, at least once every 13 months, the department shall inspect every maintenance facility or terminal of any person who at any time operates any bus. If the bus operation includes more than 100 buses, the inspection shall be without prior notice.

Carriers must designate those terminals which will be subject to the Basic Terminal Inspection program (BIT). Shengjia has had five (5) CHP Terminal Inspections. The last one was on January 3, 2019. All the inspections were rated as "Satisfactory"

4.3 Inspection Process and Rating

Four categories of a motor carrier's operation are inspected for purposes of establishing a safety rating. These categories include inspection of the following:

1. The carrier's preventive maintenance program.
2. The condition of the carriers regulated vehicles.
3. The carrier's hours of service or time records.
4. If applicable, compliance of the Hazardous Material Regulations.

Completion of the Terminal Inspection will result in either a "satisfactory"(S) or "unsatisfactory" (U) rating in each category and an overall rating for the terminal. A rating of "satisfactory" ("S" rating) means that the carrier was found in compliance with all the applicable laws and regulations and all inspection categories were found satisfactory. If any inspection category is found unsatisfactory, then the terminal will receive an "unsatisfactory "U" rating. Unsatisfactory means that the carrier was found to be out of compliance in several areas or violations of a serious nature. Those which, whether imminently dangerous or not, represent consistent failure on the part of the motor carrier to comply with applicable requirements.

4.4 DMV Pull Notice Program

Vehicle Code section 1808.1 requires all drivers who possess a Class A or Class B CDL to be enrolled in the DMV Pull Notice Program. The Pull Notice Program provides notice to employers, including self-employed drivers, when a driver is convicted of a violation of CVC, has an accident posted to his or her driving record, is classified as a negligent operator, or has his or her license suspended or revoked. Employers must obtain reports periodically on all their Class A or B drivers and must review the reports. Employers must maintain the report on file and keep a record stating the report was reviewed and must be signed and dated and kept on file for inspection by the CHP. According to carrier records, the accident driver was subject to annual pull notices. The driver was entered into the program on September 11, 2019.²⁸

4.5. California Public Utilities Commission (CPUC)

²⁸ See Motor Carrier Attachment – California DMV Pull Notice Agreement.

The Commission has regulatory and safety oversight over for-hire passenger carriers (limousines, airport shuttles, charter and scheduled bus operators) and Transportation Network Companies. The Transportation Enforcement Branch responds to and investigates complaints of unsafe, unlicensed and uninsured passenger carriers, and responds to complaints against licensed carriers concerning fitness, overcharging, discrimination, failure to provide service or failure to respond to customer complaints.

The commission's oversight consists of licensing requirements for Charter Party Carriers as follows:

- **Insurance**
 - All carriers must have public liability and property damage insurance on file with the CPUC – see General Order 115 or levels of insurance required for charter-party carriers.
 - Carriers who have employees must also have workers' compensation insurance on file with the CPUC.
 - Information relating to vehicle liability, cargo, and workers' compensation insurance policies for motor carriers of passengers and household goods must be filed with the Commission electronically. See the Insurance Requirements page for more information.
 - Effective January 1, 2017, there are new requirements regarding workers' compensation insurance. Review the AB 2883 Letter for more information to comply to the new requirements.
- **Controlled Substance and Alcohol Testing Program:** Carriers must be enrolled in a controlled substance and alcohol testing program.
- **Employer Pull Notice:** Complete and submit forms INF 1104, accessible on the DMV's Employer Pull Program Notice webpage. It may take approximately six weeks to receive a Pull Notice Contract.
- **DMV Weight Certificate**
- **Secretary of State filings:** If you intend to apply as a LLC, LP or Corporation, get your articles of incorporation, file that with the Secretary of State If you don't include this, your application may be returned.
- **Airport licensing:** If you intend to operate at an airport, you will need to contact the Ground Transportation Unit of each airport and inquire into the airport permitting process.
- **Motor Carrier Profile with CHP:** If you intend to operate equipment that would require CHP inspection (Buses, Modified Limos, etc.), complete the CHP 362 Motor Carrier Profile and obtain a CA Number with the CHP prior to submitting your CPUC application.

- **Application fee:** Non-refundable. \$1500 for a charter-party “A” certificate, \$1000 for all other permit or certificate types
- **Inspection fees:** If you intend to operate a bus, be aware that there is an inspection fee due to the California Highway Patrol, currently set at \$15 per vehicle. Effective January 1, 2018, Modified Limousines are subject to inspection as well. Review the PL-739C Modified Limousine Inspection Fee Statement.

This process is repeated every two years when the certificates are renewed. CPUC did not have any record of complaints or enforcement actions for Shengjia during the time it was operating.²⁹

Docket Material

The following attachments are included in the docket for this investigation:

LIST OF ATTACHMENTS

Motor Carrier Attachment - American Shengjia MCS-150 dated March 31, 2019

Motor Carrier Attachment - American Shengjia MCS-150 dated January 14, 2020

Motor Carrier Attachment - American Shengjia Class A Certificate TCP 0035871-A.

Motor Carrier Attachment - Bus Driver’s DQ File.

Motor Carrier Attachment - Bus Driver’s CDLIS Report.

Motor Carrier Attachment - Bus Driver’s California DMV Record.

Motor Carrier Attachment - Bus Driver’s Pre-Employment Drug Tests.

Motor Carrier Attachment - Bus Driver’s Record of Duty Status (RODS)

Motor Carrier Attachment - Shengjia Compliance Review dated October 2, 2019

Motor Carrier Attachment - California DMV Pull Notice Agreement.

Michael LaPonte
Highway Accident Investigator

²⁹ Retrieved from - <https://www.cpuc.ca.gov>.