

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER W-115-95

WHEREAS, HR 2739 became effective January 1, 1995; and

WHEREAS, HR 2739, among other things, preempts a State's authority to regulate "rates, routes and services" for intrastate trucking operations; and will result in an improved business environment for California companies and trucking firms; and

WHEREAS, the California Public Utilities Commission anticipated the federal effort to eliminate rate regulation of most intrastate trucking operations (other than those carrying household goods), and declared its intention to concentrate on safety, insurance, and consumer protection concerns; and

WHEREAS, these complimentary state and federal initiatives now require reexamination of the State's traditional methods of ensuring highway transportation safety and adequate levels and proof of insurance for highway carriers; and

WHEREAS, such reexamination should focus on regulatory and enforcement programs designed to minimize the adverse impacts that the commercial vehicle monitoring, regulation, inspection and enforcement programs have on California's transportation industry while continuing to maintain a high level of safety;

NOW, THEREFORE, I, PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

1. With the potential for federal preemption of the Public Utilities Commission 'S regulatory authority effective January 1, 1995, the California Highway Patrol is directed to exercise a leadership role through utilization of its current inspection, enforcement, and regulatory oversight authority on the motor carrier industry and to pursue actively appropriate enforcement and criminal action against those carriers identified as unsafe for continued operation. The Highway Patrol's primary purpose will be to protect the citizens of the State of California from unnecessary deaths, injuries, and property damage and to maintain the highest level of commercial vehicle safety possible.
2. Within 30 days of the issuance of this Executive Order, the Secretary of the Business, Transportation, and Housing Agency shall convene and chair a task force consisting of representatives from the California Highway Patrol, the Public Utilities Commission, the Board of Equalization, the Department of Toxic Substances Control, the California Department of Transportation, the Department of Motor Vehicles, the California Trucking Association, the National Private Truck Council, the Highway Carriers Association, the Owner Operators Independent Drivers Association, the California Moving and Storage Association, the California District

Attorney's Association, and representatives of both the Senate and Assembly Transportation Committees.

3. The task force shall expeditiously identify both interim and permanent strategies that are needed to improve and streamline oversight of the motor carrier industry, including monitoring, inspection enforcement, and safety regulation programs. Additionally, these strategies should allow for the effective use of state resources, establish processes that would ensure appropriate levels of motor carrier safety, and at the same time, streamline this regulatory function to minimize the adverse impacts on California's transportation industry.
4. The task force shall report its findings on identified strategies and any recommendations for legislative action to the Governor within 30 days of the task force's convening.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 5th day of January 1995.

Governor of California

ATTEST:

Secretary of State