

**Vice-Chair**  
Cannella, Anthony

**Members**  
Allen, Benjamin  
Dodd, Bill  
Gaines, Ted  
Galgiani, Cathleen  
McGuire, Mike  
Morrell, Mike  
Roth, Richard  
Skinner, Nancy  
Vidak, Andy  
Wieckowski, Bob  
Wiener, Scott D.

**California State Senate**  
**TRANSPORTATION AND HOUSING AND**  
**BUDGET AND FISCAL REVIEW**  
**SUBCOMMITTEE NO. 2 ON RESOURCES,**  
**ENVIRONMENTAL PROTECTION, ENERGY AND**  
**TRANSPORTATION**



**SENATORS BEALL AND WIECKOWSKI**  
**CHAIRS**

**AGENDA**

Tuesday, April 3, 2018  
1:30 p.m. -- John L. Burton Hearing Room (4203)

**MEASURES HEARD IN FILE ORDER**

Consent items indicated with \*

- |    |          |          |  |
|----|----------|----------|--|
| 1. | SB 903*  | Cannella | Transportation Development Act: County of Stanislaus.(Urgency) |
| 2. | SB 969   | Dodd     | Automatic garage door openers: backup batteries.               |
| 3. | SB 1030  | Newman   | Driver records: points: distracted driving.                    |
| 4. | SB 1132  | Hill     | Vehicles: right turn violations.                               |
| 5. | SB 1328  | Beall    | Mileage-based road usage fee.                                  |
| 6. | SB 1387* | Beall    | Peninsula Rail Transit District.                               |

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**INFORMATIONAL HEARING**

**SUBJECT:** High Speed Rail: 2018 Draft Business Plan

**Consultants**  
Randy Chinn  
Erin Riches  
Manny Leon  
Alison Hughes

**Committee Secretary**  
Katie Bonin

**Committee Assistant**  
Cicely Chisolm

**State Capitol, Room 2209**  
**(916) 651-4121**  
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**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

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<b>Bill No:</b>	SB 903	<b>Hearing Date:</b>	4/3/2018
<b>Author:</b>	Cannella		
<b>Version:</b>	1/16/2018		
<b>Urgency:</b>	Yes	<b>Fiscal:</b>	No
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** Transportation Development Act: County of Stanislaus

**DIGEST:** This urgency bill makes various changes to Transportation Development Act eligibility requirements in Stanislaus County.

**ANALYSIS:**

The Mills-Alquist-Deddeh Act, otherwise known as the as the Transportation Development Act (TDA) of 1971, was enacted to improve existing public transportation services and encourage regional transportation coordination. The TDA allocates funding for transit and transit-related purposes that comply with regional transportation plans. Specifically, TDA is derived from two funding sources:

- a) Local Transportation Fund (LTF), which is derived from a  $\frac{1}{4}$  cent of the general sales tax collected statewide.
- b) State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.

With respects to the LTF, the State Board of Equalization, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. For the STA, funds are appropriated by the Legislature to the State Controller's Office (SCO). The SCO then allocates the tax revenue, by formula, to Regional Transportation Planning Agencies (RTPAs) and other selected transportation agencies. Current law requires that 50% of STA funds be allocated according to population and 50% be allocated according to operator revenues, as specified.

Overall, TDA provides funding for a wide variety of transportation programs, including planning and program activities, pedestrian and bicycle facilities, community transit services, public transportation, and bus and rail projects.

Additionally, provided that certain transit conditions are met, counties with a population under 500,000 (according to the 1970 federal census) may also use the LTF for local streets and roads, construction and maintenance. On the other hand, STA funding can only be used for transportation planning and mass transportation purposes.

*Existing law:*

- 1) Known as the Transportation Development Act of 1971 (TDA), provides funding for transit and non-transit related purposes that comply with regional transportation plans. It serves to improve existing public transportation services and encourage regional transportation coordination.
- 2) Authorizes transportation planning agencies to administer transit funding made available under the TDA. It imposes certain financial requirements on transit operators making claims for transit funds, including requirements that fares collected by the operator cover a specified percentage of operating costs. It also establishes different farebox requirements depending upon population.
- 3) Defines “operating costs” for purposes of calculating a transit agency’s farebox recovery ratio (FRR).
- 4) Requires a transit operator in an urbanized area (county over 500,000 in population) to maintain a 20% FRR in order to be eligible for LTF TDA funds.
- 5) Requires a transit operator in a non-urbanized area to maintain a 10% FRR in order to be eligible for LTF TDA funds.
- 6) Authorizes the San Francisco Bay Area Metropolitan Transportation Commission (for transit operations serving the San Francisco Bay Area Rapid Transit District area) and the San Diego Metropolitan Transit System to make a determination as to whether transit operators for specified service areas have met the requirements for claims for transit funds by evaluating the operators as a group rather than individually.
- 7) Authorizes the Sacramento Area Council of Governments (SACOG) to create a combined FRR for the Sacramento County transit operators – Sacramento Regional Transit, Folsom transit, Elk Grove transit, and Sacramento County transit services in order to be eligible to receive TDA funds.

**This urgency bill:**

- 1) Authorizes the Stanislaus Council of Governments (SCOG) to consider population density when determining if local transit operators have met TDA eligibility requirements.
- 2) Authorizes SCOG to reduce an operator's FRR up to 5% to remain eligible for TDA funds if specified density provisions are met.

**COMMENTS**

- 1) *Purpose.* According to the author, "In the 2010 decennial census, the population of Stanislaus County exceeded the 500,000-population threshold, thus requiring transit operators serving the County to increase their farebox recovery ratios (FRRs) by 10 percent (from 10% to 20%). Transit service providers such as Ceres Area Transit (CAT) and Stanislaus Regional Transit (StaRT) have been unable to meet their FRRs as required under the Transportation Development Act (TDA) due to factors such as operating expenses increasing beyond the Consumer Price Index and the restriction of fare increases when using Federal Transportation Administration funds. Despite cutting low performing routes, fare increases, and the passage of a local transportation sales tax measure that includes transit funding, service is at-risk for dial-a-ride services, which serves the elderly and disabled. CAT and StaRT provided over 515,000 trips in FY 15-16, the last year for which data is available. SB 903 ensures that transit service providers within Stanislaus County are able to retain critical operations funding to maintain existing service by making an accommodation for transit service based on population density of the service area, rather than countywide population."
- 2) *What is FRR?* The FRR (also called fare recovery ratio or fare recovery rate) of a public transit system is the fraction of operating expenses which are met by the fares paid by passengers. The FRR is computed by dividing the system's total fare revenue by its total operating expenses. According to the Federal Transit Administration, the FRR "ratio varies by mode and each transit operator. It is typical, for example, to see low recovery ratios on demand response services that often serve the needs of customers who cannot use conventional modes of transportation and frequently have no alternate means of transportation." Bus transit operates with one driver and travels on a fixed route or specified destination. The combination of more efficient scheduling, larger buses, and a greater capacity for passengers results in the potential for a higher fare box recovery ratio.

- 3) *SCOG Transit Operators.* Currently four transit agencies operate in Stanislaus County. These agencies include: Stanislaus County/STaRT, Modesto Area Express, Turlock Transit, and Ceres Area Transit. While Modesto, Turlock, and Ceres transit agencies are hovering right at the 20% FRR requirement, Stanislaus/STaRT, which provides services to smaller cities (some which have less than 10,000 residents) and unincorporated areas of the county is at 15%. By allowing SCOG to use population density as part of their TDA eligibility, this reasonable adjustment will provide Stanislaus County transit agencies with the opportunity to continue to receive TDA funds and operating imperative transit services throughout the county.
  
- 4) *Previous Authorizations.* Presently a number of RTPAs have the authority to adjust specific eligibility requirements for local transit operators within their jurisdiction. RTPAs in the San Francisco Bay and San Diego area have had the authority for several decades while the Sacramento Area Council of Governments was provided authority in 2012. While the authorizations provided to the abovementioned entities defer from the eligibility adjustments provided in this bill for Stanislaus County, the intent to provide reasonable FRR eligibility requirements for local transit operators remains the same.
  
- 5) *Urgency.* This bill includes an urgency measure which will require a two-thirds vote on the Senate Floor.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2018.)

**SUPPORT:**

Stanislaus Council of Governments (sponsor)  
City of Turlock

**OPPOSITION:**

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

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**Bill No:** SB 969 **Hearing Date:** 4/3/2018  
**Author:** Dodd  
**Version:** 4/2/2018 Amended  
**Urgency:** No **Fiscal:** No  
**Consultant:** Jeffery Song

**SUBJECT:** Automatic garage door openers: backup batteries

**DIGEST:** This bill requires residential automatic garage door openers manufactured for sale, sold, purchased, or installed in California on or after January 1, 2019 to have a backup battery that is designed to operate during an electrical outage. This bill also prohibits replacement garage doors from being installed to an opener that does not have a backup battery.

**ANALYSIS**

*Existing law:*

- 1) Requires all automatic garage door openers manufactured for sale, sold, purchased, or installed in a residence to comply with specified safety requirements:
  - a) The garage door opener must have an automatic reverse safety device that complies with applicable standards set forth in the Underwriters Laboratories Inc., Standard for Safety.
  - b) The garage door opener must have a tactile garage door edge sensor, an optical sensor, or a similar device that when activated causes a closing door to open and prevent an open door from closing.
  - c) The garage door opener must comply with federal labeling requirements.
  - d) The garage door opener must include a set of installation, operation, maintenance, and testing instructions.
- 2) Applies to all automatic garage door openers manufactured for use in a residence and to any openers manufactured for commercial purposes, but sold for, or installed in, a residence.
- 3) Requires that any person hired to service or repair any residential automatic garage door opener test the ability of the garage door to reverse upon contact

with a rigid two-inch high obstacle. If the garage door opener fails this test, then a warning label must be attached to the opener.

- 4) Prohibits installation of a replacement residential garage door to an existing residential automatic garage door opener that fails this test.

**This bill:**

- 1) Requires automatic garage door openers manufactured for sale, sold, purchased or installed in a residence in California on or after January 1, 2019 to include a backup battery that is designed to operate in the case of an electrical outage.
- 2) Applies to all automatic garage door openers manufactured for use in a residence and to any openers manufactured for commercial purposes, but sold for or installed in a residence.
- 3) Prohibits installation of a replacement residential garage door to an existing residential automatic garage door opener that does not have a backup battery that is designed to operate in the case of an electrical outage.

**COMMENTS**

- 1) *Purpose.* The author states that the 2017 Northern California wildfires were the most deadly in California's history, killing 43 people and forcing thousands to evacuate from their homes. It has been reported that at least five of these people lost their lives during the evacuation because they could not get out of their garages during the power outages. As strong winds accelerate the spread of wildfires, utilities oftentimes pre-emptively shut off the power to prevent a falling line from igniting new fires. Cutting power increases the risk of residents being blocked by their garage doors, which do not operate during an outage. Requiring that automatic garage door openers manufactured for sale or installation include a backup battery will assist California residents in safely evacuating their residence during a planned or unplanned evacuation.
- 2) *Background.* In the early 1990s, the California Legislature passed AB 3600 (Polanco, Chapter 1336, Statutes of 1990), which required automatic garage door openers to be manufactured with an automatic reverse safety device and sensor to protect young children from being trapped under garage doors. Congress followed by mandating similar entrapment protection requirements for all automatic residential garage door openers manufactured for the United States after 1993.

- 3) *What Is A Backup Battery?* Backup batteries for garage door openers are small, 12-volt battery units that the opener uses for power when an outage occurs. These can be installed inside the motor housing of the opener, or placed on top. These batteries can recharge and typically need to be replaced every 3 years. A fully charged battery is designed to provide 24 hours of standby time during which it can run the garage door opener up to 20 full open and close cycles.
- 4) *Backup Batteries Can Save Lives.* Garage doors can be an unexpected obstacle in the event of an emergency evacuation, especially during wildfires when the power is either cut preemptively or fails. With no electricity, automatic garage doors do not operate and must be opened manually. This can be difficult for most people and impossible for the elderly and disabled. Reports from the 2017 Northern California fires recounted stories of neighbors stopping to help raise garage doors, elderly people who didn't have the strength to manually open their garage door, and a mother who struggled to get her disabled son into a car because their custom van was in the garage they couldn't open. Backup batteries can provide a safeguard so that automatic garage doors work without interruption during an electrical outage, allowing for the quick and safe evacuation from homes.
- 5) *At What Cost?* Currently, many popular brands of garage door openers have the option of including a backup battery on their devices. Depending on the model, it can cost between \$20-100 to add a backup battery to an existing door opener. Older automatic garage door openers may not have the capacity to be connected to a backup battery. The cost of a new garage door opener with a backup battery is between \$150-350, depending on the model. The additional cost of the backup battery has discouraged the use of this readily available technology.
- 6) *Implementation Timeframe.* This bill would affect new automatic garage door openers manufactured for and available for sale in California starting in 2019. However, it will likely take a while for the bill to spur widespread adoption of backup batteries in existing garage door openers. Many Californians will not do this voluntarily, and are not required to under this bill, unless they are replacing their garage doors or garage door openers.
- 7) *Triple Referral.* This bill has also been referred to the Committee on Judiciary and Appropriations.



**RELATED LEGISLATION:**

**AB 3600 (Polanco, Chapter 1336, Statutes of 1990)** – requires automatic reverse safety device and sensor on automatic garage door openers in California.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2018.)

**SUPPORT:**

Consumer Federation of California (sponsor)  
California Alliance of Retired Americans  
City of Santa Rosa  
Congress of California Seniors  
Napa County  
Sonoma County  
The Arc and United Cerebral Palsy California Collaboration

**OPPOSITION:**

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

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**Bill No:** SB 1030

**Hearing Date:** 4/3/2018

**Author:** Newman

**Version:** 2/8/2018

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Erin Riches

**SUBJECT:** Driver records: points: distracted driving

**DIGEST:** This bill makes driving while operating a wireless communications device punishable by a violation point.

**ANALYSIS:**

*Existing law:*

- 1) Prohibits driving a vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device, unless the device is designed to allow voice operated, hands-free operation and is used in that manner.
- 2) Allows a driver to activate or deactivate a feature on the device with a single swipe or tap of the driver's finger if the device is mounted, as specified.
- 3) Exempts manufacturer-installed systems that are embedded in the vehicle.
- 4) Exempts emergency services professionals operating an emergency vehicle.
- 5) Treats violations as an infraction punishable by a base fine of \$20 for a first offense and \$50 for subsequent offenses.

This bill provides that driving a vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device is punishable by a violation point.

**COMMENTS**

- 1) *Purpose.* The author states that distracted driving is equally as dangerous as driving while intoxicated, and needs to be penalized in a similar manner. This

bill aims not only to curb this dangerous behavior but also to cut down on the number of deadly car crashes caused by distracted driving. Teen drivers especially are at risk and are reported to be distracted almost a quarter of the time they are behind the wheel. Distraction is among the top three factors that commonly result in deadly crashes for teen drivers. Distraction plays a role in six out of 10 teen crashes, according to the American Automobile Association.

- 2) *Violation points.* Under the Negligent Operator Treatment System program, the Department of Motor Vehicles (DMV) assigns “points” to an individual’s driving record for certain traffic offenses to identify a driver as a negligent operator. DMV assigns points upon receipt of conviction notices from courts and collision reports from law enforcement indicating that the driver contributed, was at fault, or was responsible to any degree for the collision. Each occurrence remains on the driver’s record for at least 36 months, depending on the type of conviction. The driver may present credible evidence at an administrative hearing to refute such reports.

Violation points vary with the gravity of the offense; for example, a “fix-it” ticket does not count for any violation points, a speeding ticket counts for one violation point, and driving while under the influence of alcohol or drugs counts for two violation points. DMV issues warning letters to negligent operators for each offense. DMV may suspend an individual’s driver’s license for six months if he or she receives four points in one year, six points in two years, or eight points in three years. In severe cases, DMV may revoke the license. For hardship cases, DMV may issue a restricted license rather than suspending or revoking a license.

- 3) *Most other traffic safety violations carry a point.* Existing state law specifies traffic offenses for which a violation point may be assessed. These include running a red light, driving on a sidewalk, tailgating, exceeding the speed limit, drinking while driving, unsafe passing, and carrying an overweight load, among others. Violations for which two points may be assessed include offenses such as evading a peace officer, driving on the wrong side of the road, and driving with a blood alcohol level exceeding the legal limit. Statute requires DMV to assess one point to any conviction “involving the safe operation of a motor vehicle upon the highway.” However, statute explicitly exempts use of a phone while driving from violation points.
- 4) *Potential insurance consequences.* Safety infractions can impact a driver’s automobile insurance. When an insurance company issues or renews a policy, it obtains the individual’s driving record from DMV. When a driver is cited for a single violation point offense, the judge may allow him or her to attend a

traffic violator school. In that case, the conviction is “masked” on the driving record and insurance companies cannot see it. Otherwise, the insurance company can see any violation points and may adjust the driver’s premium accordingly or potentially even refuse coverage.

- 5) *Base fine vs. actual cost.* Existing law provides that operating a handheld wireless telephone or an electronic wireless communications device while driving is an infraction punishable by a base fine of \$20 for a first offense and \$50 for subsequent offenses. The state Judicial Council annually adopts a uniform traffic penalty schedule for all non-parking infractions outlined in the Vehicle Code that calculates additional surcharges, penalties, and assessments. According to the uniform traffic penalty schedule, a \$20 base fine is equivalent to a total of more than \$200 and a \$50 base fine is equivalent to a total of more than \$500. The author notes that in 2017, the California Highway Patrol issued more than 47,000 citations for persons holding a wireless device while driving, raising the question of whether an infraction is a sufficient deterrent.
- 6) *Do violation points work?* The negligent operator program includes four intervention levels: a warning letter (Level I); a notice of DMV’s intent to suspend the individual’s driver’s license if the driver is convicted of one more infraction (Level II); an administrative hearing regarding a possible license suspension (Level III); and additional suspension time or possible revocation (Level IV). DMV has conducted multiple evaluations of the program, all of which have deemed the program successful. The most recent report, in 2009, found the program “to be effective in reducing subsequent total crashes and citations of treated drivers.” A 2004 report found that “slightly fewer than 32% of the approximately 484,700 drivers who qualified for a NOTS intervention between June 1, 2000 and December 31, 2001 persisted in their negligent driving behaviors and became eligible for higher-level interventions” beyond Level 1.<sup>1</sup>
- 7) *Prior legislation.* The first bill to ban the use of a cell phone while driving, AB 1613 (Simitian) of 2006 (see “Related Legislation below), was amended late in the process to explicitly prohibit the assignment of a violation point for the offense. This prohibition was held intact in several subsequent related bills, with two exceptions that were both vetoed.
  - a) SB 1310 (Simitian) of 2012 would have assessed a violation point for a second offense related to using a cell phone while driving. Governor

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<sup>1</sup> State of California Department of Motor Vehicles, *Characteristics of Negligent Operators in California*, May 2004 and *Enhanced Negligent Operator Treatment Evaluation System: Program Effectiveness Report #1 (Summary of Findings)*, June 2009.

Brown's veto message stated that "Upping the fines may satisfy the punitive instincts of some, but I severely doubt that it will reduce further violations."

- b) AB 1646 (Frazier) of 2014 would have imposed a violation point for an offense related to the use of a cell phone while driving. Governor Brown's veto message stated that the bill was unnecessary and pointed to a pending DMV review and analysis of distracted driving data. A study published by DMV shortly afterward<sup>2</sup> found that although cell phone-related injury crashes dropped off after 2008, when the first California law banning hands-on cell phone use while driving took effect, other variables such as the declining economy could have also been factors.

#### RELATED LEGISLATION:

**AB 1222 (Quirk, Chapter 297, Statutes of 2017)** — removes "specialized mobile radio device" and "two way messaging device" as examples of an "electronic communications device" that is prohibited from being used while driving.

**AB 1785 (Quirk, Chapter 660, Statutes of 2016)** — replaces the existing prohibition on texting while driving with a broader prohibition on operating a cell phone or electronic wireless communications device while driving, unless the device is mounted in a manner that does not hinder the driver's view of the road and can be operated using a single tap or swipe.

**AB 1646 (Frazier, 2014)** — would have imposed a violation point for convictions related to the use of a cell phone while driving, and would have required the driver's license examination to assess knowledge of the dangers of using handheld devices while driving. *This bill was vetoed by the Governor.*

**SB 194 (Galgiani, Chapter 754, Statutes of 2013)** — prohibits individuals under 18 years of age from operating an electronic wireless communications device while driving, even if it is equipped with a hands-free device.

**AB 313 (Frazier, 2013)** — would have repealed the provisions of AB 1536 (see below). *This bill failed in the Assembly Appropriations Committee.*

**AB 1536 (Miller, Chapter 92, Statutes of 2012)** — allows drivers to dictate, send, or listen to text-based communications, as long as they do so using

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<sup>2</sup> State of California Department of Motor Vehicles, *Cellular Phone Distracted Driving: A Review of the Literature and Summary of Crash and Driver Characteristics in California* (October 2014).

technology specifically designed and configured to allow voice-operated and hands-free operation.

**SB 1310 (Simitian, 2012)** — would have increased the penalties related to using a wireless communications device while operating a vehicle, and would have required the driver's license examination to assess knowledge of the dangers of texting while driving. *This bill was vetoed by the Governor.*

**SB 33 (Simitian, Chapter 214, Statutes of 2007)** — prohibited an individual under 18 years of age from using a wireless telephone or other electronic device equipped with a hands-free device while driving a motor vehicle.

**SB 28 (Simitian, Chapter 270, Statutes of 2007)** — prohibited an individual from writing, sending, or reading text-based communications while operating a motor vehicle, even if the device is equipped with a hands-free device.

**SB 1613 (Simitian), Chapter 290, Statutes of 2006** — made it an infraction for any individual to drive a motor vehicle while using a wireless phone, unless it is designed and configured to allow hands-free listening and talking and is used in that manner while driving.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2018.)

**SUPPORT:**

AAA Northern California, Nevada, and Utah  
American Insurance Association  
Auto Club of Southern California  
CAL FIRE Local 2881  
California Association of Highway Patrolmen (CAHP)  
California Coalition for Children's Safety and Health (CCCSH)  
Impact Teen Drivers  
Liberty Mutual Insurance  
Pacific Association of Domestic Insurance Companies  
Peace Officers Research Association of California (PORAC)  
Personal Insurance Federation of California  
Property Casualty Insurers Association of America  
Sentry Insurance

**OPPOSITION:**

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

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<b>Bill No:</b>	SB 1132	<b>Hearing Date:</b>	4/3/2018
<b>Author:</b>	Hill, Allen		
<b>Version:</b>	2/13/2018		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Erin Riches		

**SUBJECT:** Vehicles: right turn violations

**DIGEST:** This bill reduces the base fine for “rolling right turn” violations.

**ANALYSIS:**

*Existing law:*

- 1) Requires a driver to stop at a red light and prohibits the driver from proceeding until given an indication to do so. Failing to stop at a red light is a violation carrying a base fine of \$100, as well as a violation point.
- 2) Allows a driver to turn right after coming to a complete stop, unless there is a sign prohibiting it. Also allows a driver to turn left from a one-way street onto another one-way street after coming to a complete stop, during a red light.
- 3) Provides that stopping, but then proceeding to make an unsafe turn – for example, by failing to yield to a pedestrian in the crosswalk – carries a \$35 base fine and a violation point.
- 4) Provides that the state Judicial Council annually adopts a uniform traffic penalty schedule for all non-parking infractions outlined in the Vehicle Code.
- 5) Establishes the base fine for red-light violations at \$100; due to additional surcharges, penalties, and assessments, a \$100 base fine is equivalent to a total of more than \$500.

This bill provides that, effective July 1, 2019, turning right on a red light, or turning left from a one-way street onto another one-way street without first coming to a complete stop, is a violation carrying a base fine of \$35.



**COMMENTS**

- 1) *Purpose.* The author states that a \$500 fine for a “rolling right” is simply too egregious, especially considering that much more dangerous maneuvers are cited for less. This bill simply makes sure that the penalty fits with the seriousness of the offense; failing to come to a complete stop at a red light when turning right should carry the same fine as making an unsafe right turn.
- 2) *Violation points.* The Department of Motor Vehicles (DMV) assigns violation points against an individual’s driver’s license for certain traffic offenses to identify a driver as a negligent operator. Violation points vary with the gravity of the offense; for example, a “fix-it” ticket does not count for any violation points, a speeding ticket counts for one violation point, and driving while under the influence of alcohol or drugs counts for two violation points. The DMV may suspend an individual’s driver’s license for six months if he or she receives four points in one year, six points in two years, or eight points in three years. Existing law assigns one violation point to red-light offenses; this bill would not change that provision.
- 3) *Pedestrian safety.* Existing law requires a driver to yield to a pedestrian in a crosswalk or intersection. Existing law also requires a driver to come to a complete stop before making a turn on a red light. While this bill reduces the fine for a rolling right turn, it does not make a rolling right turn legal, nor does it affect the pedestrian right-of-way statute. The author notes that accident statistics compiled from the California Highway Patrol’s Statewide Integrated Traffic Records System database indicate that very few accidents occur in California due to drivers performing rolling right turns; specifically, an average of 27 rolling right turn collisions occur each year involving pedestrians.
- 4) *Trying again.* The author carried bills nearly identical to this bill in 2010, 2015, 2016, and 2017 (see “Related Legislation” below). The author states that his office has been contacted more than 50 times regarding this issue. The author states that the penalty should fit the offense, particularly since more egregious offenses carry lesser fines; for example, passing unsafely, driving the wrong way on a one-way street, and driving on the sidewalk all carry a base fine of only \$70.

**RELATED LEGISLATION:**

**SB 493 (Hill, 2017)** — would have reduced the base fine for “rolling right turn” violations from \$100 to \$35. *This bill was held on the suspense file in the Assembly Appropriations Committee.*

**SB 986 (Hill, 2016)** — would have reduced the base fine for “rolling right turn” violations from \$100 to \$35. *This bill was held on the suspense file in the Assembly Appropriations Committee.*

**SB 681 (Hill, 2015)** — would have reduced the base fine for “rolling right turn” violations from \$100 to \$35. *This bill was held on the suspense file in the Senate Appropriations Committee.*

**AB 909 (Hill, 2010)** — would have reduced the base fine for “rolling right turn” violations from \$100 to \$35. *This bill was vetoed by Governor Schwarzenegger.*

**AB 1191 (Shelley, Chapter 852, Statutes of 1997)** — increased the base fine for red-light signal violations from \$35 to \$100.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2018.)

**SUPPORT:**

AAA Northern California, Nevada, and Utah  
American Civil Liberties Union of California  
Automobile Club of Southern California  
California Teamsters Public Affairs Council  
National Motorists Association  
Safer Streets LA  
Western States Trucking Association

**OPPOSITION:**

California Walks

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**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING****Senator Jim Beall, Chair****2017 - 2018 Regular**

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<b>Bill No:</b>	SB 1328	<b>Hearing Date:</b>	4/3/2018
<b>Author:</b>	Beall		
<b>Version:</b>	2/16/2018		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Randy Chinn		

**SUBJECT:** Mileage-based road usage fee

**DIGEST:** This bill extends the life of the Road Usage Charge Technical Advisory Committee (TAC) for four years and requires it to continue assessing the potential for a mileage-based revenue system as an alternative to the gas tax.

**ANALYSIS:**

Existing law establishes the TAC to study alternatives to the gas tax, sunset the TAC on January 1, 2019, and requires the California State Transportation Agency to have implemented a road charge pilot program by January 1, 2017 and to report the results to the Legislature by June 30, 2018.

This bill extends the life of the TAC for four years and requires it to continue assessing the potential for a mileage-based revenue system as an alternative to the gas tax.

**COMMENTS**

- 1) *Author's Statement.* In 2014, the TAC was established to guide the development and evaluation of a pilot program to assess the feasibility of a "road charge" – an amount charged to drivers for each mile they drive – as a replacement to the gas tax for transportation funding. The pilot program confirmed the viability of many aspects of a road charge system; however, additional research and work is needed in a fully transparent and stakeholder-led process before any transition is considered. This bill will extend the sunset on the TAC so that the committee can continue exploring the potential of a road charge as a future alternative method for raising revenue for maintaining California's roads.
- 2) *Gas Tax Becoming Unsustainable.* The excise tax on fuels was originally created in the early 20<sup>th</sup> century to serve as a substitute user fee for the

construction, maintenance, and operation of the transportation system. At the time, it was technologically very difficult to track actual usage of the roadway by vehicle, but most vehicles on the road were very similar and experienced similar mileage. Therefore, a tax on fuels served as a suitable stand-in for usage.

Because of advancements in drive train technology, relying on a gas tax for funding roads has become less fair and sustainable. Vehicles which create the same demands on our streets are increasingly paying very different taxes to repair and build those streets; a Toyota Prius driver will pay less than half the gas tax of a driver of a typical car and less than one-quarter of the gas tax of the driver of a Chevy Suburban, assuming everyone drives the same number of miles. Electric vehicles pay no gas tax at all, though with the passage of SB 1 last year those vehicles will soon be assessed a separate road improvement fee. Total gas tax revenue will decline as cars become more efficient. This revenue shortfall and dissimilar impact on otherwise comparable vehicles will only grow as California's policies encouraging electric vehicles become more impactful.

- 3) *Pilot Program Results.* The road charge pilot program, which was completed in 2017, was the largest pilot program in the nation, involving more than 5,000 vehicles from throughout the state and testing several variations of a per-mile charge. Valuable information and experience were obtained, but the results of that test made it clear that much more work needs to be done before a substitute for the gas tax can be proposed. Using federal funding, Caltrans is currently investigating a pay-at-the-pump/charging station model as a gas tax alternative.
- 4) *TAC Membership.* The TAC membership is appointed by the Chair of the California Transportation Commission (CTC). It has 15 members from industry, highway user groups, privacy groups, local transportation agencies, and the legislature.
- 5) *CTC Recommendation.* The California Transportation Commission has recommended continuation of the TAC.

#### **RELATED LEGISLATION:**

**SB 1 (Beall, Chapter 5 of 2017)** — establishes and raises various fees for funding repairs and maintenance of California roads, bridges, culverts and transit systems, including, beginning July 1, 2020, a \$100 fee on zero emission vehicles.

**SB 1077 (DeSaulnier, Chapter 835 of 2014)** — establishes the TAC and requires the California State Transportation Agency to conduct a pilot program on a road usage charge.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2017.)

**SUPPORT:**

American Council of Engineering Companies  
Automobile Club of Southern California  
California Alliance for Jobs  
California Association of Councils of Governments  
California Transportation Commission  
Transportation California

**OPPOSITION:**

None received.

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**SENATE COMMITTEE ON TRANSPORTATION AND HOUSING**

**Senator Jim Beall, Chair**

**2017 - 2018 Regular**

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<b>Bill No:</b>	SB 1387	<b>Hearing Date:</b>	4/3/2018
<b>Author:</b>	Beall		
<b>Version:</b>	2/16/2018		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Jeffery Song		

**SUBJECT:** Peninsula Rail Transit District

**DIGEST:** This bill deletes obsolete provisions of law creating the Peninsula Rail District.

**ANALYSIS:**

*Existing law:*

- 1) Re-designates the Peninsula Corridor Study Joint Powers Board as the Peninsula Rail Transit District (District) and specifies the composition of the District's governing board.
- 2) Additionally vests the District with specified powers and duties necessary for the operation of rail passenger and freight services between San Francisco and Alma<sup>1</sup>, as well as the authority to provide commuter rail service between San Jose and Gilroy, as specified.

This bill deletes unnecessary provisions of law establishing the District and giving it specified powers.

**COMMENTS**

- 1) *Purpose.* The author notes, "SB 1387 repeals obsolete provisions in the Public Utilities Code enabling creation of a Peninsula Rail District to operate commuter rail service on the San Francisco Peninsula. Such a district was never formed. Rather, the Peninsula Corridor Joint Powers Board was formed under the Joint Powers Agency law in the Government Code to manage the commuter rail service now known as Caltrain."

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<sup>1</sup> Alma is currently a drowned, ghost town in Santa Clara County that lies beneath the waters of Lexington Reservoir. It used to be an important rail stop for the logging industry.

The author further highlights, "the fact that there is an unused and unnecessary body of law referring to a different agency as operator of rail service on the Peninsula causes confusion to those who administer various grants, provide services to, and oversee the Peninsula Corridor Joint Powers Board."

- 2) *A history of Caltrain.* Caltrain is a commuter rail line that provides service along the San Francisco Peninsula, through the South Bay to San Jose and Gilroy. The line began in 1980, when Caltrans started providing rail service in the corridor, sharing operating subsidies with San Francisco, San Mateo, and Santa Clara counties. The state assumed sole responsibility for station acquisitions and other capital improvements until the Peninsula Corridor Study Joint Powers Board was formed in 1987 to manage the line. In 1988, the Legislature enacted statutes re-designating the Peninsula Corridor Study Joint Powers Board as the District. However, the District was never formed. Instead, in 1992, the Peninsula Corridor Study Joint Powers Board became the Peninsula Corridor Joint Powers Board and assumed operating responsibilities for Caltrain.
- 3) *Technical cleanup.* This bill provides technical cleanup to existing state law by removing provisions that are now obsolete.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: No    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, March 28, 2018.)

**SUPPORT:**

None received.

**OPPOSITION:**

None received.

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