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California State Senate

TRANSPORTATION



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AGENDA

Tuesday, June 15, 2021
9 a.m. -- Senate Chamber

MEASURES HEARD IN FILE ORDER

- | | | | |
|----|----------|------------|---|
| 1. | AB 3 | Fong | Exhibition of speed on a highway: punishment. |
| 2. | AB 232* | Gallagher | Off-highway vehicles: reciprocity. |
| 3. | AB 302* | Ward | San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services. |
| 4. | AB 591* | Villapudua | Vessels: arrests. |
| 5. | AB 784* | Quirk | Alameda-Contra Costa Transit District. |
| 6. | AB 798* | Ramos | Vehicles: fire department: federally recognized tribes. |
| 7. | AB 974 | Luz Rivas | Equestrian safety. |
| 8. | AB 1157* | Lee | Controller: transportation funds: distribution and reporting requirements. |

*Proposed Consent

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 3	Hearing Date:	6/15/2021
Author:	Fong		
Version:	3/15/2021		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Exhibition of speed on a highway: punishment

DIGEST: This bill allows for a driver's license suspension for conviction of engaging in an exhibition of speed.

ANALYSIS:

Existing law:

- 1) Prohibits engaging in a motor vehicle speed contest (VC 23109(a)), and provides for punishment of between 24 hours and 90 days imprisonment and/or a fine of between \$355 and \$1,000 and 40 hours of community service. A driver's license suspension of from 90 days to six months may also be ordered. (VC 23109(e)). The vehicle may be immediately impounded by a peace officer for up to 30 days (VC 23109.2(a)).
- 2) Prohibits engaging in a motor vehicle exhibition of speed (VC 23109(c)), and provides for punishment by imprisonment of up to 90 days and/or a fine of up to \$500 (VC 23109(i)). The vehicle may be immediately impounded by a peace officer for up to 30 days (VC 23109.2(a)).

This bill:

Adds, as an additional potential punishment for engaging in a motor vehicle exhibition of speed, a driver's license suspension of from 90 days to six months. The suspension can allow for driving to and from work and, if driving is necessary to perform the person's work, for driving that is necessary for that person's scope of employment.

COMMENTS:

Author's Statement. AB 3 aims to curb illegal street racing by stopping it at its source: motor vehicle exhibition of speed. Illegal street races have grown in rapid frequency throughout the state and have led to serious injuries and tragic deaths of many young individuals. AB 3 sends a strong message that the state will not be lenient towards this dangerous activity that too often results in horrible consequences to our youth and the families they represent.

Speed Contests v. Exhibition of Speed. This bill deals with exhibitions of speed, which is when an individual accelerates or drives at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. Side shows, where vehicles do dangerous stunts (e.g. tire burnouts while the vehicle moves in a circle sometimes surrounded by spectators), are exhibitions of speed. So too is a too-fast acceleration from a red light. This is distinct from speed contests, which is when a driver is racing in competition against either another driver or a timing device. As a practical matter, it can sometimes be hard to charge an individual with a street race if the other racers are not apprehended, in which case the driver would be charged with an illegal exhibition of speed.

Growing Problem. CHP data indicate that speed violations are increasing. Since 2018, citations for speed contests have grown by 175%, albeit to only 846 citations in 2020. Citations for exhibitions of speed have grown by 25% over that same period, though again only to 341 citations. Perhaps more indicatively, calls to a CHP dispatch center for speed violations have increased 15% from 2018 through 2020.

Will It Work? The basic proposition of this bill is that adding the possibility of a driver's license suspension will deter illegal exhibitions of speed. Though this makes intuitive sense, the admittedly sparse and aged research on the question is not promising. The Transportation Research Board of the National Academies notes that as many as three-fourths of suspended and revoked drivers continue to drive, though perhaps less often and more carefully.¹

Impoundment. Impounding the car is stronger deterrent than a driver's license suspension. Current law allows a peace officer to immediately impound a vehicle for an exhibition of speed for up to 30 days, though the impounding agency is responsible for the actual costs incurred by the towing agency if the registered owner is absolved of liability. This risk of being responsible for the towing charges absent a conviction may make law enforcement agencies reluctant to use

¹ National Cooperative Highway Research Program, Report 500 "Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses"; 2003; page I-1.

this authority. An alternative may be to authorize the court to impound the vehicle upon conviction of an illegal exhibition of speed. Because impounding a vehicle can have serious detrimental impacts, such as making it difficult for an individual to report to work or school, taking this step should be carefully considered.

Opposition. Opponents raise concerns that adding the potential penalty of license suspension will not deter drivers. They contend that the penalty for speed contests is appropriately higher than the penalties for the less serious crime of an exhibition of speed.

Double referral. This bill has been double-referred to the Public Safety Committee.

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

From the Assembly Appropriations Committee -- Minor and absorbable state costs, if any. The California Highway Patrol (CHP) already enforces traffic laws on state highways, and CHP does not expect the bill to result in additional enforcement activity. The bill authorizes the court to suspend a person's driver license, but the bill does not increase court caseload. Similarly, the bill may result in a greater number of driver license suspensions, which may lead to a negligible increase in workload at the Department of Motor Vehicles.

RELATED LEGISLATION:

AB 410 (Nazarian, 2019) — Would have made it a misdemeanor or a felony to participate in, or aid and abet, a motor vehicle sideshow. That bill died in Assembly Public Safety Committee.

SB 699 (Galgiani, 2017) — Would have made it a crime to engage in, or aid or abet, a speed contest or an exhibition of speed in a parking facility. That bill passed out of the Senate and was later amended into a different measure and died in Assembly Public Safety Committee.

SB 67 (Perata, Chapter 727, Statutes, 2007) — Reenacted provisions that were allowed to sunset that provide for vehicle impoundments when a person is arrested for reckless driving, exhibition of speed, or a speed contest.

SB 1489 (Perata, Chapter 411, Statutes, 2002) — Gave law enforcement the authority to seize and impound a vehicle for no more than 30 days when a person was arrested for reckless driving, exhibition of speed, or a speed contest. This bill sunsets on January 1, 2007.

**POSITIONS: (Communicated to the committee before noon on Wednesday,
June 9, 2021 .)**

SUPPORT:

Auto Club of Southern California (AAA)
California Association of Highway Patrolmen
California Peace Officers Association
California Police Chiefs Association
California State Sheriffs' Association
City of Alameda
City of Bakersfield
Conor Lynch Foundation
County of Kern
Cruz Strategies
Lasd
Mothers Against Drunk Driving
Peace Officers Research Association of California (PORAC)
Sacramento; County of
Social Families for Safe Streets
Stop4aidan
Street Racing Kills
Streets are For Everyone (SAFE)

OPPOSITION:

ACLU California Action
American Civil Liberties Union/northern California/southern California/san Diego
and Imperial Counties

-- END --

COMMENTS:

Author's Statement. Reciprocity is a two-way street. AB 232 will make sure states that rescind OHV reciprocity don't benefit from California's reciprocity law. Not only is this fair, but it will hopefully encourage other states to keep their reciprocity laws in place.

Background. OHVs are motorcycles, dune/sand buggies, all-terrain vehicles (ATVs), jeeps, and snowmobiles that operate exclusively off public roads and highways. There are nine designated State Vehicular Recreation Areas (SVRA) in California which are designated for off-highway recreation, all maintained and regulated by Parks. Since 1972 all owners of OHVs are required to register with the DMV in order to legally recreate on lands within California.

One Way Streets. California requires OHVs to be registered but OHVs visiting from other states aren't required to register if they are registered in their home state, a feature known as reciprocity. According to the sponsors, Arizona, Idaho and Utah have enacted laws requiring California who bring in their OHVs to purchase an out-of-state permit. Californian's pay other states to use their OHVs in those states while residents of those states don't pay to use their OHVs here. This bill addresses that inequity by limiting reciprocity only to those states who provide reciprocity to California.

Non-resident Permits. Over the last three years California has averaged about 6300 non-resident permit sales annually. Permits are \$30 annually and easily obtained through kiosks at the SVRAs and on-line.

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

From the Assembly Appropriations Committee:

- 1) Potential minor revenue increase to the Department of Parks and Recreation (Parks), to the extent the bill results in additional sales of nonresident OHV use permits. For its part, Parks does not anticipate a significant increase in sales of nonresident OHV use permits as a result of this bill.
- 2) Negligible enforcement cost to Parks, as Parks already enforces OHV display requirements.

RELATED LEGISLATION:

SB 249 (Allen, Chapter 459, Statutes, 2017) — Extends, indefinitely, the off-highway vehicle program and makes various other changes to the Off-Highway Motor Vehicle Recreation Act.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

4x4 in Motion
Abate of California - Motorcyclists Rights & Safety Organization
Clovis Independent 4 Wheelers
Cmnda-california Motorcycle Dealers Association
High Sierra 4wd Club
Off Road Vehicle Club
Off Road Vehicle Legislative Coalition
San Diego Outbacks 4x4 Club
Sierra Access Coalition
Tierra Del Sol 4wd Club of San Diego

OPPOSITION:

None Received

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SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: AB 302

Hearing Date: 6/15/2021

Author: Ward

Version: 3/15/2021

Urgency: No

Fiscal: No

Consultant: Randy Chinn

SUBJECT: San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services

DIGEST: This bill expands the ability of the San Diego Metropolitan Transit System (MTS) to enter into contracts to license or regulate certain transportation services.

ANALYSIS:

Existing law:

- 1) Establishes the San Diego Metropolitan Transit Development Board, also known as MTS.
- 2) Provides for local regulation of taxicab services to protect the public health, safety and welfare, as specified.

This bill:

- 1) Provides that MTS may enter into contracts with any city in the County of San Diego to license or regulate by ordinance any for-hire vehicle services, as specified.
- 2) Defines "for-hire vehicle services" as vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation, which includes taxicabs, passenger jitney service, low-speed vehicles, non-emergency medical vehicles, charters, and sightseeing vehicles. The term "for-hire vehicle services" does not include any public transportation services operated by the North County Transit District, as specified.
- 3) Specifies that MTS may, by ordinance, regulate vehicle safety and driver qualifications for passenger jitney service operating between cities in the

County of San Diego and between a city in the County of San Diego and unincorporated portions of the County of San Diego.

- 4) For purposes of MTS regulation, “passenger jitney service” is defined to include every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of a passenger transportation service by motor vehicles of not more than 15 passenger capacity, excluding the driver, which operate between fixed termini and over a regular route and generally on short, nonscheduled, headways.

COMMENTS:

Author’s Statement. AB 302 would expand the authority of MTS to regulate for-hire vehicle services in San Diego County and any City within the County of San Diego, regardless of MTS jurisdiction. This would provide San Diego County, and each of the San Diego County cities outside of the MTS jurisdiction, the option to transfer for-hire vehicle regulatory safety responsibilities to MTS, which would provide vital cost savings without sacrificing vehicle safety.

Background. MTS is a public entity that provides bus, light rail, and freight service through much of San Diego county, as well as regulating taxicabs, jitneys, and other private for-hire passenger transportation services by contract with the cities of San Diego, Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee. It is governed by a 15 member board appointed from the mayors and members of the governing boards of the cities and county in which it operates.

A Bit of a Mess. Regulation of passenger transportation companies is a bit muddled. Some is regulated by the California Public Utilities Commission (e.g. Lyft, Uber, limousines) and some is regulated at the local level (e.g. taxis) and some is administered at the local level because they are the providers (e.g. public transit). The regulation of Non-Emergency Medical Transportation (NEMT) is a consequence of that muddle. The California Public Utilities Commission has authority over vehicles that are not exclusively used for medical transportation. Vehicles that are used exclusively for medical transportation are outside of its jurisdiction (PUC §5353(i)). The MTS transportation ordinance covers medical vehicles that are primarily used for medical transportation, a conflict with the CPUC’s jurisdiction. Opponents are concerned that this bill would subject them to double regulation by both the CPUC and MTS. The author has agreed to amend the bill to clarify that MTS’s authority only applies to NEMTs that are not already subject to the CPUC’s regulation. This removes the opponent’s objection.

RELATED LEGISLATION:

AB 1069 (Low; Chapter 753, 2017) — Revises and provides for local regulation of taxi services.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

County of San Diego
North County Transit District
San Diego Metropolitan Transit System
San Diego; County of

OPPOSITION:

None reported.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 591 **Hearing Date:** 6/15/2021
Author: Villapudua
Version: 2/11/2021
Urgency: No **Fiscal:** No
Consultant: Randy Chinn

SUBJECT: Vessels: arrests

DIGEST: This bill authorizes an officer to issue a fix-it ticket in cases involving certain existing violations pertaining to vessels.

ANALYSIS:

Existing law:

- 1) Requires an officer, unless certain specified conditions exist, to permit a person arrested for the following offenses to execute a notice containing a violator's promise to correct the alleged violation:
 - a) A vehicle registration infraction
 - b) A violation relating to possession of a driver's license
 - c) A violation related to bicycle equipment
 - d) A violation relating to the requirement for minor bicyclists to wear a helmet
 - e) Other specified violations of vehicle equipment requirements
- 2) Defines "vessel" to include every watercraft used or capable of being used as a means of transportation on water, with certain exceptions.
- 3) Requires undocumented vessels using waters in the state to be currently numbered.
- 4) Requires an operator card to operate a vessel, as specified.
- 5) Requires, through regulation, that vessels be equipped with lifejackets and fire extinguishers, as specified.

This bill:

- 1) Requires an officer, unless certain specified conditions exists, to permit a person arrested for the following vessel-related offenses to execute a notice containing a violator's promise to correct the alleged violation:
 - a) Expired registration.
 - b) Failure to paint the vessel identification number on the forward half of the boat.
 - c) Operating a vessel propelled by an engine without possessing an operating license.
 - d) Failure to display registration stickers.
 - e) Using a recreational boat without a proper floatation device, as specified.
 - f) Operating a vessel without a properly serviced fire extinguisher.
 - g) Having a fire extinguisher without the proper metallic name plate, as specified.

COMMENTS:

Author's Statement. California has enacted laws to guide the safe operation and appropriate registration of vessels. While there are consequences for failing to abide by these requirements, the main desire should be compliance and remediation when rules are not followed. AB 591 allows certain vessel operation and registration violations to be corrected to not only gain compliance but increase boater and public safety.

Fix It Tickets; Vehicles. California provides drivers the opportunity to fix relatively minor violations of state law relating to vehicles, such as failing to have valid vehicle registration and failure of a minor to wear a helmet while riding a bicycle, without incurring fines. This bill extends that principle to similar violations relating to vessels.

Making the Punishment Fit the Crime. Fines for various violations regarding vessel registration and equipment are relatively expensive once all additional fines and surcharges are accounted for. The fines for the provisions covered by this bill are below:

Violation	Ticket Amount
VC 9850 (expired vessel registration)	\$197
VC 9853.2 (display vessel identification)	\$197
HNC 678.11 (vessel operator card)	\$233
13 CCR 190.01 (vessel registration stickers)	\$192
14 CCR 6565.8 (floatation devices on vessel)	\$233
14 CCR 6569 (serviceable fire extinguishers)	\$233
14 CCR 6572 (markings on fire extinguishers)	\$233

Rather than imposing these fines this bill provides a chance to correct the violation and pay a much smaller \$25 fee. Supporters believe this will encourage compliance making boaters safer. The specific violations covered by this bill aren't addressing behavior that is dangerous to others, and therefore deserving of harsher punishment. Rather, these violations are more about boater safety and identification.

Crime Not Running Rampant. The violations covered by this bill do not result in large numbers of tickets. The most often cited violations are registration related, of which there were 816 in 2018-19 and 669 in 2019-20. The next most cited violation is the lack of a lifejacket, of which there were 234 in 2018-19 and 203 in 2019-20.

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

(From the Assembly Appropriations Committee) — The bill may reduce the issuance and collection of fine revenue resulting from issuance of tickets associated with the vessel-related violations listed above. On the other hand, law enforcement officers may be more willing to issue vessel-related fix-it tickets, instead of a verbal warning, and an individual who receives a vessel-related fix-it ticket must still pay a \$25 base fine.

In any case, the magnitude of the fiscal effect of this bill—whatever that effect may be—will likely be minor: the California Judicial Council reports vessel-related cases make up a tiny fraction of most court's workload. The policy committee analysis of this bill reports numbers it says were reported to the committee by the bill's sponsor, the California State Sheriff's Association, showing that, in fiscal year 2019, across 40 California counties, law enforcement issued 669 tickets for improper registration, 417 tickets for operating without a vessel operation card and 112 tickets for fire extinguisher-related violations. The

total penalty amount of these violations, calculating from the table above, is \$255,050. Based on these numbers, this analysis assumes issuance and collection of penalties would need to decrease by nearly 60% for the bill's fiscal effect to make the bill a candidate for the Suspense File, an outcome that seems very unlikely.

RELATED LEGISLATION:

SB 941 (Monning, Chapter 433, Statutes, 2014) requires operators of a vessel to have an operator card, as specified.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

California State Sheriffs' Association (sponsor)

OPPOSITION:

None Received

-- END --

- 6) Provides that if a vacancy exists on the Board of Directors (Board), AC Transit has 90 days, instead of 60, to fill the vacancy as specified.
- 7) Specifies that general counsel for AC Transit shall have been actively engaged in the practice of law for not less than five years, instead of three, preceding appointment by the Board.
- 8) Deletes the authority to consolidate any of the offices in one person and the requirement that each appointive officer shall give such bond in such amount as specified by the Board.
- 9) Requires the general manager to within 180 days, instead of 90, from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof.
- 10) Specifies that each appointive officer shall devote their entire time to the district, meaning that the officer shall not engage in any other business or employment without prior approval from the Board.
- 11) Provides that if a former employee is elected as a Board member, the retirement system shall not apply to their service on the Board.
- 12) Makes numerous technical and clarifying changes.

COMMENTS:

Author's Statement. The Alameda-Contra Costa Transit District (AC Transit) law has remained unchanged since its enactment in 1955. As a result, the district law is outdated and does not reflect the transit district's current needs, modern technology, or changes to other provisions within the California codes. AB 784 will make numerous technical and clarifying changes to update their board election process and provide operational flexibility to the AC Transit District so that they can continue to provide their transportation services to the public more efficiently.

Cleaning Up – Most of the provisions in the bill are technical or clarifying. One notable provision in the bill deals with the election of AC Transit board members. Currently board members must submit 50 signatures from their respective districts along with the nomination papers. This bill allows an alternative of submitting a \$150 filing fee in lieu of signatures.

Rapid Transit? – This bill reclassifies the Alameda-Contra Costa Transit District as a "Rapid Transit District". This exempts AC Transit from complying with local building and zoning ordinances under specified circumstances. The Committee

has checked in with two of the major cities in which AC Transit operates and they've raised no objection. It should be noted that AC Transit primarily provides bus service with only a few lines being bus rapid transit service (e.g. dedicated right of way for transit).

Clarifying Amendment – The author has agreed to delete Section 7 of the bill dealing with the votes required for the Board to pass a motion, resolution or ordinance. The bill proposes to change the requirement from a majority vote to four. While four is currently a majority, if the board voted to expand its membership a change in law would be required to ensure that measures only pass on a majority vote.

Double Referral. This bill has been double-referred to the Governance and Finance Committee.

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

From the Assembly Appropriations Committee:

- 1) Costs incurred by either Contra Costa County or Alameda County elections officials due to the state mandated changes in the processing of nomination papers or in-lieu filing fees pursuant to this bill are not reimbursable by the state because counties have the authority to impose fees to cover their costs.
- 2) All other costs are minimal and internal to AC Transit and are not reimbursable by the state.

RELATED LEGISLATION:

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

Alameda-contra Costa Transit District (ac Transit)

OPPOSITION:

None Received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 798 **Hearing Date:** 6/15/2021
Author: Ramos
Version: 6/2/2021
Urgency: No **Fiscal:** Yes
Consultant: Melissa White

SUBJECT: Vehicles: fire department: federally recognized tribes

DIGEST: This bill authorizes federally recognized tribes to operate, inspect, maintain, and drive emergency vehicles used in responding to emergency calls for fire or law enforcement.

ANALYSIS:

Existing law:

- 1) Defines an authorized emergency vehicle (AEV) as:
 - a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.
 - b) Any publicly owned vehicle operated by federal, state, or local agency, department, or district employing peace officers, as defined; forestry or fire department of any public agency or fire department.
 - c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.
 - d) Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by the Office of Emergency Services (OES) or by any public agency or industrial fire department to which the OES has assigned the vehicle.

- e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.
 - f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol (CHP).
- 2) Authorizes the Commissioner to issue licenses for one year, subject to renewal, for the operation of privately owned or operated ambulances, armored cars, fleet owner inspection and maintenance stations, and vehicles used for the transportation of hazardous material, including the transportation of explosives.
 - 3) Requires a person applying for a license to operate a privately owned ambulance or armored car to provide data and inspection reports, as specified, and prohibits the operation of the vehicle until CHP determines vehicle is in compliance.
 - 4) Requires a person applying for a Department of Motor Vehicles (DMV)-issued ambulance driver certificate to satisfy certain requirements, including, but not limited to being 18 years of age with a valid California driver's license; being trained in ambulance operation; and submitting an approved medical examination.
 - 5) Exempts from the required ambulance driver certificate all salaried, regular, full-time police officers, deputy sheriffs, or members of a fire department of a public agency. This exemption does not include volunteers and part-time employees or members of a department whose duties are primarily clerical or administrative.

This bill:

- 1) Adds any vehicle owned or operated by a federally recognized Indian tribe used in responding to emergency, fire, ambulance, or lifesaving calls to the definition of AEV.
- 2) Exempts ambulances owned or operated by a fire department of a federally recognized tribe or operators of those ambulances from the requirement to have an operating license and would prohibit the CHP from inspecting those ambulances.

- 3) Exempts members of a fire department of a federally recognized tribe from having to meet certain requirements that would otherwise be required for an applicant for an ambulance driver certificate.

COMMENTS:

- 1) *Purpose.* According to the author, "AB 798 updates the Vehicle Code to provide Tribes a means to self-certify ambulance services, bringing their rights in line with the rights of local governments in performing this certification. This will ensure that Tribes have the legal means to provide vital health services to their members."
- 2) *Ambulances in California.* There are currently 715 public and private ambulance services statewide in California, of which 170 are privately owned. Owners and operators of private ambulances must follow certain requirements for both the vehicles and the drivers. Specifically, CHP is responsible for inspecting each private ambulance for safety and basic equipment, and issuing annual licenses for operations. DMV is responsible for conducting ambulance driver testing and issuing ambulance driver certificates. Currently, private providers operate 74% of the 3,600 licensed ambulances in the state.

Under current law, public agencies that own and operate ambulances, such as local police and fire departments, are exempt from obtaining an ambulance driver certification and an inspection by CHP. This means that local governments are able to self-certify and inspect all of their emergency vehicles. This self-certification authorization does not include federal recognized tribes.

- 3) *Tribal Emergency Response Operations.* There are currently 109 federally recognized Native American tribes in California and several non-federally recognized tribes petitioning for federal recognition through the U.S. Bureau of Indian Affairs (BIA). Tribes in California currently have nearly 100 separate reservations or Rancherias. Tribes have the right to govern themselves. Tribal sovereignty includes the right to establish their own form of government, determine membership requirements, and make and enforce laws.

Tribal fire departments play a key role throughout the state to keep tribal citizens safe and healthy, and serve others in their rural communities. There are approximately 70 tribal fire departments in California, which own and operate a variety of public safety vehicles, including ambulances. Tribal reservations are often in remote portions of the state, and tribal governments who do not have access to an ambulance can wait over 30 minutes for a private ambulance to respond.

Writing in support of the bill, the Yocha Dehe Wintun Nation states, “like many California tribes, Yocha Dehe is located in a rural region. Therefore, access to life saving services, such as fire departments, ambulance services, and law enforcement are limited and response times are slower than in urban areas. That is why Yocha Dehe operates its own fire department, one that serves the entire rural community, not only the tribal citizens and families.

“Yocha Dehe Fire Department is the only fire department in Yolo County staffed primarily with paramedics and capable of providing Advanced Life Support (ALS) for the community. As ALS providers, they are the first link in the chain of survival when minutes count, as private ambulances often have delayed response and the nearest hospital is over 30 minutes away. We support this measure because it would enable tribes to expand their ability to serve areas that state and local governments often lack the capacity to serve.”

4) *AB 798 Brings Tribes in Line with Local Governments for Emergency Vehicles.*

The current process for tribal governments to apply and be approved for an ambulance operator permit can be cumbersome and time-consuming. For example, in 2019, the San Manuel Band of Mission Indians Fire Department (San Manuel) purchased a state-of-the-art ambulance. In order to acquire the proper permit to operate, all 50 of San Manuel firefighters went to a private vendor, paid a fee, and submitted fingerprints; all 50 firefighters went to the DMV, paid a fee, took a test, and acquired another driver’s license. A private vendor certified the ambulance’s brakes and a CHP inspector conducted an inspection on the unit before a temporary permit was issued to San Manuel. The entire process took over a year from San Manuel’s receipt of the vehicle to acquiring an ambulance operating permit from CHP.

This experience led San Manuel to sponsor AB 798, to “ensure the same exemptions granted to other public safety agencies are extended to the Tribal Fire Departments so their public safety vehicles can be placed into service faster for the benefit of the community.”

Specifically, AB 798 allows federally recognized tribes to operate an ambulance without the inspection and licensing required for private companies, bringing them in line with local governments in California. Additionally, the bill adds tribal ambulances, and other vehicles used for firefighting and emergency response, as authorized emergency vehicles. This designation effectively removes CHP from the approval and permitting process. Finally, the bill treats members of tribal fire departments the same as members of a local

fire department for purposes of being exempted from having to obtain an ambulance driver certificate from DMV.

RELATED LEGISLATION:

AB 3472 (Committee on Local Government, Chapter 872, Statutes, 1997) — Authorized CHP to issue authorized emergency vehicle permits to the following operators: police, public utilities, fire, air pollution control district, privately owned ambulances, city or county hazardous materials hazardous response team, among many other provisions.

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

From the Assembly Appropriations Committee: No state costs.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

San Manuel Band of Mission Indians (sponsor)
Morongo Band of Mission Indians
Yocha Dehe Wintun Nation

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: AB 974

Hearing Date: 6/15/2021

Author: Luz Rivas

Version: 4/6/2021

Urgency: No

Fiscal: Yes

Consultant: Melissa White

SUBJECT: Equestrian safety

DIGEST: This bill requires persons under the age of 18 to wear a helmet while riding an equestrian animal, and requires all persons to use reflective gear while riding after dark.

ANALYSIS:

Existing law:

- 1) Provides that any person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to a driver of a vehicle by the vehicle code, except those provisions which by their very nature can have no application.
- 2) Requires the driver of a vehicle to reduce their speed or stop as may appear necessary or may be signaled or requested by a person riding, or in charge of, an animal to prevent the animal from becoming frightened and to ensure the safety of the animal.
- 3) Requires persons under the age of 18 to wear a helmet when riding a bicycle, motorized scooter, and other devices.
- 4) Requires a bicycle being operated during darkness be equipped with a front white light, as specified; a red reflector or a solid or flashing red light on the rear of the bicycle, as specified; a white or yellow reflector on each pedal or shoe, as specified; and a white or yellow reflector on each side of the bicycle, as specified.
- 5) Provides that a person who violates the law of not wearing a seat belt shall not have that violation establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

This bill:

- 1) Creates an infraction with a base fine of no more than \$25 for a person under the age of 18 to not wear a helmet while riding an equestrian animal on a paved road.
- 2) Creates an infraction with a base fine of no more than \$25 for any person to not have reflective gear or a light, as specified, on either the person or the animal while riding an equestrian animal during the hours of darkness.
- 3) Specifies that the helmet must meet the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC).
- 4) Provides that these requirements do not apply when a person is participating in a parade or festival, riding on unpaved roads, or while crossing from an unpaved road to an unpaved road.
- 5) Provides that a court shall waive the first violation if the defendant swears under oath that this is their first violation.
- 6) Provides that a parent or legal guardian is jointly and severally liable with the minor for the amount of the fine imposed.
- 7) Specifies that, in a civil action, a violation of these provisions shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

COMMENTS:

- 1) *Purpose.* According to the author, “on an evening of October 2019, a vehicle struck two individuals riding their horses in the City of Lake View Terrace. This crash killed the two horses it struck, and left the two riders in critical condition. In certain communities, equines, their riders, and vehicles share the road. Vehicle and horse collisions are not uncommon. In Saugus, two riders were transported to the hospital for injuries while the two horses died as a result of the vehicle collision. A rider from Wilton was ejected from their horse and was transported to the hospital after sustaining serious injuries, while the horse had to be euthanized. It can be difficult for drivers to see the equine and riders in the evening. Horse and vehicle collisions are often devastating for the horse

and its rider. AB 974 will increase the safety and visibility of our young riders and horses by requiring minors to wear a helmet when riding on a paved highway. In addition, reflective gear or lights must be worn by all riders or be on their equines at sun down. Exemptions to this protective gear rule be provided during festivals and parades.”

- 2) *Horseback riding and safety.* According to the U.S. Humane Society, California is home to nearly 700,000 horses, second only to Texas. Nearly all areas of California boast horseback riding opportunities. Many people ride horses on trail networks and other locations that require them to either share the road with motorists, or cross a paved highway. These interactions can result in collisions, which, as noted by the author, are usually fatal for the horse and can cause major injury or death for the rider.

According to the University of Connecticut, College of Agriculture, Health, and Natural Resources, horseback riding carries a higher injury rate per hour of exposure than downhill ski racing, football, hang-gliding, and motor cycle racing. Medical examiner reports show that 60% or more of horse-related deaths are caused by head injuries, and that helmets can reduce this possibility by 70% to 80%. They estimate that 70,000 people are treated in emergency rooms a year because of equestrian related activities.

The CPSC recommends helmet use for a variety of activities, including bicycling, skiing and snowboarding, most sports, and horseback riding. The CPSC details which types of helmets are recommended for specific activities. For horseback riding, the CSPC recommends an equestrian type helmet which has been approved by the ASTM. It should be noted that CSPC and others make clear that a bicycle helmet is not designed to protect your head when you're horseback riding. The height of a fall from a horse is far greater than the height of a fall from a bicycle. The American Medical Equestrian Association calculates that a helmet that meets ASTM standards can reduce all riding-related head injuries by 30% and severe head injuries by 50%.

- 3) *Helmets for kids.* California requires all children under 18 to wear a CPSC/ASTM-approved helmet at all times when riding a bicycle, non-motorized scooter, or skateboard. This offense can result in a ticket with a base fine of \$25.

Numerous other states have laws requiring children to wear helmets while riding horses as well. Specifically, New York requires children under 18 to wear a helmet, and makes it a civil penalty up to \$250 for not doing so. Florida's law, known as "Nicole's Law," named after a child who died after

being thrown from a horse and sustained fatal head trauma, requires children under the age of 16 to wear an ASTM-approved helmet while riding on a public roadway or right-of-way. Additionally, the City of Norco, California, nicknamed "Horsetown USA," has a city ordinance requiring riders under 18 to have an ASTM helmet while riding a horse in a public area. The fine for not wearing a helmet is \$25.

Other than the City of Norco, California currently has no requirements for wearing a helmet while riding a horse or any requirements for reflective gear. Similar to the bicycle helmet requirements, AB 974 would require minors to wear an approved helmet while riding a horse on a paved highway. There are exceptions made for participation in a parade or a festival, or if you are only crossing a paved highway. The base fine for the infraction would be \$25.

- 4) *Reflective Gear for Everyone.* In addition to requiring helmets for minors, AB 974 also mirrors the requirements for a bicycle by requiring reflective gear be worn by people of all ages when riding a horse after dark. A person would either have reflective gear on themselves or the horse or have lighting on themselves or the horse that makes them visible to drivers. Again, the base fine for this infraction would be \$25.
- 5) *Fines and penalties.* The cost of fines and fees associated with traffic citations has steadily increased over the last few decades. The amount spelled out in statute as a fine are base figures, as these amounts are subject to statutorily-imposed penalty assessments, such as fees and surcharges. Add-on fees for minor offenses double or quadruple the original fine. In recent years, the Legislature has debated the issue of abnormally high criminal penalties and assessments in California. There have been numerous legislative efforts to provide opportunities for low income people to reduce fines, have payment options or possible alternatives to fines such as community service.

As noted, AB 974 is similar to the fine for a minor not wearing a helmet while riding a bicycle. The base fine of \$25 comes out to \$197 after all penalty assessments are added. In addition, like bicycles, the fine has to be paid by the parent, not the minor, and the bill requires a judge to waive the fine if it is the person's first violation.

Finally, the bill specifies that, "in a civil action, a violation of these provisions shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation." This is similar to New York law requiring helmet use while riding a horse. Additionally, it mirrors California's law requiring seat

belt use, but is not part of bicycle helmet requirements. Adding safety requirements in law could have an impact in negligence lawsuits and wrongful cause of death lawsuits. Should AB 974 be approved by the Senate Transportation Committee, the Senate Judiciary Committee will have the opportunity to review this legal issue.

Double-referral. This bill was also referred to the Senate Judiciary Committee.

RELATED LEGISLATION:

AB 3077 (Caballero, Chapter 502, Statutes, 2018) — Authorized a person under the age of 18 that is cited for not wearing a bicycle helmet to correct the violation within 120 days by proving they have a properly fitting helmet and by attending a bicycle safety course if one is available.

SB 1924 (O'Connell, Chapter 475, Statutes, 2002) — Required a person under the age of 18 to wear a helmet while operating, or riding as a passenger, a non-motorized scooter or skateboard or while wearing in-line or roller skates.

AB 2268 (Caldera, Chapter 1000, Statutes, 1993) — Required a person under 18 to wear a properly fitted helmet to operate a bicycle, with violation of the statute being an infraction with a penalty of not more than \$25.

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

From the Assembly Appropriations Committee: Negligible state costs, if any.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

None received.

OPPOSITION:

None received.

This bill:

- 1) Changes the date that local transportation agencies have to report STA-eligible transit operators to the SCO from reporting by June 15 of each year, to reporting within 7 months after the end of each fiscal year.
- 2) No longer requires SCO to submit an annual report to the Legislature and would instead require the SCO to compile, publish, and make publicly available on its internet website certain data and information on or before November 1 of each year.
- 3) Requires SCO, after certain transfers are made or actions are taken, to apportion or transfer, as applicable, at least 90% of the balance deposited to the credit of HUTA by the 28th day of each month, by the 7th working day thereafter.

COMMENTS:

- 1) *Purpose:* According to the author: "AB 1157 will create efficiencies across multiple programs administered by the State Controller's Office. SCO will be provided additional time to identify errors and reporting discrepancies, resolve issues prior to calculating transportation fund estimates, align the publication of transit operator FTR data with other entities, and will help ensure accurate STA allocations are made to transit operators. Additionally, the bill will extend the HUTA apportionment deadline by five days, reducing staffing costs."
- 2) *Transit Funding and Reporting:* One of the major sources of funding for public transportation in California is STA. It is derived by the statewide sales tax on diesel fuel and transit operators can use the funding for both capital projects and transit operations. To receive STA funds, a transit operator must be deemed eligible by the relevant RTPA for the area in which they operate. The RTPA is required to report the eligible transit operators to SCO. Under current law, they file this STA eligibility report with SCO by June 15th of each year.

Additionally, as part of receiving STA funds, transit operators required to annually submit a Financial Transaction report (FTR), detailing the operator's revenue and expenditures for the fiscal year. Under current law, FTRs are due to SCO within seven months of the end of their fiscal year, therefore landing in January. SCO then has three months to publish this FTR data, which gives them until April. The data in the FTR is used to calculate STA payments to transit operators. SCO must publish the STA payment estimates by August 1st.

This timeline of reporting can result in imprecise STA estimates. The disjointed reporting dates provide very little time to review and amend any reporting discrepancies and can prevent SCO from having all of the necessary information available prior to the publication of STA estimates. Last year's SCO published STA payment estimates were lower than expected for some transit operators, which lead to SCO reviewing the process for areas of improvement based upon feedback from various transit operators.

AB 1157 aligns the reporting requirements, so that SCO has the ability to review data more thoroughly prior to publication. Specifically, the bill moves the STA-eligibility report from June 15th every year to January. The bill also moves the FTR data publication date from, "within three months of receipt of the reports," to on or before November 1st. According to the SCO, the sponsors of the bill, "these changes will provide SCO additional time to identify errors and reporting discrepancies, resolve issues prior to calculating transportation fund estimates, and align the publication of transit operator FTR data with other entities."

- 5) *HUTA Apportionment Date Change*: HUTA is the account in which motor vehicle fuel tax revenues are deposited and available for allocation for transportation purposes. Current law requires SCO to make monthly HUTA apportionments to cities and counties for local streets and roads within two working days after the 28th day of the month, except for June when the apportionment is due on the 28th day of the month. SCO has at most four days to complete the apportionment. According to SCO, "the ambitious schedule comes with significant costs as staff work outside normal work hours to meet the deadline. This issue is compounded if issues arise, as there is a limited amount of time to resolve and ensure timely payment." AB 1157 extends the HUTA apportionment deadline by five working days, which is expected to reduce staffing costs.

RELATED/PRIOR LEGISLATION:

AB 2542 (Kalra, 2020) — Would have made various changes to SCO reporting requirements for RTPAs and transit operators. This bill was gut and amended to deal with criminal procedure.

AB 1113 (Bloom, Chapter 86, Statutes, 2017) — Revised and recast provisions governing the STA program including the timeframe for transit operators to submit annual reports to the SCO.

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

From the Assembly Appropriations Committee: Negligible costs to SCO, if any.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 9, 2021.)

SUPPORT:

California State Controller (sponsor)
California Transit Association

OPPOSITION:

None received.

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