

- 1) Identifies the following state-owned toll bridges within MTC's jurisdiction:
 - a) Antioch Bridge;
 - b) Benicia-Martinez Bridge;
 - c) Carquinez Bridges;
 - d) Richmond-San Rafael Bridge;
 - e) Dumbarton Bridge;
 - f) San Mateo-Hayward Bridge; and,
 - g) San Francisco-Oakland Bay Bridge.

This bill:

- 1) Includes findings and delectations regarding the Bay Bridge Corridor. Declares it is the intent of the Legislature that Caltrans, in consultation with MTC, BATA, county transportation commissions, and transit operators establish ambitious bus speed and reliability performance targets and consider a wide range of operational and capital improvements in order to achieve fast and reliable bus transit within the corridor, such as vehicle occupancy requirements, incident response procedures, and part-time transit lanes.
- 2) Defines “Bay Bridge” to mean the San Francisco-Oakland Bay Bridge.
- 3) Defines “Bay Bridge corridor” to mean the corridor between the Transbay Transit Center and locations that include, but are not limited to, all of the following:
 - a) The State Route 24 and Interstate Highway 580 interchange.
 - b) The Powell Street on-ramp to Interstate Highway 580 in the City of Emeryville.
 - c) The intersection of Frontage Road and West Grand Avenue in the City of Oakland.
 - d) The Interstate Highway 880 and Interstate Highway 980 interchange.

- e) The Interstate Highway 80 and Interstate Highway 580 interchange at the Buchanan Street exit.
- 4) Defines “MTC” to mean the Metropolitan Transportation Commission.
- 5) Defines “relevant transit operators” to mean public transit operators that provide service through the Bay Bridge corridor.
- 6) Defines “relevant local transportation agencies” to mean county transportation commissions that have jurisdiction over any portion of the Bay Bridge corridor.
- 7) Requires Caltrans, no later than July 1, 2024, in consultation with MTC, BATA, relevant transit operators, and relevant local transportation agencies, to establish speed and reliability performance targets for buses traveling in the eastbound and westbound directions through the Bay Bridge corridor.
- 8) Requires Caltrans, in consultation with relevant transit operators, to also establish an online reporting process to publicly share bus speed and reliability performance results relative to the performance targets on no less than a quarterly basis.
- 9) Requires Caltrans, no later than December 1, 2024, in consultation with MTC, BATA, relevant transit operators, and relevant local transportation agencies, to submit a report to the Legislature that identifies a strategy for achieving bus speed and reliability performance targets in the Bay Bridge corridor. Requires the strategy to include all of the following:
 - a) The bus speed and reliability performance targets for the corridor established, as specified.
 - b) A description of how the bus speed and reliability performance targets will be monitored and reported.
 - c) A description of the process by which Caltrans, in consultation with MTC, BATA, relevant local transportation agencies, and relevant transit operators, determined the bus speed and reliability performance targets, as specified, and a description of how bus performance will be tracked and reported.
 - d) A list of policies and projects that Caltrans, in consultation with MTC and BATA, determines are necessary to achieve bus speed and reliability performance targets.

- 10) Requires Caltrans to include in the strategy all of the following for each identified policy or project:
- a) An estimate of the date that the project or policy could be implemented under the funding projections in place at the time that the report is transmitted to the Legislature.
 - b) Identification of any legislative or policy barriers to implementing the policies or projects.
 - c) Recommendations for legislative, policy, and funding changes that would remove barriers identified and expedite implementation of the project or policy.
 - d) An assessment of how the proposed policy or project would benefit high-occupancy vehicles other than public transit vehicles.
- 11) Declares that a special statute is necessary because of the unique transportation and congestion issues on the San Francisco – Oakland Bay Bridge.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “AB 455 would promote greater equity, accessibility, and sustainability by establishing ambitious bus speed and reliability performance targets in the Bay Bridge corridor, and by requiring that Caltrans enumerate specific policies, operational strategies, and capital investments necessary to deliver these bus performance targets. This is critical since public transit is the primary means of travel for many lower-income residents. Now more than ever, it’s important that we take equitable actions to improve transit efficiency, lower greenhouse gas emissions, and a more flexible and reliable transportation network.”
- 2) *Bay Area commute.* According to MTC’s Plan Bay Area 2050, the population of the Bay Area is forecasted to grow by 2 million to a total of 10 million residents by 2050. Additionally, the number of jobs will also increase from 4 million to more than 5 million. The COVID-19 pandemic shut down had a dramatic effect on Bay Area traffic congestion, however traffic levels are returning as work centers continue to reopen and commuters return to the San Francisco core.

There are two main commuter corridors to reach the San Francisco core. First is the Transbay Corridor, which represents travel from the East Bay to San Francisco and is currently served by a variety of transit options, including Alameda-Contra Costa (AC) Transit buses that cross the Bay Bridge, Bay Area Rapid Transit (BART) trains that traverse the Transbay Tube, and Water Emergency Transportation Authority (WETA) ferries. Second is the San Francisco Metro Corridor which represents travel from within San Francisco through the city's south and central neighborhoods with commuters utilizing SF MUNI, streetcars, bus and BART service, and Caltrain rail service on the city's eastern edge.

- 3) *The Bay Bridge Corridor.* In 2017, MTC released a study entitled Bay Area Core Capacity Transit Study. The report indicates that vehicle demand on the Bay Bridge has surpassed capacity. At the time of the report, BART was operating at 110% capacity. AC Transit and the ferries had also nearly reached capacity. By 2030, the Transbay Corridor is expected to hit 120% capacity, and by 2040 capacity will hit 152%. As of 2015, 53% of the corridor trips were already made using transit.

As noted, one of the main ways to travel to the San Francisco Core is the Bay Bridge utilizing buses, mainly operated by AC Transit. As noted in the report, as of 2017, Transbay bus service from AC Transit had risen 33%. However, buses have long had similar trouble as car commuters, sitting in traffic. In fact speeds pre-pandemic were averaging less than 35 miles per hour (mph) during peak travel.

However, the congestion problem is not just with the bridge. According to data provided by BATA, who manages the toll revenues from the Bay Area's seven state-owned bridges, traffic delays for the Bay Bridge are generally on the approaches, not the bridge itself. From Interstate 80, the average delay of traffic is 31 minutes, from Interstate 580, the delay is 13 minutes, while the approach on Interstate 880 is delayed by 11 minutes. The delay on the bridge itself is roughly 6 minutes.

- 4) *A program and some funding.* MTC has developed a program called Bay Bridge Forward to implement a suite of investments and strategies to improve efficiency, reduce delays, and move more people and buses across the Bay Bridge. Bay Bridge Forward includes a number of operational improvements, including improvements to add or extend bus/HOV lanes on several of the approaches to the Bay Bridge, but not on the Bay Bridge itself.

For example, the West Grand Avenue HOV/Bus Lane, completed in 2019, has improved travel times for buses by 21 minutes. Increased travel times, in addition to the use of double decker buses, has increased AC Transit ridership across the Bay Bridge by 7%. The current Bay Bridge Forward includes an extension of these facilities.

Additionally, Bay Bridge Forward contains numerous shared commute and mobility strategies, including expansion of the Bay Bridge bike shuttle program; additional commuter parking lots along to corridor; and a program called MTC SHIFT, for MTC to work with employers and provide grants to reduce drive-alone commuting.

In June of 2018, Bay Area voters approved Regional Measure 3 (RM3), a ballot measure authorized by the Legislature with the passage of SB 595 (Beall, Chapter 650, Statutes of 2017). RM 3 increased toll revenues on Bay Area bridges that will ultimately finance \$4.45 billion of highway and transit improvements in the toll bridge corridors. \$300 million in RM3 was specifically set aside for Bay Area Corridor Express Lanes, part of Bay Bridge Forward.

- 5) *AB 455 brings everyone together.* MTC and local transit providers have been studying and working on a number of potential strategies and projects to help ease congestion and move transit more efficiently through the Bay Bridge corridor. AB 455 takes the next step by bringing Caltrans to the table to not only evaluate options and improvements to the corridor, but set performance targets for buses travelling through the corridor. Caltrans, as the owner of the bridge, is a critical partner in successfully deploying capital and operational improvements to meet any performance targets.

Specifically, AB 455 requires Caltrans, in consultation with MTC, BATA, relevant transit operators, and local transportation agencies, by July 2024, to establish speed and reliability performance targets for buses travelling through the Bay Bridge corridor. Caltrans would also create an online reporting process to publicly share the performance results.

Caltrans would then, in consultation with the partner agencies, by December 2024, develop a strategy to achieve the performance targets. The strategy will include a description of the targets and how they were established, and how the targets will be monitored and reported. Additionally, the strategy calls for Caltrans and the partner agencies to identify projects and policies that are necessary to achieve the performance targets, including a timeframe for

implementation. For example, vehicle occupancy requirements, incident response procedures, and part-time transit lanes could be considered.

Finally, Caltrans must identify any legislative or policy barriers to implementation; recommendations for legislative, policy and other changes to remove the barriers, and an assessment of how the proposed projects or policies would benefit high-occupancy vehicles other than public transit.

According to SPUR, the sponsors of the bill, “The Bay Bridge is a vital link between the East Bay and the San Francisco Peninsula. For some communities, including many lower-income communities, Transbay buses are the most accessible transit option across the bay. Unfortunately, traffic congestion reduces transit reliability for those who depend on buses, having the greatest impact on those with inflexible work hours. Creating stronger priority for bus and high occupancy vehicles increases the number of people who can traverse the bridge, helping create equitable access to opportunity for thousands of Bay Area residents and supporting the economic health and sustainability of California.

“AB 455 establishes a data-driven approach for identifying policy, operations, and infrastructure improvements that will increase bus speed and reliability, while increasing the overall number of people who can travel through this corridor.”

- 6) *Coordination with Bay Area transit reorganization.* Earlier this session, this committee heard and approved SB 917 (Becker), which requires MTC to coordinate the Bay Area’s 27 transit operators to create a more seamless system. The bill focuses on the areas of fare integration, mapping and wayfinding standards, real time data standards, and the creation of a connected network plan. Specifically, SB 917 would require MTC to develop and adopt a Connected Network Plan, by March 2024, to establish a transit priority network for the region that identifies corridors that will most benefit from improvements to support fast and reliable service avoiding congestion. The plan will also identify service-level standards for the network including target travel times between service hubs, service frequencies, and operating hours. Finally, the Plan will identify operating and capital funding needs associated with the improvements. The Plan could eventually support creation of a regional bus rapid transit system. The timeline for the Plan is contingent upon identifying new budget resources to pay for the work, and MTC can delay the Plan until December 2025, if no new funding is identified.

Although the Connected Network Plan will be looking at transit corridors throughout the entire Bay Area, it will include the Bay Bridge corridor. It is unclear how these two processes could impact each other. The work of Caltrans and MTC required in this bill could help inform the Plan. MTC will be instrumental in bringing these two parallel efforts together.

RELATED/PREVIOUS LEGISLATION:

SB 917 (Becker) of 2022 – Would require MTC to develop and adopt a Connected Network Plan; adopt an integrated transit fare structure; develop a comprehensive, standardized regional transit mapping and wayfinding system; and establish open data standards, as specified, for the 27 transit agencies of the Bay Area region. Requires the region’s transit agencies to comply with the established programs; MTC to indicate what steps are needed to comply; and if a transit agency does not comply and does not qualify for an exemption, makes that transit agency ineligible to receive a portion of state transit funding in an amount determined by MTC. *This bill is pending in the Assembly Transportation Committee.*

AB 629 (Chiu) of 2021 -- would have required MTC to consult with transit agencies in its jurisdiction to provide more seamless service across its jurisdiction. *This bill was held in the Assembly appropriations Committee.*

SB 595 (Beall, Chapter 650, Statutes of 2017) -- Directed RM3 to be placed on the ballot in the San Francisco Bay Area that, if approved by a majority of the voters, would increase tolls on the seven state-owned toll bridges by up to \$3.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

SPUR (sponsor)
 350 Bay Area Action
 Alameda County Transportation Commission
 BART

OPPOSITION:

None received

- 6) Exempts an employer of a “casual driver” from participating in the EPN program but an employer must have the driver’s current record before a casual driver works for specified companies such as a charter party carrier or TNC.

This bill:

- 1) Adds DNCs to the list of companies required to participate in the DMV EPN program;
- 2) Restates current law requiring charter party carriers and TNCs to participate in the DMV EPN system; and
- 3) Requires that any company that contracts with any person who is not an employee to drive a vehicle operated for compensation for fulfillment of any delivery, meaning the pickup from any location of any item or items and the delivery of the items, to participate in the EPN program.

COMMENTS:

- 1) *Purpose.* According to the author, “AB 660 expands the driving population of the EPN program to include DNCs as defined under Business and Professions Code 7463 and companies that contract with a person who is not an employee to drive a vehicle operated for compensation for fulfillment of delivery requests. AB 660 will ensure only safe drivers are participating in delivery activities while improving public safety.”
- 2) *What is a pull notice?* The EPN program provides commercial and government organizations with the driving records of employees and independent contractors who drive for them. By monitoring their drivers’ public driving records, organizations can ensure that each driver has a valid driver’s license, recognize problem drivers or driving behavior, and improve public safety.

Participation in the EPN means obtaining a requester code and enrolling all employed drivers under that requester code. When an employee’s driver license record is updated due to an action or activity, an electronic check occurs to determine if an EPN is on file. If the action or activity is one that must be reported under the EPN program a driver record is generated and mailed to the employer. The purpose of this program is to protect the public from the most unsafe drivers by preventing them from carrying passengers.

Under existing law, an employer is required to enroll in the EPN program any driver employed to operate a vehicle if (a) the driver is required to have a Commercial Class A or Class B driver license; (b) the driver is required to have a Commercial Class C driver license special endorsement (Hazardous Materials, Passenger Vehicles, Tank Vehicles); (c) the driver operates passenger vehicles with a seating capacity of 10 or fewer people (including the driver) for compensation by a charter-party passenger carrier; and (d) the driver works for a passenger stage corporation with a certificate of public convenience and necessity or a permit, either issued by the California Public Utilities Commission (CPUC), which would include TNC drivers, such as Lyft.

AB 660 requires a DNC, such as Doordash, to enroll its drivers in DMV's EPN program. Importantly, Proposition 22 of 2020 defined a DNC as a business entity that maintains an online-enabled application or platform used to facilitate delivery services within the state on an on-demand basis.

- 4) *Requiring the non-employee/contractor to be subject to EPN.* As written, AB 660 would also require that a non-employee/contractor, a family member and a volunteer driver, who drives a vehicle for delivery purposes shall also be enrolled in the EPN as if they were an employee/contractor. Is it common for DNC drivers to have passengers in their vehicle as they make their deliveries or for an employee to let a family member drive while they make deliveries? The committee was unable to find any reputable data on the amount of passengers that ride with the DNC driver or how common this was. However, driving records are public record, thus the non-employee/contractor's record can be reviewed without the EPN. Conversely, without the EPN any changes to the non-employees record will not be automatically delivered to the employer.

RELATED LEGISLATION:

AB 1422 (Cooper, Chapter 791, Statutes of 2015) — this bill required TNCs to enroll in the EPN.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

California Teamsters Public Affairs Council
Explore Information Services (UNREG)
Sambasafety

OPPOSITION:

None received.

-- END --

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

Bill No: AB 1680**Hearing Date:** 6/14/2022**Author:** Lee**Version:** 3/24/2022**Urgency:** No**Fiscal:** No**Consultant:** Melissa White**SUBJECT:** Transportation: prohibition orders

DIGEST: This bill extends the effective date from 11 days to 12 days for a prohibition order issued by Sacramento Regional Transit District (SacRT), the Los Angeles County Metropolitan Transportation Authority (LA Metro), the Fresno Area Express (FAX), and the San Francisco Bay Area Rapid Transit District (BART).

ANALYSIS:*Existing law:*

- 1) Defines “transit district” to mean SacRT, LA Metro, the FAX, or BART.
- 2) Authorizes SacRT, FAX, LA Metro, or BART to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for an infraction committed in or on a vehicle, bus stop, or light rail station of the transit district for any of the following acts:
 - a) Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers,
 - b) Committing any act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property,
 - c) Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior,
 - d) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle,

- e) Urinating or defecating in a transit facility or vehicle, except in a lavatory,
 - f) Willfully blocking the free movement of another person in a transit facility or vehicle; or,
 - g) Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.
- 3) Authorizes a prohibition order to be issued to a person arrested or convicted for any misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district, for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
 - 4) Authorizes a prohibition order to be issued to a person convicted of loitering with the intent to commit specified drug offenses or loitering with intent to commit prostitution.
 - 5) Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of the prohibition order does not exceed the following specified time limits: 30 days for a first order, 90 days for a second order within one year, and 180 days for a third order within one year related to infractions; or, 30 days if issued pursuant to an arrest for a misdemeanor or felony offense. Upon conviction for the offense, the order may be extended to a total of 180 days for a misdemeanor and one year for a felony.
 - 6) Specifies prohibition processes, notification procedures, and hearing and appeal procedures, including requiring all prohibition orders not take effect until the latest of the following: 11 calendar days after the delivery of the prohibition order by personal service or 11 days after the delivery of results of a requested review by personal service.
 - 7) Requires the transit district to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and as recommended by the advisory committee. Tasks the advisory committee with responsibilities, as specified. Authorizes existing advisory committees to be used if appropriate.

- 8) Authorizes BART to issue prohibition orders at properties on which it owes policing responsibilities to a local government pursuant to an operations and maintenance agreement.

This bill:

- 1) Extends the effective date from 11 days to 12 days for a prohibition order issued by SacRT, the LA Metro, the FAX, and BART after delivery of the prohibition order or results of a requested initial review of the prohibition order by personal service.

COMMENTS:

- 1) *Transit Prohibition Orders.* Public transit systems in the state and across the country experience complaints from riders and employees regarding safety and security. The process for transit prohibition orders created as another enforcement tool to provide safer public transit rides. AB 716 (Dickinson, Chapter 534, Statutes of 2011) authorized the creation of a three-year pilot program to allow BART to issue prohibition orders, which allow BART to deny passengers committing certain illegal behaviors entry onto transit vehicles and facilities for a specified amount of time. In 2013, BART initiated its AB 716 program, which also required BART to provide the Legislature with annual reports on the program. The program was made permanent with the passage of AB 730 (Quirk, Chapter 46, statutes of 2017).

According to BART's annual report, as required by AB 716, the number of prohibition orders issued in 2019 was 371 compared to 376 in 2018. Battery and threats to BART patrons continued to be a noticeable problem in 2019, accounting for 28% of prohibition orders issued. To address this, BART is implementing high visibility foot patrols and commanders for specific zones. The report notes a need for continued outreach efforts involving mental health and homelessness. BART created the Crisis Intervention Training (CIT) officers and police personnel to offer services at the scene by referring individuals in crisis to appropriate resources through local city or county organizations. In 2019, less than 3% of individuals issued prohibition orders violated the order. In 2018, seven persons violated the prohibition order for a total of 12 arrests.

- 2) *BART Extended Authority.* Last year the Legislature passed and Governor Newsom signed into law AB 1337 (Lee, Chapter 534, Statutes of 2021), to extend the authority for BART to issue prohibition orders to include the

property, facilities, and vehicles upon which it owes policing responsibilities to a local government, and expands current law to make entering or remaining on those properties without permission a misdemeanor. This effectively added the new BART stations at Milpitas and Berryessa/North in Santa Clara County, which are officially owned by the Santa Clara Valley Transportation Authority (VTA), to BART's policing authority.

- 3) *AB 1680 is intended to preserve BART's new authority.* According to the author, "I introduced AB 1337 from last year to assist BART in issuing prohibition orders on all properties they operate. Governor Newsom signed this reform into law; however, the policy change made to PUC 99171 may be chaptered out and AB 1680 is intended to preserve these existing provisions already signed into law."
- 4) *Double Referral.* This bill is double referred to the Senate Public Safety Committee.

RELATED/PREVIOUS LEGISLATION:

AB 1337 (Lee, Chapter 534, Statutes of 2021) -- Extended the authority for BART to issue prohibition orders to include the property, facilities, and vehicles upon which it owes policing responsibilities to a local government, and expands current law to make entering or remaining on those properties without permission a misdemeanor.

AB 730 (Quirk, Chapter 46, Statutes, 2017), — Repealed the sunset on the law that allows BART to issue prohibition orders to passengers committing certain illegal behaviors, making BART's authority to do so permanent.

AB 468 (Santiago Chapter 192, Statutes, 2017) — Added the LA Metro to the transit districts authorized to issue prohibition orders to passengers committing certain illegal behaviors.

SB 1154 (Hancock Chapter 559, Statutes, 2014) — Extended the sunset on the law that allows BART to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities, until January 1, 2018.

AB 716 (Dickinson, Chapter 534, Statutes, 2011) — Authorized the BART, until January 1, 2015, to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities. The bill also removed

the sunset provisions for Sacramento Regional Transit District (SacRT) and the Fresno Area Express (FAX), making their related authority permanent.

SB 1561 (Steinberg, Chapter 528, Statutes, 2008) — Authorized the SacRT and the FAX, until January 1, 2012, to issue prohibition orders denying passengers committing certain illegal behaviors entry onto transit vehicles and facilities. SB 1561 also described the kinds of behaviors according to their potential severity and prescribes the progressive penalties based upon the severity and frequency of violations.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

None received

OPPOSITION:

None received

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

Bill No: AB 2206 **Hearing Date:** 6/14/2022
Author: Lee
Version: 4/20/2022
Urgency: No **Fiscal:** No
Consultant: Katie Bonin

SUBJECT: Nonattainment basins: employee parking: parking cash-out program

DIGEST: This bill requires a lessor that enters into or renews a lease with an employer required to offer a parking cash-out program to either list the amount of market-rate parking costs as a separate line item in the lease or provide a list of parking costs to the lessee beginning January 1, 2023.

ANALYSIS:

Existing law:

- 1) Defines a “parking cash-out program” as an employer-funded program under which an employer offers to provide a cash allowance to an employee which is equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space.
- 2) In nonattainment air basins, requires an employer of 50 or more people who provides a parking subsidy to employees to also offer a parking cash-out program.
- 3) Allows a parking cash-out program to include a requirement that an employee participant certifies that the participant will comply with guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that an employee that is not complying with the guidelines will no longer be eligible for the parking cash-out program.
- 4) Authorizes the State Air Resources Board (CARB) to impose a civil penalty for a violation of the parking cash-out law.
- 5) Authorizes a city, county, or air district to adopt, by ordinance or resolution, a penalty or other mechanism to ensure that an employer within its jurisdiction is in compliance with the parking cash-out law.

- 6) Prohibits a city, county, or air district and CARB from both imposing a penalty on parking cash-out. If both impose a penalty, only CARB's applies.

This bill:

- 1) Requires a lessor to provide the market-rate parking cost amount as a separate line item in the lease or provide the list of parking costs within 30 days after the lease is entered into or renewed.
- 2) Requires market-rate parking costs listed to be no less than if the parking were to be obtained by an individual unaffiliated with the property on which parking is provided or the employer through a transaction for the closest publicly available parking within one-half mile of the employee's workplace.
- 3) Requires an employer, upon the request of an employee, to give to that employee the parking cost information received from the lessor.
- 4) Requires an employer to offer a parking cash-out program even if the employer's lease does not comply with the requirements to list the market-rate parking costs as a separate line item in the lease.
- 5) Defines "parking subsidy" as the difference between the price, if any, charged to an employee for the use of a parking space made available by an employer to that employee and either of the following:
 - a) The market rate of parking available to an employee, as required to be reflected in a lease, or;
 - b) The out-of-pocket amount paid by an employer for onsite or offsite employee parking acquired through the marketplace with no special rate offered because of a property lease, for an employee parking space not owned by the employer.
- 6) Defines "employer" as an employer of 50 persons or more in the state who provides a parking subsidy to employees.
- 7) Provides that the requirement to list parking costs does not create a right for an employee to access, review, or challenge a lease, or a proposed lease, entered into between an employer and a lessor.

COMMENTS:

- 1) *Purpose.* According to the author, “The parking cash-out program was approved by this very Legislature three decades ago and is still not being implemented properly, which has detrimental environmental impacts. One reason that parking cash-out is not being implemented is due to the difficult nature of calculating the value of employee parking when it is included with the total cost of office rental space. Many owners of commercial real estate “bundle” the cost of parking with the cost of office space into a single lease price. This practice makes it difficult for employers to separate the cost of parking spaces associated with the commercial space that is being leased. Without that information, employers are unable to offer employees cash in lieu of parking subsidies. AB 2206 simply helps facilitate compliance with existing law by requiring parking owners to provide employers subject to parking cash-out with unbundled parking costs.”

- 2) *Parking cash-out programs.* Existing law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space. The intent is to reduce vehicle miles traveled (VMTs) and reduce emissions by offering employees the option of “cashing out” their subsidized parking space and incentivizing them to get to work using a more active form of travel or carpooling. However, a limiting factor in the law's reach is the criteria that parking must be leased separately from the building. This condition exempts the majority of businesses from the parking cash-out requirement, reducing the law’s potential impact. If the employer’s savings on leasing fewer spots cannot be calculated and deducted from the lease, the employer is not required to comply with the parking cash-out law. This creates a bundling problem, the problem of bundled commercial real estate leases, which makes it difficult to calculate the cost of parking spaces and therefore the parking cash-out benefit for eligible employees.

AB 2206 attempts to resolve the bundling issue by requiring a lessor that enters into or renews a lease with an employer required to offer a parking cash-out program to either list the amount of market-rate parking costs as a separate line item in the lease or provide a list of parking costs to the lessee beginning January 1, 2023.

- 3) *Opposition.* The California Business Properties Association writes in opposition to the bill citing, “this bill inappropriately places the onus onto the property manager of a leased building to put a value on something that is determined by the lessee of the office space and is legally the employer's responsibility.”

RELATED LEGISLATION:

AB 1186 (Blumenfield, 2009) — this bill would have required a lessor that enters into or renews a lease with an employer subject to the parking cash-out requirement, on or after January 1, 2011, to list the amount of parking costs as a separate line item in the lease or provide a list of parking costs to the lessee within 30 days after the lease is entered into or renewed. *This bill was vetoed by the Governor.*

SB 728 (Lowenthal, Chapter 359, Statutes of 2009) — this bill authorized CARB to impose a civil penalty for a violation of the parking cash-out program. The bill also authorizes a city, county, and air pollution control district or air quality management district to adopt a penalty or other mechanism to ensure compliance. *The bill authorizes the imposition of a penalty by the state board or the local agency, but not both.*

SB 425 (Simitian, 2009) — this bill would have disallowed a deduction for expenses of specified employers for parking subsidies unless all employees provided with a parking subsidy are offered a parking cash-out program in accordance with a specified statute. *This bill died in the Assembly Appropriations Committee.*

AB 2109 (Katz, Chapter 554, Statutes of 1992) — this bill required many employers to offer employees the option to choose cash in lieu of any parking subsidy offered.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Bay Area Air Quality Management District
City of Santa Monica
Seamless Bay Area
Spur

OPPOSITION:

California Business Properties Association

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

Bill No:	AB 2949	Hearing Date:	6/14/2022
Author:	Lee		
Version:	6/6/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Vehicles: toll exemptions

DIGEST: This bill exempts vehicles registered to veterans displaying specialized license plates from paying tolls or related fines.

ANALYSIS:

Existing law:

- 1) Requires every vehicle using a toll bridge or toll highway to be liable for any tolls or other charges that may be prescribed and prohibits a person from evading or attempting to evade the payment of those tolls or charges.
- 2) Allows emergency vehicles that are properly marked as such, displaying exempt California license plates, and either engaged in traveling to or returning from urgent or emergency response to be exempt from toll payment.
- 3) Requires toll operators, or processing agency, to issue a notice of toll evasion violation to the registered owner of the vehicle within 21 days of the violation if a vehicle is found, by automated devices (including cameras), by visual observation, or otherwise, to have evaded a toll.

This bill:

- 1) Exempts from toll payment or other charge on a toll road, toll bridge, toll highway, vehicular crossing, or other toll facility, except for a high-occupancy toll (HOT) lane, any vehicle registered to a veteran and displaying one of the six California license plate types that are only available to qualifying veterans from the Department of Motor Vehicles (DMV). These veterans include:
 - a) Disabled veterans;

- b) Pearl Harbor survivors;
 - c) Recipients of the Army, Navy, and Air Force Medals of Honor, the Army Distinguished Service Cross, and the Navy and Air Force Crosses;
 - d) Former American prisoners of war;
 - e) Recipients of the Congressional Medal of Honor; and,
 - f) Recipients of the Purple Heart.
- 2) Requires the vehicle to be registered to a transponder or other electronic toll payment device account with an issuing toll agency.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “the minimum wage for California is \$15 an hour. Meanwhile, the toll road from the Bay Area to Sacramento is \$14 roundtrip, which could be someone’s entire hour’s salary. AB 2949 requires that a vehicle displaying one of the specified veteran’s plates be exempted from tolls or other charges on toll roads or bridges.

“Veterans who are disabled, survived Pearl Harbor, a Medal of Honor or Purple Heart recipient, or a former Prisoner of War face enough difficulties after their military service. By exempting these veterans from toll charges, we will provide assistance to those who sacrificed for us in service.”

- 2) *What is covered?* The bill applies to tolls and other charges on toll roads, toll bridges, toll highways, vehicular crossings or other toll facilities, except HOT lanes.
- 3) *Who is covered?* The bill does not excuse all veterans from paying tolls. Rather, it exempts vehicles displaying special license plates that can only be obtained by veterans who meet specific, additional criteria and can provide official documentation of their status to the Department of Motor Vehicles (DMV). Specifically, these special plates are available to veterans who have been prisoners of war, veterans who survived the attack on Pearl Harbor, veterans who have been severely disabled in the course of their service, and veterans who have received particular distinctions (e.g., the Purple Heart, the Congressional Medal of Honor). As these examples suggest, the special plate requirement limits the scope of the bill to a small subset of California veterans. According to the DMV, there are 34,365 disabled veterans and 5,580 other

individuals with specialized license plates that would the specifications in this bill.

- 4) *How would it work?* Toll systems in California rely on a few methods for registering a person's use of a toll facility and payment of the tolls. First, is via a vehicle-mounted toll tag or sticker transponder that is read by antennae and associated electronically to a person's FasTrak account. Second, license plate readers are cameras that are positioned in various entrances and/or exits to the toll lane or bridge to record images of your license plate as a vehicle passes and tolls are assessed electronically to a person's account or to a one-time payment transaction. Additionally, on a handful of toll bridges, if a person has no transponder, the license plate information can be used to send a toll invoice to the registered owner of the vehicle.

For vehicles that are exempt from tolls, like certain emergency vehicles, under current law, the public agency that owns and operates the vehicle can enter into an agreement with the toll agencies to identify the eligible vehicles via license plates. The toll agencies set up a so-called "non-revenue" account with the public agency, free of charge, and register the license plates for plate readers and may issue transponders for use. This way the public agency is not issued a toll invoice for use of the facilities. Recent amendments to AB 2949 would set up a similar system for the eligible veterans. The bill would require veterans to register their qualifying license plate to a transponder or other electronic toll payment account with an issuing toll agency. This can be done free of charge. Additionally, the toll agencies in California have reciprocity with other California toll agencies, so one registration would work for all toll facilities in California.

- 5) *Cost impact on toll facilities.* It is unclear what the financial impact would be on toll agencies. However, according to the Assembly Appropriations Committee, "there are 34,365 disabled veteran's plates currently in circulation. In addition, there is a much smaller number of plates in circulation that are also available to veterans only, such as plates available to former prisoners of war and plates available to recipients of the Congressional Medal of Honor. If 10% of the roughly 40,000 vehicles with such "veterans" plates made four roundtrip journeys each year from the Bay Area to Sacramento—a trip the author describes as costing \$14 in tolls—then local toll authorities would forego \$224,000 each year, an amount the state might be required to reimburse."

Additional costs could arise from the initial implementation of the bill, including setting up the accounts and mailing transponders to eligible veterans. There is a concern about potential long term consequences. As noted, current

law only allows emergency vehicles responding to an emergency to be exempt from paying tolls. AB 2949 creates an exemption that is not based on a specific need for use of the toll facilities. As such, the bill may open the door to additional toll exemptions.

- 6) *Double Referral.* This bill is double referred to the Senate Military and Veterans Affairs Committee.

RELATED/PREVIOUS LEGISLATION:

SB 1259 (Runner, 2016) – Would have exempted vehicles displaying specialized veteran license plates from toll payments. *This bill died in Assembly Veterans Affairs Committee.*

AB 254 (Jeffries, Chapter 425, Statutes of 2009) – Exempted emergency vehicles, as specified, engaged in emergency response from toll payment.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

American Legion Department of California
California State Commanders Veterans Council
City of Vallejo Mayor Robert McConnell
Commanders Veterans Council
Military Officers Association of America, California Council of Chapters
Save Our Seniors Network
Vietnam Veterans of America, California State Council
4 private individuals

OPPOSITION:

None received

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

Bill No: AB 1685 **Hearing Date:** 6/14/2022
Author: Bryan
Version: 4/6/2022
Urgency: No **Fiscal:** Yes
Consultant: Katie Bonin

SUBJECT: Vehicles: parking violations

DIGEST: This bill requires processing agencies to forgive at least \$1,500 in parking tickets for individuals who are verified to be homeless.

ANALYSIS:

Existing law:

- 1) Provides several options to processing agencies collecting unpaid parking penalties for tickets, including filing an itemization of unpaid parking penalties and service fees with Department of Motor Vehicles (DMV) for collection with the registration of a vehicle, so long as the processing agency:
 - a) Provides a payment plan option for indigent persons, as defined, that allows unpaid parking fines and fees to be paid off in monthly installments of no more than \$25 for total amounts due that are \$500 or less, in a period within 24 months. No prepayment penalty for paying off the balance prior to the payment period may be accessed.
 - b) Waives all late fees and penalty assessments, exclusive of any state surcharges, as defined, if an indigent person enrolls in the payment plan. Waived late fees and penalty assessments may be reinstated if the person falls out of compliance with the payment plan.
 - c) Limits the processing fee to participate in a payment plan to \$5 or less for indigent persons and \$25 or less for all other persons. The processing fee may be added to the payment plan amount at the discretion of the payee; and,
 - d) Allows the application for indigency determination for a period of 120 calendar days from the issuance of a notice of parking violation, or 10 days after the administrative hearing determination, whichever is later.

- 2) Requires a processing agency to allow a registered owner or lessee who falls out of compliance with a payment plan a one-time extension of 45 calendar days from the date the plan becomes delinquent to resume payments before the processing agency files an itemization of unpaid parking penalties and service fees with DMV.
- 3) Requires a processing agency to include information regarding its payment plan option above on its public website, and a web page link and telephone number to more information on the program.
- 4) Defines “indigent” for the purposes of this section to mean anyone who meets the income requirements for or is currently on several public assistance programs, including: Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP, or more commonly known as food stamps), Medi-Cal or IHSS.
- 5) Establishes the California Interagency Council on Homelessness (CICH) with the purpose of coordinating the state’s response to homelessness by utilizing Housing First Practices.

This bill:

- 1) Requires processing agencies to forgive at least \$1,500 in parking tickets once per calendar year for individuals who have been verified to be homeless.
- 2) Allows an applicant to ask for forgiveness at least four times a year.
- 3) Authorizes a processing agency to verify an applicant’s status through a continuum of care or a homeless services provider, including, but not limited to, a health care provider, legal services provider, or other entity that services people experiencing homelessness and makes referrals to other homeless services providers, that is connected to the coordinated entry system and is contracting with a continuum of care. A legal services provider or health care provider may require an applicant to be a client in order to make the verification.
- 4) Provides that an area in which the availability of homeless services providers is sparse, as determined by the continuum of care, CICH shall develop an alternative low-barrier process to determine an applicant’s status as homeless.
- 5) Prohibits a processing agency from establishing or imposing any additional qualifications for citation forgiveness under this program, including mandatory participation in any service or program, or mandatory community service.

- 6) Uses federal definitions for the definitions of continuum of care, coordinated entry system, homeless, and homeless services provider.

COMMENTS:

- 1) *Purpose.* According to the author, "parking enforcement can exacerbate poverty and the cost of enforcement for local governments are often greater than the fines and fees that end up being collected. AB 1685 will waive many parking fees for people who are unhoused. Instead of continuing to penalize poverty, let's save some money with good policy and use it to get people more of the housing and services they really need. Lose your financial stability, lose your house. Lose your house, live in your car. Lose your car, set up an encampment. This cycle of poverty is vicious and AB 1685 creates the policy solution that allows us to do better."
- 2) *The real cost of a parking ticket for an individual experiencing homelessness.* In Sacramento, the fine for a parking ticket amounts to \$52. If the individual is unable to pay that ticket on time, the late fee adds an additional \$52. If the city then requires the DMV to collect the unpaid debt, DMV would add the entire cost of the outstanding parking ticket and fines to vehicle registration fees. If unable to pay this amount all at once on top of their vehicle registration fees, late fees for vehicle registration increase by 60% of the original fee for payments over 30 days late, which can increase the registration fee as much as \$100. If a person is then pulled over for having an unregistered vehicle, the fine for driving unregistered vehicles is currently \$285. All totaled, these fines alone add up to \$489.

Many individuals experiencing homelessness live in their vehicles. Cal Matters estimates that there is roughly 161,000 people experiencing homelessness in California based on the latest tally taken in 2020 before COVID-19. Similarly, Cal Matters estimates that 16,528 of the 161,000 people experiencing homelessness own and live in their vehicle. Parking tickets accumulate quickly and create a cycle of debt wherein they are unable to pay back parking fines. As the tickets pile up, costs rise to include late fees, making it more likely that the individual's car will be towed. Having five or more unpaid parking tickets allows law enforcement to tow someone's car, essentially towing away the individual's home, and potentially their only place of safety.

- 3) *Towing costs. Towed into Debt: How Towing Practices in California Punish Poor People,* a report issued by the sponsors of this bill, notes that the average tow fee in California is \$189, with a \$53 storage fee per day and a \$150 administrative fee. After three days of storage, a towing fee could come out to

\$499. The cost of five unpaid parking tickets in Sacramento would result in a total cost of \$520 with late fees. The cost of a three day tow plus the costs of the five unpaid parking tickets (\$1,019) would amount to all but \$400 of an indigent person's monthly income if they made the maximum amount to make them eligible for Medi-Cal.

The Legislature passed AB 503 (Lackey), Chapter 741, Statutes of 2017 to stop the spiral of debt for an indigent person. Assemblymember Lackey introduced two follow-up bills as a result of processing agencies trying to get around implementing the law. AB 2544 (Lackey), Chapter 494, Statutes of 2018, clarified that parking agencies had to offer payment plans for tickets issued prior to July 1, 2018 because processing agencies refused to consider older tickets when implementing the law. AB 833 (Lackey), Chapter 495, Statutes of 2019, clarified that the \$300 maximum cap for which a parking agency had to offer a payment plan only applied to the base fines, not to late penalties, because the City of Sacramento was refusing to offer payment plans to individuals who had more than two tickets with a late fee. In 2020, the Legislature passed AB 3277 (Jones-Sawyer) Chapter 55, which increased the maximum cap from \$300 to \$500.

AB 1685 builds on existing law by permitting individuals experiencing homelessness to have their parking ticket balances, up to \$1,500, waived. Hence, reducing the likelihood of their vehicle being towed and further exacerbating their indigence.

- 4) *Where do the expenses go?* Waiving fees does not mean that the costs simply go away. Upon issuance of parking tickets, towing and storage of the vehicle may be appropriate, this is done by a private company. If the owner of the vehicle does not pay these fees, will the city be required to pay them, and if that is the case will the city be less likely to tow a vehicle that could be presenting a safety hazard? AB 1685 does not specify how these additional expenses will be handled.
- 5) *Opposition.* As written, AB 1685 would require a processing agency to forgive at least \$1,500 in parking fines and fees annually for a qualified homeless person and also requires a processing agency to provide certain information regarding the parking citation forgiveness program. The California Mobility and Parking Association (CMPA) writes in opposition to the bill citing their concerns for the scope of the fine forgiveness and concerns that the measure does not restrict the \$1,500 amount to a single agency.
- 6) *Double Referral.* This bill was also referred to the Senate Human Services Committee.

RELATED LEGISLATION:

AB 2775 (Quirk Silva, 2022) — this bill would exempt the payment of vehicle registration fees for recreational vehicles owned by a person who verifies to the department that they are homeless and using the recreational vehicle as their residence. *This bill is pending in the Senate Transportation committee.*

AB 2510 (Bennett, 2022) — this bill would waive the driver's license renewal fee for a homeless person. That bill is pending a hearing in this committee. *This bill is pending in the Senate Transportation committee.*

AB 2544 (Lackey), Chapter 494, Statutes of 2018), AB 503 (Lackey), Chapter 741, Statutes of 2017, and AB 3277 (Jones Sawyer) Chapter 44, Statutes of 2020 — these bills require processing agencies to take several steps prior to asking DMV to collect their unpaid debt from indigent individuals, including establishing a payment program and waiving late fees and penalty assessments.

AB 1325 (Jones-Sawyer, 2019) — this bill would have required processing agencies to offer unhoused individuals community service in lieu of paying parking tickets. *This bill died in Assembly Appropriations committee.*

AB 302 (Berman, 2019) — this bill would have required a community college campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 1, 2020, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college for the purpose of sleeping in the student's vehicle overnight. *This bill died on the Senate Floor.*

AB 516 (Chiu, 2019) — this bill would have repealed existing law that authorizes peace officers to tow vehicles for having five or more delinquent parking or traffic violations, for leaving a vehicle on a road for 72 or more consecutive hours, and for a having a lapsed vehicle registration in excess of six months. *This bill died in Senate Appropriations committee.*

AB 891 (Burke, 2019) — this bill would have required cities with more than 330,000 people to have a safe parking program, as defined. *This bill was vetoed by the Governor.*

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Abundant Housing LA
Asian Americans Advancing Justice - California
Bend the Arc: Jewish Action, Southern California
Brilliant Corners
California Federation of Teachers AFL-CIO
California Housing Partnership Corporation
Corporation for Supportive Housing (CSH)
Culver City Democratic Club
Downtown Women's Center
Housing California
Inner City Law Center
John Burton Advocates for Youth
LA Family Housing
Los Angeles Homeless Services Authority
National Alliance to End Homelessness
National Association of Social Workers, California Chapter
North Westwood Neighborhood Council, Community Health & Homelessness
Committee
Orange County United Way
Root & Rebound
Streets for All
Sycamores
The People Concern
Western Center on Law & Poverty, INC

OPPOSITION:

California Public Parking Association

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SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 1766	Hearing Date:	6/14/2022
Author:	Stone		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Department of Motor Vehicles: identification cards

DIGEST: This bill requires the Department of Motor Vehicles (DMV) to issue restricted identification cards to eligible applicants who are unable to verify that their presence in the United States is authorized under federal law.

ANALYSIS:

Existing law:

- 1) Requires DMV to issue an original driver's license to a person who is unable to submit satisfactory proof that their presence in the United States is authorized under federal law.
- 2) Requires licenses to include a recognizable feature on the front of card, such as the letters "DP" instead of, and in the same font size as the letters "DL".
- 3) Requires licenses to bear the following notice: "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."
- 4) Requires that the California Department of Corrections and Rehabilitation and DMV ensure that all eligible inmates released from state prison have a valid identification card.
- 5) Requires the California Research Bureau (CRB) to compile and submit to the Legislature and the Governor a report of any violations of anti-discrimination provisions set forth in AB 1660 (Alejo), Chapter 452, Statutes 2014 and Government Code Section 11135.

This bill:

- 1) Requires DMV to issue restricted identification cards to eligible applicants who are unable to verify their legal presence in the United States as authorized under federal law, commencing no later than January 1, 2024.
- 2) Establishes that information collected pursuant to this section is not a public record and shall not be disclosed by the department, except where necessary to comply with an order, warrant, or subpoena, each if issued by a court.
- 3) Establishes that documents provided by applicants to prove identity or residency pursuant to the provisions of this bill are not public record and shall not be disclosed except where necessary to comply with an order, warrant, or subpoena, each if issued by a court.
- 4) Requires identification cards to include a recognizable feature on the front of card, such as the letters "IC" instead of, and in the same font size as the letters "ID".
- 5) Requires identification cards to bear the following notice: "This card is not acceptable for official federal purposes. It does not establish eligibility for employment, voter registration, or public benefits.
- 6) Prohibits discrimination against a person because the person holds or presents an identification card issued under the provisions of this bill.
- 7) Prohibits the use of an identification card issued under the provisions of this bill from being used as evidence of an individual's citizenship or immigration status for any purpose.

COMMENTS:

- 1) *Purpose.* According to the author, "Identification cards enable inclusion and meaningful participation in our neighborhoods, cities, and our state. IDs allow one to open a bank account, obtain benefits, access healthcare, secure housing, and much more. However, if a person who is undocumented does not have meaningful access to a car or have the ability to take a driving test, they are rendered ineligible for a government-issued ID. Those individuals may rely on gym memberships or college/university IDs *if* they have access to those institutions. Otherwise, they can use a passport or consular ID to corroborate their identities, however, this is an often risky "outing" process for those who

are not legally present in the United States. Individuals with mobility issues, disabilities such as epilepsy, and those who are older and develop degenerative eye, muscular, or cognitive diseases are not able to obtain driver's licenses and thus, do not have access to a state government-issued ID. Additionally, undocumented people leaving incarceration are also unable to obtain an original AB 60 driver's license because they cannot access a driving test in prison. AB 1766 will expand ID access for all, regardless of immigration status. Under this bill, California ID eligibility will be expanded to approximately 1.6 million undocumented people."

- 2) *AB 60 background.* AB 60 (Alejo), Chapter 524, Statutes of 2013, permits a person unable to provide a social security number (SSN) to submit several alternative forms of documentation to show proof of identity and obtain a driver's license. AB 60 declared that discrimination against AB 60 license holders is a violation of the Unruh Civil Rights Act, which outlaws discrimination by a business establishment. The law also bars authorities from inferring the citizenship or immigration status of the license holder as a basis for criminal investigation proceedings. The statute has since been amended by AB 1660 (Alejo), Chapter 452, Statutes 2014 and Government Code Section 11135 to include additional anti-discrimination protections and require the California Research Bureau (CRB) to "compile and submit to the Legislature and the Governor a report of any violations" of these anti-discrimination provisions.

Likewise, prior to the passage of AB 60, several cities in California passed laws creating a municipal ID card. San Francisco County began issuing ID cards to undocumented immigrants in 2009, followed by the City of Oakland in 2013, and the City of Richmond in 2014.

AB 1766 would require the DMV, no later than January 1, 2024, to issue ID cards to any person who is unable to submit proof of lawful presence in the United States, as authorized under federal law, if they are otherwise able to demonstrate proof of their identity and California residency. It is important to note that these criteria are now used by DMV to issue driver's licenses (to individuals who qualify, but are not DACA participants).

- 3) *DMV Data and ICE.* In recent years, there has been a concern about Immigration and Customs enforcement (ICE) using the DMV database to find the address of undocumented immigrants. The American Civil Liberties Union (ACLU) and the National Immigration Law Center (NILC) released a report in

December 2018 for the purpose of providing “as much information as possible about how and what information is shared with the Department of Homeland Security (DHS) and its agencies, so that California residents can effectively weigh the risks and benefits of obtaining a driver’s license.” According to the report, between January 1st, 2017 and April 10th, 2018, DHS agencies made 594 inquiries to the DMV driver’s license database and 1,085 inquiries to the DMV vehicle registration database by telephone. In 2017, DHS agencies made 113 inquiries to the driver’s license database and 1,149 inquiries to the vehicle registration database through online access; and in the first three months of 2018, those agencies made 80 inquiries to the driver’s license database and 341 inquiries to the vehicle registration database.

To address this issue, the Legislature passed AB 1747 (Gonzalez) Chapter 589, Statutes of 2019, which limits the use of the state’s telecommunications system containing criminal history information for immigration enforcement purposes, and for purposes of investigating immigration crimes solely because criminal history includes violation of federal immigration. Unlike AB 60 licenses, which are comingled with, and share the same identification markers as citizens or legal residents who opted not to get a REAL ID Card, this bill creates an ID card separate from citizens and legal residents ID cards and bears the identifier “IC” on the card, as well as a notification that: “This card is not acceptable for official purposes. It does not establish eligibility for employment, voter registration, or public benefits.”

- 4) *Committee Concerns.* As written, section (j) and (k) of AB 1766 provide that, absent a necessity to comply with an order, warrant, or subpoena, issued by a court, the information collected by the DMV is not a public record and shall not be disclosed. The California Consumer Privacy Act, as well as provisions of the Vehicle Code itself, contain language that limits disclosure of personal information and records by government agencies; allowing them to be disclosed only in response to court orders and warrants. In application, if an individual who was issued an identification card pursuant to AB 1766 was to present their identification card to an ICE officer, the data would come up as “unavailable.” This may heighten suspicion that the applicant may be undocumented. Although these provisions were likely added to help further protect the privacy of the individual, the provisions may have the unintended consequence of bringing more attention to the individual than they would if their data was public record.

- 5) *Double Referral.* This bill is also referred to the Senate Judiciary committee.

RELATED LEGISLATION:

AB 1747 (Gonzalez, Chapter 589, Statutes of 2019) — this bill limited the use of the state's telecommunications system containing criminal history information for immigration enforcement purposes, as defined, and for purposes of investigating immigration crimes solely because criminal history includes a violation of federal immigration law.

AB 1660 (Alejo, Chapter 452, Statutes 2014) — this bill made it a violation of the California Fair Housing and Employment Act (FEHA) for an employer or other covered entity to discriminate against an individual because he or she holds or presents a specified driver's license.

AB 60 (Alejo, Chapter 524, Statutes of 2013) — this bill required the Department of Motor Vehicles (DMV) to issue driver's licenses to persons who are ineligible for a Social Security Number (SSN) if additional documentation is provided.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Alianza
Alliance for A Better Community
Asian Americans Advancing Justice - California
Asian Law Alliance
Bend the Arc: Jewish Action
Buen Vecino
California Coalition for Women Prisoners
California Federation of Teachers AFL-CIO
California Immigrant Policy Center
California Latinas for Reproductive Justice
California Religious Action Center of Reform Judaism
California Rural Legal Assistance Foundation, INC.
Catholic Charities of The Diocese of Santa Rosa
Central American Resource Center- Carecen- of California
Centro Community Hispanic Association (Centro Cha Inc.)
Clinica Monsignor Oscar A. Romero
Coalition for Humane Immigrant Rights (CHIRLA) (UNREG)
Communities United for Restorative Youth Justice (CURYJ)

Community Action Board of Santa Cruz County, INC.
Community Legal Services in East Palo Alto
Disability Rights California
Dolores Huerta Foundation
Drug Policy Alliance
Friends Committee on Legislation of California
Ice Out of Marin
Immigrant Legal Resource Center
Indivisible CA Statestrong
Indivisible Resisters Walnut Creek
Indivisible San Francisco
Indivisible San Jose
Initiate Justice
Jakara Movement
Kids in Need of Defense (KIND)
Law Foundation of Silicon Valley
Legal Aid Society of San Mateo County
Legal Services for Children
Long Beach Immigrant Rights Coalition
National Association of Social Workers, California Chapter
Norcal Resist
Oasis Legal Services
Orange County Equality Coalition
Parent Voices San Francisco
Pico California
Pomona Economic Opportunity Center
Public Counsel
Public Law Center
Rainbow Beginnings
San Diego Immigrant Rights Consortium
Secure Justice
Sister Warriors Freedom Coalition
South Bay People Power
Successful Reentry, LLC
Thai Community Development Center
The Young Women's Freedom Center
Vision Y Compromiso

OPPOSITION:

None received.

-- END --

- c) The current \$100,000 threshold for contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, as specified.
- 2) For NCTD:
- a) The current \$100,000 threshold for the acquisition or lease of materials, supplies, and equipment, as specified.
 - b) The current \$100,000 threshold for the acquisition of services, as specified.
 - c) Contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, as specified.
- 3) For SANDAG:
- a) The current \$50,000 threshold for the acquisition or lease of materials, supplies, and equipment, as specified.
 - b) The current \$100,000 threshold for the acquisition of services, as specified.
 - c) The current \$50,000 threshold for contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, as specified.
- 4) Makes conforming and technical changes.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “state law requires local transit agencies to follow specified procedures when contracting certain services, including the acquisition or lease of materials, supplies or equipment, architectural, engineering, environmental, land surveying service, or construction project management services. These procedures differ greatly depending on the cost of the contract or procurement. AB 1833 updates the procurement thresholds for the three local San Diego agencies to match the consumer price index inflation and allows these agencies to use and maximize taxpayer dollars efficiently.”
- 2) *MTS, NCTD, and SANDAG.* The Legislature created MTS and NCTD in 1975 to plan, construct, and operate public transit systems in San Diego County. SB 1703 (Peace, Chapter 743, Statutes of 2002), created a consolidated transportation agency in San Diego County from these existing agencies and authorized that agency to assume certain responsibilities. SANDAG is now the

consolidated agency responsible for many public transit and long-term transportation planning and programming responsibilities that formerly resided with MTS and NCTD.

SB 1703 established the general authority and powers of the revamped SANDAG in an attempt to create an agency with the power to develop a comprehensive regional public transportation system. In addition to the planning functions, SB 1703 transferred project development and construction activities to SANDAG, except on certain existing projects, and sought to refocus MTS and NCTD primarily as agencies operating public transit services.

Specially, MTS provides bus and rail services over the urbanized and rural areas of San Diego County, serving approximately 3 million people. MTS operates the San Diego Trolley Light Rail system that serves 62 stations with 65 miles of rail, 100 fixed route buses, and contracts to provide freight service to San Diego shippers.

NCTD serves more than 10 million passengers every year in North San Diego County. NCTD operates the Breeze bus, Sprinter hybrid rail, and Coaster commuter trains.

- 3) *Updating contracting thresholds.* This bill replaces a number of existing bid thresholds for MTS, NCTD and SANDAG to \$150,000, consistent with inflation. These bid thresholds include contracting for: materials, supplies, and equipment; and, the acquisition of services, including architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services. These bid thresholds for the agencies have not been updated in many years, with SANDAG last updated since 2003 and MTS last updated in 2005.

RELATED/PREVIOUS LEGISLATION:

AB 2015 (Cooley, 2022) – Would make various changes to the Sacramento Regional Transit District (SacRT) Act, including increasing certain bid thresholds. *This bill is pending before this committee.*

SB 333 (Eggman, Chapter 217, Statutes of 2021) – Increased the bid threshold for San Joaquin Regional Transit District's (RTD) purchase of supplies, equipment and materials, from \$50,000 to \$75,000, and allowed the district to award a contract to the responsible bidder who submits a proposal that provides the best value to the district

AB 2711 (Eggman, 2020) – Was similar to SB 333. *This bill was held in the Assembly Local Government Committee.*

AB 1089 (Stone, Chapter 107, Statutes of 2019) – Increased the bid threshold for the purchase of supplies, equipment, and materials by the Santa Cruz Metropolitan Transit District and allowed the use of best value for these contracts, and altered appointments and reimbursements for the district’s board of directors.

AB 3177 (Chavez, Chapter 544, Statutes of 2018) – Made various changes to certain bidding requirements for NCTD, as specified.

AB 2030 (Mullin, Chapter 143, Statutes of 2016) – Changed specified bidding requirements for BART and the San Mateo County Transit District, including bid threshold increases for the purchase of supplies, equipment, and materials.

AB 1988 (Chavez, 2014) – Would have authorized NCTD to use any procurement method authorized for state or local agencies under state or federal law and made several other changes to the NCTD Act. *AB 1988 was held in the Assembly Transportation Committee.*

SB 959 (Kehoe, Chapter 577, Statutes of 2005) – Revised, consolidated and updated the authority of MTS consistent with the San Diego Regional Transportation Consolidation Act of 2002, including increasing bidding thresholds.

SB 1703 (Peace, Chapter 743, Statutes of 2002) – Created a consolidated transportation agency in San Diego County from these existing agencies and authorized that agency to assume certain responsibilities.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

San Diego Association of Governments (sponsor)
San Diego Metropolitan Transit System (sponsor)
North County Transit District

OPPOSITION:

None received

- 5) Requires the RTP to include numerous components including an SCS designed to achieve the California Air Resource Board (ARB) regional targets for greenhouse gas (GHG) emission reductions.
- 6) Requires each Metropolitan Planning Organization (MPO) to adopt a public participation plan for development of the SCS that includes at least one public workshop and, depending on the number of counties within the MPO's region, two or three public hearings.

This bill:

- 1) Provides that SANDAG may implement every component of the RTP as well as subsequent updates of the RTP. This implementation authority shall include, but is not limited to, the authority to plan, engineer, design, and seek funding sources for applicable projects.
- 2) Specifies that the implementation authority shall include, but is not limited to, the authority to seek resources and fund projects identified in the SCS, including habitat conservation projects, water quality improvement projects, and other environmental mitigation projects.
- 3) Provides that SANDAG may exercise its existing bonding authority to implement any component of the RTP, as well as subsequent updates to the RTP.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, "the San Diego Association of Governments recently finalized its 2021 Regional Plan, a planning document that considers how the region will grow, where people will live, and how people will move around the region. This plan must meet state and federal legal obligations in order to be considered compliant and keep the region eligible for funding. AB 2367 provides the clarity necessary for SANDAG to achieve its SCS goals and implement its robust habitat conservation vision and stormwater and resilience plan as outlined in its recently approved 2021 Regional Plan."
- 2) *SANDAG.* SB 1703 (Peace), Chapter 743, Statutes of 2002, created a consolidated transportation agency in San Diego from existing agencies, including SANDAG, MTS, and NCTD, and authorized that agency to assume certain responsibilities. SANDAG is now the consolidated agency responsible for many public transit and long-term transportation planning and programming responsibilities that formerly resided with MTS and NCTD boards. SB 1703

established the general authority and powers of the revamped SANDAG in an attempt to create an agency with the power to develop a comprehensive regional public transportation system. In addition to the planning functions, SB 1703 transferred project development and construction activities to SANDAG, except on certain existing projects, and sought to refocus MTS and NCTD primarily as agencies operating public transit services.

SANDAG is the regional transportation planning agency for San Diego County and under federal law is the MPO for the region. SANDAG also manages a local, voter approved half-percent transportation sales tax. SANDAG has a broad scope of authority.

- 3) *RTPs and SCSs*. The Global Warming Solutions Act, AB 32 (Núñez, Chapter 488, Statutes of 2006), required California to reduce GHG emissions to 1990 levels no later than 2020. SB 32 (Pavley, Chapter 249, Statutes of 2016), extended the GHG emission reduction target for California by codifying a portion of Executive Order B-30-15, issued by Governor Brown, to reduce GHG emissions 40% below 1990 levels by 2030.

Existing federal and state law requires each of California's 18 MPOs and 26 regional transportation planning agencies to prepare a long-range (20-year) plan every four years. This plan, known as the RTP, identifies the region's vision and goals and how to implement them. The RTP also supports the state's goals for transportation, environmental quality, economic growth, and social equity.

With the passage of SB 375 (Steinberg, Chapter 728, Statutes of 2008), the state's 18 MPO's are also required to develop a SCS as part of the RTP to better coordinate transportation and land use planning to help achieve the state's climate action goals. The SCS demonstrates how the region will meet its GHG emissions reduction targets, as developed by the ARB, through land use, housing, and transportation strategies. ARB must review the adopted RTP/SCS to confirm that it will indeed meet the regional GHG targets. If not, the MPO must prepare an alternative planning strategy (APS), separate from the RTP.

- 4) *SANDAG's 2021 RTP/SCS*. SANDAG's recently approved 2021 Regional Plan, San Diego Forward, strives to preserve land and design communities for both quality of life, and the costs of building and maintaining the infrastructure needed for 3.75 million people by 2050. The 2021 Regional Plan outlines "5 Big Moves," including: Next OS through enabling technology; mobility hubs; flexible fleets through first and last mile options; complete corridors through multimodal roads; and transit leap through fast and flexible transit.

The Plan also includes robust environmental mitigation programs to help the region meet their GHG emissions reduction targets as required by SB 375. Specifically, over \$270 million in Climate Action Plan implementation grants and \$37 million in Climate Action Plan Monitoring Programs are included. Additionally, the Plan includes an enhanced habitat conservation vision that anticipates \$3 billion in habitat-related projects over the 30-year period. This includes over \$2 billion for an enhanced habitat conservation, management, and monitoring program, a \$565 million Nature-Based Climate Solutions Program that will promote habitat restoration and carbon sequestration, and \$300–\$500 million of land acquisition and restoration for habitat mitigation of transportation projects.

Additionally, the Plan includes a stormwater and resilience plan, which includes objectives related to mitigating stormwater runoff and enhancing the resilience and reliability of the transportation system and regional connectivity as it confronts the consequences of climate change and natural hazards. Specifically, included are over \$500 million in Nature-Based climate solutions and nearly \$190 million in resilient capital grants and innovative solutions.

- 5) *AB 2367 clarifies SANDAG's authority.* Some of the innovative environmental mitigation programs envisioned in SANDAG's 2021 Regional Plan, such as the habitat conservation vision and stormwater and resilience plan are not traditional project areas for which SANDAG was originally envisioned to undertake. AB 2367 provides needed clarity to ensure SANDAG can implement planning goals and secure funding for these programs.

As noted by SANDAG, the sponsors of this bill, "SANDAG is unique among Metropolitan Planning Organizations in that it is created in state statute, and changes to governance require an act of the legislature. However, while the role and responsibilities of Metropolitan Planning Organizations have been enhanced over time, the original governing statutes of SANDAG have not yet been fully updated.

"AB 2367 seeks to align the governing statutes of SANDAG originally put in place by SB 1703 with its current roles and responsibilities as mandated by current state law and clarifies that SANDAG has the authority to implement these planning goals through project development."

RELATED/PREVIOUS LEGISLATION:

SB 32 (Pavley, Chapter 249, Statutes of 2016) – Extended the GHG target for California by codifying a portion of Executive Order B-30-15, issued by Governor Brown, to reduce GHG emissions 40% below 1990 levels by 2030.

SB 375 (Steinberg, Chapter 728, Statutes of 2008) – Required MPOs to include SCSs, as defined, in their RTPs for the purpose of reducing GHG emissions, aligned planning for transportation and housing, and created specified incentives for the implementation of the strategies.

SB 1685 (Kehoe, Chapter 83, Statutes of 2008) – Expanded the purposes for which revenues from a countywide, voter-approved retail transaction and use tax (local sales tax) in San Diego County may be used.

AB 32 (Núñez, Chapter 488, Statutes of 2006) – Required California to reduce GHG emissions to 1990 levels no later than 2020.

SB 1703 (Peace, Chapter 743, Statutes of 2002) – Created a consolidated transportation agency in San Diego from existing agencies, including the SANDAG, MTS, and the NCTD, and authorized that agency to assume certain responsibilities.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

San Diego Association of Governments (sponsor)

OPPOSITION:

None received

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- 2) Authorizes a local authority having jurisdiction over an equestrian trail or hiking or recreational trail to prohibit the operation of an electric bicycle of any class on that trail.
- 3) Eliminates local authority on banning class 1 and 2 electric bicycles on bike paths.
- 4) Allows bicyclists to follow leading pedestrian intervals at intersections.
- 5) Requires motor vehicle operators, when overtaking or passing a bicycle in the same direction, to move over a lane of traffic when possible.
- 6) Eliminates local authority to require bicycle registration.

COMMENTS:

- 1) *Purpose.* According to the author, “As a cyclist, I brought forward AB 1909 to help provide all Californians with the safe opportunity to enjoy a healthy, clean alternative mode of transportation. Decreasing barriers to bicycle ridership is imperative to achieving California’s climate goals. AB 1909 offers more route options to e-bike users and implements important safety measures for bicycles. This approach will significantly decrease the number of fatalities and injuries to cyclists, while simultaneously increasing public health and fighting climate change.”
- 2) *Classes of ebikes.* Existing law defines an ebike as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. Class one ebikes are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph. Class two ebikes also have a maximum speed of 20 mph, but are throttle-assisted. Class three ebikes are pedal-assist and may include a throttle, and can reach a maximum assisted speed of 28 mph.
- 3) *Classes of bike paths.* The California Department of Transportation (Caltrans) provides the following guidance regarding Class I Bikeway (Bike Path) as defined in Chapter 100 of the Highway Design Handbook. Class I Bikeways are also defined in section 890.4 of the Streets and Highways code. Generally, Class 1 bike paths should serve corridors not served by streets and highways or where wide right of way exists, permitting such facilities to be constructed away from the influence of parallel streets. Bike paths should offer opportunities not provided by the road system. They can either provide a recreational opportunity, or in some instances, can serve as direct high-speed

commute routes if cross flow by motor vehicles and pedestrian conflicts can be minimized. The most common applications are along rivers, ocean fronts, canals, utility right of way, and abandoned railroad right of way, within school campuses, or within and between parks. There may also be situations where such facilities can be provided as part of planned developments.

Class II bike lanes are established along streets in corridors where there is significant bicycle demand, and where there are distinct needs that can be served. The purpose should be to improve conditions for bicyclists in the corridors. Bike lanes are intended to delineate the right of way assigned to bicyclists and motorists and to provide for more predictable movements by each. However, a more important reason for constructing bike lanes is to better accommodate bicyclists through corridors where insufficient room exists for side-by-side sharing of existing streets by motorists and bicyclists.

AB 1909 would amend current law that restricts the use of class 3 ebikes on Class I Bikeways. Additionally, it would remove local control from regulating class 1 and 2 electric bicycle operation on a Class I bikeways. Cyclists riding conventional bicycles can operate them at speeds similar to, or faster than class 1 or 2 electric bicycles (20 miles per hour). Class I Bikeways often have speed limit signs, indicating the speed for the bike path.

- 4) *Leading pedestrian intervals.* A leading pedestrian interval (LPI) is an official traffic control signal that advances the "WALK" signal for three to seven seconds while the red signal halting traffic continues to be displayed on parallel and through or turning traffic. This tool has gained in popularity to protect the safety of pedestrians. It allows for increased visibility of pedestrians as well as the opportunity to cross the street without being confronted by a vehicle. New York City conducted a pilot project where cyclists were able to take advantage of the LPI, increasing their visibility, allowing them to get out ahead of traffic and allowing them to avoid confrontation with vehicles making right-hand turns. The results of the study indicated that when cyclists used the LPI, injuries to cyclists decreased by over 26%.

AB 2264 (Bloom, 2022) is currently moving through the legislative process. This bill would require upon the first placement or replacement of a traffic control signal that the city or county include a leading pedestrian interval.

AB 1909 would permit bicyclists to follow leading pedestrian intervals at intersections, which has the potential to increase bicyclist safety.

- 5) *Three Feet for Safety Act*. The California Legislature passed the Three Feet for Safety Act as part of AB 1371 (Bradford), Chapter 331, Statutes of 2013. This act specifies that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. If the vehicle operator is not able to provide three feet of clearance when passing a cyclist, they must slow to a reasonable and prudent speed. Law enforcement officials find this rule difficult to implement as officers must make a judgement call of the distance between the vehicle and the bicycle.

As written, AB 1909 amends the Three Feet for Safety Act by requiring motor vehicle operators to make a lane change into another available lane before overtaking or passing the bicycle. Thus, if a bicyclist was riding in a bike lane, all vehicles in the right lane would need to move to the left lane in order to comply with the bill. This change has the potential to increase last minute lane changes, which can be unsafe. Similarly, changing lanes has the potential to slow the flow of traffic in the lane closest to the bike lane which, in turn, could increase congestion.

- 6) *Bicycle Registration*. California created a statewide bicycle registration program pursuant to AB 3329 (Bedham) Statutes of 1974, where cities and local jurisdictions may collect a registration fee from cyclists to officially license bicycles. Many locals found that the revenue from registration fees was insufficient to cover the cost of the program and chose not to require bicycle registration in their jurisdictions or to abandon the bicycle licensing program altogether.

AB 1909 would remove local authorities from requiring bicycle registration, however, they may continue to operate bicycle registration programs on a volunteer basis.

RELATED LEGISLATION:

AB 1096 (Chiu) Chapter 568, Statutes of 2015 — this bill defined electric bicycle and created 3 class definitions. Banned class 3 bicycles from a bicycle path or trail, equestrian trail, or hiking or recreational trail and allows local jurisdictions to limit operation of Class 1 and 2 electric bicycles on a bicycle path or trail, equestrian trail, or hiking or recreational trail.

AB 1371 (Bradford) Chapter 331, Statutes of 2013 — this bill specified that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the

same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

SB 1464 (Lowenthal) of 2012 — this bill would have set requirements for the safe passing of bicyclists by motor vehicles and establishes fines and penalties for failure to abide by these requirements. That bill was vetoed by the Governor on the grounds that the bill authorized a dangerous maneuver (crossing double yellow pavement markings) and would weaken the state's defense to lawsuits.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Active San Gabriel Valley
California Bicycle Coalition
Los Angeles County Bicycle Coalition
Move LA, a Project of Community Partners
Natural Resources Defense Council
Sierra Club
Streets for All

OPPOSITION:

None received.

-- END --

- 6) Requires the Department of Transportation (Caltrans) to develop minimum safety design criteria for cycle tracks.
- 7) Authorizes local governments to deviate from Caltrans' design criteria for bikeways under specified conditions.

This bill:

- 1) Requires CHP to develop, on or before September 1, 2023, statewide safety and training programs for users of ebikes, including, but not limited to:
 - a) General ebike riding safety, emergency maneuver skills, rules of the road, and laws pertaining to ebikes.
- 2) Requires the safety and training programs to be developed in collaboration with relevant stakeholders and to be posted on CHP's website by September 1, 2023.

COMMENTS:

- 1) *Purpose.* According to the author, "Unlike bicycles, an average e-bike can go as fast as 20 mph. Without the proper safety education and training for parents and children on how to ride safely, where to ride, bike maintenance, and the rules of the road for cyclists and drivers, e-bike riders are at risk of experiencing severe injuries or even fatalities. Currently, a handful of cities and bicycle organizations offer e-bike education classes. AB 1946 requires Caltrans and the Division of Traffic Safety to develop statewide, uniform safety education and training guidelines for e-bike riders to be posted on their respective websites to make it easier to locate and find this information."
- 2) *Electric Bicycles.* Ebikes look like regular bikes but include an electric motor and battery. Ebikes with pedal assist turn on the motor when the rider pedals. Ebikes with throttles can turn on the motor to propel the bike even when the rider does not pedal. Class one ebikes are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph. Class two ebikes also have a maximum speed of 20 mph, but are throttle-assisted. Class three ebikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph. Due to the increased speeds these bikes make it possible to commute longer distances in a short amount of time. However, with the increased speed comes increased safety risks. The U.S. Consumer Product Safety Commission issued

a report in 2020 that concluded ebikes accounted for 9 percent of micromobility injuries.¹

- 3) *Current State Programs.* CHP implements a traffic safety grant funded by the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration, known as The California Pedestrian and Bicyclist Enforcement and Education Project. The stated goals of the project is, “to reduce pedestrian and bicyclist collisions and victims.” The project includes both enhanced enforcement and a public education and awareness campaign focusing on traffic safety, which includes motorist behavior when driving in the presence of pedestrians and bicyclists. The program provides comprehensive traffic educational events, community informational sessions and collaboration, distributes bicycle helmets and other safety equipment, educational materials, and training for CHP personnel.

CHP has also created a Bicycle Safety Course which provides valuable information related to bicycle safety and maintenance. The course is available for anyone to complete, but is required within 120 days if a rider receives a citation for failing to wear a helmet. If the rider wears a properly fitted helmet and provides a copy of the course completion, the citation will be cleared. CHP, in consultation with OTS, has also created a bicycle and pedestrian tip sheet for motorists that include reminders such as “share the road.”

AB 1946 requires the CHP to develop a statewide safety and training programs for users of ebikes and to post the programs on their internet website by September 1, 2023.

- 4) *Amendments.* Recent technical amendments to AB 1946 removed the word “standards” from the language of the bill. The language is now “safety and training programs.” This was done to eliminate any confusion that the word standards meant that the CHP would need to develop new regulations, which would have delayed the CHP’s ability to complete the creation of the program by the September 1, 2023 date.

RELATED LEGISLATION:

AB 1096 (Chiu, Chapter 568, Statutes of 2015) — this bill defined electric bicycle, motorized bicycle, moped, and includes various restrictions for the operation of Class I, II, and III electric bicycles.

¹ <https://www.cpsc.gov/s3fs-public/Micromobility-Products-Related-Deaths-Injuries-and-Hazard-Patterns-2017%E2%80%932019.pdf?90dOQxCOSzGvGRFGX6UF6Z6zvQhV9R1P>

AB 1193 (Ting, Chapter 495, Statutes of 2015) — this bill added a new category of bikeway named cycletracks or separated bikeways, also known as Class IV bikeways; clarifies Caltrans is required to establish minimum safety design criteria for each category of bikeways and provide consideration for the safety of vulnerable populations; and authorizes a local agency to utilize other minimum safety criteria if specified conditions are met.

SB 1095 (Killea, Chapter 517, Statutes of 1998) — this bill created a bicycle facilities coordinator within Caltrans to be responsible for the administration of the department's bicycle-related activities, and consolidates provisions within the California Bicycle Transportation Act.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

AAA Northern California, Nevada & Utah
Auto Club of Southern California (AAA)
City of Oceanside
City of Vista
Plug in America

OPPOSITION:

None received.

-- END --

- 7) Permits a court to restrict a driver convicted of engaging in any motor vehicle speed contest to be allowed to drive a vehicle to and from work and for the purposes of work.
- 8) Prohibits a person from aiding or abetting in a speed contest.
- 9) Defines speed contests as a motor vehicle race against another vehicle, a clock, or other timing device.
- 10) Sets the current penalty for conviction of street racing at imprisonment in county jail for between 24 hours and 90 days, or a fine between \$355 and \$1,000, or both. Violators are required to perform 40 hours of community service. The court can order the suspension of driving privileges between 90 days and six months. These punishments increase for subsequent offenses or in cases where bodily injury to another person has occurred.
- 11) States that if a person is convicted of a street racing violation, and the vehicle used during the violation is registered to the person, the vehicle may be impounded at the registered owner's expense for between one and 30 days.
- 12) Provides that any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Further specifies that a person who drives any vehicle in any off-street parking facility in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- 13) Authorizes a magistrate to issue a warrant or provide a peace officer with the authority to immediately seize a vehicle if the peace officer has provided a valid affidavit that the vehicle was involved in a speed contest or reckless driving in the presence of a peace officer.
- 14) Authorizes a court to suspend a person's driver's license for up to 30 days for a first offense conviction of reckless driving.

This bill:

- 1) Makes it a crime for a person to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility.

- 2) Makes it a crime for a person to aid or abet or to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility.

COMMENTS:

- 1) *Purpose.* According to the author, “Illegal sideshows devastate families, claim innocent lives in our communities, and create serious risks for our youth. You can find tragic street racing stories in the newspaper any day of the week across California—including in parking lots, which are not covered as a prohibited space for sideshows under current law. AB 2000 will give law enforcement and courts the tools and additional resources they need to stop dangerous sideshows before they start and make our communities safer for everyone.”
- 2) *What is a sideshow?* A sideshow is an informal demonstration of automotive stunts often held in vacant lots, parking lots, and public intersections. These events became popular in Oakland, California back in the 1980s. These sideshow include dangerous stunts including donuts in close proximity to pedestrians and popping wheelies.
- 3) *Sideshow popularity.* The Sacramento Bee reported in January of 2019 that sideshows have been occurring on the streets in North Sacramento County nearly every weekend. Some of the larger sideshows included one in November of 2017 on Highway 50 in Sacramento that involved 500 vehicles and 1,000 people participating in a sideshow that blocked all eastbound lanes of traffic for 15 minutes. The size of these events has made it difficult for law enforcement to effectively apprehend everyone involved. During the COVID 19 pandemic lockdowns, cities have seen an increase in street racing and sideshows, in part because there have been fewer vehicles on the road. The California Highway Patrol (CHP) responded to 25,953 calls involving a motor vehicle speed contest or exhibition of speed in 2020, nearly 3,500 more calls than the prior year. In 2020, CHP cited 341 individuals with a violation of motor vehicle exhibition of speed, 141 more than the year before.
- 4) *Is it a crime?* Individuals who participate in a sideshow can be charged with engaging in a motor vehicle exhibition of speed on a highway, which has been interpreted by the courts to include the acts of burning or squealing tires - allowing them to lose traction, performing wheelies, or revving an engine or hitting the gas too quickly after running a light. Last year the Legislature passed AB 3 (Fong), Chapter 611, Statutes of 2021, which provided the ability to suspend a person’s driver’s license if they were convicted of a motor vehicle

exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

Prosecutors are given the discretion to charge a motor vehicle exhibition of speed as a misdemeanor or an infraction (commonly referred to as a wobbler) as a result of the different types of acts of severity that could be charged as a motor vehicle exhibition of speed. If the crime is a misdemeanor, they can serve up to 90 days in jail, and receive a fine of nearly \$500 after accounting for all of the fees attached to the \$100 base fine. If the crime is charged as an infraction, the fine is closer to \$400. A driver will also receive two violation points on their license, and traffic violator school is not an option. An individual is considered a negligent operator if they receive 4 or more points in 12 months, 6 in 24 months, or 8 in 36 months. DMV is given the authority to suspend someone's license if they are determined to be a negligent operator.

Unlike reckless driving charges, the crime of motor vehicle exhibitions of speed and speed contest can only be brought on a roadway, not a parking lot. This bill authorizes those two crimes to be charged if committed on a parking lot.

Importantly, SB 1489 (Perata), Chapter 411, Statutes of 2002, granted law enforcement the ability to impound a vehicle for reckless driving, meaning that an individual's car could potentially be impounded under the provisions of the bill.

- 5) *Expanding the scope.* Reckless driving charges can be brought against a driver participating in a motor vehicle sideshow both on a street or in a parking lot. The crime of reckless driving carries similar penalties to the crimes of speed contests and motor vehicle exhibitions of speed. While reckless driving charges can be brought against a driver in a sideshow in a parking lot, the license suspension for such an offense is 30 days, far less than the 90 days to six month suspension that a driver could get for participating in a sideshow on a public road. A person who drives a vehicle upon a highway or in an off-street parking facility in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. While reckless driving charges can only be brought against a driver in a sideshow, speed contest and motor vehicle exhibition of speed charges can be brought against anyone who aides and abets in the crime including spectators and passengers. AB 2000 expands the ability for law enforcement to bring charges against participants in a sideshow in a parking lot both for the individual driving the vehicle and those that are merely participating.

- 6) *Opposition.* The American Civil Liberties Union California Action (ACLU) writes in opposition to the bill citing “the existing crimes and penalties for speed contests and exhibitions are more than sufficient, and that expanding these crimes will only add to our already complicated Penal Code without measurable benefit.” The ACLU contends that current law, which prohibits engaging in a motor vehicle speed contest or exhibition on a highway, adequately protects against dangerous driving at high speeds on public roadways which has many for possibilities for injuries and deaths than a parking lot could present and that an individual harmed in a parking lot would already have adequate legal recourse.
- 7) *Support.* The California District Attorneys Association writes in support of the bill citing "Prosecutors know all too well that street racing and sideshows are not exclusive to state highways and often occur in off street parking facilities. When street racing and sideshows occur in off street parking facilities, often the risks to spectators and participants increase due to the number of pedestrians and vehicles present. Curiously, existing law, only prohibits motor vehicle speed contests and exhibitions of speed from occurring on the highway. By extending the prohibition of speed contests and exhibitions of speed to off street parking facilities, AB 2000 will enhance public safety and save lives."
- 8) *Double Referral.* This bill is also referred to the Senate Public Safety Committee.

RELATED LEGISLATION:

SB 1472 (Stern, 2022) — creates a new crime of vehicular manslaughter while driving in a reckless manner and vehicular manslaughter while driving and speeding. *This bill is pending in the Assembly Rules committee.*

SB 67 (Perata), Chapter 727, Statutes of 2007 — this bill 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 of 2002 — this bill 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.

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

AB 1407 (Friedman), of 2019, AB 1393 (Friedman) of 2017 and SB 510 (Hall) of 2015 — these bills would have required a vehicle that is determined to have been involved in a speed contest or engaged in reckless driving to be impounded for 30 days, as specified. *These bills were vetoed by the Governor.*

SB 699 (Galgiani), of 2017 — this bill 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. *This bill passed out of the Senate and was later amended into a different measure and died in Assembly Public Safety Committee.*

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

AAA Northern California, Nevada & Utah
Automobile Club of Southern California
California Association of Highway Patrolmen
California District Attorneys Association
California State Sheriffs' Association
City of Beverly Hills
Conor Lynch Foundation
County of Kern
LASD
Los Angeles County District Attorney's Office
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
Sacramento; County of
Social Families for Safe Streets
Street Racing Kills
We Save Lives.org

OPPOSITION:

ACLU California Action

-- END --

7) Authorizes SacRT to provide for a retirement system, as specified.

This bill:

- 1) Increases, from \$100,000 to \$125,000, the bid threshold for SacRT's purchase of supplies, equipment, and materials.
- 2) Requires that, for the purchase of supplies, equipment, or materials that exceeds \$3,000, but does not exceed \$125,000, SacRT shall obtain, to the extent practicable, a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.
- 3) Clarifies that that each member entity that is annexed after the initial formulation of the transit district is entitled to make one appointment to the Board of Directors.
- 4) Requires that all official acts of the SacRT Board shall require the affirmative vote of a majority of all members of the Board, unless a higher threshold is required by law.
- 5) Specifies that if SacRT establishes a retirement board for its retirement system, board members and employees of the district may serve on the retirement board.
- 6) Repeals obsolete language related to the transit district.
- 7) Contains other technical and conforming changes.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, "AB 1196 (Cooley, Chapter 272, Statutes of 2021) reorganized Sacramento Regional Transit District's (SacRT) Board to a one-person one-vote methodology after the integration of Elk Grove into the district. Since then, SacRT's internal counsel has identified ambiguities resulting from the change in their board structure. This bill clarifies definitions pertaining to appointments and actions of the board and removes obsolete provisions due to the full integration of Elk Grove. Further, this bill aims to improve operational efficiency by increasing the formal solicitation threshold for supplies into alignment with the current consumer price index. Finally, this bill authorizes SacRT's historical practice of allowing district board members and district employees to serve on the SacRT Retirement Board."

- 1) *SacRT*. SacRT serves the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, and Rancho Cordova, by operating 82 bus routes and 43 miles of light rail serving 53 light rail stations and ADA paratransit services across a 440 square-mile service area, among other services. SacRT is governed by an 11-member Board of Directors comprised of directors that are appointed by the annexed jurisdictions, which are "member entities," including three members by Sacramento County, four members from City of Sacramento, one member each from the cities of Citrus Heights, Elk Grove, Folsom, and Rancho Cordova.
- 2) *Technical updates to last year's reorganization*. AB 1196 (Cooley, Chapter 272, Statutes of 2021) updated the governing statute for SacRT from weighted voting to a one-person, one-vote structure. The bill anticipated annexation of the City of Elk Grove into the district – the final participating entity to do so. To that end, AB 2015 updates the SacRT statutes to reflect this annexation. The bill also clarifies provisions relating to Board actions.
- 3) *Increase to SacRT bidding thresholds*. According to Sac RT, it has experienced project delays when soliciting for supplies, equipment, and materials. This bill increases the point at which purchases of supplies, equipment, and materials are required to go through a formal bid process to \$125,000, consistent with inflation. SacRT last raised their bid threshold in 2013 from \$40,000 to \$100,000.
- 4) *SacRT Retirement Board and Double Referral*. SacRT has historically allowed its employees and Board members to sit on the SacRT Retirement Board. This bill would codify that practice. If AB 2015 is approved by this committee, it will be referred to the Senate Labor, Public Employment, and Retirement Committee for further analysis of these provisions.

RELATED/PREVIOUS LEGISLATION:

AB 1196 (Cooley, Chapter 272, Statutes of 2021) – Changed the voting structure for SacRT from a weighted voting structure to a “one member, one vote” voting structure. This bill also removed the code sections pertaining to the weighted voting structure and made other technical and clarifying changes.

AB 709 (McCarty, Chapter 522, Statutes of 2018) – Made numerous changes to the SacRT Act, including clarifying SacRT’s geographic area and adding a one-eighth of one percent sales tax-rate increment to SacRT’s taxation authority.

SB 1068 (Rubio, Chapter 220, Statutes of 2012) – Increased SacRT’s bidding threshold from \$40,000 to \$100,000 for the purchase of supplies, equipment, and materials.

AB 2137 (Niello, Chapter 272, Statutes, 2006) — Created SacRTs weighted voting structure.

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

According to the Assembly Appropriations Committee,

- Minor one-time costs to SacRT to make administrative updates regarding bid thresholds and voting requirements. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates, but it is unlikely the costs would be sufficient for the district to submit a claim.
- Establishing a retirement board is at the discretion of the district and, therefore, any costs incurred by the district are not reimbursable by the state.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Sacramento Regional Transit District (sponsor)
Sacramento Metro Advocates for Rail and Transit

OPPOSITION:

None received

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

Bill No:	AB 2057	Hearing Date:	6/14/2022
Author:	Carrillo		
Version:	3/28/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Transportation Agency: goods movement data

DIGEST: This bill requires the California State Transportation Agency (CalSTA) to collect and consolidate data related to goods movement in the transportation supply chain from specified sources.

ANALYSIS:

Existing law:

- 1) Requires the South Coast Air Quality Management District (SCAQMD) to adopt a plan to achieve and maintain the state and federal ambient air quality standards for the South Coast Air Basin. Authorizes SCAQMD to adopt indirect sources in those areas of the district in which there are high-level, localized concentrations of pollutants or with respect to any new source that will have a significant effect on air quality in the South Coast Air Basin.
- 2) Requires CARB, in consultation with the Bureau of Automotive Repair and the Department of Motor Vehicles, to adopt and implement a regulation for a Heavy-Duty Vehicle Inspection and Maintenance Program for non-gasoline heavy-duty on-road motor vehicles that weigh more than 14,000 pounds.
- 3) Requires owners of heavy duty diesel drayage trucks that transport cargo to and from California ports and rail yards to register in the Drayage Truck Registry with CARB.
- 4) Provides for CARB to administer programs, such as the Hybrid and Zero Emission Truck and Bus Voucher Program (HVIP) and the Carl Moyer Program, to subsidize the purchase of clean medium- and heavy-duty trucks, including drayage trucks.

This bill:

- 1) Requires CalSTA to collect the following data:
 - a) Data collected with the State Air Resources Board (CARB) Drayage Truck Registry.
 - b) The Port Drayage Truck Registry that is part of the Clean Trucks Program at the Port of Los Angeles and Port of Long Beach.
 - c) Recipients of subsidies for purchase of medium- and heavy-duty vehicles for operation at the Ports by CARB.
 - d) Truck make and model reported pursuant to the South Coast Air Quality Management District (SCAQMD) Warehouse Indirect Source Rule.
 - e) Data collected under the Heavy-Duty Vehicle Inspection and Maintenance Program; and,
 - f) Data received from the Chief of the Division of Labor Standards Enforcement (Labor Commissioner) related to this bill (see (5) below).
- 2) Requires all maritime Ports to collect data and statistics from trucking companies on the number of trucks owned, the number of drivers dispatched, the number of drivers classified as independent contractors, and the number classified as employee drivers and requires the Ports to provide the data to CalSTA.
- 3) Requires CalSTA to make the data collected publicly available on its internet website.
- 4) Requires the Labor Commissioner to have access to data from the Department of Industrial Relations (DIR), including employer-reported injury data and enforcement actions in Port drayage, the identity of uninsured employers, and employers who are committing workers' compensation fraud, wage theft, or other information relevant to the authority of the Labor Commissioner.
- 5) Requires the Labor Commissioner to provide data on the number and type of violations collected and data on the number of wage claims and other violations resulting from the Labor Commissioner's enforcement actions involving Port drayage to CalSTA.

COMMENTS:

Author's Statement. “California is home to some of the largest and busiest ports in the nation and can lead in the effort to improve data and transparency. Trucks and truck drivers are a key part of the logistics chain at the ports, yet there is no central entity tracking data on the number of trucks dispatched by each company, the types of vehicles (ZEV) used, job quality, employment status, and other data points. AB 2057 would increase transparency in the goods movement and transportation supply chain by allowing for data sharing with relevant state agencies to increase supply chain resilience and sustainability. Recent supply chain delays highlight the struggle to maintain efficient goods movement at our nation's ports. President Biden's infrastructure plan will invest billions on modernizing ports and his Administration has called for increased transparency and data collection to improve efficiency and identify bottlenecks. This bill attempts to do just that.”

To What End? This bill requires the collection of two types of data. The first type of data has already been collected by a state or local agency. The second type of data is original data obtained by all maritime ports from trucking companies that is not currently provided.

The first type of data should be easily compiled and provided to CalSTA provided that it is not proprietary. But the bill is not clear on what CalSTA is supposed to do with the data. The author may wish to articulate the purpose for collecting the data. This will aid in understanding whether the appropriate data is being collected and whether CalSTA can fulfill the purpose of the bill.

The second type of data will be harder to obtain. Trucking companies may consider that information proprietary and decline to provide it. Whether and how the ports can compel the information to be produced is an open question. Should the ports even be put in the position of acquiring such information? If this information is for purposes of ensuring compliance with labor law, then this may be a matter for the Labor Commissioner or the Department of Labor. The author may wish to consider finding a more appropriate organization to administer the data collection and address the concerns about the proprietary nature of the data requested.

Double Referred. This bill has been double referred to the Labor, Public Employment, and Retirement Committee.

RELATED LEGISLATION:

AB 794 (Carillo), Chapter 748, Statutes of 2021 establishes specified labor standards that a fleet purchaser is required to meet in order to be eligible to receive

incentives for new drayage and short-haul trucks under incentive programs beginning with the 2022–23 fiscal year.

SB 210 (Leyva), Chapter 298, Statutes of 2019 required CARB to implement a pilot program that develops and demonstrates technologies for bringing heavy-duty vehicles into an inspection and maintenance program. Two years upon completion of the pilot, requires CARB to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles.

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

From the Assembly Appropriations Committee:

- 1) ARB estimates it will need approximately \$210,000 (Air Pollution Control Fund) annually to compile the data required by this report and transmit the data to CalSTA.
- 2) Annual costs of an unknown amount, but likely in the tens of thousands of dollars to hundreds of thousands of dollars (General Fund), to the Labor Commissioner to compile the data required by this report and transmit the data to CalSTA.
- 3) CalSTA contends its costs will depend on implementation details the agency cannot determine from the language of the bill or predict based on information currently in its possession—the frequency with which covered entities will need to report data to CalSTA and how often CalSTA will need to update data on its website; the complexity of data submitted and the size of files that store the data; and the frequency of inquiries about the data and requests to access the data. (Special fund.)

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Bluegreen Alliance
California Environmental Voters (formerly CLCV)
California Labor Federation, AFL-CIO
California State Association of Electrical Workers
California Teamsters Public Affairs Council
Centro Legal De La Raza

Clergy and Laity United for Economic Justice
Earthjustice
LAANE (Los Angeles Alliance for a New Economy)
Latinos in Action
Los Angeles County Federation of Labor, AFL-CIO
NRDC
Santa Clara Wage Theft Coalition
SEIU California
Sierra Club California
Southern California COSH
Warehouse Worker Resource Center

OPPOSITION:

California Trucking Association
Harbor Trucking Association

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- 4) Provides that, prior to designating a highway for combined use, a local agency, federal agency, or the Parks Director must notify the CHP Commissioner and may not designate a road for combined use if the CHP believes doing so would create a potential traffic safety hazard.
- 5) Requires signs approved by Caltrans on designated combined-use highways before the designation can become effective.
- 6) Prohibits operation of an OHV on a designated combined use highway without the following: a valid license appropriate for the class of vehicle being operated, proof of insurance, a working spotlight, rubber tires, or after dark.
- 7) Authorizes Inyo County, until January 1, 2025, to conduct a pilot project to provide a unified system of trails for OHVs by designating combined use highways on unincorporated county roads for segments of no more than 10 miles.

This bill:

- 1) Authorizes the City of Needles to establish a pilot project to designate combined-use highways on roads in the city to link existing off-highway vehicle (OHV) trails and to link OHV recreational use areas with necessary services and lodging facilities.
- 2) Requires the pilot project to do the following:
 - a) Prescribe the procedure for highway, road, or route selection and designation and that the procedure be approved by a vote of the majority of the city council.
 - b) Prescribe a procedure for Needles to remove a combined-use designation.
 - c) In cooperation with the Department of Transportation (Caltrans), establish appropriate signage and traffic control devices.
 - d) Require OHVs subject to the pilot meet specified federal and state safety requirements regarding licensing, helmet usage, and other requirements as specified.
 - e) Prohibit OHVs from traveling faster than 35 miles per hour on highways designed under this section.
 - f) Prohibits a combined-use segment from exceeding 10 miles.

- g) Includes an opportunity for public comment on the pilot at a public hearing held by Needles.
- 3) Prohibits Needles from designating a combined use highway unless the Commissioner of the California Highway Patrol (CHP) finds it safe.
- 4) Requires Needles to agree to defend and indemnify the state against claims for safety-related incidents resulting from use by an OHV of a combined use highway.
- 5) Requires Needles, in consultation with CHP, Caltrans, and the Department of Parks and Recreation, to prepare a report evaluating the safety, effectiveness, and scope of the pilot project by January 1, 2027.
- 6) Requires Needles, in consultation with the Department of Fish and Wildlife (DFW) and the Mojave Desert Air Quality Management District, to prepare a report on the impacts of the combined-use highways on neighboring lands.
- 7) Sunsets the pilot January 1, 2028.

COMMENTS:

- 1) *Author's Statement.* AB 2152 would extend the existing Inyo County pilot program to the similarly situated City of Needles. This will allow the city to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, thereby creating a unified system of trails for OHVs and contributing substantially to the local economy. The City of Needles is uniquely positioned to experience the same type of benefits and successes that were experienced by the pilot project established for the County of Inyo.
- 2) *A Little Different (1).* OHVs encompass a variety of vehicle types, including motorcycles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles (ATVs), Jeeps, and recreational utility vehicles (also known as utility terrain vehicles or side-by-sides), that are intended to be operated or used exclusively off the highways. They are therefore not subject to the same registration and safety equipment requirements as vehicles that are routinely used on public streets. Legislation is needed to permit these vehicles to operate on public highways for distances of greater than three miles.
- 3) *A Little Familiar.* Legislation has authorized Inyo County to conduct a pilot program for OHVs to operate on public roads for greater than three miles since

2012. This bill creates the same pilot program authority for the City of Needles with the same safeguards for signage, safety, and public input as well as reporting on both safety and environmental impacts.

- 4) *A Little Different (2)*. While Needles is small (5200 residents), remote and rural, it is much more dense than Inyo County. As a city, Needles has commercial areas, sidewalks, railroad crossings, and many intersections, greatly increasing the frequency of interactions between OHVs and on-road light- and heavy-duty vehicles. While the safety risks are higher than in Inyo County, the process for establishing routes for OHV use has safeguards for public input, approval by Caltrans and the CHP, and ultimately a vote by the city council. Moreover, the report on the outcomes from this pilot program, which include the impact on safety, traffic flows, OHV usage on designated and non-designated areas, the environment and cultural resources will provide a complete picture on the benefits and detriments of this pilot.
- 5) *Likely Routes*. Needles envisions a comprehensive combined use network for OHVs, potentially traversing the entire city north to south with many east to west spurs.

RELATED LEGISLATION:

AB 628 (Conway), Chapter 532, Statutes of 2011 – authorized Inyo County to designate road segments up to 10 miles in length for combined-use on a pilot basis.

SB 1345 (Berryhill), Chapter 217, Statutes of 2016 – extended the sunset date to January 1, 2020, for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities.

SB 402 (Borgeas), Chapter 211, Statutes of 2019 – extended the sunset date to January 2025 for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities.

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

From the Assembly Appropriations Committee: Minor, absorbable costs to CHP, Caltrans, DFW and State Parks to consult on the report to evaluate the pilot program.

POSITIONS: (Communicated to the committee before noon on Wednesday,

June 8.)

SUPPORT:

City of Needles
Off Road Vehicle Legislative Coalition

OPPOSITION:

None received.

-- END --

in a fire station coverage assignment directly related to an emergency response.

- c) The driver of the vehicle determines that the use of the toll facility shall likely improve the availability or response and arrival time of the authorized emergency vehicle and its delivery of essential public safety services.
- 4) Clarifies that an authorized emergency vehicle is not exempt from any requirement to pay a toll while traveling in a HOT lane when returning from an urgent or emergency call, or from being engaged in an urgent or emergency response, or from engaging in a fire station coverage assignment directly related to an emergency response.
- 5) Requires that if the operator of a toll facility elects to send a bill or invoice to the public agency for the use of the toll facility by an authorized emergency vehicle, the fire chief, police chief, county sheriff, head of the public agency, or designee, is authorized to certify in writing that the authorized emergency vehicle was responding to or returning from an emergency call or response and is exempt from the payment of the toll or other charge in accordance with this section. The letter shall be accepted by the toll operator in lieu of payment and is a public document.
- 6) Requires that, upon information or belief that an authorized emergency vehicle did not meet the conditions to be exempted from liability to pay the toll, the public agency shall make accessible, upon written request, to the toll operator the dispatch records or log books relevant to the time period when the vehicle was in use on the toll facility.
- 7) Stipulates that these provisions do not prohibit or amend an agreement entered into between a public agency and a toll operator that establishes mutually-agreed upon terms for the use of the facility, and further provides that the provisions do not preclude a toll operator from establishing a policy that meet or exceeds them.
- 8) Stipulates that the terms of an agreement between a toll operator and public agency do not extend to other public agencies that may use a toll facility in the jurisdiction of the toll operator when assisting the public agency that is subject to the agreement.

This bill:

- 1) Requires an owner and operator of a toll facility, upon the request of a local emergency service provider, to enter into an agreement to establish mutually

agreed upon terms for the use of the toll facility by the emergency service provider.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “as currently written AB 2270 will ensure our emergency service departments and agencies the efficiency and maneuverability to better serve their communities and the California public at large. As fire seasons start earlier and stretch longer it is crucial for units to be able to utilize streamlined lanes of travel. The wasteful and costly administrative burden on our emergency service providers for utilizing HOV or Toll lanes when it serves the public interest.”
- 2) *Emergency vehicles use of toll facilities.* The use of toll roads has become a necessity for first responders traveling to emergency situations. As a result of increased wildfires across the state, the COVID-19 pandemic, and staffing shortages, first responders are traveling farther distances in order to respond to life threatening emergencies. As a result of disregard for the posted speed limit during the COVID-19 pandemic, the Transportation Corridor Agencies (TCA), who manages the toll facilities in Orange County, partnered with the California Highway Patrol (CHP) to increase the presence of law enforcement officers on toll facilities to encourage drivers to respect posted speed limits, which could lead to more first responders utilizing more toll facilities, such as HOT lanes.

AB 254 (Jeffries, Chapter 425, Statutes of 2009) created an exemption that allows authorized emergency vehicles to utilize all toll facilities, including HOT lanes, while responding to an incident, in order to decrease travel time. Specifically, authorized emergency vehicles are exempt from tolls on a toll road, HOT lane, toll bridge, toll highway, or vehicular crossing while traveling to an urgent or emergency call, under certain circumstances. The emergency vehicles must have an exempt California license plate, and be properly identified or marked as an emergency vehicles, including warning lights and public agency identification.

- 1) *How do tolls work in California?* Toll systems in California rely on a few methods for registering a person’s use of a toll facility and payment of the tolls. First, is via a vehicle-mounted toll tag or sticker transponder that is read by antennae and associated electronically to a person’s FasTrak account. Second, license plate readers are cameras that are positioned in various entrances and/or exits to the toll lane or bridge to record images of the license plate as a vehicle passes and tolls are assessed electronically to a person’s account or to a one-time payment transaction. Additionally, on a handful of toll

bridges, if a person has no transponder, the license plate information can be used to send a toll invoice to the registered owner of the vehicle.

- 3) *How do toll operators implement the emergency vehicle exemption?* Although authorized emergency vehicles are exempt from tolls in some circumstances, current law authorizes the toll operator to charge the authorized emergency vehicle public agency for any vehicles that have entered and used the toll facility. The charge can then be annulled with the written certification from a fire chief, police chief, county sheriff, head of the public agency, or designee, that the authorized emergency vehicle was responding to or returning from an emergency call, and the public agency is exempt from the payment of the toll. This back and forth review can be an administrative burden for both the toll operator and the public agencies.

Current law also allows for public agencies to enter into agreements, with mutually agreed upon terms, with toll operator; however, contracts can vary across the state. For example, the CHP has successfully implemented an ongoing agreement with toll agencies. Essentially, the agreement allows the public agencies that owns and operates the authorized emergency vehicles to identify the eligible vehicles via license plates. The toll agencies set up a so-called “non-revenue” account with the public agency, free of charge, and register the license plates for plate readers and may issue transponders for use. This way the public agency is not issued a toll invoice for use of the facilities. The public agency can access its account at any time and update authorized vehicles. This type of agreement could be replicated by public agencies across the state.

- 4) *Author is concerned about CAL FIRE.* According to the author, the California Department of Forestry and Fire Protection (CAL FIRE) is responsible for more than 31 million acres of the State’s privately-owned wildlands. The Department is an “all-risk” response organization, and provides emergency services within 36 of California's 58 counties through local government contracts.

CAL FIRE has a fleet of more than 2,800 emergency vehicles that respond to approximately 450,000 emergency calls per year. Since emergency vehicles are currently exempted from paying required tolls when responding to emergency incidents, CAL FIRE vehicles often are exempt. Approximately 97% of all CAL FIRE vehicle toll violations are a direct result of emergency response.

However, while working agreements exist between individual CAL FIRE Units and toll agencies pertaining to large incidents, the CAL FIRE still receives approximately 1,500 toll violations each year. Most of the violations are

exempted and the fees waived, but as noted, staff time must be dedicated to resolve the violations.

AB 2270 requires tolls operators to develop and enter into agreements with emergency services providers upon request of the public agency. However, the bill retains current law that stipulates the agreements must be mutually agreed upon terms. Recent discussions between CAL FIRE and the toll operators have started the process for the potential development of a statewide agreement, such as the one enjoyed by CHP.

RELATED/PREVIOUS LEGISLATION:

AB 261 (Seyarto, 2021) – Would have exempted an authorized emergency vehicle from payment of an HOT toll when returning from an urgent emergency call. *This bill was held in the Assembly Transportation Committee.*

AB 254 (Jeffries, Chapter 425, Statutes of 2009) – Established the circumstances under which an authorized emergency vehicle is exempt from paying a toll on a tolled facility.

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

According to the Assembly Appropriations Committee, AB 2270 has no state costs.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

None received

OPPOSITION:

None received

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

Bill No:	AB 2330	Hearing Date:	
Author:	Bigelow		
Version:	3/16/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Total loss salvage and nonrepairable vehicles

DIGEST: This bill modifies existing requirements for an insurance company, or a salvage pool authorized by an insurance company, to receive a salvage certificate or nonrepairable vehicle certificate.

ANALYSIS:

Existing law:

- 1) Requires an insurance company, or authorized agents, after a total loss settlement has been made on a salvage vehicle or a nonrepairable vehicle to forward to DMV the properly endorsed certificate of ownership or other ownership acceptable to DMV, the license plates, and a fee of \$15, to DMV.
- 2) Authorizes an insurance company, or a salvage pool authorized by an insurance company, to request a salvage certificate or nonrepairable vehicle certificate from the DMV without a properly endorsed certificate of ownership within 30 days after the insurance company makes a total loss settlement on a total loss salvage vehicle, so long as they attest to DMV that they made two written attempts to receive a certificate of ownership from the previous owner of the vehicle.
- 3) Defines a "total loss salvage vehicle" as a "vehicle, other than a non-repairable vehicle, of a type subject to registration that has been wrecked, destroyed, or damaged, to such an extent that the owner, leasing company, financial institution, or the insurance company that insured the vehicle, considers it uneconomical to repair the vehicle and because of this, the vehicle is not repaired by or for the person who owned the vehicle at the time of the event resulting in damage."

- 4) Defines a “nonrepairable vehicle” as a vehicle that either has no resale value except as a source of parts or scrap metal, and which the owner irreversibly designates solely as a source of parts or scrap metal; a completely stripped vehicle recovered from theft, missing all of the bolts on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and substantially all of the grill and light assemblies, or that the owner designates has little or no resale value other than its worth as a source of scrap metal; or a completely burned vehicle that has been burned to the extent that there are no more useable or repairable body or interior components, tires and wheels, or drive train components, and which the owner irreversibly designates as having little or no resale value other than its worth as scrap metal.

This bill:

- 1) Authorizes an insurance company, or a salvage pool authorized by an insurance company, to request a salvage certificate or nonrepairable vehicle certificate from the Department of Motor Vehicles (DMV) without a properly endorsed certificate of ownership within 15 days after the insurance company makes a total loss settlement on a total loss salvage vehicle so long as the company attests to DMV that it made a single attempt to receive a certificate of ownership from the previous owner of the vehicle.

(In contrast, current law authorizes such a company to request a certificate within 30 days after the company makes a total loss settlement on a vehicle, so long as the company includes and documents it made at least two written attempts to obtain a certificate of ownership from the previous owner of the vehicle.)

- 2) Requires the attempt to obtain the certificate of ownership or other acceptable evidence of title be provided concurrently with the payment of the claim or by first-class mail, certificate of mailing, certified mail or other commercially available delivery service showing proof of delivery or electronic mail.

COMMENTS:

- 1) *Purpose.* According to the author, “AB 2330 is an important bill to help streamline the process for insurance companies and their representatives to obtain vehicle titles from the Department of Motor Vehicles (DMV). Prior to 2006, California lacked a process to obtain a vehicle title if that vehicle was involved in an accident and the prior vehicle owner did not submit title/ownership information to their insurance company. Most insurance policyholders submit their vehicle title/ownership information to their insurance

company, but a small percentage do not for various reasons. AB 1122 by then-Assemblyman Wyland created a process at DMV if the insurance company had already settled the insurance claim with the policyholder, waits 30 days, and makes two additional written attempts to try to obtain the title/ownership information from the policyholder.

In the 14 years since AB 1122 was enacted, hundreds of thousands of written attempts have been sent to policyholders and very few, if any, have resulted in policyholders returning vehicle title information. This bill seeks to further streamline this process by allowing requests within 15 days after the insurance claim has been settled and removes the requirement for two additional written attempts.”

- 2) *Nonrepairable versus total loss.* Existing law defines a nonrepairable vehicle as a vehicle that the owner has irreversibly designated as having little or no resale value other than its worth as scrap metal or as a source of a vehicle identification number that could be used illegally. These vehicles are issued a nonrepairable vehicle certificate, but are not titled or registered. Whereas, a total loss salvage vehicle is a vehicle, other than a nonrepairable vehicle, that has been wrecked, destroyed, or damaged to the extent that the owner, leasing company, financial institution, or insurance company responsible for repair of the vehicle considers uneconomical to repair the vehicle. These vehicles are titled and registered, but are issued a salvage certificate.

Whenever an insurance company makes a total loss settlement on a nonrepairable vehicle or a total loss salvage vehicle and takes possession of that vehicle, the insurance company, an occupational licensee, or a salvage pool must forward the properly endorsed certificate of ownership or other evidence of ownership and the license plates to DMV. Upon receipt of these items, DMV is required to issue a salvage certificate or nonrepairable vehicle certificate, as appropriate, for the vehicle.

- 3) *Existing law.* AB 1122 (Wyland, Chapter 412, Statutes of 2006) authorizes an insurance company to request the DMV to issue a salvage certificate for a vehicle when the insurance company is unable to obtain evidence of an ownership certificate within 30 days following a total loss on a vehicle. Two years later, AB 2273 (Fuentes, Chapter 97, Statutes of 2008) required the DMV to issue a nonrepairable vehicle certificate for a vehicle without a certificate of ownership if the owner of the vehicle has failed to provide the certificate of ownership to an insurance company upon acceptance of a total loss settlement

and the insurance company has made at least two written attempts to obtain the certificate of ownership.

- 4) *Need for the bill.* Copart, the sponsor of the bill, is an online auto auction that resells and remarkets to automotive resellers such as insurance, rental car, fleet and finance companies. Copart has used the pathways described in current law to obtain new vehicle titles roughly 336,000 times and has issued 672,000 letters to prior vehicle owners requesting vehicle title/ownership document from the owners. Copart reports that it has not received any title/ownership documents from the previous owners. They believe this is because the previous owner has already received their settlement check and has moved on. However, the inability to receive the proper documentation from the previous owner results in unnecessary delays in disposing of the vehicle and increased costs for storing the vehicle.

In recognition of this inefficient process, this bill decreases the number of days from the owner's acceptance of a settlement claim from 30 days to 15 days before the insurance company can request the DMV to issue a new certificate of ownership and eliminates the additional written attempts and allow an attestation that the requester has attempted to obtain the certificate of ownership.

RELATED LEGISLATION:

AB 2273 (Fuentes, Chapter 97, Statutes of 2008) — this bill authorized an insurance agency to receive a nonrepairable vehicle certificate without proof of certificate of ownership so long as they attested to DMV under penalty of perjury that they made at least two written attempts to the original owner for the certificate of ownership.

AB 1122 (Wyland, Chapter 412, Statutes of 2006) — this bill authorized an insurance agency to receive a salvage certificate without proof of certificate of ownership so long as they attested to DMV under penalty of perjury that they made at least two written attempts to the original owner for the certificate of ownership.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

American Property Casualty Insurance Association
Copart INC.
CSAA Insurance Exchange and Affiliates
Personal Insurance Federation of California

OPPOSITION:

None received.

-- END --

other transit agencies who are purchasing ZEV busses as well as diesel engine replacement programs for trucks and other off-road equipment. Money that goes to CHC is money that cannot go to bus and truck replacements. Policymakers should consider whether CHC replacement is a better use of this limited funding than truck replacement.¹

- 3) *New Rules.* While this bill provides no new authorization for financial assistance for CHCs, the cost of compliance with the California Air Resources Board's (CARB) recently adopted rules for CHCs will be an enormous issue. These stringent new rules will require the use of renewable diesel fuel, the retrofitting or replacing of many vessels with cleaner diesel technology supported by advanced particulate filters, and in some cases the deployment of zero-emission vessels. While helpful for air quality, this will be extremely expensive: The San Francisco Bay Ferries estimate that it will cost them over \$200 million to purchase compliant vessels plus hundreds of millions of dollars more for the refueling infrastructure. And these obligations are not limited to public ferries. Vessels of all types, from tugboats to barges to commercial fishing vessels, are covered. The Legislature should expect to hear from other marine operators for financial help to meet this obligation.
- 4) *Allocating Scarce Subsidies.* While California has numerous subsidy programs to help individuals and businesses meet its air quality goals, the funding isn't close to what's necessary. Policymakers hear from many interests asking for help to meet the air quality rules imposed by CARB: Public transit agencies, school districts, trucking companies. CHCs are only the latest. Determining where to spend public dollars is a political process. But given the limited available funding and the enormous need, a more analytical process which prioritizes efficient emission reductions in prioritized communities is worth considering.
- 5) *Double Referral.* This bill has been double referred to the Environmental Quality Committee.

RELATED LEGISLATION:

SB 726 (Gonzalez) – Revises the CEC's Clean Transportation Program (CTP) to increase focus on clean air and equity investments. *Pending on the Assembly floor.*

¹ A similar bill, AB 2807 (Bonta), provides a similar preference for public ferries, a subset of commercial harbor craft. That bill is pending in this committee.

AB 1389 (Reyes) – Revises the CEC's Clean Transportation Program (CTP) to increase focus on clean air and equity investments. *Pending on the Senate floor.*

AB 2358 (O'Donnell) – Nearly identical to Section 2 of this bill. *Pending in this committee.*

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

From the Assembly Appropriations Committee: No state costs or cost pressure. This is because the Air Resources Board (ARB) reports zero-emission and near-zero emission harbor craft projects are already eligible for funding under the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, as required by this bill.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

California Electric Transportation Coalition
San Diego Unified Port District

OPPOSITION:

None received.

-- END --

- f) When the intermodal marine terminal is too congested to accept the container and turns away the motor carrier.
- 3) Prohibits an intermodal marine equipment provider from taking any of the following actions:
- a) Charge back, deduct, or offset per diem charges, maintenance and repair charges, or peak hour pricing from a motor carrier's freight bill.
 - b) Unilaterally terminate, suspend, or restrict the equipment interchange rights of a motor carrier or driver that uses the dispute resolution process contained in the Uniform Intermodal Interchange and Facilities Access Agreement to contest a charge, fee, or fine, including a charge for maintenance and repairs imposed by the intermodal marine terminal , while the dispute resolution process is ongoing.
 - c) Unilaterally terminate, suspend, or restrict the equipment interchange rights of a motor carrier for late payment of an undisputed invoice from the intermodal marine terminal, provided that the payment is no more than 60 days late.
 - d) Unilaterally terminate, suspend, or restrict the equipment interchange rights of a motor carrier or driver for parking tickets issued by the marine terminal unless the tickets remain unpaid more than 60 days after being in receipt of the driver or motor carrier. No parking tickets shall be issued by the marine terminal to a driver or motor carrier for a parking violation if the assigned spot was occupied and the trouble window or terminal administration was unable to immediately provide a place to park, or if the driver was instructed to park the equipment in a different spot by marine terminal personnel or security.
 - e) Willfully attempt to circumvent any provisions of this section or to fail, for any reason other than what is specified in the governing port tariff, to collect demurrage when due and payable and when consistent with this section. An intermodal carrier shall not be liable for any portion of demurrage when an intermodal container is not picked up during free time, which is the time period before demurrage charges are to be applied.

This bill:

- 1) Expands the types of charges which may not be imposed by intermodal marine equipment providers and terminal operators, including extended dwell charges, congestion charges, and any other charges of a similar character, and expands

the types of entities against whom the prohibited charges may not be assessed, including beneficial cargo owners and other intermediaries relative to transactions involving cargo shipped by intermodal transport, and expands the circumstances under which those charges may not be assessed to include the following:

- a) When the intermodal motor carrier documents an unsuccessful attempt to make an appointment for a loaded or empty container.
 - b) When a booked vessel cancels, booking is moved to a later vessel, or when early return dates are otherwise unilaterally advanced or delayed after equipment has been picked up.
 - c) When the obstacle to the cargo retrieval or return of equipment is within the scope of responsibility of the carrier or their agent and beyond the control of the invoiced or contracting party.
- 2) Provides that if federal law or regulation addresses any provisions of this bill, the applicable provision shall conform to any federal standards where the federal standard is more stringent.
 - 3) Defines “intermodal marine equipment provider” as the entity authorizing delivery or receipt of physical possession of the container with an intermodal motor carrier, beneficial cargo owner, or other intermediary.
 - 4) Defines “intermodal marine terminal” as a marine terminal location or satellite facility, with the same local commercial territory that supports operations of an intermodal marine equipment provider, for the location from which equipment was originally received, that engages in discharging or receiving equipment owned, operated, or controlled by an equipment provider.

COMMENTS:

- 1) *Author’s Statement.* “Agricultural exporters are losing customers around the globe while absorbing unfair fees. California manufacturers and retailers are already facing unprecedented cost increases for imports on top of paying the highest detention and demurrage rates in the world. These unfair fees ultimately increase the price of goods and services for all Californians. This bill will protect California businesses from being charged excessive and unfair fees (detention/demurrage) by intermodal marine equipment providers (equipment providers) for reasons outside the control of the business by

clarifying and modernizing the protections set by SB 45 (Alarcon), Chapter 244, Statutes of 2005.”

- 2) *Pick Up Your Room.* Containers that aren’t picked up quickly from the dock or warehouse create congestion which can clog the supply chain. In the fall of 2021 the Ports of Los Angeles and Long Beach were the focus of national attention as port congestion slowed the movement of goods, created a near parking lot of full container ships waiting offshore to be unloaded, and threatening Christmas. At the time, much of the blame was placed on shippers who were slow to pick up their containers. The obvious solution was to impose a fee on those containers which were parked for too long, which the ports threatened to do but ultimately never did. This bill prohibits the imposition of these types of fees, known as demurrage, detention charges, congestion charges or dwell charges under specified circumstances by certain types of intermodal terminal companies. (It does not apply to ports themselves.) Supporters contend that they have been subject to unfair late charges by international ocean carriers when the late pickup is outside of their control. They further argue that these fees are far higher than charged elsewhere in the world.
- 3) *Nationwide Problem.* Supply chain constraints are affecting importers and exporters nationwide, making this a problem best solved by the federal government. The Federal Maritime Commission (FMC) is considering the issue of demurrage billing practices and is in the midst of a proposed rulemaking to revise the rules.¹ California has weighed in and supported the FMC’s efforts.² Congress is also considering reforms to shipping practices in the Ocean Shipping Reform Act, which has passed both houses and is awaiting final reconciliation.
- 4) *Our Fight?* The commercial relationship between shippers and the shipping industry is covered in a global agreement known as the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA). Terms and conditions for the exchange and use of intermodal equipment are covered in the UIIA and the vast majority of the industry agrees to its terms. The supporters of this bill believe that the UIIA has inadequately protected their interests and that parts of the shipping industry are unfairly imposing fees upon them. In this way this bill is getting in the middle of a commercial dispute between California shippers and global shipping companies. Whether this is legal is for the courts to decide, but there may be precedent in that state law was applied to a similar case.³

¹ See FMC Advanced Notice of Proposed Rulemaking posted February 4, 2022.

² See January 28, 2021 letter from Eleni Kounalakis, Lt. Governor; Dee Dee Myers, Director of GO-Biz; Karen Ross, Secretary of the Department of Food and Agriculture to FMC.

³ Unimax Express, Inc. v. Cosco North America, Inc.; Case No. CV 11-02947 DDP, United States District Court Central district of California; November 28, 2011.

- 5) *Hard to Know.* As representatives of Californians, the Legislature’s responsibility is to respond to the problems raised by California businesses. But global shipping is a complicated business in which the California Legislature rarely weighs in, so our experience and expertise in this area is limited, making it hard to know whether the solutions we propose will actually solve their problems.
- 6) *Technical Amendment.* The bill references “motor carrier”, “Intermodal motor carrier” and “Intermodal carrier”, none of which are defined. The author may wish to clarify the bill by instead using “motor carrier” which is already defined in California Vehicle Code § 408.

RELATED LEGISLATION:

SB 45 (Alarcon), Chapter 244, Statutes of 2005 – Prohibited, under certain circumstances, monetary charges imposed by marine terminals on a truck driver for the late return of specified equipment used for the transporting of cargo goods from California seaports.

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

None; non-fiscal bill.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

- African American Farmers of California
- Agricultural Council of California
- Agriculture Transportation Coalition – AGTC
- Air Conditioning, Heating and Refrigeration Institute
- Almond Alliance of California
- American Chemistry Council
- American Forest & Paper Association
- American Home Furnishings Alliance
- American Lighting Association
- American Pistachio Growers
- American Trucking Associations’ Agricultural Food Transporters Conference and Intermodal Motor Carrier Conference
- Association of Food Industries

Association of Home Appliance Manufacturers
Auto Care Association
California Apple Commission
California Blueberry Association
California Blueberry Commission
California Citrus Mutual
California Cotton Ginners and Growers Association
California Farm Bureau
California Fresh Fruit Association
California Manufacturers and Technology Association
California Olive Oil Council
California Retailers Association
California Rice Commission
California Trucking Association
California Walnut Commission
Capay Canyon Ranch
Cawa - Representing the Automotive Parts Industry
Columbia River Customs Brokers & Forwarders Association
Far West Equipment Dealers Association
Fashion Accessories Shippers Association
Fashion Jewelry and Accessories Trade Association
Foreign Trade Association
Gemini Shippers Association
Green Coffee Association
Harbor Trucking Association
International Housewares Association
International Warehouse Logistics Association
Leather and Hide Council of America
Los Angeles Customs Brokers and Freight Forwarders Association
Meat Import Council of America
National Confectioners Association
National Hay Association
National Milk Producers Federation
National Onion Association
Nisei Farmers League
North American Meat Institute
Northern California Customs Brokers and Freight Forwarders Association
Olive Growers Council of California
Pacific Coast Council of Customs Brokers and Freight Forwarders Association
Pet Food Institute
Plumbing Manufacturers International
Promotional Products Association International

Retail Industry Leaders Association (RILA)
San Diego Customs Brokers and Forwarders Association
Specialty Crop Trade Council
Sports & Fitness Industry Association
Truck and Engine Manufacturers Association
U.S. Dairy Export Council
U.S. Forage Export Council
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association
Western States Trucking Association

OPPOSITION:

Pacific Merchant Shipping Association

-- END --

- c) The cities of Fresno, Lincoln and Rocklin

This bill:

- 1) Authorizes LA County, by ordinance or resolution, to adopt a NEV transportation plan for the South Bay cities area.
 - a) Requires the NEV plan be reviewed by the Southern California Association of Governments (SCAG) and any agency having traffic law enforcement responsibilities in the County of Los Angeles; and,
 - b) Authorizes the NEV plan to include the use of a state highway, or any crossing of the highway, subject to the approval of the California Department of Transportation (Caltrans).
- 2) Defines “Plan area” as any portion of LA County in the South Bay cities area, or any portion of any city in the South Bay cities area, and any streets and roads under the jurisdiction of the county or a city in the South Bay cities area, including the privately owned land of any owner that consents to its inclusion in the plan.
- 3) Defines “South Bay cities area” as the jurisdiction of the South Bay Cities Council of Governments (SBCCOG) that includes the Cities of Carson, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Palos Verdes, Palos Verdes Estates, Redondo Beach, Rolling Hills, Rolling Hills Estates, and Torrance; the Harbor City, San Pedro, and Wilmington communities of the City of Los Angeles; and the unincorporated areas of county supervisor districts 2 and of 4 of the County of Los Angeles.
- 4) Requires the NEV plan include:
 - a) Route selection.
 - b) Transportation interfacing with other modes of transportation.
 - c) Provisions for NEV-related facilities with other modes of transportation.
 - d) Provisions for parking facilities.
 - e) Provisions for road markings, signage and striping for NEV travel lanes.
 - f) Provisions for NEV electrical charging stations; and,

- g) A map showing the NEV route network. NEV routes for the purposes of the transportation plan shall be classified as follows:
 - i. Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.
 - ii. Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less; and,
 - iii. Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a speed limit of 35 miles per hour or less.
- 5) Should the NEV plan become adopted, requires LA County do the following:
- a) Establish minimum general design criteria for the development, planning, and construction of separated NEV facilities.
 - b) In cooperation with Caltrans, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic.
 - c) Submit the NEV transportation plan to Caltrans for approval following a review and recommendation by the California Traffic Control Devices Committee within the department.
 - d) Require NEVs eligible to use NEV facilities to meet the safety requirements for low-speed vehicles as set forth in federal law.
 - e) Establish safety criteria for NEV operators.
 - f) Restrict the operation of NEVs to separated NEV facilities on those roadways identified in the transportation plan and allowing only NEVs that meet the safety equipment requirements specified in the plan to be operated on separated NEV facilities of approved roadways in the plan area; and,
 - g) Require any person operating a NEV in the plan area in violation of the above be guilty of an infraction punishable by a fine not exceeding one hundred \$100.00.

- 6) Requires SCAG to submit a report to the Legislature on or before August 31, 2028, in consultation with Caltrans, the Department of the California Highway Patrol (CHP), and local law enforcement agencies, with the following:
 - a) Description of the NEV transportation plan and its elements that have been authorized up to that time.
 - b) Evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety; and,
 - c) Recommendation as to whether this article should be terminated, continued in existence and applicable solely to the South Bay Cities area, or expanded statewide.
- 7) The provisions of this bill are repealed January 1, 2040.

COMMENTS:

- 1) *Author's Statement.* According to the author, "This bill will allow South Bay cities to begin implementation of a multi-jurisdictional approach to reducing GHG emissions and traffic congestion, while simultaneously providing mobility options for a full range of users. The bill will facilitate a sustainability effort for the entire South Bay area, but will not focus on any particular demographic (age, income, location, etc). It is my hope that upon implementation and demonstration, our Local Travel Network can serve as a model for many other areas of the state that are similar to the South Bay – suburbs of larger metropolitan areas."
- 2) *NEV background and history.* NEVs are small electric vehicles designed for low-speed neighborhood use, similar to a golf cart. They lack many of the safety features of typical automobiles (e.g., crash resistant bumpers, doors) and cost from \$10,000 to \$15,000. These vehicles have a range of 30-60 miles and are typically used for short personal trips and micro-transit service. Because these vehicles are smaller, lack important safety features, and travel at slower speeds (25 mph maximum speed), they are typically not allowed to operate on streets with posted speed limits exceeding 35 mph.

NEVs, as their name implies, can be a popular form of transportation in small communities where residents often use them for short trips to get to and from neighborhood amenities. NEVs are particularly popular in planned

communities, especially retirement communities with golf courses, where roads, trails, parking, and charging facilities are specifically included in the community design to facilitate their use.

To allow for expanded use of NEVs in these types of communities, the Legislature has authorized development of NEV transportation plans which, when developed consultation with California Department of Transportation and the California Highway Patrol and adopted by ordinance, allow expanded operation of NEVs particularly on streets and highways where NEV access might otherwise be prohibited.

NEV plans have been authorized for a number of communities in California including the Ranch Plan Planned Community in Orange County, the County of Riverside, the City of Fresno, the County of Amador, the cities of Lincoln and Rocklin, and the County of San Diego. In 2006, Lincoln was the first city on California to adopt a NEV transportation plan. In a January 1, 2011 report to the Legislature, Lincoln reported that its NEV transportation plan has “generally been successful” and Rocklin reported that the early results “show promise.” While NEV plan authority has lapsed some of these jurisdictions, a 2014 SacBee article describes NEVs as hugely popular in the retirement community of Sun City Lincoln Hills. In 2019, Caltrans funded two 8-foot shoulders for shared NEV/bike lanes in Lincoln as part of a bridge widening project.

- 3) *Similar Safeguards.* The requirements and safeguards in this bill mirror closely the requirements of previous NEV bills. However, it does not include a specific requirement for public input into the NEV plan, which was included in SB 1151 (Bates), the NEV plan for San Diego County which was chaptered in 2018. The author and committee may wish to consider including this requirement.
- 4) *One Should be Enough.* Both this bill and AB 2462 (Valladares) authorize Los Angeles County to establish a NEV plan with slightly differing requirements. The authors may wish to combine their two bills into a single bill for Los Angeles County, simplifying both the legislative process and the administration of the NEV plan.

RELATED LEGISLATION:

AB 2462 (Valladares) – Authorizes the County of Los Angeles to establish a NEV transportation plan for the Westside Planned Communities. *This bill is pending before this committee.*

SB 214 (Bates), Chapter 101, Statutes of 2021 – Permanently authorizes the NEV Plan in the Ranch Plan Planned Community in Orange County, also known as Rancho Mission Viejo.

SB 1151 (Bates), Chapter 564, Statutes of 2018 – Authorized the County of San Diego or any city in the county to establish a NEV Plan until January 1, 2029.

SB 241 (Bates), Chapter 156, Statutes of 2015 – Extended authorization of NEV Plan in Ranch Plan Planned Community in Orange County to 2022.

SB 290 (Correa), Chapter 150, Statutes of 2011 – Extended authorization for NEV Plan in Ranch Plan Planned Community in Orange County to 2017.

AB 61 (Jeffries), Chapter 170, Statutes of 2011 – Authorized NEV Plan in Riverside County until 2017.

AB 1781 (Villines), Chapter 452, Statutes of 2010 – Authorized NEV Plan in city of Fresno until 2016.

AB 584 (Huber), Chapter 437, Statutes of 2010 – Authorized NEV Plan in Amador County and cities of Jackson, Sutter Creek, and Amador until 2016.

AB 2963 (Gaines), Chapter 199, Statutes of 2008 – Extended authorization for NEV Plans in cities of Lincoln and Rocklin to 2012.

SB 956 (Correa), Chapter 442, Statutes of 2007 – Authorized NEV Plan in Ranch Plan Planned Community in Orange County until 2013.

SB 1559 (Lowenthal) Chapter 66, Statutes of 2006 – Established the definition of a low-speed vehicle to conform to federal law.

AB 2353 (Leslie), Chapter 422, Statutes of 2004 – Authorized NEV Plans in cities of Lincoln and Rocklin until 2009.

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 8.)

SUPPORT:

City of Rancho Palos Verdes

OPPOSITION:

None received

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- b) The TUT conforms to the TUT Law, other than the combined rate limit specified in Revenue and Taxation Code (R&TC) Section 7251.1.
- 2) Specifies that if an ordinance proposing the TUT authorized by this bill is not approved, this bill's statutory provisions shall be repealed on January 1, 2027.

COMMENTS:

- 1) *Author's Statement.* "AB 2453 simply provides the voters of Ventura County the ability to raise the transaction and use tax to provide for more infrastructure funding. The bill does not increase the tax itself – that discretion continues to remain with the voters. "
- 2) *Mostly Local.* Almost half of California's transportation funding, including freeways, roads and transit, comes from local taxes¹. Twenty five of California's 58 counties impose local transportation taxes. These are primarily urban and suburban counties, including Ventura County's coastal neighbors Santa Barbara and Los Angeles, covering 88% of California's population.
- 3) *If at First You Don't Succeed.* In 2016 Ventura County voters considered Measure AA, a one-half cent sales tax to fund transportation projects. That measure failed 58% to 42% as approval by 2/3 of voters is required. A Ventura County citizens group is attempting to put another one-half cent sales tax measure before voters again. Adding one-half cent to the county sales tax will breach the 2% limit because of locally imposed sales taxes in two cities in Ventura County. Passing this bill will allow the one-half cent sales tax measure to be placed on the ballot.
- 4) *Bonus Funding.* State policy encourage local efforts to fund transportation. SB 1, the Road Repair and Accountability Act of 2017, established the Local Partnership Program (LPP) with the specific intent to encourage local transportation taxes. The LPP is a \$200 million annual program which provides funding to local jurisdictions that have approved local transportation taxes. If Ventura County voters approve a transportation tax the county will become eligible for funding from the LPP.
- 5) *Double referral.* This bill has been double referred to the Governance and Finance Committee.

RELATED LEGISLATION:

¹ "California's Transportation System", Legislative Analyst's Office, June 2018; p 45.

AB 618 (Stone) of 2019 – This bill would have permitted the Cities of Emeryville (Alameda County) and Scotts Valley (Santa Cruz County) to impose a tax of up to 0.25% that exceeds the 2% cap. *Vetoed.*

AB 723 (Quirk), Chapter 747, Statutes of 2019 – Provided that neither the tax imposed by the Bay Area Rapid Transit District (BART) nor the tax imposed by the Alameda County Transportation Commission counts against the 2% cap, and made a similar change in Santa Cruz County.

SB 1349 (Glazer), Chapter 369, Statutes of 2020 – Provided that the current 0.5% TUT imposed by BART does not count against the 2% cap in Contra Costa County, among other provisions.

SB 797 (Hill), Chapter 653, Statutes of 2017 – authorized the Peninsula Corridor Joint Powers Board, by a resolution approved by 2/3 of the board and with the approval of specified entities, to levy a tax pursuant to the TUT Law at a rate not to exceed 0.125%, with net revenues from the tax to be used by the board for Caltrain rail service, subject to 2/3 voter approval of a regional measure submitted by the board to voters of the Counties of San Francisco, San Mateo, and Santa Clara.

SB 703 (Skinner), Chapter 651, Statutes of 2017 – authorized the Counties of Alameda and Santa Clara to impose a TUT for general or specific purposes at a rate of no more than 0.5% or 0.625%, respectively, and the City of Santa Fe Springs to impose a TUT for general or specific purposes at a rate of no more than 1% that, in combination with other TUTs, would exceed the combined rate limit of 2%, as specified.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Blois Construction
Carpenters Union Local 805
Meissner Filtration Products of Camarillo
Mustang Marketing
Rebuild Social Partnership
Toro Enterprises
WSP USA

OPPOSITION:

California Taxpayers Association

-- END --

This bill:

- 1) Authorizes LA County, by ordinance or resolution, to adopt an NEV transportation plan for the Westside Planned Communities.
 - a) Requires the NEV plan be reviewed by the Los Angeles Metropolitan Transportation Agency (LA Metro), and any agency having traffic law enforcement responsibilities in the County of Los Angeles; and,
 - b) Authorizes the NEV plan to include the use of a state highway, or any crossing of the highway, subject to the approval of the California Department of Transportation (Caltrans).
- 2) Requires the NEV plan include:
 - a) Route selection.
 - b) Transportation interfacing with other modes of transportation.
 - c) Provisions for NEV-related facilities with other modes of transportation.
 - d) Provisions for parking facilities.
 - e) Provisions for road markings, signage and striping for NEV travel lanes.
 - f) Provisions for NEV electrical charging stations; and,
 - g) A map showing the NEV route network. NEV routes for the purposes of the transportation plan shall be classified as follows:
 - i. Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.
 - ii. Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less; and,
 - iii. Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a speed limit of 35 miles per hour or less.
- 3) Should the NEV plan become adopted, requires LA County do the following:

- a) Establish minimum general design criteria for the development, planning, and construction of separated NEV facilities.
 - b) In cooperation with Caltrans, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic.
 - c) Require NEVs eligible to use NEV facilities to meet the safety requirements for low-speed vehicles as set forth in federal law.
 - d) Establish safety criteria for NEV operators.
 - e) Restrict the operation of NEVs to separated NEV facilities on those roadways identified in the transportation plan and allowing only NEVs that meet the safety equipment requirements specified in the plan to be operated on separated NEV facilities of approved roadways in the plan area; and,
 - f) Require any person operating a NEV in the plan area in violation of the above be guilty of an infraction punishable by a fine not exceeding \$100.
- 4) Requires LA County to submit a report to the Legislature on or before August 31, 2028, in consultation with Caltrans, the Department of the California Highway Patrol (CHP), and local law enforcement agencies, with the following:
- a) Description of the NEV transportation plan and its elements that have been authorized up to that time.
 - b) Evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety; and,
 - c) Recommendation as to whether this article should be terminated, continued in existence and applicable solely to the Westside Planned Communities, or expanded statewide.
- 5) The provisions of this bill are repealed January 1, 2040.

COMMENTS:

1. *Author's Statement.* AB 2462 will authorize Los Angeles County to establish a Neighborhood Electric Vehicle (NEV) Transportation Plan, which will help ensure that future developments in the Los Angeles metro area are sustainable and meaningfully reduce greenhouse gas emissions.

2. *NEV background and history.* NEVs are small electric vehicles designed for low-speed neighborhood use, similar to a golf cart. They lack many of the safety features of typical automobiles (e.g., crash resistant bumpers, doors) and cost from \$10,000 to \$15,000. These vehicles have a range of 30-60 miles and are typically used for short personal trips and micro-transit service. Because these vehicles are smaller, lack important safety features, and travel at slower speeds (25 mph maximum speed), they are typically not allowed to operate on streets with posted speed limits exceeding 35 mph.

NEVs, as their name implies, can be a popular form of transportation in small communities where residents often use them for short trips to get to and from neighborhood amenities. NEVs are particularly popular in planned communities, especially retirement communities with golf courses, where roads, trails, parking, and charging facilities are specifically included in the community design to facilitate their use.

To allow for expanded use of NEVs in these types of communities, the Legislature has authorized development of NEV transportation plans which, when developed consultation with California Department of Transportation and the California Highway Patrol and adopted by ordinance, allow expanded operation of NEVs particularly on streets and highways where NEV access might otherwise be prohibited.

NEV plans have been authorized for a number of communities in California including the Ranch Plan Planned Community in Orange County, the County of Riverside, the City of Fresno, the County of Amador, the cities of Lincoln and Rocklin, and the County of San Diego. In 2006, Lincoln was the first city on California to adopt a NEV transportation plan. In a January 1, 2011 report to the Legislature, Lincoln reported that its NEV transportation plan has “generally been successful” and Rocklin reported that the early results “show promise.” While NEV plan authority has lapsed some of these jurisdictions, a 2014 SacBee article describes NEVs as hugely popular in the retirement community of Sun City Lincoln Hills. In 2019, Caltrans funded two 8-foot shoulders for shared NEV/bike lanes in Lincoln as part of a bridge widening project.

3. *Similar Safeguards.* The requirements and safeguards in this bill mirror closely the requirements of previous NEV bills. However, it does not include a specific requirement for public input into the NEV plan, which was included in SB 1151 (Bates), the NEV plan for San Diego County which was chaptered in 2018. The author and committee may wish to consider including this requirement.

4. *One Should be Enough.* Both this bill and AB 2432 (Muratsuchi) authorize Los Angeles County to establish a NEV plan with slightly differing requirements. The authors may wish to combine their two bills into a single bill for Los Angeles County, simplifying both the legislative process and the administration of the NEV plan.

RELATED LEGISLATION:

AB 2432 (Muratsuchi) – Authorizes the County of Los Angeles to establish a NEV transportation plan for the South Bay Cities. *This bill is pending before this committee.*

SB 214 (Bates), Chapter 101, Statutes of 2021 – Permanently authorizes the NEV Plan in the Ranch Plan Planned Community in Orange County, also known as Rancho Mission Viejo.

SB 1151 (Bates), Chapter 564, Statutes of 2018 – Authorized the County of San Diego or any city in the county to establish a NEV Plan until January 1, 2029.

SB 241 (Bates), Chapter 156, Statutes of 2015 – Extended authorization of NEV Plan in Ranch Plan Planned Community in Orange County to 2022.

SB 290 (Correa), Chapter 150, Statutes of 2011 – Extended authorization for NEV Plan in Ranch Plan Planned Community in Orange County to 2017.

AB 61 (Jeffries), Chapter 170, Statutes of 2011 – Authorized NEV Plan in Riverside County until 2017.

AB 1781 (Villines), Chapter 452, Statutes of 2010 – Authorized NEV Plan in city of Fresno until 2016.

AB 584 (Huber), Chapter 437, Statutes of 2010 – Authorized NEV Plan in Amador County and cities of Jackson, Sutter Creek, and Amador until 2016.

AB 2963 (Gaines), Chapter 199, Statutes of 2008 – Extended authorization for NEV Plans in cities of Lincoln and Rocklin to 2012.

SB 956 (Correa), Chapter 442, Statutes of 2007 – Authorized NEV Plan in Ranch Plan Planned Community in Orange County until 2013.

SB 1559 (Lowenthal) Chapter 66, Statutes of 2006 – Established the definition of a low-speed vehicle to conform to federal law.

AB 2353 (Leslie), Chapter 422, Statutes of 2004 – Authorized NEV Plans in cities of Lincoln and Rocklin until 2009.

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 8.)

SUPPORT:

California Building Industry Association
California Business Properties Association
Five Point Communities Management, INC.
Golden State Gateway Coalition
Los Angeles Area Chamber of Commerce
Los Angeles County
Los Angeles County Business Federation (BIZ-FED)
Santa Clarita Valley Chamber of Commerce
Valley Industry and Commerce Association (VICA)

OPPOSITION:

None received

-- END --

- 1) *Purpose.* According to the author, “Veterans dedicate their lives to serve our country. They defend the freedoms we enjoy. They fight for us. Veterans leave their families to protect our freedoms. They make sacrifices to serve our country, and when they are injured during their service, they should be afforded every accommodation possible upon returning home. Vehicle registration and license fees are added burdens on veterans that the state can help ease. Waiving DMV license and registration fees will also create consistency amongst other veterans that already have these costs waived.”
- 2) *Vehicle Registration Fees & Purple Heart Recipients.* Current law allows Purple Heart recipients to apply for a specialized license. However, unlike disabled veterans, former American prisoners of war and Congressional Medal of Honor recipients, Purple Heart recipients are not eligible for vehicle registration fee waivers. Surviving spouses of Purple Heart recipients are currently not eligible for vehicle registration fee waivers, inconsistent with the exemptions for surviving spouses of former American prisoners of war and Congressional Medal of Honor recipients.
- 3) *Potential Impact.* Supporters of this legislation argue that due to the small number of covered veterans, the bill's impact on revenues from vehicle registration fees would be de minimis. Veterans receive similar small benefits, such as discounted fishing licenses and free admission to California state parks. Unlike programs that enhance veterans' access to education, health care, housing, or employment, these small benefits do not substantively improve veterans' opportunities or quality of life.

However, these waivers do deprive public agencies of funds. While any such benefit taken in isolation may seem de minimis, the more that are permitted, the greater the cost to the rest of California's citizens, who must make up the difference. The California Department of Motor Vehicles (DMV) estimates that there are currently over 5,506 Purple Heart plates in circulation. The DMV forecasts that there would be a \$1.4 million loss to the MVA. Thus, this exemption could pose a significant revenue loss for the state.

- 4) *MVA Concerns.* The Motor Vehicle Account (MVA) which is the primary funding source for DMV and California Highway Patrol (CHP) has been on the brink of insolvency for many years. The current estimates from the Department of Finance show that it is solvent, but only barely and because most capital outlay costs have been shifted from the MVA, where they were historically funded from, to the General Fund. Any lost revenue associated with implementing this bill would potentially contribute towards the insolvency of the MVA and potentially negatively impact DMV and CHP.

5) *Double Referral*. This bill is also referred to the Senate Veteran Affairs Committee.

RELATED LEGISLATION:

SB 1259 (Runner, 2016) — this bill would have exempted veterans with specialized license plates to be exempt from toll payments. *This bill died in assembly at request of author.*

SB 386 (Cogdill, Chapter 357, Statutes of 2007) — this bill extended vehicle registration exemptions to surviving spouses of former American prisoners of war and Congressional Medal of Honor recipients.

AB 160 (Cogdill) 2005) — this bill would have extended vehicle registration exemptions to surviving spouses of former American prisoners of war and Congressional Medal of Honor recipients. *This bill was held on suspense in Senate Appropriations.*

AB 279 (Cohn, Chapter 201, Statutes of 2004) — this bill allowed the un-remarried, surviving spouse of a person issued Purple Heart special license plates to retain the special plates upon the death of a Purple Heart recipient.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

California Association of County Veterans Service Officers
California State Commanders Veterans Council
County of Monterey

OPPOSITION:

None received.

- 2) Requires automobile driver education in schools to include a viewing of the video.

COMMENTS:

- 1) *Purpose.* "Racial profiling has long been and is still is a pervasive issue. Specifically, Black people in California are pulled over for traffic stops most frequently, are most likely to have a gun pointed at them, and are most likely to be detained, handcuffed, and searched. On the issue of "Driving While Black", there have been efforts to address this bias. California's Driver's Handbook, as of January 2021, is approximately 116 pages long. And more specifically, how to conduct one's self during a traffic stop tediously appears on a two-page spread on page #45 (from pages #45-#46). In practice, it is highly unlikely that, in writing, this would benefit drivers. While the inclusion of this information is with great intent and appreciated, we need to ensure that we are not just including this information to check off a box – if the goal is for drivers to model the stated conduct, a physical display/example is critical."
- 2) *DMV Handbook.* DMV publishes the Handbook annually, which provides a synopsis of existing law and rules of the road. The Handbook provides a more accessible means for potential and current drivers to understand the rules of the road, and is used as the basis for a written exam when an applicant applies for a driver's license. DMV puts this document together on its own and state statute has a few requirements for particular sections of the Handbook.

In 2018, the Legislature passed AB 2918 (Holden), Chapter 723, which required DMV to include in the Handbook a section written by the civil rights section of DOJ about a person's civil rights during a traffic stop and the legal rights of the drivers and passengers. The 2021 Handbook includes two pages on the subject.

AB 2537 requires DOJ to create a video in line with the section in the Handbook, and requires DMV to post that video on their website, inform an applicant for an original, renewal or duplicate DL of the video's existence, and incorporates the video into driver's education curriculum.

- 3) *MVA Concerns.* The Motor Vehicle Account (MVA) which is the primary funding source for DMV and California Highway Patrol (CHP) has been on the brink of insolvency for many years. The current estimates from the Department of Finance show that it is solvent, but only barely and because most capital outlay costs have been shifted from the MVA, where they were historically

funded from, to the General Fund. Any lost revenue associated with implementing this bill would potentially contribute towards the insolvency of the MVA and potentially negatively impact DMV and CHP. However, the Assembly Appropriations Committee has found that implementation of this measure would include only minor costs.

RELATED LEGISLATION:

AB 1918 (Holden, Chapter 723, Statutes of 2018) — this bill required DMV to include a section of the Handbook written by the civil rights section of DOJ about a person’s civil rights during a traffic stop and the legal rights of the drivers and passengers.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

- 4) Authorizes Caltrans and local authorities, with respect to highways under their respective jurisdictions, to permit preferential use of highway lanes for HOVs, under specific conditions.
- 5) Requires Caltrans, or the appropriate local entity, to produce engineering reports that estimate the effect of an HOV lane prior to establishing the lane. The reports must evaluate the proposals for safety, congestion, and highway capacity.

This bill:

- 1) Requires CalSTA to report to the transportation policy committees of the Legislature on or before January 1, 2024 on:
 - a) The feasibility and appropriateness of limiting the use of HOV lanes to high-occupancy vehicles and eligible vehicles only during heavy commuter traffic on both SR-91 between I-15 and I-215, and SR-60 in Riverside County; and,
 - b) The feasibility and appropriateness of removing any double parallel solid lines to restrict the entrance into or exit from those lanes, including the use of the appropriate markings and signage, as specified in the California Manual on Uniform Traffic Control Devices, from HOV lanes in Riverside County.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “as a result of the enactment of Assembly Bill 91 (Cervantes, 2018), the California Department of Transportation (CalTrans) released a wholly inadequate and insubstantial report to the Legislature on whether new or existing carpool lanes in Riverside County could use “part-time operation,” which would allow any vehicle to access the carpool lanes during non-peak traffic hours. Due to the failure of CalTrans to provide the Legislature with any actual data to help inform decision-making about the use of carpool lanes in Riverside County, Assembly Bill 2599 would require the California Transportation Agency provide a follow-up report to the Legislature. This report would provide information on the possible use of “part-time operation” for carpool lanes in certain parts of Riverside County, as well as the possibility of allowing vehicles traveling on Riverside County highways to enter and exit carpool lanes at any point. The data collected through this bill will help determine the viability of these options to make carpool lanes work better and reduce traffic in Riverside County. It would also provide both the Legislature and federal regulators with information needed to

ensure that Riverside County continues to comply with federal clean air regulations.”

- 2) *HOV lanes in California.* According to Caltrans, HOV lanes, also known as carpool or diamond lanes, is a traffic management strategy to promote and encourage ridesharing; thereby alleviating congestion and maximizing the people-carrying capacity of California highways.

HOV lanes are usually located on the inside (left) lane and are identified by signs along the freeway and white diamond symbols painted on the pavement. In Northern California, HOV lanes are only operational Monday thru Friday during posted peak congestion hours, for example: between 6 a.m. - 10 a.m. and 3 p.m. - 7 p.m. All other vehicles may use the lanes during off-peak hours. This is referred to as part-time operation.

In Southern California, the HOV lanes are in effect 24 hours a day, 7 days a week, referred to as "full-time" operation, with two exceptions. First, the Moreno Valley Freeway, between the east Junction of SR 60 at Interstate 215 and Redlands Boulevard in Moreno Valley, operates Monday through Friday from 6 a.m. to 10 a.m. and 3 p.m. to 7 p.m. Second, AB 1871 (Runner, Chapter 337, Statutes of 2000), created a demonstration project to evaluate part-time use of the HOV lanes on State Route (SR) 14. Caltrans continues to operate part-time HOV lanes on a portion of SR 14.

The operational practices vary differently between Northern California versus Southern California because of traffic volumes and commuter patterns in the two regions. Northern California highways usually experience two weekday congestion periods during peak morning and afternoon commute hours followed by a long period of non-congestion. Using a full-time operation would leave the HOV lane relatively unoccupied during off-peak hours and would not constitute an efficient utilization of the roadway. Southern California experiences very long hours of congestion, typically between six to eleven hours per day, with short off-peak traffic hours; which could make part-time operation less viable.

HOV lanes work best where significant roadway congestion during peak periods occurs. Optimum HOV lane usage is generally considered to be about 1,650 vehicles per hour. In contrast, mixed-flow lanes are generally expected optimally to carry between 1,800 and 2,000 vehicles per hour.

- 3) *SoCal interest in "part-time" operation.* Numerous pieces of legislation have been introduced and some approved by the Legislature to change specific HOV

corridors in Southern California to part-time. For example, AB 210 (Gatto, 2015) and AB 405 (Gatto, 2013) would have required the conversion of HOV lanes on SR 134 and SR 210, in Los Angeles County, from full-time to part-time operation. Governor Brown vetoed both bills, stating in a veto message for AB 210, "I continue to believe that carpool lanes are especially important in Los Angeles County to reduce pollution and maximize the use of freeways. Therefore, we should continue to retain the current 24/7 carpool lane control."

- 4) *Insufficient information for Riverside County.* AB 91 (Cervantes, Chapter 468, Statutes of 2018), required Caltrans to report to the Legislature on the feasibility and appropriateness of limiting the use of HOV lanes to high-occupancy vehicles and eligible vehicles only during the hours of heavy commuter traffic on both SR-91 between I-15 and I-215 and SR-60 in Riverside County. In 2019, Caltrans prepared the Riverside County Carpool Lane Hours of Operation Report.

The report gives little direction to Riverside County on the feasibility and appropriateness of limiting the use of HOV lanes. The report states, "Caltrans recommends that any decisions on the conversion of carpool lanes on SR-91 between I-15 and I-215, and SR-60 in Riverside County from full-time to part-time should be deferred until Caltrans District 8 develops a Managed Lanes System Plan. The department would not be able to make a fully informed decision on the impacts of these changes or how best to approach such a conversion until this study is concluded."

The report does raise some potential issues with part-time HOV operation including the possible need for air quality mitigation, "any changes to part-time carpool lanes could additionally result in negative air quality impacts. If air quality impacts occur, the department would be responsible for implementing costly air quality mitigation measures. This concern is compounded by the fact that the areas surrounding SR-91, between I-15 and I-215, and SR-60 in Riverside County are part of federal non-attainment areas for multiple criteria pollutants. Until these potential impacts are better studied and understood, it would not be appropriate for Caltrans to advocate for their change at this time."

As of the time of this analysis, Caltrans District 8 has not published a Managed Lanes System Plan. This bill requires CalSTA to report to the Legislature on what was required of Caltrans in AB 91, and to additionally report on the feasibility and appropriateness of removing double parallel solid lines to restrict entrance into or exit from HOV lanes in Riverside County.

RELATED/PREVIOUS LEGISLATION:

AB 91 (Cervantes, Chapter 468, Statutes of 2018) – Required the Caltrans to report to the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the hours of HOV lanes in Riverside County.

SB 838 (Committee on Budget and Fiscal Review, Chapter 339, Statutes of 2016) – Directed Caltrans to prepare and submit a report to the Legislature on or before December 1, 2017, on the degradation status of HOV vehicle lanes on the state highway system.

AB 210 (Gatto, 2015) – Would have required the conversion of HOV lanes on SR 134 and SR 210 from full-time to part-time operation. *AB 210 was vetoed by Governor Brown.*

AB 405 (Gatto, 2013) -- Was nearly identical to AB 210, 2016. *AB 405 was vetoed by Governor Brown.*

AB 2200 (Ma, 2012) -- Would have suspended the HOV lane on eastbound Interstate 80 in the San Francisco Bay Area during the morning commute. *AB 2200 was vetoed by Governor Brown.*

AB 1871 (Runner, Chapter 337, Statutes of 2000) – Prohibited, until June 1, 2002, HOV lanes from being constructed on SR 14 between the City of Santa Clarita and the City of Palmdale unless the lane was established as an HOV lane only during the hours of heavy commuter traffic.

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

According to the Assembly Appropriations Committee, minor one-time costs to CalSTA, likely less than \$100,000, to produce the report (special fund).

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

None received

OPPOSITION:

None received

-- END --

- 5) Defines a “participating driver” as any person who uses a vehicle in connection with a transportation network company’s online-enabled application or platform to connect with passengers.

This bill:

- 1) Requires the safety course to be provided at no cost to a driver.
- 2) Requires the course to include, at a minimum, the following specified components:
 - a) Road safety and defensive driving practices, such as avoiding speeding, collisions, and driving while drowsy.
 - b) Distracted driving training, including appropriate use of mobile devices.
 - c) Passenger interaction training.
 - d) Compliance with mandated vehicle inspection requirements.
 - e) Requires that the course be completed once every two years.
- 3) Requires a TNC to compensate a participating driver for completing the safety course.

COMMENTS:

- 1) *Purpose.* According to the author, "While TNCs and drivers provide valuable services to many Californians, some passengers have experienced riding with an unsafe or distracted driver who was using their phone, speeding, or driving erratically. While all California drivers are required to maintain an active driving license, there are currently no requirements in place to ensure that TNC drivers receive regular and recurring safety training...this measure will improve passenger and driver safety and ensure drivers stay up to date on their safe driving skills."
- 2) *What is a TNC?* Transportation Network Companies (TNCs) provide prearranged transportation services for compensation using an online-enabled application or platform (such as smart phone apps) to connect drivers using their personal vehicles with passengers. Common examples are Uber and Lyft.
- 3) *Existing TNC Safety Requirements.* Pursuant to CPUC regulations, TNCs are required to obtain from the CPUC a permit to operate, perform criminal background checks for each driver, establish a driver training program,

implement a zero-tolerance policy on drugs and alcohol, and require minimum levels of insurance coverage. Likewise, TNCs must ensure that their drivers' Department of Motor Vehicles (DMV) records have no more than 3 points within the preceding 3 years, no "major violations" (reckless driving, hit and run, or driving with a suspended license conviction) within the preceding 3 years, and no driving under the influence conviction within the past 7 years. Further, TNC vehicles are also required to be inspected at appropriate 12-month or 50,000 mile marks by a qualified facility licensed by the California Bureau of Automotive Repair. Additionally, to ensure proper regulatory oversight of TNC operations, the CPUC also requires each TNC to annually submit comprehensive reports covering a breadth of data including accident reports, law-enforcement citations, zero-tolerance violations, and instances of assault or harassment.

- 4) *Proposed Courses.* AB 2716 proffers baselines standards for TNC driver's training courses, including instructions on distracted driving, passenger de-escalation, rules of the road training, and a mandate that drivers stay up to date on their safe driving skills by requiring them to take the course every two years. Although the training elements proposed by this bill are consistent with the CPUC's existing safety requirements for TNCs and this is a large shift in the amount of training required for the drivers.
- 5) *Committee Concerns.* While AB 2716 attempts to make utilizing TNC's safer via mandating continuous safety courses for drivers, the bill has the unintended consequence of placing new requirements on TNC drivers without stipulating how the participating driver is to be compensated for their time needed to complete the course. TNC drivers are typically not paid by the hour so a flat rate may need to be determined. The author proposed amendments to include language that the TNC must compensate a participating driver for completing the safety course. However, negotiations with stakeholders must continue to determine how the driver will be compensated.
- 6) *Double Referral.* This bill is also referred to the Senate Energy, Utilities and Communications Committee.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

American Property Casualty Insurance Association

OPPOSITION:

California Labor Federation, AFL-CIO

California Teamsters Public Affairs Council

Los Angeles County Federation of Labor, AFL-CIO

SEIU California State Council

UFCW - Western States Council

-- END --

- 8) Authorizes the collection of certain other fees and surcharges at the time of vehicle registration or renewal to support a variety of state and local programs.

This bill:

- 1) Defines “automobile” to mean a self-propelled motor vehicle, with neither more than nor less than four wheels, designed for use principally upon streets and highways.
- 2) Defines recreational vehicle as a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy that meets specified requirements.
- 3) Defines “homeless person” the same as a homeless person under the federal McKinney-Vento Homeless Assistance Act, which includes the following:
 - a) An individual or family who lacks a fixed, regular, and adequate nighttime residence.
 - b) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; and,
 - c) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).
- 4) Provides that a homeless service provider that has knowledge of the person’s housing status may verify the person’s status as homeless.
- 5) Defines a homeless service provider to include a governmental or nonprofit agency receiving government funding to provide homeless services, a public social services provider, a law enforcement officer with certain designations, or any other homeless services provider the DMV determines to have eligibility.

COMMENTS:

- 1) *Purpose.* According to the author, “Our state is facing a severe housing crisis that cannot be solved overnight. People are living on the streets without abode or living in their recreational vehicles, cars, and boats- operational or not, so they can have some shelter from the summer heat or winter cold at night. My bill seeks to provide financial relief for verified homeless people that are using vehicles as their place of residence by exempting them from Department of Motor Vehicle registration fees as many options are needed to help the people facing the brunt of our housing crisis.”
- 2) *Motor Vehicle Account and Vehicle License Fees.* The DMV estimates that the cost to register an automobile or RV in the state of California is \$257 dollars. Cal Matters estimates that there is roughly 161,000 people experiencing homelessness in California based on the latest tally taken in 2020 before COVID-19. Based on those numbers alone, the average loss to the DMV from the registration waiver would be 26 million dollars. The DMV states that they issued 100,000 fee free IDs to person’s experiencing homelessness. The author contents that not all of the person experiencing homelessness own an automobile or RV. However, Cal Matter estimates that 16,528 of the 161,000 people experiencing homelessness owned an automobile or a RV. This loss would negatively affect the Motor Vehicle Account (MVA), the primary funding source for DMV, which is already poised to go into a deficit in the coming years.

Further, AB 2775 as written does not specify that a verified person experiencing homelessness will be exempted from paying the Vehicle License Fee (VLF), which is essentially a property tax that is based on a percentage of the vehicle’s value. The DMV estimates that the fee is \$93 dollars for an automobile or RV. The DMV specified that they would need to include a regulatory update and an IT update in order to separate the VLF from the rest of the registration fees charged. Meaning that an individual experiencing homelessness would still need to pay the VLF regardless of whether or not they qualify to have their registration fee waived.

- 3) *Failure to Pay.* Failure to pay those fees can have dire consequences for someone who is unhoused. Under existing law, a vehicle that has expired registration for more than six months can be towed. *Towed into Debt: How Towing Practices in California Punish Poor People*, a 2019 report put together by various legal services organizations in California, highlighted the potential downstream effects if a vehicle is towed. Recovering a vehicle after it has been towed is expensive. *Towed into Debt* notes that the average tow fee in California is \$189, with a \$53 storage fee per day and a \$150 administrative fee. After three days of storage a towing fee could come out to \$499. If someone

were unable to pay their vehicle registration fees on time, late fees for vehicle registration increase by 60% of the original fee for payments over 30 days late, which can increase the registration fee as much as \$100. If a person is then pulled over for having an unregistered vehicle, the fine for driving unregistered vehicles is currently \$285.

The vehicle registration fees, late fees, ticket for driving an unregistered vehicle, and the cost of a three day tow could easily cost well over \$1000. Which would nearly account the entirety of a person on public benefits monthly income to recover their only shelter.

According to *Towed into Debt*, vehicles towed for unpaid registration or unpaid parking tickets are two to six times more likely to be sold at a lien sale than the average towed cars. 50% of the vehicles towed in San Francisco for unpaid parking tickets and 57% of the vehicles towed for lapsed registration were sold by the tow companies, compared to only 9% of other vehicles that were towed for other reasons.

It is important to note that many individuals experiencing homelessness live in their vehicle or RV if they have one. When their vehicle is towed, essentially the individual's home and potentially their only place of safety is taken away based on their inability to pay.

- 4) *Double Referral*. This bill is also referred to the Senate Human Services Committee.

RELATED LEGISLATION:

AB 302 (Berman, 2019) — this bill would have required a community college campus that has parking facilities on campus to grant overnight access to those facilities, on or before July 1, 2020, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college for the purpose of sleeping in the student's vehicle overnight. *This bill died on the Senate Floor.*

AB 516 (Chiu, 2019) — this bill would have repealed existing law that authorizes peace officers to tow vehicles for having five or more delinquent parking or traffic violations, for leaving a vehicle on a road for 72 or more consecutive hours, and for a having a lapsed vehicle registration in excess of six months. *This bill died in Senate Appropriations Committee.*

AB 891 (Burke, 2019) — this bill would have required cities with more than 330,000 people to have a safe parking program, as defined. *This bill was vetoed by the Governor.*

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

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

This bill adds zero- and near-zero emission public transportation ferries to the types of projects that can be funded in the Clean Truck Program, CTP, AQIP and LCTOP programs.

COMMENTS:

- 1) *Already Covered.* As noted in the Assembly Appropriations Committee analysis, ferries are already eligible to compete for funding in the Clean Truck Program, CTP, AQIP and LCTOP. In some instances ferries have already received awards: The LCTOP has awarded both the Golden Gate Bridge District and the San Francisco Ferries some funding for new, cleaner ferries. So the stated reason for the legislation, to allow public ferries to compete for funding, is already current law, making the bill unnecessary.

Another unstated reason for the legislation could be to raise the status of public ferries in these programs, giving them a leg up on the competition for funding. The competition is a zero-sum game against other transit agencies who are purchasing ZEV busses as well as diesel engine replacement programs for trucks and other off-road equipment. Money that goes to public ferries is money that cannot go to bus and truck replacements. Policymakers should consider whether ferry replacement is a better use of this limited funding than truck replacement.¹

- 2) *New Rules.* While this bill provides no new authorization for financial assistance for public ferries, the cost of compliance with the California Air Resources Board's (CARB) recently adopted rules for Commercial Harbor Craft (CHCs) remains an issue. These stringent new rules will require the use of renewable diesel fuel, the retrofitting or replacing of many vessels with cleaner diesel technology supported by advanced particulate filters, and in some cases the deployment of zero-emission vessels. While helpful for air quality, this will be extremely expensive: The San Francisco Bay Ferries, one of the sponsors of this bill, estimate that it will cost them over \$200 million for compliant vessels plus hundreds of millions of dollars more for the refueling infrastructure. And these obligations are not limited to public ferries. Vessels of all types, from tugboats to barges to commercial fishing vessels, are covered. The Legislature should expect to hear from other marine operators for financial help to meet this obligation.

¹ By specifically naming public ferries, this bill leaves out are other commercial harbor craft which are not public ferries, such as private ferries, barges, commercial fishing boats, and other vessels. A similar bill, AB 2358 (O'Donnell), provides similar treatment for all commercial harbor craft. That bill is pending in this committee.

- 3) *Clean Transportation Program.* The CTP is funded by vehicle and vessel registration, vehicle identification plates, and smog-abatement fees that provide up to \$100 million annually for grants, revolving loans, loan guarantees, and other financial assistance to accelerate the development and deployment of low carbon alternative fuels and technologies. The fees that fund CTP sunset January 1, 2024. SB 726 (Gonzalez) and AB 1389 (Reyes) have addressed the CTP to update the priorities and extend the funding sunset. Both bills are pending in the second houses pending further discussions. The author may wish to delete the provisions dealing with the Clean Transportation Program and engage the authors of these bills.
- 4) *Allocating Scarce Subsidies.* While California has numerous subsidy programs to help individuals and businesses meet its air quality goals the funding isn't close to what's necessary. Policymakers hear from many interests asking for help to meet the air quality rules imposed by CARB: Public transit agencies, school districts, trucking companies. Public ferries are only the latest. Determining where to spend public dollars is a political process. But given the limited available funding and the enormous need, a more analytical process which prioritizes efficient emission reductions in prioritized communities is worth considering.
- 5) *Double Referral.* This bill has been double referred to the Environmental Quality Committee.

RELATED LEGISLATION:

SB 726 (Gonzalez) – Revises the CEC's Clean Transportation Program (CTP) to increase focus on clean air and equity investments. *Pending on the Assembly floor.*

AB 1389 (Reyes) – Revises the CEC's Clean Transportation Program (CTP) to increase focus on clean air and equity investments. *Pending on the Senate floor.*

AB 2358 (O'Donnell) – Nearly identical to Section 2 of this bill. *Pending in this committee.*

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

From the Assembly Appropriations Committee: No state costs or cost pressures as CARB reports its guidelines for these programs make public transportation ferries eligible for funding.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

Bay Area Council
Bay Planning Coalition
California Electric Transportation Coalition
Golden Gate Bridge Highway and Transportation District
International Organization of Masters, Mates, and Pilots
San Diego Unified Port District
San Francisco Bay Area Water Emergency Transportation Authority

OPPOSITION:

None received.

-- END --

fund programs and projects that mitigate or remediate air pollution caused by tires in the state.

- 5) Requires the remaining tire fee money (after initial deposit into APCF) to be used to fund the waste tire program. This amounts to \$1.00 per tire before January 1, 2024.

Carl Moyer Program

- 6) Creates the Moyer Program which CARB oversees and develops guidelines, protocols, and criteria for covered vehicle projects and requires the state's air districts to select, fund, and monitor specific clean air projects.
- 7) Requires the grant criteria and guidelines to include safeguards to ensure that the projects funded generate surplus emissions reductions.
- 8) Authorizes the Moyer Program to cover emissions of NO_x, Particulate Matter (PM) and Reactive Organic Gasses (ROG) until January 1, 2024. After January 1, 2024 the Moyer Program may only cover emissions of NO_x.
- 9) Authorizes the Moyer Program to cover light- and medium-duty vehicles and allows some flexibility to program administration until January 1, 2024. After January 1, 2024 the Moyer Program may not cover light- and medium-duty vehicles and the program loses some administrative flexibility.

This bill extends, from January 1, 2024, to January 1, 2033:

- 1) The repeal date applicable to various provisions of law that authorize local air districts to collect a variety of fees to fund the Moyer Program and the Waste Tire Management Program. Those fees are:
 - \$1.75 per-tire retail fee on new tires, \$1 of which is deposited into the Department of Resources Recycling and Recovery's (CalRecycle) Tire Recycling Management Fund for oversight, enforcement and market development grants related to waste tire management and recycling, and \$0.75 of which is deposited into the Air Pollution Control Fund (APCF) for programs that mitigate or remediate air pollution caused by tires. (Absent this bill the fee would drop to \$0.75.)
 - The increase in the annual motor vehicle registration fee of up to \$6, which local air district may impose to fund local Moyer Program qualifying projects, school bus replacements, agricultural equipment and light-duty

vehicle scrapping programs. (Absent this bill the maximum fee increase would drop to \$4.)

- Up to \$30 annually per vehicle, which the San Joaquin Valley Unified Air Pollution Control District may impose on vehicle registration fees, to fund local emission reduction projects to achieve and maintain state and federal ambient air quality standards.
- 2) The authorization for the Moyer Program to cover PM and ROG and to apply the program to light- and medium-duty vehicles.

COMMENTS:

- 1) *Author's Statement.* "The Carl Moyer Memorial Air Quality Standards Attainment Program provides an opportunity for the state to incentivize the purchase of cleaner-than-required engines, equipment, and emission reduction technologies through grants. Extending the Carl Moyer Program to 2034 is necessary in order to continue improving our air quality throughout the state."
- 2) *Background.* The Moyer Program provides monetary grants to private companies and public agencies to clean up their heavy-duty engines beyond that required by law through retrofitting, repowering or replacing their engines with newer and cleaner ones. These grants are issued locally by air districts. Moyer's primary objective is to obtain cost-effective and surplus emission reductions to be credited toward California's obligations in the State Implementation Plan (SIP) – California's road map for attaining health-based national ambient air quality standards. Covered pollutants include oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM). Moyer is implemented as a partnership between ARB and California's 35 air districts. ARB works collaboratively with the air districts and other stakeholders to set guidelines and ensure the program reduces pollution and provides cleaner air for Californians.

The Moyer Program was established more than 24 years ago and since then nearly \$1.2 billion has been awarded for projects to replace various types of engines that are estimated to reduce emissions by 198,417 tons of NO_x and ROGs and 7,343 tons of PM. The LAO has recently noted that the Moyer Program is one of the most cost effective state programs for reducing air pollution.¹

¹ LAO Presentation on the Zero Emission Vehicle Package, 22-23 Budget; February 2022; page 8.

- 3) *Trying Again*. Last year there was an effort to extend the December 31, 2023 sunset on the funding for the Moyer Program as well as the other Clean Transportation Programs (CTP). That effort, which included a reexamination at the priorities of the CTP, did not result in successful legislation. This bill carves off the Moyer Program and the waste tire program, extending the sunset for 10 years and making no programmatic changes. Because of the cost effectiveness of the Moyer Program and its role in helping California meet its legal obligations to the federal government, extending the Moyer Program may be the easiest of the programs to extend.
- 4) *Supermajority*. This is a 2/3 vote bill.
- 5) *Triple Referral*. This bill has been triple referred to the Environmental Quality and the Governance and Finance Committees.

RELATED LEGISLATION:

SB 726 (Gonzalez) of 2021 – Revises the priorities of the Clean Transportation Program. *This bill is pending in the Assembly.*

AB 1389 (Reyes) of 2021 – Revises the priorities of the Clean Transportation Program. *This bill is pending in the Senate.*

SB 513 (Beall), Chapter 610, Statutes of 2015 – updated Carl Moyer Program including recognizing GHG reductions so that funded projects can achieve both criteria pollutant and GHG emissions reductions, adjusting the cost-effectiveness formula, streamlining program administrative requirements.

AB 8 (Perea), Chapter 401, Statutes of 2013 – Extended Carl Moyer, as amended by AB 923, until January 1, 2024, including the 75-cent per tire fee on tire sales to fund Carl Moyer.

AB 2522 (Arambula), Chapter 677, Statutes of 2008 – Authorized the San Joaquin Valley Unified Air Pollution Control District to increase the motor vehicle registration fee surcharge to up to, but not exceeding, \$30 for incentive-based programs to achieve surplus emissions reductions, as specified.

AB 923 (Firebaugh), Chapter 707, Statutes of 2004 – Expanded Carl Moyer to cover additional pollutants and engines and imposed a 75-cent per tire fee on tire sales to fund Carl Moyer. Its provisions sunset January 1, 2015.

AB 1571 (Villaraigosa), Chapter 923, Statutes of 1999 – Established Carl Moyer through which CARB provides grants to offset the incremental costs of purchasing or retrofitting engines in order to reduce specified air emissions. Carl Moyer originally received General Fund appropriations.

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

From the Assembly Appropriations Committee:

- 1) Annual revenue to the Tire Recycling Management Fund of \$36 million.
- 2) Approximately \$2 million in annual costs to the California Department of Tax and Fee Administration to collect and disperse fee revenue. These administrative costs will continue to be covered by CalRecycle and ARB.
- 3) In addition, the fee authority provided by this bill will result in millions of dollars in revenue annually to various local air districts.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

African American Farmers of California
American Lung Association in California
American Pistachio Growers
Bay Area Air Quality Management District
California Agricultural Aircraft Association
California Air Pollution Control Officers Association
California Apple Commission
California Association of Winegrape Growers
California Blueberry Association
California Blueberry Commission
California Citrus Mutual
California Cotton Ginners and Growers Association
California Farm Bureau
California Fresh Fruit Association
California Natural Gas Vehicle Coalition
Center for Climate Change & Health
Central California Asthma Collaborative
Clean Energy

Coalition for Clean Air
County of Fresno
Mojave Desert Air Quality Management District
Nisei Farmers League
Olive Growers Council of California
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Public Health Institute
Regional Asthma Management and Prevention (RAMP)
Sierra Club
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association
Western States Trucking Association

OPPOSITION:

None received

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techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.

- 2) Beginning January 1, 2024, requires local governments, as defined, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways. Until January 1, 2027 those standard specifications shall allow recycled materials at or above the level allowed in Caltrans standard specifications that went into effect on October 22, 2018 for recycled base and subbase materials, reclaimed asphalt pavement and reclaimed aggregate, fly ash, returned plastic concrete and other materials in concrete.
- 3) Defines local governments, for purposes of this bill, to exclude any city whose revenue is not more than 0.02% of the total of all California city revenues, or any county whose revenue is not more than 0.10% of the total of all California county revenues, as defined.

COMMENTS:

- 1) *Author's Statement.* According to the author, while much progress has been made in recycling construction materials, about 1.6 million tons are sent to landfills each year. The use of recycled construction materials helps conserve natural sources of aggregates, preserve embodied energy of manufactured concrete and asphalt, conserve oil resources, and reduce greenhouse gases from less transport and production of new materials. Caltrans has standards that allow for the use of recycled construction materials in road base, pavement, and minor concrete applications. Although there are cities and counties that match or exceed Caltrans standards, many either do not allow the use of recycled construction materials or do not allow them to the extent allowed by Caltrans' standards. This measure will require, to the extent feasible, that cities and counties allow at least the same percentage of recycled materials for aggregate base, hot mix asphalt, minor concrete, reclaimed fly ash, and returned plastic concrete as Caltrans. The bill would not apply to the smallest cities and counties.
- 2) *Recycled and Reused.* California policy has long supported recycling and reuse of pavement as it reduces waste and is potentially more economic than using new material.¹ In 2012 AB 812 was passed encouraging Caltrans to use up to

¹ Pavement recycling involves grinding down the top few inches of pavement, reheating the asphalt and adding an adhesive to hold it together, and laying it back on the road. This can be done with a single machine; the front of the machine rips up the old, damaged pavement and recycled pavement is laid down towards the back.

40% of recycled asphalt. In 2014 legislation was passed requiring local governments to adopt Caltrans recycled material standards unless they publicly articulated why they could not. In 2017 SB 1, the Road Repair and Accountability Act, required the use of material recycling where cost effective and feasible.

- 3) *Benefits, but with a Cost.* The use of recycled materials has resulted in significant benefits though at a cost. Take the use of crumb rubber, which is derived from old tires. State law requires crumb rubber be used in specified quantities for asphalt paving. Caltrans estimates that its crumb rubber usage in asphalt pavement diverted 5.5 million tires from landfills in 2018. However, the cost of using the crumb rubber was about 8% higher in most cases. And the crucial unanswered question of the durability of the crumb rubber asphalt pavement won't be answered until later this year.
- 4) *Including Everyone.* The primary purpose of the bill is to require local governments to adopt Caltrans recycled material standards in the areas of asphalt pavement, the roadbed underneath the pavement, and concrete. While Caltrans has the resources to independently evaluate alternative materials and methods, most local governments do not, making them reliant on Caltrans or the contractors to help determine when new practices make sense. An issue for local governments is their large variation in size, geography, and local conditions. What might be suitable in metropolitan Los Angeles with year-round temperate weather and access to many contractors might be a bad fit for a smaller community with more extreme weather, different traffic conditions and fewer contractors with lesser capabilities. Hence some flexibility for local governments is warranted. The bill requires local governments to use recycled materials only to the extent feasible and cost effective, and categorically excludes the smallest cities and counties from its applicability.
- 5) *Looks Familiar.* The author carried almost identical legislation last year, AB 1035. That measure, which passed this committee 15-0, was vetoed. The Governor's veto message expressed concerns about the cost to local agencies:

I am returning Assembly Bill 1035 without my signature.

This bill requires local agencies to apply the Department of Transportation's (Caltrans) most recent standards for the use of recycled materials in pavement between January 1, 2023 and January 1, 2026.

Requiring all local agencies that have jurisdiction over streets and highways to comply with Caltrans' recycling standards may result in

increased costs. The standards adopted by Caltrans are specifically designed for Caltrans projects, which are generally larger and address a greater volume of traffic than some local projects. These requirements may not be appropriate for all local streets and roads. Further, this bill may create a reimbursable state mandate, which could result in significant state costs.

This bill addresses the Governor's concerns by establishing a categorical exclusion for the smallest cities and counties based on their revenue as compared to the revenue of cities or counties in the aggregate. This makes the bill friendlier to local governments than the bill that passed this committee last year.

- 6) *Not Good Enough?* Local governments are concerned that the categorical exclusion based on revenue is difficult to implement and not exclusive enough. They believe that a population test is a better measure which is simpler to administer and they contend that the categorical exclusion threshold should exclude more local governments.
- 7) *Clarifying Amendment.* The bill criteria is intended to exclude the smallest 25% of cities and counties. *The author and committee may wish to amend the bill to say that, rather than use the 0.02 % of revenues for cities and 0.1% of revenues for counties, as that makes the intent clearer. Among the excluded cities are Westlake Village, Yountville, and Maywood and among the excluded counties are Mariposa, Inyo, and Amador.*

RELATED LEGISLATION:

AB 1035 (Salas) – would have required Caltrans, cities, and counties that have jurisdiction over a street or highway to apply standard specifications that allow for the use of recycled materials when feasible and cost effective. *This bill was vetoed by Governor Newsom, October 8th, 2021.*

SB 1227 (Skinner) of 2020 – would have required cities and counties to allow the use of recycled materials in road maintenance and rehabilitation in order to be eligible for SB 1 funds. *This bill was held by the author in Senate Transportation Committee in light of the COVID-19 pandemic.*

SB 1238 (Hueso) of 2020 – would have required Caltrans to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as paving materials, and, depending on

the findings, authorizes Caltrans to develop specifications for the use of recycled plastics in asphalt. *This bill died in Assembly Transportation Committee.*

SB 1 (Beall), Chapter 5, Statutes of 2017 – increased several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues and makes adjustments for inflation every year; directs the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities

AB 2355 (Levine), Chapter 609, Statutes of 2014 – required by January 1, 2017, local agencies to adopt Caltrans standards on the use of recycled materials or to discuss why the standards are not being adopted at a public hearing.

AB 812 (Ma), Chapter 230, Statutes of 2012 – authorized Caltrans to establish specifications for the use of up to 40% reclaimed asphalt pavement for hot asphalt mixes on or before January 1, 2014.

AB 341 (Chesbro), Chapter 476, Statutes of 2011 – established a state policy goal that 75% of solid waste generated be diverted from landfill disposal by 2020; required a commercial waste generator to arrange for recycling services; and, required local governments to implement commercial solid waste recycling programs designed to divert solid waste from businesses.

SB 1016 (Wiggins), Chapter 343, Statutes of 2008 – required that state agencies track how much waste they generate, and establish a target for recycling or diverting waste.

SB 420 (Simitian), Chapter 392, Statutes of 2006 – expanded the application of recycled-content requirements for road paving projects to all paving construction and repair projects.

AB 338 (Levine), Chapter 709, Statutes of 2005 – required Caltrans to make use of a specific weight of crumb rubber per metric ton of the total amount of asphalt paving materials it uses each year.

AB 574 (Wolk), Chapter 693, Statutes of 2005 – encouraged the use of recycled concrete. Defined “recycled concrete,” authorized recycled concrete to be used if a user has been informed the concrete may contain recycled materials, and prohibited recycled concrete from being sold to Caltrans or the Department of General Services only when specifically requested by the department.

AB 939 (Sher), Chapter 1095, Statutes of 1989 – mandated a reduction of waste being disposed: jurisdictions were required to meet diversion goals of 25% by 1995 and 50% by the year 2000. Established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

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

From the Assembly Appropriations Committee:

The fiscal effects of this bill are unclear, and may not be known until sometime after implementation. This is because some materials used pursuant to this bill may cost more initially but prove more durable, thereby leading to long-term savings. Conversely, some materials used pursuant this bill may prove less durable, in which case maintenance and repair costs would be higher than they otherwise would be.

In any case, this bill limits the requirement Caltrans and locals use advanced technologies and material recycling techniques to the extent feasible and cost effective, and it describes those technologies and techniques as ones that reduce the cost of maintaining and rehabilitating streets and highways. Presumably, Caltrans and locals will implement this bill in ways that, on balance, should lead to cost savings.

The bill declares the state will reimburse any local costs, as required by law that result from this bill if the Commission on State Mandates determines the bill's requirements constitute a reimbursable state mandate. Such costs could be in the millions of dollars.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 8.)

SUPPORT:

California Construction & Industrial Materials Association
Central Concrete Supply Company
Golden State Crushing
Granite Construction Company
Graniterock
Holliday Rock Company INC.
Sprague's Ready Mix
Superior Ready Mix

Syar Industries, INC.

OPPOSITION:

City of Corona
City of San Marcos
City of Carlsbad

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