

Date of Hearing: March 23, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 198 (Frazier) – As Introduced January 28, 2015

**SUBJECT:** Vehicles: tow truck assistance

**SUMMARY:** Enables an authorized tow truck operator to use the center median or right shoulder of a highway in the event of an emergency that requires the immediate removal of traffic impediments, if specific conditions are met.

**EXISTING LAW:**

- 1) Prohibits a person who has full control of a vehicle from stopping, parking, or leave standing the vehicle upon a freeway, as specified.
- 2) Exempts tow truck operators authorized by the California Highway Patrol (CHP) from the abovementioned prohibitions for purposes of rapid removal of impediments to freeway traffic.

**FISCAL EFFECT:** Unknown

**COMMENTS:** Extensive research has found traffic congestion to have negative economic and social impacts on motorists including, productivity loss, tardiness (employment, meetings, business appointments), vehicle wear and tear, motorist road rage, and loss of fuel. For example, the federal Department of Transportation has reported that motorists burn more than 2.8 billion gallons of gasoline every year while stuck in traffic. In California, highway traffic congestion and travel delays are an everyday occurrence for motorist. A report released by the Federal Highway Administration (FHWA) found California's highways to be the busiest in the country. Overall, along with Interstates 10 and 110 ranking in the top 10, the study found Interstate 5 to be the busiest Interstate in the country and additionally found the Los Angeles section of Interstate 405 to be the busiest Interstate in any American city.

While traffic congestion is caused by a variety of factors, one of the most frequent causes are vehicle impediments such as vehicle break downs, abandoned vehicles, and vehicle collisions. Many times, these types of impediments may partially block a highway or require lane closures for vehicle removal resulting in significant travel delays. In one study, the National Highway Traffic Safety Administration (2014) concluded that traffic congestion tied to vehicle collisions cost motorists \$28 billion annually. Additional studies have shown that every one minute of delay caused by a traffic incident results in four minutes of congestion delay. In California, accident data reports that in 2012, approximately 69,000 vehicle injury collisions occurred during peak commute times.

In response, FHWA developed the Traffic Incident Management Program (TIM) in collaboration with a number of state and local stakeholders involved in highway incident response and traffic management. Housed under FHWA's Office of Transportation Operations, TIM consists of a planned and coordinated multi-disciplinary process to detect, respond to, and clear traffic incidents so that traffic flow may be restored as safely and quickly as possible. TIM's end goal is

to reduce the duration and impacts of traffic incidents and improve the safety of motorists, crash victims, and emergency responders.

This bill adopts one of TIM's policy recommendations aimed at reducing the period a vehicle is impeding highway traffic by allowing a peace officer to authorize a tow truck operator to travel on a highway's center median or right shoulder in order to remove disabled vehicles in a timely manner. Currently, law enforcement officers responding to a traffic incident cannot grant this authority to tow operators, in turn causing extended traffic delays in many circumstances. As a result, the author asserts, "as one TIM's identified best practices, this bill provides law enforcement with the flexibility to determine the most effective approach in removing disabled vehicles impeding highway traffic and causing significant delays."

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Peace Officers' Association  
California State Sheriffs' Association  
California Tow Truck Association

**Opposition**

None on file

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