

Date of Hearing: April 23, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2115 (Santiago) – As Amended April 16, 2018

SUBJECT: Vehicles: passing and overtaking: waste service vehicles

SUMMARY: Requires a driver to slow down and move over when going around a stopped waste service vehicle displaying flashing amber lights. Specifically, **this bill:**

- 1) Requires the driver of a vehicle on a public street or highway approaching and overtaking a stopped and readily apparent waste service vehicle displaying flashing amber lights to make a lane change onto an available lane adjacent to the waste service vehicle and pass at a safe distance without interfering with the safe operation of the waste service vehicle, under the following conditions:
 - a) If making a lane change is not practicable or prohibited by law, the driver shall slow to a reasonable and prudent speed that is safe for existing weather, road and vehicular or pedestrian traffic conditions.
 - b) Provides that these provisions do not apply if the waste service vehicle is located on a private driveway or highway, when the waste service vehicle is not adjacent to the street or highway, or is separated from the street or highway by a protective physical barrier.
- 2) Defines “waste service vehicle” as a refuse collection vehicle, including a vehicle collecting recyclables or yard waste that is used for curbside collection, and sewer and catch basin maintenance vehicles.

EXISTING LAW:

- 1) Requires a person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle displaying emergency lights, or a stationary tow truck or Department of Transportation (Caltrans) vehicle displaying flashing amber warning lights, to approach, with due caution, and before passing in a lane immediately adjacent to any of these vehicles, do one of the following:
 - a) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Caltrans vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.
 - b) If the maneuver described in paragraph 1) would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.
- 2) Requires a driver of a vehicle overtaking another vehicle proceeding in the same direction to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle.

- 3) Requires a driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator, unless traffic or roadway conditions make it impossible to do so, in which case the vehicle shall slow down to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle.

FISCAL EFFECT: Unknown

COMMENTS: In 2016, the Bureau of Labor Statistics found that refuse and recyclable material collectors had the fifth highest fatal injury rate per 100,000 employees of any profession. A total of 31 refuse workers lost their lives on the job in 2016. Transportation related incidents are the highest cause of workplace fatalities in the United States, accounting for over 2,000 workplace deaths in 2016. According to the California Occupational Safety and Hazard Administration three of these fatalities were in California. According to the Department of Industrial Relations, none the fatalities were listed as being traffic related, however there was an injury caused by a texting driver who swerved and almost hit a worker.

In order to address workplace fatalities for sanitation workers, labor and trade associations across the country have been working together on a “Slow Down to Get Around” campaign. Their campaign has included awareness efforts such as public service announcements and vehicle decals, as well as sponsoring legislation. Currently there are laws in 17 other states requiring drivers to use more caution around waste and recycling trucks, with some states setting speed limits to go around stationary trucks, while others passing legislation to allow sanitation vehicles to have flashing amber lights that alert drivers to slow down and move over when passing a sanitation vehicle. This bill takes the second approach.

Existing law provides similar protections for other occupations that have seen high fatality rates on the roads. Currently tow trucks and Caltrans vehicles are allowed to use flashing amber lights when on the freeway if their vehicles are stationary. Vehicles are required to slow down and move around in order to protect these workers lives.

This bill takes a similar approach for sanitation workers, and allows waste service vehicles to display flashing amber lights on local roadways when stationary to alert drivers to their presence.

Prior Legislation: SB 1371 (Bradford), Chapter 331, Statutes of 2013, set requirements for safe passing of bicyclists by motor vehicles.

SB 240 (Wright), Chapter 175, Statutes of 2009, made permanent the “move over” law, which prescribes what actions drivers must take on a freeway when passing a stopped emergency vehicle or tow truck with its warning lights flashing. SB 240 also added Caltrans vehicles, under specified conditions, to the move over law.

REGISTERED SUPPORT / OPPOSITION:

Support

Service Employees International Union (Sponsor)
American Federation of State and Municipal Employees
Athens Services
California Refuse Recycling Council

Inland empire disposal Association
Los Angeles County Waste Management Association
Los Angeles County Solid Waste Management Committee/Integrated Waste Management-
Taskforce
Recology
Republic Services, Inc.
Safer Streets L.A.
Solid Waste Association of Orange County
Waste Connections, Inc.
Waste Management

Opposition

None on file

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