

Date of Hearing: April 16, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 3246 (Committee on Transportation) – As Amended April 2, 2018

**SUBJECT:** Transportation: omnibus bill

**SUMMARY:** Makes various technical and non-substantive changes to provisions of law related to transportation. Specifically, **this bill:**

- 1) Moves the date by which the State Controller's Office must notify the Department of Motor Vehicles (DMV) if the ability to impose vehicle theft fees for a county will be withheld from January 1 to February 1.
- 2) Clarifies that the Department of Transportation (Caltrans) is prohibited from constructing or altering any structure, or issuing permits for growth that exceed federal obstruction standards, unless the Federal Aviation Administration determined the structure or growth was non-hazardous.
- 3) Moves the date by which the California Transportation Commission (CTC) is required to adopt the Active Transportation Program from April to July of every odd numbered year.
- 4) Makes other technical, corrective and non-substantive changes.

**EXISTING LAW:** Includes numerous provisions related to transportation.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The Assembly Committee on Transportation is authoring this year's transportation omnibus bill as a cost-effective way of making a number of minor, non-controversial changes to statute at one time. There is no known opposition to any of the items in this bill. If issues arise that cannot be resolved, the provision of concern will be deleted from the bill.

Specifically, this bill includes the following provisions, with the proponent of each provision noted in brackets:

- 1) Vehicle Code Section 16028 requires drivers to provide proof of insurance to law enforcement officers in two situations. Subdivision (b) requires proof of insurance when a vehicle is stopped for any violation of the Vehicle Code. Subdivision (c) requires proof of insurance at the scene of an accident. According to the Judicial Council of California, Courts encounter problems with subdivisions (b) and (c) because they cite different authorities for their respective offenses and confusion about which subdivision to charge has proven problematic for at least one large court. *This proposal corrects these references.* [Judicial Council of California]
- 2) According to the State Controller's Office, current law and state agency timelines only allow 31 days for the State Controller's Office to review county reports, and determine if a county's ability to impose a vehicle registration fee surcharge to prosecute vehicle theft will be

withheld. *This proposal moves the date by which the State Controller's Office must notify the DMV that funds will be withheld from January 1 to February 1, giving the State Controller's Office adequate time to review the reports and contact any affected counties.* [State Controller's Office]

- 3) Various sections in state law display the proper formatting and content of certain notices and forms. However, the prefix for the year in these sections is 19\_\_. *This proposal corrects the prefix to 20\_\_.* [Office of Senator Canella]
- 4) Current law requires various state agencies to coordinate and disseminate information to increase awareness of wire hazards and communicate techniques for identifying and avoiding wires. According to Caltrans, these actions have already occurred. *This proposal deletes the outdated statutes relating to wire hazard education and awareness.* [Caltrans]
- 5) Current law prohibits hazards near airports based on obstruction standards established in Federal Aviation Regulations. However, current law also provides for a permit process that allows Caltrans to authorize the construction of obstructions determined by the Federal Aviation Administration to be hazardous. California cannot, however, override federal regulations. According to Caltrans, the Federal Aviation Administration has sole jurisdiction over the national airspace and thus the inclusion of this meaningless provision in State statute leads to confusion. *This proposal clarifies that Caltrans is prohibited from constructing or altering any structure, or issuing permits for growth that exceed federal obstruction standards, unless the Federal Aviation Administration determined the structure or growth was non-hazardous.* [Caltrans]
- 6) State Aeronautics Act discusses exceptions to Airport Land Use Commissions. Project Ker-VAR 90-1 is a reference to a Caltrans-administered grant issued in 1990 to Kern County to develop an Airport Land Use Compatibility Plan. According to Caltrans, the outdated, poor wording, and odd placement of this section are a source of confusion. *This proposal deletes outdated Project Ker-VAR 90-1 from statute.* [Caltrans]
- 7) Existing law defines each route in the State Highway System. According to Caltrans, occasionally a route is changed, e.g., a new segment is adopted, a segment is superseded by new construction, or a segment is relinquished to a local jurisdiction. When a route is changed, the statutory description of the route must be updated in order to remain an accurate description of the facility's location. *This proposal updates statutory descriptions of State Routes 74 and 86 to reflect the fact that portions of these routes have been relinquished by Caltrans to local agencies.* [Caltrans]
- 8) Vehicle Code Section 675.6 references an agent of the National Automobile Theft Bureau as a person who does not meet the definition of a "Vehicle verifier". Further, the National Insurance Crime Bureau was formed in 1992 as a result of a merger between the National Automobile Theft Bureau and the Insurance Crime Prevention Institute. According to the California Highway Patrol, Vehicle Code Section 675.6 was added in 1975 and has not been amended to reference the aforementioned change. *This proposal deletes an agent of the National Automobile Theft Bureau and updates the reference to an agent of the National Insurance Crime Bureau as a person who does not meet the definition of a "Vehicle verifier".* [California Highway Patrol]

9) Vehicle Code Section 11607 has a drafting error. *This proposal fixes the drafting error.*  
[Assembly Transportation Committee]

10) According to CTC, the Active Transportation Program has significantly grown in funding, applications, and technical assistance needed for applicants. *This proposal allows more time for the CTC to adopt the Active Transportation Program by changing the date in which the program can be adopted from April to July of every odd numbered year.* [CTC]

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

State Controller's Office  
Judicial Council of California

**Opposition**

None on file

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