

Date of Hearing: January 8, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 972 (Choi) – As Amended March 28, 2017

FOR TESTIMONY ONLY

SUBJECT: Vehicles: driving offenses: labeling items

SUMMARY: Requires items that are carried in a vehicle cargo area to be labeled so that the owner can be identified should the item fall from the vehicle. Specifically, **this bill:**

- 1) Requires any item measuring longer than 12 inches in length and weighing more than 5 pounds that is being transported in the cargo area of a vehicle to be labeled with information that will allow the owner of the item to be identified or contacted.
- 2) Exempts the following items from requirements the labeling requirements:
 - a) Clear water;
 - b) Live bird feathers;
 - c) Aggregate, defined as rock fragments, pebbles, sand, dirt, gravel, cobbles, crushed base, asphalt, and other similar materials;
 - d) Garbage, swill, used cans or bottles, wastepapers, waste cardboard, ashes, refuse, trash, or rubbish, or any noisome, nauseous, or offensive matter, or anything being transported for disposal or recycling;
 - e) Any agricultural product or livestock animal; or,
 - f) Any item that is stored in the cargo area of a vehicle that is completely covered in a way that the item cannot fall free from the vehicle.
- 3) Provides, notwithstanding any other provision of law, violating the requirement to label items is an infraction punishable by:
 - a) A fine of \$100 for a first offense;
 - b) A fine of \$200 for a second offense that occurs within one year of a prior offense; and,
 - c) A fine of \$300 for a third or subsequent offense occurring within one year of two or more prior offenses.

EXISTING LAW:

- 1) Requires vehicle loads to be secured so the load cannot escape the vehicle; failure to do so is punishable by a base fine of \$35.

- 2) Makes it unlawful to do any of the following:
 - a) Throw or discharge onto a highway any lighted or non-lighted cigarette, cigar, match, or any flaming or glowing substance, punishable by a fine of \$100.
 - b) Throw or deposit on a highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic, or any noisome, nauseous, or offensive matter of any kind, punishable by a fine of \$100.
 - c) Dump or spill hazardous material without appropriately notifying authorities, as prescribed, punishable by a mandatory fine of a least \$2,000.
- 3) Provides that a vehicle used for illegal dumping of waste matter on public property is subject to impoundment.
- 4) Requires that any person that drops, dumps, deposits, places, or throws onto a highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic, any noisome, nauseous, offensive matter of any kind, or aggregate material must immediately remove the material or cause it to be removed; failure to do so is punishable by a base fine of \$100.
- 5) Authorizes the government agency that is responsible for the maintenance of the highway to remove the material and charge the cost of removal from the person responsible for the dumping.

FISCAL EFFECT: Unknown

COMMENTS: The author introduced this bill to "bring accountability to highways" by requiring individuals transporting items large enough to cause harm (should they fall out of the vehicle) to label the items with owner identification information. The author cites as evidence to support the bill an August 2016 study published by the AAA Foundation for Traffic Safety entitled *The Prevalence of Motor Vehicle Crashes Involving Road Debris, United States, 2011-2014 (2016)*. The study sought to identify the magnitude and characteristics of safety issues presented by vehicle-related road debris.

For purposes of the study, "road debris" was defined as debris from any source, including but not limited to vehicles that can pose a significant safety hazard. (Animals in the road, trees that fell onto vehicles, debris caused by a previous crash, and construction-related materials in active work zones were not included in the definition.) Also for purposes of the study, a crash was considered to have been debris-related if it involved a vehicle that:

- 1) Struck or was struck by an object that fell from another vehicle;
- 2) Struck a non-fixed object in the travel lane of the roadway; or,
- 3) Attempted to avoid a non-fixed object in the travel lane of the roadway and subsequently crashed.

The study reported the following key findings:

- 1) About two-thirds of debris-related crashes are the result of items falling from a vehicle due to improper maintenance and unsecured loads.
- 2) The most common types of vehicle debris are:
 - a) Parts becoming detached from a vehicle (e.g., tires, wheels, etc.) and falling onto the roadway;
 - b) Unsecured cargo like furniture, appliances, and other items falling onto the roadway;
 - c) Tow trailers becoming separated and hitting another vehicle or landing on the roadway.

The study also found that, of debris-related crashes in the United States between 2011 and 2014:

- 1) An annual average of 38% (19,304) of crashes involved a vehicle being struck by or striking an object that fell from another vehicle. Of these crashes, an estimated annual average of 3,142 involved injuries and 27 involved deaths.
- 2) An annual average of 46% (23,509) of crashes involved a vehicle striking a non-fixed object on the roadway. Of these crashes, an estimated annual average of 3,322 involved injuries and 52 involved deaths.
- 3) An annual average of 15% (7,844) crashes were the result of the driver attempting to avoid a non-fixed object on the roadway. Of these crashes, an estimated 3,341 involved injuries and 47 involved deaths.

As a result of this study, the AAA Foundation for Traffic Safety suggested drivers can decrease their chances of being involved in a road debris-related crash by doing the following:

- 1) Maintaining their vehicles: Badly worn or underinflated tires often suffer blowouts that can leave pieces of tire on the roadway. Exhaust systems and the hardware that attach to the vehicle can also rust and corrode, causing mufflers and other parts to drag and eventually break loose.
- 2) Securing vehicle loads: To properly secure a load, drivers should:
 - a) Tie down the load with rope, netting or straps;
 - b) Tie large objects directly to the vehicle or trailer;
 - c) Cover the entire load with a sturdy tarp or netting;
 - d) Avoid overloading the vehicle; and,
 - e) Double check the load to make sure it is secure.

- 3) Driving defensively: Drivers should avoid tailgating and should continually search the road at least 12 to 15 seconds ahead for debris.

The California Highway Patrol reports that it issues approximately 1,200 citations annually for violations involving a driver's failure to adequately secure a load. It also reports that roughly 800 crashes occur annually for which the primary collision factor is debris on the roadway. Of these collisions, roughly 70 crashes annually result in injuries. Additionally, of these collisions, 3 crashes over a six-year period resulted in death: 1 in 2010 and 2 in 2015.

Committee concerns:

- 1) The evidence that there is a substantial need to address the issue of road-related debris is questionable. For example, the author cites the 2016 AAA study as evidence to support the need for the bill. That study was intended to update information from a previous study, done in 2004, entitled *The Safety Impact of Vehicle-Related Road Debris (Forbes & Robinson, 2004)*. The earlier study noted that a literature review of the issue found that debris-related crashes constitute a very small proportion of all crashes, ranging from 0.1% to 0.5%. Furthermore, road debris caused by lost cargo, at which this bill is focused, makes up only a portion of the universe of road debris reflected in the crash statistics cited. Other debris included, for example, tires, tire tread, and vehicle parts, such as wheel flaps.
- 2) In many cases where the primary collision factor is roadway debris, the appropriate action is to cite the driver that collides with the debris for failure to follow the basic speed law. That law provides that no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, traffic on the highway, and in no event at a speed which endangers the safety of persons or property.
- 3) It is unclear what effect, if any, this bill would have on reducing the number of road-debris related crashes. Conversely, the committee was unable to find evidence to establish a correlation between an inability to identify the owner of road debris and the occurrence of road debris-related crashes.

Related legislation: AB 971 (Choi) increases fines for failing to secure a load (in a vehicle) and clarifies that a death caused by an object falling from a vehicle is grounds for a vehicular manslaughter conviction. AB 971 is scheduled to be heard in Assembly Transportation Committee on January 8, 2018.

AB 1395 (Chu) would require, by January 1, 2019, the California Department of Transportation to develop a litter and graffiti remediation plan to address debris buildup on the state highway and freeway systems. AB 1395 is scheduled to be heard in Assembly Transportation Committee on January 8, 2018.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

California Trucking Association

Analysis Prepared by: Janet Dawson / TRANS. /