

Date of Hearing: March 24, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 266 (Davies) – As Introduced January 17, 2025

SUBJECT: Freeway Service Patrol Act: sponsorship agreement

SUMMARY: Allows a regional or local entity participating in the state’s freeway service patrol program (FSP) to enter into an exclusive sponsorship agreement that allows for the display of a sponsor’s name and logo on participating tow trucks.

EXISTING LAW:

- 1) Establishes legislative intent to encourage a motorist aid system comprising multiple service elements and infrastructure along the California Freeway and Expressway System to enable motorists in need of aid to obtain assistance. (Streets and Highways Code Section (SHC) 2550)
- 2) Allows the establishment of a service authority for freeway emergencies in any county if the board of supervisors of the county and the city councils of a majority of the cities within the county having a majority of the population of cities within the county adopt resolutions providing for the establishment of the authority.
 - a) Allows, upon adoption of a resolution, the Metropolitan Transportation Commission to function as the service authority for freeway emergencies in the following counties; Santa Clara, San Mateo, Alameda, Contra Costa, Marin, Solano, Sonoma, and Napa, and the City and County of San Francisco.
 - b) Allows, upon adoption of a resolution, the Sacramento Area Council of Governments to function as the service authority for freeway emergencies in the following counties; Sacramento, Yolo, Yuba, Sutter, and San Joaquin.
 - c) Allows, upon adoption of a resolution, the Imperial County Transportation Commission to function as the service authority for freeway emergencies in Imperial County. (SHC 2551)
- 3) Requires a tow truck participating in a FSP to bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words “Freeway Service Patrol,” which identifies the Department of the California Highway Patrol (CHP) and the Department of Transportation (Caltrans), and, at the option of the entity, the participating regional or local entity. (SHC 2562.5)

FISCAL EFFECT: Unknown

COMMENTS: The FSP system helps to ensure the removal of vehicles on freeways that are blocking traffic to help maintain the flow of traffic, especially in congested areas. Local or regional entities operate the FSP pursuant to an agreement with Caltrans and CHP. The state provides funding for the program using a formula based allocation. Local or regional entities contract with privately-owned towing companies. These companies offer motorists free towing assistance on certain freeways. Typically, FSP operates Monday through Friday during peak commute hours, and all day in pre-designated freeway construction zones.

The goal of the FSP is to maximize the effectiveness of the freeway transportation system. Deployment of the FSP tow trucks is driven by congestion patterns in major metropolitan areas. It is necessary for the FSP program to respond immediately to changing or increasing needs for impediment mitigation.

The program is aimed at expeditious removal of disabled or stranded vehicles from the freeway. Removing obstructions on the freeways as rapidly as possible has a positive impact on traffic volumes by eliminating problems which contribute to non-recurrent congestion.

Each year, the FSP program assists approximately 650,000 motorists on California's highway system. Currently, over 350 tow trucks operated by CHP-trained, certified and supervised drivers patrol in excess of 1,750 miles of the most congested freeways in California.

Examples of services FSP provides include; fuel, restarting a dead car battery, refilling radiator and tape hoses, and changing a flat tire. Examples of services FSP does not provide include; towing a vehicle to a private repair service or residence, recommendations of tow service companies, repair or body shops, towing motorcycles, assisting vehicles which have been involved in accidents, unless directed by CHP, and reporting accidents to the CHP.

Currently there are 14 FSP programs throughout the state operating in Sacramento, Placer, El Dorado, San Joaquin, Bay Area, Fresno, Los Angeles, San Diego, Orange County, Monterey, Santa Cruz, Santa Barbara, Riverside, and San Bernardino counties.

Cost of FSP. During recent years, the responsibilities of CHP officers increased significantly and are continuing to expand. In regions where FSP is deployed, FSP tow truck drivers are a cost-effective complement to many of the motorist services that CHP beat officers provide. Frequently, the FSP tow truck driver is the first to arrive on the scene of freeway incidents. As such, the FSP tow truck driver provides valuable "real time" information about the incident to the CHP Communications Center.

The county transportation agency is responsible for contracting with tow service providers and with other consultants and contractors that may be necessary for the successful implementation of the project. They are also responsible for generating local matching funds, preparing annual program budgets, and coordinating service expansions and changes with partner agencies.

The FSP provides service to motorists at no cost. State and local public funding allocations pay for the costs of a region's FSP. State funding is apportioned to each FSP program through a funding formula based upon population, miles of freeway in the region, and a measurement of congestion. The local transportation agencies match the state funding allocation with a minimum of 25% local funds. The local match is provided by the Service Authority for Freeways and Expressways (SAFE) program, which allocates \$1 of vehicle registration fees to participating counties.

Traditionally, FSP programs received approximately \$25 million annually in state funds allocated by Caltrans. But the program received a funding boost in 2017 with the passage of the Road Repair and Accountability Act (SB 1) which allocated an additional \$25 million annually through 2027.

Additional revenue and sponsorship logos. This bill allows a regional entity to generate additional revenue for its FSP by entering into exclusive sponsorship agreements that allow for the display of a sponsor's name and logo on participating tow trucks.

This has the potential to generate significant additional revenue for a region's FSP, and is a practice implemented by other states. Arizona, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Maine, North Carolina, Nevada, New Hampshire, New Jersey, Ohio, Pennsylvania, Virginia, and Wisconsin participate in "The Safety Patrol Program" sponsored by GEICO Insurance. These state-run safety patrols provide free services for motorists, including those offered by California's FSP program. Safety patrol vehicles display the state transportation logo, large GEICO logos, and are marked with "SAFETY PATROL."

However, this bill allows private logos on publically funded resources. This may have the unintended consequence of state endorsement of a private company. The FSP program is authorized by CHP, therefore logos added under this bill would may need state and regional approval.

According to the author, "Ensuring California's roads and motorists are safe is one of my highest priorities. In a time of unknown budget constraints, we should be doing all we can to think creatively out of the box to fund driver service programs. AB 266 is a common-sense measure to replicate what is done in 16 other states and allow for sponsorship of our freeway service patrol vehicles to help keep this useful program up-and-running."

Previous legislation. AB 335 (E. Garcia), Chapter 11, Statutes of 2019 authorizes the Imperial County Transportation Commission (ICTC) to evaluate, develop, and implement specific nontransportation programs within Imperial County.

SB 1 (Beall), Chapter 5, Statutes of 2017 increases 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.

SB 516 (Fuller), Chapter 491, Statutes of 2015 authorizes funds which have been used to pay for the operation of freeway call boxes to also be used for transportation demand management services, intelligent transportation systems and safety-related hazard and obstruction removal.

REGISTERED SUPPORT / OPPOSITION:

Support

No support on file

Opposition

No opposition on file

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