

Date of Hearing: March 21, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2270 (Seyarto) – As Introduced February 16, 2022

SUBJECT: Authorized emergency vehicles

SUMMARY: Requires the owner or operator of a toll facility, upon the request of the local emergency service provider, to enter into an agreement for the use of a toll facility. Specifically, **this bill:**

- 1) Upon the request of a local emergency service provider, an owner or operator of a toll facility shall enter into an agreement to establish mutually agreed upon terms for the use of the toll facility by the emergency service provider.

EXISTING LAW:

- 1) Exempts an authorized emergency vehicle from any requirement to pay a toll or other charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane, if all of the following conditions are satisfied:
 - a. The authorized emergency vehicle is properly displaying an exempt California license plate, and is properly identified or marked as an authorized emergency vehicle, including, but not limited to, displaying an external surface-mounted red warning light, blue warning light, or both, and displaying public agency identification, including, but not limited to, “Fire Department,” “Sheriff,” or “Police.”
 - b. The vehicle is being driven while responding to or returning from an urgent or emergency call, engaged in an urgent or emergency response, or engaging in a fire station coverage assignment directly related to an emergency response.
 - i. An “urgent” response or call means an incident or circumstance that requires an immediate response to a public safety-related incident, but does not warrant the use of emergency warning lights. “Urgent” does not include any personal use, commuting, training, or administrative uses.
 - c. An authorized emergency vehicle is not exempt from any requirement to pay a toll while traveling in a HOT lane when returning from an urgent or emergency call, or from being engaged in an urgent or emergency response, or from engaging in a fire station coverage assignment directly related to an emergency response.
 - d. The driver of the vehicle determines that the use of the toll facility shall likely improve the availability or response and arrival time of the authorized emergency vehicle and its delivery of essential public safety services.
- 2) If the operator of a toll facility elects to send a bill or invoice to the public agency for the use of the toll facility by an authorized emergency vehicle, the fire chief, police chief, county sheriff, head of the public agency, or designee, is authorized to certify in writing

that the authorized emergency vehicle was responding to or returning from an emergency call or response and is exempt from the payment of the toll or other charge in accordance with this section. The letter shall be accepted by the toll operator in lieu of payment and is a public document.

- 3) Provides that, upon information or belief that an authorized emergency vehicle did not meet the conditions to be exempted from liability to pay the toll, the public agency shall make accessible, upon written request, to the toll operator the dispatch records or log books relevant to the time period when the vehicle was in use on the toll facility.
- 4) Provides that the provisions of this bill do not prohibit or amend an agreement entered between a public agency and a toll operator that establishes mutually-agreed upon terms for the use of the facility, and further provides that they do not preclude a toll operator from establishing a policy that meet or exceeds them.
- 5) Provides that the terms of an agreement between a toll operator and public agency do not extend to other public agencies that may use a toll facility in the jurisdiction of the toll operator when assisting the public agency that is subject to the agreement.
- 6) Defines “toll facility” to include a toll road, high-occupancy vehicle lane, toll bridge, or a vehicular crossing for which payment of a toll or other charge is required.

FISCAL EFFECT: Unknown

COMMENTS: The use of toll roads has become a necessity for first responders traveling to emergency situations. As a result of increased wildfires across the state, the COVID-19 pandemic, and staffing shortages, first responders, and particularly firefighters, are traveling farther distances in order to respond to life threatening emergencies. As a result of disregard for the posted speed limit during the COVID-19 pandemic, the Transportation Corridor Agencies partnered with the California Highway Patrol (CHP) to increase the presence of law enforcement officers on The Toll Roads to encourage drivers to respect posted speed limits. This means more first responders on more toll roads.

Current law allows authorized emergency vehicles to utilize HOT lanes while responding to an incident, in order to decrease travel time. Authorized emergency vehicles are exempt from tolls while traveling to an incident, under certain circumstances, however the toll operator may still charge the authorized emergency vehicle public agency. The charge is annulled with the written certification from a fire chief, police chief, county sheriff, head of the public agency, or designee, that the authorized emergency vehicle was responding to or returning from an emergency call, and the public agency is exempt from the payment of the toll.

Toll paperwork for first responders: Under current law, authorized emergency vehicles are exempt from tolls in some circumstances. However, to receive reimbursement for tolls paid, or not pay the tolls, public agencies must track the payment or delinquency of the toll payment. As a result of excessive paperwork burdens, sometimes this workload goes unaddressed by the public agency due to the high volume of toll road use by authorized emergency vehicles.

California Department of Forestry and Fire Protection (CAL FIRE) is responsible for more than 31 million acres of the State’s privately-owned wildlands. The Department is an “all-risk”

response organization, and provides emergency services within 36 of California's 58 counties through local government contracts. CAL FIRE responds to medical aids, hazardous material spills, swift water rescues, search and rescue operations, civil disturbances, train wrecks, floods, earthquakes, and any other type of emergency.

CAL FIRE has a fleet of more than 2,800 emergency vehicles that respond to approximately 450,000 emergency calls per year. Since emergency vehicles are currently exempted from paying required tolls when responding to emergency incidents, CAL FIRE vehicles often are exempt. Approximately 97% of all CAL FIRE vehicle toll violations are a direct result of emergency response.

While working agreements exist between individual CAL FIRE Units and toll agencies pertaining to large incidents, the CAL FIRE still receives approximately 1,500 toll violations each year. Most of the violations are exempted and the fees waived, but there is still a significant impact to the Department from the staff time needed to resolve the violations.

Toll evasion penalties include any late payment penalty, administrative fee, fine, assessment, and costs of collection. Existing law limits toll evasion violation penalties to \$100 for the first offense, \$250 for a second within one year, and \$500 for each additional violation within one year.

Local agreements: Current statute does not prohibit public agencies from entering into an agreement with toll agencies, however contracts can vary across the state. The CHP has successfully implemented an ongoing agreement with toll agencies, which could be replicated by public agencies across the state.

This bill, authored by a former Fire Battalion Chief, requires a toll facility to enter into an agreement with a public agency for authorized emergency vehicle use on a toll facility, upon request by the public agency. This will facilitate a level of communication and understanding to avoid toll violations, staff time, and paperwork for California's first responders.

According to the author, "While arriving at an emergency quickly is essential, our first responders also need to be able to return to their districts as soon as possible to respond to additional calls and conduct other business. Fire season is now a year-round concern and more departments from across the state are being called to assist with emergencies outside their normal jurisdiction. We need to reduce travel time that would cause any delay for emergency personnel and equipment to conduct critical agency business and get back in service."

Prior legislation: AB 261 (Seyarto) of 2021, exempts an authored emergency vehicle from payment of an HOT toll when returning from an urgent emergency call.

AB 256 (Jeffries) Chapter 425, Statutes of 2009, establishes the circumstances under which an authorized emergency vehicle is exempt from paying a toll on a tolled facility.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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