

Date of Hearing: May 4, 2020

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2285 (Committee on Transportation) – As Amended May 4, 2020

SUBJECT: Transportation

SUMMARY: Makes various non-controversial changes to transportation-related statutes. Specifically, this bill:

- 1) Extends the requirement for a person driving a vehicle to slow down and move over for certain stationary vehicles displaying flashing amber or emergency lights on the freeway to also apply on local streets and roads.
- 2) Extends the pilot program for alternative license plates and vehicle registrations issued by the Department of Motor Vehicles (DMV) until January 1, 2023.
- 3) Continuously appropriates interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account (RMRA) to the California Department of Transportation (Caltrans) for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program (SHOPP).
- 4) Extends by one year, until January 1, 2022, the requirement that the California Air Resources Board (ARB) dedicate 20% of California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program (Clean Truck Program) to support early commercial deployment of existing zero- and near-zero-emission heavy-duty trucks.

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 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 above 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) Establishes the Clean Truck Program, administered by ARB in conjunction with California Energy Commission (CEC), to use Greenhouse Gas Reduction Fund (GGRF) revenues for development, demonstration, pre-commercial pilot, and early commercial deployment of zero- and near zero-emission truck, bus, and off-road vehicle and equipment technologies and requires ARB, in consultation with CEC, to create an annual framework and plan for technology development.

- 3) Establishes a pilot program administered by DMV for alternative license plates and vehicle registrations that expires on January 1, 2021.

FISCAL EFFECT: Unknown

COMMENTS:

In light of the novel coronavirus pandemic, the Assembly Transportation Committee and the Legislature have significantly reduced the number of bills that are being considered this legislative session. The Committee had decided to consolidate several noncontroversial measures that had been introduced this year into a single bill. These provisions are substantive, but are minor, and most amend provisions of law that have already been considered by the Legislature and have passed unanimously. These provisions include extending sunset provisions on existing programs, modifying existing rules of the road to be more expansive, or making minor administrative changes to state government.

Slow Down, Move over: According to the Center for Disease Control, between 2006 and 2016 more than one officer per week has been killed on the road nationally. Roadside deaths have been the leading cause of death for officers while on duty. Between 2007 and 2016, 130 officers were killed in the U.S. as a result of being struck by a vehicle while on foot. In 2006, the Legislature passed and Governor Schwarzenegger signed SB 1610 (Simitian), Chapter 375, which established the requirement for drivers to slow down and move over when approaching a stationary emergency vehicle, tow truck, or Caltrans vehicle while on the side of the freeway. This bill extends that provision to also include local streets and roads.

According to the California Association of Highway Patrolmen, who is sponsoring this provision, and only this provision, of the bill, “As you know, California Highway Patrol (CHP) officers are run down on the freeways far too often. The fact that we have a “Slow Down – Move Over” law has not stopped all of the deaths; although, it has helped reduce them. Your bill will further reduce deaths and injuries on highways and roadways. We are currently gathering statistics about crashes caused by motorists not moving over, but I can tell you, anecdotally, in talking to CHP officers all over California, the number of near-misses is staggering.

Committee comments: This provision was the introduced provision in the committee bill and was introduced to enhance safety and create uniformity for the rules of the road. During the novel coronavirus pandemic, speeding has dramatically increased. Between March 19 and April 19, CHP issued 87% more speeding tickets to drivers going above 100 miles per hour than over the same period last year. This provision can help ensure the safety of our essential workers.

Pilot program alternative license plates and vehicle registration: In 2013, the Legislature passed and Governor Brown signed SB 806 (Hueso), Chapter 569, Statutes of 2013, authorizing DMV to establish a pilot program to evaluate the use of alternatives to license plates, registration stickers, and registration cards. That pilot has been extended multiple times since its introduction. Last year DMV recommended making the program permanent, and this year Assemblymember Gipson introduced AB 2770 to make this program permanent. This bill instead extends the pilot by two years.

Committee comments: The pilot program established by SB 806 is set to expire on January 1, 2021. The committee has decided to extend the pilot program for two years instead of making it permanent so DMV can focus on more pressing issues than having to promulgate new regulations related to digital license plates in the midst of the novel coronavirus pandemic, while still ensuring those participating in the pilot can continue to use the \$700 digital license plates they purchased.

Highway maintenance: This provision, as originally proposed by Assemblymember Daly in this year's AB 2310, continuously appropriates interest earnings derived from revenues deposited in the RMRA to Caltrans for maintenance of the state highway system or for purposes of the SHOPP.

In 2017, the Legislature passed and Governor Brown signed into law the Road Repair and Accountability Act (SB 1, Beall, Chapter 5), which created the RMRA, the account into which the state deposits about \$3 billion annually in state transportation revenues over the course of a fiscal year as they are collected. As is the case for the General Fund and other special funds, the RMRA carries a cash balance associated with it to ensure the availability of funds. This cash balance is invested in interest-bearing financial instruments through the state's Pooled Money Investment Account.

Whereas SB 1 dedicates the revenues deposited into the RMRA to specified programs, the legislation does not contain statutory language dedicating interest earnings to specific programs. Thus, the interest earnings effectively end up in the account's cash balance. To ensure these interest earnings do not accumulate unnecessarily, the California Transportation Commission recommended in its Annual Report to the Legislature that the interest earnings be dedicated to the SHOPP.

Committee comments: the University of California (UC) Road Ecology Center at UC Davis has reported traffic is down as much as 50% as a result of the shelter-in-place orders issued as a result of the novel coronavirus pandemic. Less driving means less fuel consumption, which means a loss in gas tax revenue. This provision can ensure additional funds are available for the SHOPP program at a time that gas tax revenues are likely down as a result of the shelter in place order.

Zero and near-zero heavy duty trucks: Nearly 40% of California's greenhouse gas (GHG) emissions are generated by the transportation sector, which includes both the light-duty (passenger fleet) and medium- and heavy-duty fleets. While cleaning up the entire transportation sector is important, efforts to improve the heavy-duty vehicle fleet is a high priority because this sector contributes greatly to GHG emissions as well as produces a variety of smog-forming pollutants such as oxides of nitrogen (NOx), particulate matter, reactive organic gasses, and other toxic air contaminants that contribute to poor air quality and associated health impacts.

To help accelerate the deployment of zero- and near-zero-emission heavy-duty trucks, the Legislature passed and Governor Brown signed SB 1204 (Lara), Chapter 524, in 2013, that created the Clean Truck Program. This Program was designed to utilize GGRF funds to develop, demonstrate, pilot, and deploy zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies. To help the Clean Truck Program better meet the goal of benefiting disadvantaged communities, SB 1204, among other things, required ARB, until January 1, 2018, to dedicate no less than 20% of the program's funding to support early commercial deployment of zero- and near-zero emission heavy duty truck technology. By creating this set aside, SB

1204 sought to ensure that cleaner trucks were be deployed sooner to provide immediate emissions reduction and air quality improvement benefits. The set aside was later extended until January 1, 2021.

Committee comments: Assemblymember O'Donnell this year introduced AB 2860 to extend the set aside until the end of 2025 and clarify the definition of near-zero emission vehicles. This provision instead extends that sunset by one year until the end of 2022 so a more robust conversation about the future of the program can take place in next year's legislative session.

REGISTERED SUPPORT / OPPOSITION:

Support

Support

AAA Northern California, Nevada, and Utah (prior version)
Auto Club of Southern California (AAA) (prior version)
California Association of Highway Patrolmen (prior version)
California State Sheriffs' Association (prior version)

Opposition

None on file

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