

Date of Hearing: July 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 491 (Committee on Transportation and Housing) – As Amended June 29, 2015

**SENATE VOTE:** 36-0

**SUBJECT:** Transportation: omnibus bill.

**SUMMARY:** Makes minor, non-controversial changes to sections of law relating to transportation. Specifically, **this bill:**

- 1) Removes the requirement for the California Department of Transportation (Caltrans) to report the delivery date of the construction phase of a project as erroneously required by SB 486 (DeSaulnier), Chapter 917, Statutes of 2014. (Submitted by the Senate Transportation and Housing Committee.)
- 2) Updates the title for the Federal Statewide Transportation Improvement Program, removes incorrect references to the federal law relating to that program, and provides an additional two months for Caltrans to incorporate federal changes into the State Transportation Improvement Plan (SHOPP). (Submitted by Caltrans.)
- 3) Authorizes the Santa Clara Valley Transportation Authority (VTA) to hold public meetings for the purpose of adopting project selection criteria for expenditure of Bay Area Air Quality Management District (BAAQMD) vehicle registration surcharge funds only if project selection criteria have changes (as opposed to annually whether or not selection criteria have changed as is required in existing law). (Submitted by VTA.)
- 4) Updates the codes by replacing the outdated reference to Business, Transportation and Housing Agency with reference to the newly formed California Transportation Agency. (Submitted by the Senate Transportation and Housing Committee.)
- 5) Deletes specified state highway route segment descriptions from the codes for highway segments that have been relinquished by the California Transportation Commission (CTC) to local jurisdictions. (Submitted by the Office of Assembly Member Ridley-Thomas.)
- 6) Changes the word "protected" to "separated" in the code to better describe cycling infrastructure consisting of marked lanes, tracks, shoulders, and paths designated exclusively for bicycle use. (Submitted by Caltrans.)
- 7) Replaces references in the Vehicle Code pertaining to suspensions and revocations of the driving privileges to the repealed Welfare and Institutions Code with the appropriate renumbered sections in the Family Code. [Submitted by the Department of Motor Vehicles (DMV).]
- 8) Corrects a drafting error in AB 1047 (Linder), Chapter 649, Statutes of 2013, that omitted drivers of buses with a gross vehicle weight rating (GVWR) of 26,000 pounds or less from the requirement to be enrolled in the Employer Pull Notice (EPN) Program by clarifying that

any driver's license endorsement issued to operate any commercial motor vehicle requires enrollment in the EPN Program. [Submitted by the California Highway Patrol (CHP).]

- 9) Makes conforming changes to code sections to correct references to renumbered code sections with regard to DMV's authority to hold administrative hearings for drivers whose privileges are suspended or revoked for driving under the influence (DUI). (Submitted by DMV.)
- 10) Corrects an oversight in recent legislation that extended the operative date of exemptions to provide proof of financial responsibility as part of the vehicle registration renewal process without concomitantly amending the sunset date. (Submitted by DMV.)
- 11) Brings various sections of the California's Motor Carrier Safety Assistance Program codes into compliance with federal mandates. (Submitted by CHP.)
- 12) Explicitly prohibits wearing earbuds or headsets covering, resting on, or inserted in both ears when operating a motor vehicle or bicycle. (Submitted by the Senate Transportation and Housing Committee.)
- 13) Restores the CTC's authority to relinquish segments of State Routes (SR) 92, 185, and 238 to the City of Hayward, if Caltrans and the City reach an agreement. These provisions are identical to the provisions of prior legislation granting CTC relinquishment authority for these route segments [AB 1386 (Hayashi), Chapter 291, Statutes of 2009], which was inadvertently removed by the 2012 Transportation Omnibus Bill, [AB 2679 (Committee on Transportation), Chapter 769, Statutes of 2012.] (Submitted by Caltrans.)
- 14) Makes technical corrections to statutory provisions pertaining to prior relinquishments to ensure the statutes accurately reflect the statutory provisions authorizing those relinquishments. (Submitted by Caltrans.)
- 15) Delays the Active Transportation Program project selection dates by one month from December 31, 2015 to January 31, 2016, to allow the Southern California Association of Governments (SCAG) to first adopt the final regional plan. (Submitted by SCAG.)
- 16) Makes the Vehicle Code consistent with the principally at fault accident determinations under the Insurance Regulations (Code of Civil Procedures and Civil Code) by increasing the threshold for reporting an accident with property damage to the DMV from \$750 to \$1,000. [Office of Senator Hill per SB 438 (Hill), of 2015.]

**EXISTING LAW:**

- 1) Requires the Caltrans to prepare an asset management plan.
- 2) Requires Caltrans to update the SHOPP to reflect federal program changes.
- 3) Requires VTA to hold public meetings annually with regard to project selection criteria used for expenditure of vehicle registration surcharge funds collected by the BAAQMD.
- 4) Replaced the Business, Transportation, and Housing Agency with the California State Transportation Agency and the California Business, Consumer Services, and Housing Agency.

- 5) Authorizes the CTC, following the approval by the Legislature, to relinquish state highways to local jurisdictions.
- 6) Defines a cycle track or separated bikeway as a right-of-way designed exclusively for bicycle travel adjacent to a roadway and which are protected from vehicular traffic.
- 7) Repealed certain sections of the Welfare and Institutions Code and renumbered them in the Family Code.
- 8) Established the EPN Program to provide employers and regulatory agencies a means to ensure driver safety through ongoing review of driver records.
- 9) Specifies that DMV has the authority to conduct administrative hearings for drivers whose driving privileges are suspended or revoked for DUI.
- 10) Sets forth requirements for the operation of commercial motor vehicles.
- 11) Prohibits wearing of headsets or earplugs while operating a motor vehicle or a bicycle.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The Assembly Transportation Committee and the Senate Transportation and Housing Committee (Committees) traditionally author an annual transportation omnibus bill, combining various statutory modifications that are technical in nature, non-controversial, and have no opposition into a single bill. Suggestions for omnibus provisions are solicited from a broad range of stakeholders. The Committees insist that the transportation omnibus bill be a consensus measure, therefore, if there is opposition to an item, it must be removed. There is no known opposition to any item in this bill.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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