

Date of Hearing: 06-26-2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 891 (Committee on Transportation) – As Introduced March 23, 2023

SENATE VOTE: 37-0

SUBJECT: Transportation: omnibus bill

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

- 1) Repeals the requirement for San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System (MTS) to coordinate the operation of all regional public transportation services in the area under its jurisdiction and to establish and adopt regulations for the dispute resolution process.
- 2) Changes the deadline for the San Diego Association of Governments' (SANDAG) annual public transit report to the Legislature to December 31 of each year.
- 3) Authorizes the Sunol Smart Carpool Lane Joint Powers Authority, or the Alameda County Transportation Commission, to conduct, administer, and operate the program in the County of Alameda and the Sunol Smart Carpool Lane Joint Powers Authority or Santa Clara valley Transportation Authority to conduct, administer, and operate the program in the County of Santa Clara.
- 4) Exempts “nonpneumatic tire” as defined by Code of Federal Regulation from width and thickness requirements outlined in the vehicle code.
- 5) Requires “nonpneumatic tire” to comply with the safety requirements defined by federal regulations.
- 6) Requires “nonpneumatic tire” to comply with pneumatic tire safety standards defined in the vehicle code.
- 7) Authorizes the Department of Motor Vehicles (DMV) to adopt new regulations for nonpneumatic tires that are consistent with Code of Federal Regulation and guidance issued by the national highway traffic safety:
 - a) Prohibits the installation or use of noncompliant nonpneumatic tires on highways.
- 8) Defines “nonpneumatic tire” to have the same meaning as 49 Code of Federal Regulations Section 571.129
- 9) Removes the language “subject to section 114765 is of the health and safety code” from Section 27903 of the Vehicle Code.

- 10) Repeals state statute defining “Cargo tank”, “Tank vehicle”, “Flammable liquids” and “combustible liquids” and replaces with federal definitions of “cargo tank”, “Flammable liquids” and “combustible liquids”:
 - a) Defines “cargo tank vehicle” to mean a truck, trailer, or semitrailer with one or more permanently attached cargo tanks to or forming an integral part of the vehicle.
- 11) Repeals state statute that exempts empty trap wagons or spray rigs from safety requirements.
- 12) Require motor carriers, vehicles, and drivers to comply with federal regulations regarding safety fitness procedures, driving of commercial motor vehicles, parts and accessories necessary for safe operation, inspection repair, and maintenance, and transportation of hazardous materials driving and parking rules.

EXISTING LAW:

- 1) Establishes MTS, with specified powers and duties related to the operation of public transit services in a portion of the County of San Diego. (Public Utilities Code (PUC)) 120050)
- 2) Requires MTS to coordinate the operation of all regional public transportation services in the area under its jurisdiction and to establish and adopt regulations to resolve disputes between public transit operators and local agencies. (PUC 120475 - 120478)
- 3) Establishes SANDAG, through the consolidation of certain regional transportation planning, programming, and related functions in the County of San Diego from various agencies. (PUC 132000 - 132334)
- 4) Provides for SANDAG to have five standing policy advisory committees including the transportation committee. (PUC 132351.4)
- 5) Requires SANDAG to submit a report to the Legislature on or before July 1 of each year, developed by its transportation committee, which outlines various matters related to public transit.
- 6) Authorizes the Sunol Smart Carpool Lane Joint Powers Authority, consisting of the Alameda County Transportation Commission and the Santa Clara Valley Transportation Authority, to conduct, administer, and operate a value pricing high-occupancy vehicle program, on the Sunol Grade segment of State Highway Route 680 in the Counties of Alameda and Santa Clara, that may authorize the entry and use of high-occupancy vehicle lanes by single-occupant vehicles for a fee. (Streets and Highways Code 149.5)
- 7) Federal law defines “nonpneumatic tire” to mean a mechanical device which transmits, either directly or through a wheel or wheel center member, the vertical load and tractive forces from the roadway to the vehicle, generates the tractive forces that provide the directional control of the vehicle and does not rely on the containment of any gas or fluid for providing those functions.(49 Code of Federal Regulations (49 CFR) 571.129)

- 8) Prohibits tires from have protrusions of various materials that extend from the traction surface of the tire (vehicle code (VEH) 27454). With the following exceptions :
 - a) It is an appropriately sized compliant traction device to prevent skidding on during wet, snowy, or icy conditions; and,
 - b) Within the allowable design standard for pneumatic tires outlined in this section of the vehicle code.
- 9) Prohibits the dealers and permitted retail sellers from selling or installing tires with noncompliant tire tread depth or vehicles with tires with noncompliant tire tread depth. This restriction does not apply to a temporary spare tire that are installed during an emergency roadside repair. (VEH 27465)
- 10) Prohibits dealers or permitted sellers from selling or installing tires that are not compliant with noise standards (VEH 27502)
- 11) Requires vehicles transporting explosives, blasting agents, flammable liquid, flammable solids, oxidizing materials, corrosive, compressed gas, poison, radioactive material, or other hazardous materials, of the type and in quantities that are required by federal regulation to display placards or markings on the vehicle exterior comply to federal standards of placard or marker display as prescribed. (VEH 27903)
- 12) Grants the DMV regulatory authority over vehicles highway vehicles. (VEH 34500)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS: This is the Senate Transportation Committee policy omnibus bill and makes non-controversial changes to existing transportation law. This bill does the following:

Repeals the process for MTS to settle disputes with regional agencies [Source: MTS]. SB 510 (Deddeh, Chapter 745, Statutes of 1983) required MTS to coordinate the operation of all public transit services within their jurisdiction in order to achieve efficient operation. To serve this goal this bill authorized the board to resolve regional transit service disputes between local agencies and transit operators which provide services in the area, pursuant to the rules and regulations adopted by the board. This bill required minimum components of these regulations including criteria to determine validity of disputes, procedures for submission, notice, mediation, and public hearing of disputes.

In the decades since this law was enacted, the MTS has grown and has become the sole operator of transit within its jurisdiction. Regional services like Chula Vista Transit and National City Transit no longer exist, and so the dispute resolution process required by this law is no longer relevant. MTS has asked to repeal this section as part of MTS board efforts to modernize and clean up MTS statutes.

Changes the date for an annual SANDAG report. [Source: SANDAG] AB 805 (Gonzalez, Chapter 658, Statutes of 2017) requires SANDAG's transportation commission to annually provide a report to the Legislature on or before July 1 that outlines the region's public transit needs, transit funding criteria, recommended transit funding levels, additional work on public transit, and funds spent explicitly on public transportation. Because this annual report

incorporates funding information, it presents this information based on fiscal year. The July 1st deadline makes it so that the report must use data from the previous fiscal year. By changing the submission date to December 31, the commission would be able to reflect the most recent fiscal year in the report and avoid confusion between stakeholders in the reporting process.

Gives Alameda County and Santa Clara County the authority to independently manage an express lane in their jurisdiction. [Source: Alameda County Transportation Commission]

Existing law authorizes the Sunol Grade Joint Powers Authority (JPA) to build and administer an express lane on the Sunol Grade section of I-680 in the counties of Alameda and Santa Clara. This law also authorizes the Alameda CTC to build and administer an express lane on another corridor in Alameda County. Since the enactment of this code, the Sunol JPA built the first express lane in Northern California along the I-680 Sunol Grade corridor. Even though the Sunol Grade Express Lane does not operate within Santa Clara County, current law dictates that it must be administered by the Sunol Grade JPA. This results in duplicative requirements for administrative hearings for the management of this lane and the other express lanes authorized under this code. This bill would allow Alameda CTC to solely administer the express lane unless it is ever extended into Santa Clara, at which point the JPA or Santa Clara valley Transportation Authority would once again administer the lane.

Amends state vehicle code to comply with federal regulation on nonpneumatic tires, vehicles transporting large volumes of hazardous material, and motor vehicle carriers with the federal code of regulation. [Source: California Highway Patrol CHP]. In order for CHP to continue receiving Motor Carrier Safety Assistance Program (MCSAP) grant funding, California's statutes, and regulations are required to be consistent with Federal Motor Vehicle Safety Standards. If the CHP fails to regulate commercial motor vehicles or fails to implement and enforce commercial motor vehicle regulations that are consistent with federal regulations, it risks losing federal MCSAP grant funding.

This bill introduces a definition for a "nonpneumatic tire" as defined by federal regulations. It also prohibits the sale, installation, or use of nonpneumatic tires that do not comply with federal width and thickness requirements and federal safety requirements. It requires nonpneumatic tires to comply with state safety standards regarding pieces projecting beyond the tread of the tire, requirements for traction devices, and noise standards established for pneumatic tires in the vehicle code.

In 1990, Congress passed the Hazardous Materials Transportation Uniform Safety Act to address the conflicts between state, local, and federal regulations for transporting hazardous material. This act preempted state transportation requirements and included provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials. This bill removes vestigial language that references obsolete state regulations. It also removes state definitions (and related exceptions in regulations) for cargo tanks and flammable liquids and replaces them with federal definitions. It also adds a new definition for "Cargo Tank Vehicle".

This bill requires motor carriers, vehicles, and drivers to comply with federal regulations regarding safety fitness procedures, driving of commercial motor vehicles, parts, and accessories necessary for safe operation, inspection repair, and maintenance, and transportation of hazardous materials driving and parking rules.

This bill also asserts that aligning state law with federal law will not incur fees on local governments and agencies thus, no reimbursement is required.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Transportation Commission

Opposition

None on file

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