

Date of Hearing: March 20, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 251 (Ward) – As Amended March 2, 2023

SUBJECT: California Transportation Commission: vehicle weight safety study

SUMMARY: Requires the California Transportation Commission (CTC) to convene a task force to study the potential costs and benefits of imposing a passenger vehicle weight fee.

Specifically, **this bill:**

- 1) Requires CTC to study the relationship between vehicle weight and road user injuries and fatalities, and degradation of road infrastructure, and appropriate responses, including the potential costs and benefits of imposing a passenger vehicle weight fee, or restructuring an existing fee to factor in passenger vehicle weight to offset unreasonable impacts.
- 2) Requires the task force to consist of the Office of traffic Safety (OTS), Department of Motor Vehicles (DMV), local transportation agencies, safety advocates and representatives from the automobile industry.
- 3) Requires the task force to prepare a report summarizing its findings that includes the following topics:
 - a) An analysis of the relationship between vehicle weight and vulnerable road user injuries and fatalities.
 - b) A discussion of how a passenger vehicle weight fee may change driver behavior.
 - c) A discussion on how any revenues generated by the imposition of a passenger vehicle weight fee could be spent to enhance safety for pedestrians, bicyclists, and other vulnerable road users.
 - d) An analysis of the relationship between vehicle weight and degradation of road infrastructure.
 - e) An analysis of the equity considerations, related to different population groups in the state, including persons of various demographic groups, persons residing in various regions of the state, and persons using a vehicle for commercial use versus personal use, and any appropriate adjustments for these considerations.
- 4) Requires CTC to take into consideration the differential weights of comparable battery electric vehicles and internal combustion engine vehicles.
- 5) Requires CTC by January 1, 2026 to prepare and submit a report to the Legislature detailing the findings of the study and include recommendations to the Legislature.
- 6) Repeals the provisions of this bill on January 1, 2027.

EXISTING LAW:

- 1) Vests CTC with responsibility to advise and assist the Secretary of California Transportation Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs. (Government Code 14520)
- 2) Requires commercial motor vehicles, with some exemptions, to pay a weight fee based on the vehicle's weight. (Vehicle Code 9400 and 9400.1).

FISCAL EFFECT: Unknown

COMMENTS: The Governor Highway Safety Association (GHSA) projected that drivers struck and killed an estimated 7,485 pedestrians in 2021, the most pedestrian deaths in a single year in four decades and an average of 20 deaths every day. The percentage of speeding-related pedestrian crashes involving children ages 15 and under more than doubled the previous three years. 2021 deaths represented a 12% increase from the following year, resulting in an additional 774 lost lives. Pedestrians accounted for 17% of all traffic deaths compared to 13% in 2010. While pedestrian deaths have risen by 54% over the past decade, all other traffic deaths have increased by 13%.

GHSA notes that the percentage of Americans driving sports utility vehicles (SUV) increased at a faster rate than deaths in crashes involving passenger cars- 36% versus 27%. Truck and SUV sales are on the rise. JD Power estimates that over 80% of new vehicle sales were SUV and trucks for the first time ever in 2021. That is up significantly since 2010 where that number was 52.1%. As a result of increased sales, SUVs in 2018 are 29% of the passenger vehicle fleet, up from 21% in 2009. Vehicle weights are only expected to continue to grow as more electric vehicles enter the market place, as the batteries for these vehicles weigh significantly more than the internal combustion engine and gasoline storage.

Pedestrian Deaths and Large Vehicles, a research paper from the University of Hawaii at Manoa, Department of Economics, estimates that between 2000 and 2018 replacing the growth of SUVs with other lighter-weight cars would have averted 1,100 pedestrian deaths.

According to the Insurance Institute for Highway Safety report *Pedestrian Injuries from Cars and SUVs: Updated Crash Outcomes from the Vulnerable Road User Injury Prevention Alliance*, "SUVs caused more serious injuries than cars when impacts occurred at greater than 19 miles per hour. At speeds of 20-39 mph, three out of 10 crashes with SUVs (30%) resulted in a pedestrian fatality, compared with five out of 22 for cars (23%). At 40 mph and higher, all three crashes with SUVs killed the pedestrian (100%), compared with 7 out of 13 crashes involving cars (54%)."

As a result of this research, CTC recommended to the California Legislature in their 2022 annual report to the Legislature to consider forming a task force within CTC to study a fee based on weight for passenger vehicles in light of the fact that States are preempted from creating motor vehicle design standards by federal law. Washington D.C recently enacted a similar policy with annual fees for cars over 6,000 pounds being tripled. Michigan already charges over \$50 more over a two-year period for passenger vehicles over 3,700 pounds.

According to the author, "AB 251 would codifies the recommendation by the California Transportation Commission, included in their 2022 report the legislature, by authorizing the Commission to convene a

task force consisting of state agencies and local transportation agencies to study the potential costs and benefits of a passenger vehicle weight fee and report to the Legislature.

As injuries and fatalities of vulnerable road users continue to rise, California must consider every available tool to enhance the safety of all. Many aspects of a weight-based fee for passenger vehicles require further examination to understand the potential impacts. This bill would provide valuable insight and analysis to help the legislature craft evidence-based policy in the future.”

According to Streets for All, the sponsors of this bill, “As injuries and fatalities of vulnerable road users continue to rise, California must consider every available tool to enhance the safety of all. Many aspects of a weight-based fee for passenger vehicles require further examination to understand the potential impacts. This bill would provide valuable insight and analysis to help determine the legislature craft evidence based policy in the future.”

The California Taxpayer Association opposes this bill, arguing “We agree wholeheartedly with the author that cyclists, joggers, pedestrians and others face far too many risks caused by bad drivers, but this problem can be addressed without a new tax that would increase Californians’ cost of living and deter Californians from purchasing zero-emission vehicles.”

Committee Comments: The growth in sales of SUVs and trucks is only likely to increase the number of pedestrian deaths in the coming years. Weight fees already exist for commercial vehicles, generally with the purpose of trying to pay for the increased damage heavier vehicles do to the roads. Should this bill become law, the CTC should consider using such a fee for passenger vehicles to pay for traffic calming measures that will help slow down vehicles, reducing their potential to kill pedestrians. Doing so will help mitigate the potential harm owners of such vehicles pose to vulnerable road users and other vehicles.

REGISTERED SUPPORT / OPPOSITION:

Support

Streets for All (sponsor)
City and County of San Francisco
Coalition for Clean Air
Families for Safe Streets San Diego
Happy City Coalition
Marin County Bicycle Coalition
Napa County Bicycle Coalition
Norwalk Unides
San Diego County Bicycle Coalition
San Francisco Municipal Transportation Agency
Stop4aidan

Opposition

California Taxpayers Association

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