

AMENDED IN ASSEMBLY AUGUST 30, 2007

AMENDED IN ASSEMBLY JULY 2, 2007

AMENDED IN SENATE MAY 14, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 956

Introduced by Senator Correa

February 23, 2007

An act to add and repeal Chapter 8 (commencing with Section 1965) of Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 956, as amended, Correa. Neighborhood electric vehicles.

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100. Existing law

authorizes, until January 1, 2009, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle transportation plan subject to the same review process established for a golf cart transportation plan, and defines “neighborhood electric vehicle” for these purposes to have the same meaning as the above definition of low-speed vehicle. A person operating a neighborhood electric vehicle in the plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill, until January 1, 2013, would enact similar provisions authorizing the County of Orange to establish a neighborhood electric vehicle transportation plan for the Ranch Plan Planned Community in that county, subject to similar penalties. The bill would require a report to the Legislature by November 1, 2011. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8 (commencing with Section 1965) is
2 added to Division 2.5 of the Streets and Highways Code, to read:

3
4 CHAPTER 8. NEIGHBORHOOD ELECTRIC VEHICLE
5 TRANSPORTATION PLAN FOR RANCH PLAN PLANNED COMMUNITY
6 IN ORANGE COUNTY

7
8 1965. It is the intent of the Legislature, in enacting this chapter,
9 to authorize the County of Orange to establish a neighborhood
10 electric vehicle (NEV) transportation plan for the Ranch Plan
11 Planned Community in the county. The purpose of this NEV
12 transportation plan is to further the community’s vision of creating
13 a sustainable development that reduces gasoline demand and
14 vehicle emissions by offering a cleaner, more economical means
15 of local transportation within the plan area. It is the further intent

1 of the Legislature that this NEV transportation plan be designed
2 and developed to best serve the functional travel needs of the plan
3 area, to have the physical safety of the NEV driver’s person and
4 property as a major planning component, and to have the capacity
5 to accommodate NEV drivers of every legal age and range of skills.

6 1965.1. The following definitions apply to this chapter:

7 (a) “Plan area” means the Ranch Plan Planned Community
8 project area and all streets located within the project area.

9 (b) “Neighborhood electric vehicle” or “NEV” means a
10 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

11 (c) “NEV lanes” means all publicly or privately owned facilities
12 that provide for NEV travel including roadways designated by
13 signs or permanent markings which are shared with pedestrians,
14 bicyclists, and other motorists in the plan area.

15 (d) “Ranch Plan Planned Community” means the comprehensive
16 land use, conservation, and development program initially approved
17 by the Orange County Board of Supervisors on November 8, 2004,
18 and covering the remaining 22,815 acres of the historic Rancho
19 Mission Viejo located in southeastern Orange County.

20 ~~(e) “Speed-modified golf cart” means a golf cart that is modified
21 to meet the safety requirements of Section 571.500 of Title 49 of
22 the Code of Federal Regulations.~~

23 ~~(f)~~

24 (e) “Transportation planning agency” means the Orange County
25 Transportation Authority.

26 1965.2. (a) The County of Orange may, by ordinance or
27 resolution, adopt a NEV transportation plan for the Ranch Plan
28 Planned Community.

29 (b) The transportation plan shall have received a prior review
30 and the comments of the transportation planning agency and any
31 agency having traffic law enforcement responsibilities in the
32 County of Orange.

33 (c) The transportation plan may include the use of a state
34 highway, or any crossing of the highway, subject to the approval
35 of the Department of Transportation.

36 1965.3. The transportation plan shall include, but is not limited
37 to, all of the following elements:

38 (a) Route selection, which includes a finding that the route will
39 accommodate NEVs without an adverse impact upon traffic safety,

1 and will consider, among other things, the travel needs of
2 commuters and other users.

3 (b) Transportation interfacing, which shall include, but not be
4 limited to, coordination with other modes of transportation so that
5 a NEV driver may employ multiple modes of transportation in
6 reaching a destination in the plan area.

7 (c) Provision for NEV related facilities including, but not limited
8 to, special access points and NEV crossings.

9 (d) Provisions for parking facilities, including, but not limited
10 to, community commercial centers, golf courses, public areas,
11 parks, and other destination locations.

12 (e) Provisions for special paving, road markings, signage and
13 striping for NEV travel lanes, road crossings, parking, and
14 circulation.

15 (f) Provisions for NEV electrical charging stations.

16 (g) NEV lanes for the purposes of the transportation plan shall
17 be classified as follows:

18 (1) Class I NEV routes provide for a completely separate
19 right-of-way for the use of NEVs.

20 (2) Class II NEV routes provide for a separate striped lane
21 adjacent to roadways with speed limits of 55 miles per hour or
22 less.

23 (3) Class III NEV routes provide for shared use by NEVs with
24 conventional vehicle traffic on streets with a speed limit of 25
25 miles per hour or less.

26 1965.4. If the County of Orange adopts a NEV transportation
27 plan for the Ranch Plan Planned Community, it shall do both of
28 the following:

29 (a) Establish minimum general design criteria for the
30 development, planning, and construction of separated NEV lanes,
31 including, but not limited to, the design speed of the facility, the
32 space requirements of the NEV, and roadway design criteria.

33 (b) In cooperation with the department, establish uniform
34 specifications and symbols for signs, markers, and traffic control
35 devices to control NEV traffic; to warn of dangerous conditions,
36 obstacles, or hazards; to designate the right-of-way as between
37 NEVs, other vehicles, and bicycles; to state the nature and
38 destination of the NEV lane; and to warn pedestrians, bicyclists,
39 and motorists of the presence of NEV traffic.

1 1965.5. If the County of Orange adopts a NEV transportation
2 plan for the Ranch Plan Planned Community, it shall also adopt
3 all of the following as part of the plan:

4 (a) NEVs eligible to use NEV lanes shall meet the safety
5 requirements for low-speed vehicles as set forth in Section 571.500
6 of Title 49 of the Code of Federal Regulations.

7 ~~(b) A permit process for golf carts that requires speed-modified
8 golf carts to meet minimum design criteria adopted pursuant to
9 subdivision (a). The permit process may include, but not be limited
10 to, permit posting, permit renewal, operator education, and other
11 related matters.~~

12 (e)
13 (b) Minimum safety criteria for NEV operators, including, but
14 not limited to, requirements relating to NEV maintenance and
15 NEV safety. Operators shall be required to possess a valid
16 California driver's license and to comply with the financial
17 responsibility requirements established pursuant to Chapter 1
18 (commencing with Section 16000) of Division 7 of the Vehicle
19 Code.

20 ~~(d)~~
21 (c) (1) Restrictions limiting the operation of NEVs to separated
22 NEV lanes on those roadways identified in the transportation plan,
23 and allowing only those NEVs and ~~speed-modified~~ golf carts that
24 meet the safety equipment requirements specified in the plan to
25 be operated on separated NEV lanes of approved roadways in the
26 plan area.

27 (2) Any person operating a NEV in the plan area in violation
28 of this subdivision is guilty of an infraction punishable by a fine
29 not exceeding one hundred dollars (\$100).

30 1965.6. (a) If the County of Orange adopts a NEV
31 transportation plan for the Ranch Plan Planned Community
32 pursuant to this chapter, the county shall submit a report to the
33 Legislature on or before November 1, 2011, in consultation with
34 the Department of Transportation, the Department of the California
35 Highway Patrol, and local law enforcement agencies.

36 (b) The report shall include all of the following:
37 (1) A description of the NEV transportation plan and its elements
38 that have been authorized up to that time.

39 (2) An evaluation of the effectiveness of the NEV transportation
40 plan, including its impact on traffic flows and safety.

1 (3) A recommendation as to whether this chapter should be
2 terminated, continued in existence and applicable solely to the
3 Ranch Plan Planned Community, or expanded statewide.

4 1965.7. This chapter shall remain in effect only until January
5 1, 2013, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, 2013, deletes or extends
7 that date.

8 SEC. 2. Section 21251 of the Vehicle Code is amended to read:

9 21251. Except as provided in Chapter 7 (commencing with
10 Section 1963) and Chapter 8 (commencing with Section 1965) of
11 Division 2 of the Streets and Highways Code, and Sections 4023,
12 21115, and 21115.1, a low-speed vehicle is subject to all the
13 provisions applicable to a motor vehicle, and the driver of a
14 low-speed vehicle is subject to all the provisions applicable to the
15 driver of a motor vehicle or other vehicle, when applicable, by this
16 code or any other code, with the exception of those provisions
17 which, by their very nature, can have no application.

18 SEC. 3. Section 21260 of the Vehicle Code is amended to read:

19 21260. (a) Except as provided in paragraph (1) of subdivision
20 (b), or in an area where a neighborhood electric vehicle
21 transportation plan has been adopted pursuant to Chapter 7
22 (commencing with Section 1963) or Chapter 8 (commencing with
23 Section 1965) of Division 2.5 of the Streets and Highways Code,
24 the operator of a low-speed vehicle shall not operate the vehicle
25 on any roadway with a speed limit in excess of 35 miles per hour.

26 (b) (1) The operator of a low-speed vehicle may cross a roadway
27 with a speed limit in excess of 35 miles per hour if the crossing
28 begins and ends on a roadway with a speed limit of 35 miles per
29 hour or less and occurs at an intersection of approximately 90
30 degrees.

31 (2) Notwithstanding paragraph (1), the operator of a low-speed
32 vehicle shall not traverse an uncontrolled intersection with any
33 state highway unless that intersection has been approved and
34 authorized by the agency having primary traffic enforcement
35 responsibilities for that crossing by a low-speed vehicle.

36 SEC. 4. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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