

AMENDED IN ASSEMBLY MAY 13, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1361

Introduced by Assembly Member Portantino
(Principal coauthor: Senator Liu)

February 27, 2009

An act to amend Section 35780 of, and to add Section 35655.6 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1361, as amended, Portantino. Vehicles: commercial vehicle ban: State Route 2.

(1) Existing law authorizes the Department of Transportation to declare and fix a weight limit for a highway under its jurisdiction that is less than the maximum weight limits otherwise authorized under the Vehicle Code, upon determining that the highway will not sustain those maximum weights and, after conducting a public hearing on the issue, determining the maximum weight that the highway will sustain. The department is prohibited from establishing a maximum weight limit that is less than 16,000 pounds. A violation of the Vehicle Code is a crime.

This bill would prohibit, with specified exemptions, the operation of a commercial vehicle with 3 or more axles, or a gross vehicle weight

or a combined gross weight of 5 tons or more on the segment of State Route 2 that is located between Interstate Route 210 (I-210) in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) in the County of Los Angeles. The bill would provide that, upon conviction, a violation of the above prohibition is subject to a fine of \$1,000. Because the bill would create a new crime, this bill would impose a state-mandated local program. Revenue generated by the fines would, upon appropriation by the Legislature, be used to improve the safety of that portion of State Route 2. ~~The bill would authorize the Department of Transportation to issue permits to specified commercial vehicles allowing their operation on that segment of State Route 2.~~ The bill would require the department to erect suitable signs to give adequate notice of the prohibition.

(2) 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.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

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

- 1 SECTION 1. Section 35655.6 is added to the Vehicle Code,
- 2 to read:
- 3 35655.6. (a) Except as provided in subdivision (b), a person
- 4 shall not drive a commercial vehicle with three or more axles, or
- 5 a gross vehicle weight or a combined gross weight of five tons or
- 6 more, on the segment of State Route 2 (SR-2) that is located
- 7 between Interstate Route 210 (I-210) in the City of La Canada
- 8 Flintridge and County Route N4 (Big Pine Highway) in the County
- 9 of Los Angeles ~~unless the commercial vehicle is authorized under~~
- 10 ~~a permit pursuant to paragraph (5) of subdivision (a) of Section~~
- 11 ~~35780. of Los Angeles.~~
- 12 (b) Subdivision (a) does not apply to any of the following
- 13 vehicles:
- 14 (1) An authorized emergency vehicle.

1 (2) A vehicle operated by a publicly or privately owned public
2 utility.

3 (3) A vehicle operated by the Department of Transportation.

4 ~~(4) A transit bus.~~

5 ~~(5) A tow truck.~~

6 (4) *A transit bus servicing facilities accessible only from that*
7 *portion of State Route 2 specified in subdivision (a).*

8 (5) *A tow truck providing assistance to a vehicle that is*
9 *accessible only from that portion of State Route 2 specified in*
10 *subdivision (a).*

11 (6) *A commercial vehicle making deliveries to or from, or*
12 *servicing, property that is either of the following:*

13 (A) *Located within the city limits of the City of La Canada*
14 *Flintridge.*

15 (B) *Is accessible only from the portion of State Route 2 specified*
16 *in subdivision (a).*

17 (7) *A commercial vehicle involved in a motion picture or*
18 *television production conducting motion picture and television*
19 *production activities along or adjacent to any portion of State*
20 *Route 2 specified in subdivision (a).*

21 (c) A person who violates this section shall, upon conviction,
22 be punished by a fine pursuant to subdivision (a) of Section 42030
23 or one thousand dollars (\$1,000), whichever is greater. Fines
24 collected pursuant to this subdivision shall, upon appropriation by
25 the Legislature, be used to improve the safety of the portion of
26 State Route 2 specified in subdivision (a).

27 (d) The Department of Transportation shall erect suitable signs
28 at each end of the portion of State Route 2 specified in subdivision
29 (a) and any other points that the department deems necessary to
30 give adequate notice of the prohibition pursuant to this section.

31 ~~SEC. 2. Section 35780 of the Vehicle Code is amended to read:~~

32 ~~35780. (a) The Department of Transportation or local~~
33 ~~authorities, with respect to highways under their respective~~
34 ~~jurisdictions, may, at their discretion upon application and if good~~
35 ~~cause appears, issue a special permit authorizing the applicant:~~

36 ~~(1) To operate or move a vehicle or combination of vehicles or~~
37 ~~special mobile equipment of a size or weight of vehicle or load~~
38 ~~exceeding the maximum specified in this code.~~

39 ~~(2) To use corrugations on the periphery of the movable tracks~~
40 ~~on a traction engine or tractor, the propulsive power of which is~~

1 not exerted through wheels resting upon the roadway but by means
2 of a flexible band or chain.

3 ~~(3) Under emergency conditions, to operate or move a type of~~
4 ~~vehicle otherwise prohibited hereunder, upon any highway under~~
5 ~~the jurisdiction of the party granting the permit and for the~~
6 ~~maintenance of which the party is responsible.~~

7 ~~(4) To operate or move a vehicle or combination of vehicles~~
8 ~~transporting loads composed of logs only for the purpose of~~
9 ~~crossing a highway from one private property to another without~~
10 ~~complying with any or all of the equipment requirements of~~
11 ~~Division 12 (commencing with Section 24000) and Division 13~~
12 ~~(commencing with Section 29000). These crossings shall be as~~
13 ~~near to a right angle to the roadway as is practical and shall not~~
14 ~~include any travel parallel to the roadway. The Department of~~
15 ~~Transportation shall determine standards and conditions upon~~
16 ~~which permits shall be issued and any permit not in compliance~~
17 ~~with those standards and conditions shall be invalid, except that a~~
18 ~~permit may contain more restrictive conditions if the issuing~~
19 ~~authority deems it appropriate.~~

20 ~~(5) To operate or move a commercial vehicle with two or more~~
21 ~~axles, or a gross vehicle of five tons or more, on the portion of~~
22 ~~State Route 2 specified in subdivision (a) of Section 35655.6 that~~
23 ~~is any of the following:~~

24 ~~(A) A commercial vehicle involved in a motion picture or~~
25 ~~television production.~~

26 ~~(B) A commercial vehicle that may be necessary for the~~
27 ~~completion of construction projects.~~

28 ~~(C) A commercial vehicle that is a delivery vehicle that requires~~
29 ~~access to the portion of State Route 2 specified in subdivision (a)~~
30 ~~of Section 35655.6 to provide local pickup and delivery.~~

31 ~~(D) Any other commercial vehicle that the department deems~~
32 ~~appropriate and safe to access the portion of State Route 2 specified~~
33 ~~in subdivision (a) of Section 35655.6.~~

34 ~~(b) Under conditions prescribed by the Department of~~
35 ~~Transportation or the local authority, the Department of~~
36 ~~Transportation or local authority may accept applications made~~
37 ~~by, and issue permits directly to, an applicant or permit service by~~
38 ~~any of the following processes:~~

39 ~~(1) In writing.~~

40 ~~(2) By an authorized facsimile process.~~

1 ~~(3) Through an authorized computer and modem connection.~~

2 ~~SEC. 3.~~

3 ~~SEC. 2.~~ No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 ~~SEC. 4.~~

13 ~~SEC. 3.~~ This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the Constitution and shall go into
16 immediate effect. The facts constituting the necessity are:

17 Because the steep and winding grade along the portion of State
18 Route 2 between Interstate Route 210 in the City of La Canada
19 Flintridge and County Route N4 (Big Pine Highway) in the County
20 of Los Angeles has contributed to numerous accidents involving
21 large commercial vehicles since 1951 with the most recent accident
22 causing the Department of Transportation to issue a ~~90-day~~ 90-day
23 moratorium on commercial vehicles on that portion of State Route
24 2 to allow for a long-term legislative solution, it is necessary for
25 this measure to take effect immediately to preserve the public
26 peace, health, or safety.