

AMENDED IN SENATE JUNE 23, 2009

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 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~~ *9,000 pounds* 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 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~~
6 *9,000 pounds* or more, on the segment of State Route 2 (SR-2)
7 that is located between Interstate Route 210 (I-210) in the City of
8 La Canada Flintridge and County Route N4 (Big Pine Highway)
9 in the County of Los Angeles.

10 (b) Subdivision (a) does not apply to any of the following
11 vehicles:

12 (1) An authorized emergency vehicle.

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

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

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

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

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

8 (A) Located within the city limits of the City of La Canada
9 Flintridge.

10 (B) Is accessible only from the portion of State Route 2 specified
11 in subdivision (a).

12 (7) A commercial vehicle involved in a motion picture or
13 television production conducting motion picture and television
14 production activities along or adjacent to any portion of State Route
15 2 specified in subdivision (a).

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

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

26 (e) *It is the intent of the Legislature that the Department of*
27 *Transportation make it a priority to fund projects that improve*
28 *the safety of the portion of State Route 2 specified in subdivision*
29 *(a).*

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 SEC. 3. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 Because the steep and winding grade along the portion of State
4 Route 2 between Interstate Route 210 in the City of La Canada
5 Flintridge and County Route N4 (Big Pine Highway) in the County
6 of Los Angeles has contributed to numerous accidents involving
7 large commercial vehicles since 1951 with the most recent accident
8 causing the Department of Transportation to issue a 90-day
9 moratorium on commercial vehicles on that portion of State Route
10 2 to allow for a long-term legislative solution, it is necessary for
11 this measure to take effect immediately to preserve the public
12 peace, health, or safety.

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