

Assembly Bill No. 607

Passed the Assembly August 31, 2011

Chief Clerk of the Assembly

Passed the Senate July 14, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 375 of, and to add and repeal Section 25353.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 607, Brownley. Vehicles: public transit buses: illuminated signs.

Existing law authorizes a bus operated by a publicly owned transit system on regularly scheduled service to be equipped with illuminated signs that display information directly related to public service and include, among other things, destination signs, route-number signs, run-number signs, public service announcement signs, or a combination of those signs, visible from any direction of the vehicle, that emit any light color, other than the color red emitted from forward-facing signs, pursuant to specified conditions.

This bill would authorize, until January 1, 2017, a pilot program that would allow up to 25 buses operated by the City of Santa Monica's publicly owned transit system for the first 2 years of the pilot program, and up to 30 buses thereafter, to be equipped with illuminated signs that display advertising subject to certain conditions, including a display area of not greater than 4,464 square inches. The bill would require the City of Santa Monica to submit a specified report to the Legislature and the Department of the California Highway Patrol by July 1, 2016, on the incidence of adverse impacts, if any.

The bill would make legislative findings and declarations, including making findings and declarations concerning the need for special legislation.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Existing law authorizes a public transit bus to be equipped with illuminated signs that contain specific information, but does

it not authorize illuminated signs that display content related to advertising.

(b) Due to worsening economic conditions and the erosion of local tax bases, cities, counties, and public transit agencies across the state are struggling to close transit operating budget deficits while continuing to provide vital transit service to their communities.

(c) Public transit agencies have long been allowed to utilize static signs placed on the sides of buses to display advertising, which, in turn, has been one innovative way for transit agencies to generate income above and beyond the farebox and tax subsidies.

(d) The utilization of advertising with illuminated signs placed on the sides of public transit buses has recently been proven an effective means of boosting transit agency advertising revenue nationally, as dynamic, illuminated signs attract more advertisers utilizing fewer signs. This signage is now utilized by the transit systems in New York and Chicago, and other cities across the nation are considering implementing this option.

(e) Therefore, the use of illuminated signs to display advertising on California public transit buses should be explored.

(f) Even though the use of illuminated signs to display advertising is already in use by public transit systems in large metropolitan areas across the country, and there are no data showing an adverse impact on driver perception or roadway or pedestrian safety, concerns about the potential impact of advertising proliferation in California on roadway and pedestrian safety necessitates that a program should be initiated in which a willing local government agency equips its public transit fleet with illuminated advertising signs, for a defined period of time, and the incident of adverse roadway and pedestrian safety impacts related to the advertising displays is tracked, analyzed, and reported to the Legislature. This demonstration program would assist in determining whether it is appropriate to delete the sunset date and extend the use of illuminated advertising signs to other transit systems across the state.

SEC. 2. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) A headlamp, auxiliary driving, passing, or fog lamp, fog taillamp, taillamp, stoplamp, supplemental stoplamp, license plate

lamp, clearance lamp, side marker lamp, signal lamp or device, supplemental signal lamp, deceleration signal device, cornering lamp, running lamp, red, blue, amber, or white warning lamp, flashing red schoolbus lamp, side-mounted turn signal lamp, and schoolbus side lamp.

(b) An operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and an advance stoplamp switch.

(c) A flasher mechanism for turn signals, red schoolbus lamps, warning lamps, the simultaneous flashing of turn signal lamps as vehicular hazard signals, and the headlamp flashing systems for emergency vehicles.

(d) Any equipment regulating the light emitted from a lamp or device or the light sources therein.

(e) A reflector, including reflectors for use on bicycles, and reflectors used for required warning devices.

(f) An illuminating device that emits radiation predominantly in the infrared or ultraviolet regions of the spectrum, whether or not these emissions are visible to the unaided eye.

(g) An illuminated sign installed on a bus that utilizes an electronic display to convey the route designation, route number, run number, public service announcement, or any combination of this information, or an illuminated sign utilized pursuant to Section 25353.1.

SEC. 3. Section 25353.1 is added to the Vehicle Code, to read:

25353.1. (a) Notwithstanding Sections 25400 and 25950, a bus operated by the City of Santa Monica's publicly owned transit system, on regularly scheduled service, in addition to the illuminated signs described in section 25353, may also be equipped with illuminated signs that display advertising and that emit any light color, if all of the following conditions are met:

(1) Each illuminated sign displaying advertising shall emit diffused nonglaring light.

(2) Each illuminated sign displaying advertising shall be limited in size to a display area of not greater than 4,464 square inches.

(3) Each illuminated sign displaying advertising shall not resemble nor be installed in a position that interferes with the visibility or effectiveness of a required lamp, reflector, or other device upon the vehicle.

(4) Each illuminated sign displaying advertising shall only be placed on one or both sides of the vehicle, and shall not be placed in a forward-facing or rear-facing position, and no more than one such sign shall be placed on either side of any single vehicle.

(5) The mixing of individually colored light emitting diode elements, including red, is allowed in each illuminated sign displaying advertising as long as the emitted color formed by the combination of light emitting diode elements is not red.

(b) (1) An illuminated sign displaying advertising may be operated as a dynamic message sign in a paging or streaming mode. However, the electronic message sign display shall remain static while a bus is operating on a freeway as defined in Section 257 of the Streets and Highways Code.

(2) The following definitions shall govern the construction of paragraph (1):

(A) “Paging,” meaning character elements or other information presented for a period of time and then disappearing all at once before the same or new elements are presented, is permitted if the display time of each message is between 2.7 and 10 seconds. Blanking times between each message shall be between 0.5 and 25 seconds.

(B) “Streaming,” meaning character elements or other information moving smoothly and continuously across the display, is permitted if the character movement time, from one end of the display to the other, is at least 2.7 seconds, and the movement time of the entire message does not exceed 10 seconds.

(c) By July 1, 2016, the City of Santa Monica shall submit to the Legislature and to the department a report on the incidence of adverse impacts on roadway and pedestrian safety due to the utilization of illuminated signs on transit buses displaying advertising pursuant to this section, if any. The report shall be the product of a collaborative effort by Santa Monica law enforcement and transit officials, other local law enforcement officials in whose jurisdictions Santa Monica transit vehicles operate, and the department.

(d) The City of Santa Monica’s publicly owned transit system may, pursuant to subdivision (a), operate up to 25 buses with illuminated signs displaying advertising for two years, after which time the city may increase the number of buses with the signs to up to 30.

(e) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 4. The Legislature finds and declares that this act, which is applicable only to the City of Santa Monica, is necessary because the city is facing an operating revenue deficit in its public transit system and is evaluating several strategies designed to enhance revenue over the next several years, including the use of electronic illuminated signage that displays advertising on local transit buses, which is not authorized under state law. It is, therefore, declared that a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

Approved _____, 2011

Governor