

AMENDED IN SENATE AUGUST 21, 2012  
AMENDED IN SENATE AUGUST 6, 2012  
AMENDED IN SENATE JUNE 26, 2012  
AMENDED IN ASSEMBLY MAY 25, 2012  
AMENDED IN ASSEMBLY APRIL 30, 2012  
AMENDED IN ASSEMBLY APRIL 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1706**

---

---

**Introduced by Assembly Member Eng**

February 15, 2012

---

---

An act to add Section 11343.3 to the Government Code, and to amend, repeal, and add Section 35554 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Eng. Vehicles: transit bus weight.

(1) Under existing law, the gross weight imposed upon the highway by the wheels on any one axle of a vehicle is prohibited from exceeding 18,000 pounds, except the gross weight on any one axle of a bus is prohibited from exceeding 20,500 pounds. A violation of these requirements is a crime.

This bill *would provide that these prohibitions do not apply to a transit bus, except as specified. The bill* would, until January 1, 2015, prohibit a publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system from procuring through a solicitation process pursuant to which

a solicitation is issued on or after January 1, 2013, a transit bus whose weight on any axle exceeds 20,500 pounds, with specified exceptions. The bill would impose a state-mandated local program by imposing new requirements upon transit buses.

Existing law requires state agencies to comply with specified procedures when promulgating and adopting administrative regulations.

The bill would require state regulatory agencies that are required to promulgate administrative regulations to take into account vehicle weight impacts and the ability of vehicle manufacturers and vehicle operators to comply with laws limiting the weight of vehicles.

(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.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Fully funded, efficient, and effective public transit systems
- 4 operating in a balanced transportation network do all of the
- 5 following:
- 6 (1) Support California’s growing economy by moving people
- 7 to their jobs and to educational sites, by providing well-paying
- 8 and stable jobs, and by enhancing the value of surrounding real
- 9 estate.
- 10 (2) Bolster the state’s energy security by decreasing dependence
- 11 on imported oil.
- 12 (3) Contribute to California’s greenhouse gas reduction and air
- 13 quality improvement goals.
- 14 (4) Save travelers time by mitigating traffic congestion as the
- 15 state’s population grows.
- 16 (5) Afford the safest means of motorized travel.
- 17 (6) Promote equitable access to affordable, reliable, and safe
- 18 transportation for all Californians.
- 19 (b) The state should therefore support the continued building,
- 20 maintenance, and operation of effective local and regional public

1 transportation networks for, including, but not limited to, the  
2 following additional reasons:

3 (1) Every one billion dollars (\$1,000,000,000) invested in  
4 transportation infrastructure creates 47,500 jobs.

5 (2) Every one dollar (\$1) invested in public transportation  
6 generates approximately six dollars (\$6) in local economic activity.

7 (3) Real estate, including residential, commercial, and business,  
8 that is served by public transit is valued more highly by the public  
9 than similar properties not as well served by transit. For example,  
10 in the County of San Diego, residential properties for sale near  
11 commuter rail stops were valued 17 percent higher than properties  
12 for sale not near commuter rail stops.

13 (4) California oil production has steadily decreased since its  
14 peak in the 1980s, which has resulted in an increased need for  
15 imported oil. In 2006, California imported 55 percent, 328 of 593  
16 million barrels, of the oil that it consumed. If the cost of oil is  
17 calculated at ninety dollars (\$90) per barrel, this level of  
18 importation of oil results in twenty-nine billion five hundred  
19 million dollars (\$29,500,000,000) annually leaving the state. Public  
20 transit in California currently reduces the need to import oil by  
21 creating savings of 486 million gallons of oil annually.

22 (5) Volatile organic compounds (VOCs) and nitrogen oxide  
23 (NOx) in high concentrations create dangerous air quality  
24 conditions that cause at least 6,500 premature deaths, 9,000  
25 hospitalizations, and 1,700,000 cases of respiratory illness annually  
26 in California. Public transportation reduces carbon monoxide (CO)  
27 by 95 percent, VOCs by 90 percent, and NOx by 50 percent, per  
28 passenger mile, compared to driving a private vehicle.

29 (6) To meet requirements set out by Assembly Bill 32 of the  
30 2005–06 Regular Session of the Legislature that enacted the  
31 California Global Warming Solutions Act of 2006 (Division 25.5  
32 (commencing with Section 38500) of the Health and Safety Code),  
33 and Executive Order S-3-05, California will have to reduce its per  
34 capita emissions from 13 metric tons to 9.5 metric tons by 2020  
35 and 2 metric tons by 2050. By taking existing public transportation  
36 instead of driving a car, a single person can save 2.1 metric tons,  
37 or 4,800 pounds, of carbon dioxide (CO<sub>2</sub>) per year.

38 (7) In the next 10 years, the California population is expected  
39 to grow by over four million people, mostly in urban centers. This  
40 will lead to more time wasted in traffic congestion. In 2005, public

1 transit prevented 540.8 million hours of traffic delay around the  
2 country, according to the Texas Transportation Institute. The  
3 monetary value of those savings was ten billion two hundred  
4 million dollars (\$10,200,000,000).

5 (8) Those traveling by personal vehicles or in trucks suffer much  
6 higher fatality rates than those traveling by public transit. The  
7 National Transportation Safety Board reports that 32,841 fatalities  
8 occurred during the 2010 calendar year on the nation's highways  
9 related to personal vehicle or truck use, but in the same year, only  
10 44 fatalities were recorded related to public transit bus use.

11 (9) By 2025, an estimated one in five Californians will be over  
12 65 years of age. Public transportation is already playing an  
13 important role for this demographic group, 20 percent of which  
14 does not drive.

15 (10) Californians recognize the benefits of public transportation  
16 and are responding with increased demand. Transit ridership is  
17 growing and particularly increases when the price of gasoline  
18 increases.

19 (c) However, as public transit ridership has increased, concerns  
20 arise about the long-term sustainability of the transportation  
21 network built to support cars, trucks, and buses, namely, that the  
22 increased frequency of transit bus use disproportionately damages  
23 city streets, county roads, and the state's highway and interstate  
24 systems, due to the pavement wear impact of heavy transit vehicles  
25 relative to other types of vehicles, as evidenced by the following:

26 (1) In 2002, the United States Congress directed the preparation  
27 by the Secretary of the United States Department of Transportation  
28 of a study on the federal and state maximum axle weight limitations  
29 applicable to vehicles using the Dwight D. Eisenhower National  
30 System of Interstate and Defense Highways, as the limitations  
31 apply to over-the-road buses and public transit vehicles. The  
32 study's purpose was to determinate how the requirements of the  
33 federal limitation on vehicle axle weights should be applied to  
34 over-the-road buses and public transit vehicles, and, in making  
35 those recommendations, to consider all of the following factors:

36 (A) Vehicle design standards.

37 (B) Statutory and regulatory requirements, including the federal  
38 Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal  
39 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101  
40 et seq.), as amended.

1 (C) Motor vehicle safety standards prescribed under Chapter  
2 301 of Title 49 of the United States Code (49 U.S.C. Sec. 30101  
3 et seq.).

4 (D) The availability of lightweight materials suitable for use in  
5 the manufacture of over-the-road buses.

6 (E) The cost of those lightweight materials relative to the cost  
7 of heavier materials in use as of the date of the determination.

8 (F) Any safety or design considerations relating to the use of  
9 those materials.

10 (2) The report specified in paragraph (1) also included an  
11 analysis of, and recommendations concerning, all of the following:

12 (A) The means to be considered to encourage the development  
13 and manufacture of lightweight buses.

14 (B) An analysis of, and recommendations concerning, whether  
15 Congress should require that each rulemaking by an agency of the  
16 federal government that affects the design or manufacture of motor  
17 vehicles consider the weight that would be added to the vehicle  
18 by implementation of the proposed rule.

19 (C) The effect that the added weight would have on pavement  
20 wear.

21 (D) The resulting cost to the federal government and state and  
22 local governments.

23 (3) In 2005, federal law was amended to temporarily provide  
24 an exemption from the federal vehicle weight limitations for transit  
25 vehicles on the Dwight D. Eisenhower National System of  
26 Interstate and Defense Highways (the Interstate System), and to  
27 prohibit specified states, including California, or any political  
28 subdivision of those states, from enforcing a transit vehicle weight  
29 limit of less than 24,000 pounds on the Interstate System. That  
30 exemption and prohibition are in place until June 30, 2012.

31 (d) The Vehicle Code currently places a restriction on the gross  
32 weight imposed upon the highway by the wheels of any one axle  
33 of a bus, which cannot exceed 20,500 pounds. However, that  
34 restriction was created in 1976 and is only 500 pounds heavier  
35 than the restriction generally placed on any other type of vehicle  
36 operating on the highways. In the case of vehicle axle weights, the  
37 term “highway” is interpreted to include city streets and county  
38 roads.

39 (e) The federal study specified in paragraph (1) of subdivision  
40 (c) referenced several reasons why public transit buses have

1 become heavier over the years, particularly in the more than three  
2 decades since California first imposed a specific axle weight  
3 limitation on buses, as follows:

4 (1) Requirements placed on bus manufacturers, as well as on  
5 providers of local public transit service, to comply with new federal  
6 and state laws and regulations.

7 (2) Heavier fuel tanks to safely contain alternative fuels such  
8 as natural gas that are necessary to meet air quality standards and  
9 engine emissions standards imposed on buses.

10 (3) Wheelchair lifts and other safety equipment necessary to  
11 transport disabled passengers pursuant to the federal Americans  
12 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as  
13 amended.

14 (f) Some local law enforcement agencies have begun to cite  
15 some operators of public transportation services for operating  
16 transit vehicles in excess of the California axle weight limitations  
17 for buses, thus threatening disruption of efficient and effective  
18 public transit service that otherwise complies with all applicable  
19 federal and state laws and regulations, including those laws and  
20 regulations that have compelled operation of heavier transit buses.

21 (g) Therefore, it is vital the state act immediately to clarify that  
22 the public transit vehicles currently operating in California are  
23 permitted to continue in transit service without disruption due to  
24 the state’s outdated transit bus weight limitation.

25 (h) It is the intent of the Legislature that bus manufacturers  
26 move toward producing lighter buses that would comply with state  
27 and federal law in order to prevent the damage that overweight  
28 buses cause to California’s system of local streets and roads, which  
29 themselves are deteriorating due to maintenance and rehabilitating  
30 funding shortfalls.

31 SEC. 2. Section 11343.3 is added to the Government Code, to  
32 read:

33 11343.3. Notwithstanding any other law, a state agency that  
34 is required to promulgate administrative regulations, including,  
35 but not limited to, the State Air Resources Board, the California  
36 Environmental Protection Agency, the State Energy Resources  
37 Conservation and Development Commission, and the Department  
38 of Motor Vehicles, shall take into account vehicle weight impacts  
39 and the ability of vehicle manufacturers or vehicle operators to  
40 comply with laws limiting the weight of vehicles.

1 SEC. 3. Section 35554 of the Vehicle Code is amended to read:  
2 35554. (a) (1) Notwithstanding Section 35550, the gross  
3 weight on any one axle of a bus shall not exceed 20,500 pounds.

4 (2) *A transit bus procured through a solicitation process*  
5 *pursuant to which a solicitation was issued before January 1, 2013,*  
6 *or though a solicitation process pursuant to subdivision (d) is not*  
7 *subject to this subdivision.*

8 (b) A transit bus is not subject to Section 35550.

9 (c) A *transit bus* shall not operate on the Dwight D. Eisenhower  
10 System of Interstate and Defense Highways in excess of the weight  
11 limitation for transit buses specified in federal law.

12 (d) (1) A publicly owned or operated transit system or an  
13 operator of a transit system under contract with a publicly owned  
14 or operated transit system shall not procure, through a solicitation  
15 process pursuant to which a solicitation is issued on or after January  
16 1, 2013, a transit bus whose weight on any single axle exceeds  
17 20,500 pounds except as follows:

18 (A) It may procure *and operate* a new bus exceeding 20,500  
19 pounds that is of the same or lesser weight than the bus it is  
20 replacing.

21 (B) It may procure *and operate* a new transit bus exceeding  
22 20,500 pounds in order to incorporate a new fleet class into its  
23 inventory if its governing board adopts a finding at a public hearing  
24 that the fleet class expansion or change in fleet classes is necessary  
25 to address a need to serve a new or existing market pursuant to its  
26 most recently adopted short-range transit plan, or to meet a federal,  
27 state, or regional statutory or regulatory requirement, and includes  
28 a consideration of vehicle needs and fleet size.

29 (2) If the *governing board of the publicly owned or operated*  
30 *transit system* holds a public hearing to consider a procurement  
31 made pursuant to subparagraph (A) or (B) of paragraph (1), the  
32 board shall provide written notice to those cities and counties on  
33 whose roads the bus would travel of the public hearing at which  
34 this procurement is to be considered and shall place in the public  
35 record any comment of concern the board receives about the  
36 procurement.

37 (3) For purposes of this subdivision “fleet class” means a group  
38 of transit buses designated by a publicly owned or operated transit  
39 system or an operator under contract with a publicly owned or  
40 operated transit system that owns those transit buses, if the transit

- 1 buses have a combination of two or more of the following similar
- 2 defining characteristics:
- 3 (A) Length.
- 4 (B) Seating capacity.
- 5 (C) Number of axles.
- 6 (D) Fuel or power system.
- 7 (E) Width.
- 8 (F) Structure.
- 9 (G) Equipment package.

10 (e) This section shall remain in effect only until January 1, 2015,  
 11 and as of that date is repealed, unless a later enacted statute, that  
 12 is enacted before January 1, 2015, deletes or extends that date.

13 SEC. 4. Section 35554 is added to the Vehicle Code, to read:

14 35554. (a) (1) Notwithstanding Section 35550, the gross  
 15 weight on any one axle of a bus shall not exceed 20,500 pounds.

16 (2) *A transit bus procured through a solicitation process*  
 17 *pursuant to which a solicitation was issued before January 1, 2013,*  
 18 *is not subject to this subdivision.*

19 (b) *A transit bus is not subject to Section 35550.*

20 ~~(b)~~

21 (c) This section shall become operative on January 1, 2015.

22 SEC. 5. No reimbursement is required by this act pursuant to  
 23 Section 6 of Article XIII B of the California Constitution because  
 24 the only costs that may be incurred by a local agency or school  
 25 district will be incurred because this act creates a new crime or  
 26 infraction, eliminates a crime or infraction, or changes the penalty  
 27 for a crime or infraction, within the meaning of Section 17556 of  
 28 the Government Code, or changes the definition of a crime within  
 29 the meaning of Section 6 of Article XIII B of the California  
 30 Constitution.