Assembly Bill No. 1706

Passed the Assembly August 28, 2012

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Chief Clerk of the Assembly

Passed the Senate August 23, 2012

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Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2012, at _____ o'clock ____M.

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Private Secretary of the Governor

CHAPTER _____

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, 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.

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

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

(a) Fully funded, efficient, and effective public transit systems operating in a balanced transportation network do all of the following:

(1) Support California's growing economy by moving people to their jobs and to educational sites, by providing well-paying and stable jobs, and by enhancing the value of surrounding real estate.

(2) Bolster the state's energy security by decreasing dependence on imported oil.

(3) Contribute to California's greenhouse gas reduction and air quality improvement goals.

(4) Save travelers time by mitigating traffic congestion as the state's population grows.

(5) Afford the safest means of motorized travel.

(6) Promote equitable access to affordable, reliable, and safe transportation for all Californians.

(b) The state should therefore support the continued building, maintenance, and operation of effective local and regional public transportation networks for, including, but not limited to, the following additional reasons:

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

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

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

(4) California oil production has steadily decreased since its peak in the 1980s, which has resulted in an increased need for imported oil. In 2006, California imported 55 percent, 328 of 593 million barrels, of the oil that it consumed. If the cost of oil is calculated at ninety dollars ($90) per barrel, this level of importation of oil results in twenty-nine billion five hundred

million dollars ($29,500,000,000) annually leaving the state. Public transit in California currently reduces the need to import oil by creating savings of 486 million gallons of oil annually.

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

(6) To meet requirements set out by Assembly Bill 32 of the 2005–06 Regular Session of the Legislature that enacted the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), and Executive Order S-3-05, California will have to reduce its per capita emissions from 13 metric tons to 9.5 metric tons by 2020 and 2 metric tons by 2050. By taking existing public transportation instead of driving a car, a single person can save 2.1 metric tons, or 4,800 pounds, of carbon dioxide (CO_2) per year.

(7) In the next 10 years, the California population is expected to grow by over four million people, mostly in urban centers. This will lead to more time wasted in traffic congestion. In 2005, public transit prevented 540.8 million hours of traffic delay around the country, according to the Texas Transportation Institute. The monetary value of those savings was ten billion two hundred million dollars ($10,200,000,000).

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

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

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

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

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

(A) Vehicle design standards.

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

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

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

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

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

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

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

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

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

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

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

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

(e) The federal study specified in paragraph (1) of subdivision (c) referenced several reasons why public transit buses have become heavier over the years, particularly in the more than three decades since California first imposed a specific axle weight limitation on buses, as follows:

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

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

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

(f) Some local law enforcement agencies have begun to cite some operators of public transportation services for operating transit vehicles in excess of the California axle weight limitations for buses, thus threatening disruption of efficient and effective public transit service that otherwise complies with all applicable

federal and state laws and regulations, including those laws and regulations that have compelled operation of heavier transit buses.

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

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

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

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

SEC. 3. Section 35554 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

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

(3) For purposes of this subdivision "fleet class" means a group of transit buses designated by a publicly owned or operated transit system or an operator under contract with a publicly owned or operated transit system that owns those transit buses, if the transit buses have a combination of two or more of the following similar defining characteristics:

(A) Length.

(B) Seating capacity.

(C) Number of axles.

(D) Fuel or power system.

(E) Width.

(F) Structure.

(G) Equipment package.

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

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

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

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

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

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

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

Approved _____, 2012

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Governor