

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2488

Introduced by Assembly Member Williams

February 24, 2012

~~An act to amend Section 44081 of the Health and Safety Code, relating to vehicular pollution. An act to add Section 35400.9 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as amended, Williams. ~~Vehicles: gross polluters. Vehicle length limitation.~~

Existing law imposes a 40-foot limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Existing law exempts from this limitation an articulated bus or trolley and a bus, except a schoolbus, that is operated by a public agency or passenger stage corporation that is used in a transit system if it is equipped with a folding device attached to the front of the vehicle that is designed and used exclusively for transporting bicycles, does not materially affect efficiency or visibility of vehicle safety equipment, and does not extend more than 36 inches from the front of the body of the bus or trolley when fully deployed. In addition, existing law prohibits a bicycle that is transported on the above-described device from having the bicycle handlebars extend more than 42 inches from the front of the vehicle.

This bill would authorize the Gold Coast Transit District to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles if the use of the device meets certain requirements, including, but not limited to, that the device does

not extend more than 40 inches from the front of the bus when fully deployed, and that the handlebars of the bicycles being transported do not extend more than 46 inches from the front of the bus. If the Gold Coast Transit District installs the bicycle racks, the bill would require the district to report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing on or before December 31, 2017, regarding safety issues and mobility improvements.

This bill would also require the district, prior to installing a folding device on a bus that is 45 feet in length, to establish a route review committee, as specified, in order to determine, by unanimous vote of the voting members of the committee, which routes proposed by the district are suitable for the safe operation of a 45-foot bus that is equipped with a front-mounted bicycle rack. The bill would require the committee’s initial review to include a field review of the proposed routes.

The bill would make legislative findings and declarations as to the necessity of a special statute.

~~Existing law establishes a motor vehicle inspection and maintenance (smog check) program, administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law requires the department, in cooperation with the State Air Resources Board, to institute procedures, including remote sensing devices and roadside testings, to audit the emissions of vehicles while being driven on the streets and highways of the state.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

1 SECTION 1. Section 35400.9 is added to the Vehicle Code, to
 2 read:
 3 35400.9. (a) Notwithstanding Section 35400, the Gold Coast
 4 Transit District created pursuant to Part 15 (commencing with
 5 Section 103000) of Division 10 of the Public Utilities Code may
 6 install a folding device attached to the front of a bus that is

1 *designed and used exclusively for transporting bicycles if all of*
2 *the following conditions are met:*

3 (1) *The device does not extend more than 40 inches from the*
4 *front body of the bus when fully deployed.*

5 (2) *The device, including all bicycles transported on the device,*
6 *is mounted in a manner that does not materially affect efficiency*
7 *or visibility of vehicle safety equipment.*

8 (3) *The handlebars of a bicycle that is transported on a device*
9 *described in this subdivision do not extend more than 46 inches*
10 *from the front of the bus.*

11 (b) (1) *The Gold Coast Transit District shall establish a route*
12 *review committee prior to the installation of the initial folding*
13 *device, pursuant to subdivision (a), on a bus that is 45 feet in*
14 *length. The purpose of the committee is to ensure the safe operation*
15 *of a 45-foot bus that is equipped with a front-mounted bicycle rack.*

16 (2) *The committee established pursuant to this subdivision shall*
17 *perform an initial review of the routes on which the district*
18 *proposes to operate a 45-foot bus equipped with a front-mounted*
19 *bicycle rack. The review shall include a field review of the*
20 *proposed routes. It is the intent of the Legislature that the field*
21 *review required under this paragraph include consultation with*
22 *traffic engineers from affected public agencies that have*
23 *jurisdiction over segments of the route or routes under review, to*
24 *ensure coordination with all affected state and local public road*
25 *agencies that may potentially be impacted due to the operation of*
26 *a 45-foot bus with a front-mounted bicycle rack.*

27 (3) *By unanimous vote of all voting members, the committee*
28 *shall make a determination of the routes that are suitable for the*
29 *safe operation of a 45-foot bus that is equipped with a*
30 *front-mounted bicycle rack.*

31 (4) *Upon any proposal to make substantive changes or additions*
32 *to approved routes, those changes shall be subject to review and*
33 *certification pursuant to paragraph (2) prior to being approved*
34 *by the committee.*

35 (5) *The members of the committee shall be selected not more*
36 *than 30 days after receipt of the district proposal to equip a 45-foot*
37 *bus with a front-mounted bicycle rack and shall be comprised of*
38 *the following members:*

1 (A) One member from the district who shall be appointed by
 2 the district's general manager and who shall be a voting member
 3 of the committee.

4 (B) One member who is a traffic engineer selected by the
 5 governing board of the district and who shall be a voting member
 6 of the committee.

7 (C) One member appointed by the labor organization that is
 8 the exclusive representative of the busdrivers of the district. If
 9 there is no exclusive representative of the busdrivers, a busdriver
 10 member shall be chosen by a majority vote of the busdrivers
 11 employed by the district. This member shall be a voting member
 12 of the committee.

13 (D) One member appointed by the governing board of the
 14 district who shall be a representative of the bicycling community
 15 and who shall reside in the district. This member shall be a
 16 nonvoting member of the committee.

17 (c) If a folding device is installed pursuant to subdivision (a),
 18 the Gold Coast Transit District shall submit a report in compliance
 19 with Section 9795 of the Government Code to the Assembly
 20 Committee on Transportation and the Senate Committee on
 21 Transportation and Housing on or before December 31, 2017. The
 22 report shall include a summary of any incidents where the size of
 23 the folding devices was a factor, and a summary of the mobility
 24 improvements these folding devices provide.

25 SEC. 2. Due to the unique circumstances of a large number of
 26 bicycle riders using buses operated by the Gold Coast Transit
 27 District, and the need to determine whether there are safety
 28 considerations in having 40-inch bicycle racks on the front of its
 29 buses, it is necessary that, and the Legislature finds and declares
 30 that, a general statute cannot be made applicable within the
 31 meaning of Section 16 of Article IV of the California Constitution.

32 SECTION 1. ~~Section 44081 of the Health and Safety Code is~~
 33 ~~amended to read:~~

34 ~~44081. (a) (1) The department, in cooperation with the state~~
 35 ~~board, shall institute procedures for auditing the emissions of~~
 36 ~~vehicles while actually being driven on the streets and highways~~
 37 ~~of the state. The department may undertake those procedures itself~~
 38 ~~or seek a qualified vendor of these services. The primary object~~
 39 ~~of the procedures shall be the detection of gross polluters. The~~
 40 ~~procedures shall consist of techniques and technologies determined~~

1 to be effective for that purpose by the department, including, but
2 not limited to, remote sensing. The procedures may include
3 pullovers for roadside emissions testing and inspection. The
4 department shall consider the recommendations of the review
5 committee based on the outcome of the pilot demonstration
6 program conducted pursuant to Section 44081.6.

7 (2) The department may additionally use other methods to
8 identify gross polluting vehicles for out-of-cycle testing and repair.

9 (b) The department shall, by regulation, establish a program for
10 the out-of-cycle testing and repair of motor vehicles found, through
11 roadside auditing, to be emitting at levels that exceed specified
12 standards. The program shall include all of the following elements:

13 (1) Emission standards, and test and inspection procedures and
14 regulations, adopted in coordination with the state board, applicable
15 to vehicles tested during roadside auditing. Emission standards for
16 issuance of a notice of noncompliance to a gross polluter shall be
17 designed to maximize the identification of vehicles with substantial
18 excess emissions.

19 (2) Procedures for issuing notices of noncompliance to owners
20 of gross polluters, either at the time of the roadside audit, or
21 subsequently by certified mail, or by obtaining a certificate of
22 mailing as evidence of service, using technologies for recording
23 license plate numbers. The notice of noncompliance shall provide
24 that, unless the vehicle is brought to a designated test-only facility
25 or a test-and-repair station that is both licensed and certified
26 pursuant to Sections 44014 and 44014.2 for emissions testing
27 within 30 days, the owner is required to pay an administrative fee
28 of five hundred dollars (\$500) to be collected by the Department
29 of Motor Vehicles at the next annual registration renewal or the
30 next change of ownership of the vehicle, whichever occurs first.
31 Commencing on the 31st day after issuance of the notice of
32 noncompliance, the fee shall accrue at the rate of five dollars (\$5)
33 per day up to the five hundred dollars (\$500) maximum.

34 (3) Procedures for the testing of vehicles identified as gross
35 polluters by a designated test-only facility, or a test-and-repair
36 station that is both licensed and certified pursuant to Sections
37 44014 and 44014.2, to confirm that the vehicle exceeds the
38 minimum emission standard for gross polluters set by the
39 department.

1 ~~(4) Procedures requiring owners of vehicles confirmed as gross~~
2 ~~polluters to have the vehicle repaired, resubmitted for testing, and~~
3 ~~obtain a certificate of compliance from a designated test-only~~
4 ~~facility, or a test-and-repair station that is both licensed and~~
5 ~~certified pursuant to Sections 44014 and 44014.2, or removed from~~
6 ~~service as attested by a certificate of nonoperation from the~~
7 ~~Department of Motor Vehicles within 30 days or be required to~~
8 ~~pay an administrative fee of not more than five hundred dollars~~
9 ~~(\$500), to be collected by the Department of Motor Vehicles at~~
10 ~~the next annual registration renewal or the next change of~~
11 ~~ownership, whichever occurs first. Commencing on the 31st day~~
12 ~~after issuance of the notice of noncompliance, the fee shall accrue~~
13 ~~at the rate of five dollars (\$5) per day up to the five hundred dollar~~
14 ~~(\$500) maximum. The registration of a vehicle shall not be issued~~
15 ~~or renewed if that vehicle has been identified as a gross polluter~~
16 ~~and has not been issued a certificate of compliance. Except as~~
17 ~~provided in subdivision (b) of Section 9250.18 of the Vehicle~~
18 ~~Code, any revenues collected by the Department of Motor Vehicles~~
19 ~~pursuant to this subdivision and Section 9250.18 of the Vehicle~~
20 ~~Code shall be deposited in the Vehicle Inspection and Repair Fund.~~
21 ~~If the ownership of the vehicle is transferred, the administrative~~
22 ~~fee provided for in this subdivision shall be waived if the vehicle~~
23 ~~is brought into compliance.~~

24 ~~(5) A procedure for notifying the Department of Motor Vehicles~~
25 ~~of notices of noncompliance issued, so that the Department of~~
26 ~~Motor Vehicles may provide effective collection of the~~
27 ~~administrative fee. The Department of Motor Vehicles shall~~
28 ~~cooperate with, and implement the requirements of, the department~~
29 ~~in that regard.~~

30 ~~(e) The department may adopt any other regulations necessary~~
31 ~~for the effective implementation of this section, as determined by~~
32 ~~the department.~~

33 ~~(d) Upon the request of the department, the Department of the~~
34 ~~California Highway Patrol shall provide assistance in conducting~~
35 ~~roadside auditing, to consist of (1) the stopping of vehicles and~~
36 ~~traffic management, and (2) the issuance of notices of~~
37 ~~noncompliance to gross polluters. The department shall reimburse~~
38 ~~the Department of the California Highway Patrol for its costs of~~
39 ~~providing those services. The Department of Transportation and~~

1 ~~affected local agencies shall provide necessary assistance and~~
2 ~~cooperation to the department in the operation of the program.~~

3 ~~(e) There shall be no repair cost limit imposed pursuant to~~
4 ~~Section 44017 for any repairs that are required to be made under~~
5 ~~the roadside auditing program, except as provided in Section~~
6 ~~44017.~~

7 ~~(f) This section does not apply to vehicles operating under a~~
8 ~~valid repair cost waiver or economic hardship extension issued~~
9 ~~pursuant to Section 44015.~~

O