

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1101

Introduced by Assembly Member Chesbro

February 22, 2013

An act to amend Section ~~97~~ 35401.7 of the ~~Streets and Highways~~ Vehicle Code, relating to ~~transportation~~ vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1101, as amended, Chesbro. ~~Safety Enhancement-Double Fine Zones-Vehicles: State Highway Route 101: carriers of livestock.~~

(1) Existing law exempts, until January 1, 2015, licensed carriers of livestock from certain limitations of access upon highways when those carriers are directly en route to or from a point of loading or unloading of livestock on specified portions of State Highway Route 101, if the travel is necessary and incidental to the shipment of the livestock, and certain conditions are met.

This bill would extend the operation of this exemption until January 1, 2020.

(2) Existing law requires the Director of Transportation to notify the Secretary of State if, prior to January 1, 2012, the director determines that the removal of certain trees is the only possible adjustment to State Highway Route 101 that would accommodate truck sizes allowed to travel on specified portions of State Highway Route 101 pursuant to the exemption described in (1) above, the notification of which would repeal that exemption.

This bill would extend that date to January 1, 2015.

(3) Existing law requires the Director of Transportation to notify the Secretary of State if, prior to January 1, 2015, the director determines

that safety improvements to specified portions of State Highway Route 101 have resulted in the reclassification of the entire segment as a terminal access route, as specified, the notification of which would repeal the exemption described in (1) above.

This bill would extend that date to January 1, 2020.

~~Existing law requires that a state highway segment be designated as a Safety Enhancement-Double Fine Zone if, among other requirements, the segment is eligible for designation and the Director of Transportation, in consultation with the Commissioner of the California Highway Patrol, certifies that the segment of state highway meets specified criteria.~~

~~This bill would make a nonsubstantive change to these provisions.~~

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

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

- 1 SECTION 1. Section 35401.7 of the Vehicle Code is amended
- 2 to read:
- 3 35401.7. (a) The limitations of access specified in subdivision
- 4 (d) of Section 35401.5 do not apply to licensed carriers of livestock
- 5 when those carriers are directly en route to or from a point of
- 6 loading or unloading of livestock on those portions of State
- 7 Highway Route 101 located in the Counties of Del Norte,
- 8 Humboldt, and Mendocino from its junction with State Highway
- 9 Route 1 near Leggett north to the Oregon border, if the travel is
- 10 necessary and incidental to the shipment of the livestock.
- 11 (b) The exemption allowed under this section does not apply
- 12 unless all of the following conditions are met:
- 13 (1) The length of the truck tractor, in combination with the
- 14 semitrailer used to transport the livestock, does not exceed a total
- 15 of 70 feet.
- 16 (2) The distance from the kingpin to the rearmost axle of the
- 17 semitrailer does not exceed 43 feet.
- 18 (3) The length of the semitrailer does not exceed a total of 48
- 19 feet.
- 20 (c) The exemption allowed under this section does not apply to
- 21 travel conducted on the day prior to, or on the day of, any federally
- 22 recognized holiday.

1 (d) This section shall remain in effect only until January 1, ~~2015,~~
2 2020, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2015,~~ 2020, deletes or extends
4 that date.

5 (e) (1) If prior to January 1, ~~2012,~~ 2015, the Director of
6 Transportation determines that the only adjustment to State
7 Highway Route 101 possible to accommodate the truck sizes
8 allowed to travel on portions of State Highway Route 101, pursuant
9 to subdivisions (a) and (b) is the removal of any tree that has a
10 diameter of 42 inches or greater, measured outside the bark, at 12
11 inches above ground on the side adjacent to the highest ground
12 level, the director shall notify the Secretary of State of that
13 determination.

14 (2) If prior to January 1, ~~2015,~~ 2020, the Director of
15 Transportation determines that safety improvements to the portion
16 of State Highway Route 101 described in subdivision (a) have
17 resulted in the reclassification of the entire segment as a terminal
18 access route pursuant to subdivision (d) of Section 35401.5, the
19 director shall notify the Secretary of State of that determination.

20 (3) The notice required under paragraph (1) or (2) shall state
21 that it is being made pursuant to this section.

22 (4) This section is repealed on the date the Secretary of State
23 receives either of the notices described in this subdivision.

24 ~~SECTION 1. Section 97 of the Streets and Highways Code is~~
25 ~~amended to read:~~

26 ~~97. (a) A state highway segment shall be designated by the~~
27 ~~department as a Safety Enhancement Double Fine Zone if all of~~
28 ~~the following conditions have been satisfied:~~

29 ~~(1) The highway segment is eligible for designation pursuant~~
30 ~~to subdivision (b).~~

31 ~~(2) The Director of Transportation, in consultation with the~~
32 ~~Commissioner of the California Highway Patrol, certifies that the~~
33 ~~segment identified in subdivision (b) meets all of the following~~
34 ~~criteria:~~

35 ~~(A) The highway segment is a conventional highway or~~
36 ~~expressway and is part of the state highway system.~~

37 ~~(B) The rate of total collisions per mile per year on the segment~~
38 ~~under consideration has been at least 1.5 times the statewide~~
39 ~~average for similar roadway types during the most recent three-year~~
40 ~~period for which data are available.~~

1 ~~(C) The rate of head-on collisions per mile per year on the~~
2 ~~segment under consideration has been at least 1.5 times the~~
3 ~~statewide average for similar roadway types during the most recent~~
4 ~~three-year period for which data are available.~~

5 ~~(3) The Department of the California Highway Patrol or local~~
6 ~~agency having traffic enforcement jurisdiction, as the case may~~
7 ~~be, has concurred with the designation.~~

8 ~~(4) The governing board of each city, or county with respect to~~
9 ~~an unincorporated area, in which the segment is located has by~~
10 ~~resolution indicated that it supports the designation.~~

11 ~~(5) An active public awareness effort to change driving behavior~~
12 ~~is ongoing either by the local agency with jurisdiction over the~~
13 ~~segment or by another state or local entity.~~

14 ~~(6) Other traffic safety enhancements, including, but not limited~~
15 ~~to, increased enforcement and other roadway safety measures, are~~
16 ~~in place or are being implemented concurrent with the designation~~
17 ~~of the Safety Enhancement-Double Fine Zone.~~

18 ~~(b) The following segments are eligible for designation as a~~
19 ~~Safety Enhancement-Double Fine Zone pursuant to subdivision~~
20 ~~(a):~~

21 ~~State Highway Route 12 between the State Highway Route 80~~
22 ~~junction in Solano County and the State Highway Route 5 junction~~
23 ~~in San Joaquin County.~~

24 ~~(c) Designation of a segment as a Safety Enhancement-Double~~
25 ~~Fine Zone by the department pursuant to subdivision (a) shall be~~
26 ~~done in writing and a written notification shall be provided to the~~
27 ~~court with jurisdiction over the area in which the highway segment~~
28 ~~is located. The designation shall be valid for a minimum of two~~
29 ~~years from the date of submission to the court.~~

30 ~~(d) After the two-year period, and at least every two years~~
31 ~~thereafter, the department, in consultation with the Department of~~
32 ~~the California Highway Patrol, shall evaluate whether the highway~~
33 ~~segment continues to meet the conditions set forth in subdivision~~
34 ~~(a). If the segment meets those conditions, the department shall~~
35 ~~renew the designation in which case an updated notification shall~~
36 ~~be sent to the court. If the department, in consultation with the~~
37 ~~Department of the California Highway Patrol, determines that any~~
38 ~~of those conditions no longer applies to a segment designated as~~
39 ~~a Safety Enhancement-Double Fine Zone under this section, the~~

1 ~~department shall revoke the designation and the segment shall~~
2 ~~cease to be a Safety Enhancement-Double Fine Zone.~~

3 ~~(e) A Safety Enhancement-Double Fine Zone is subject to the~~
4 ~~rules and regulations adopted by the department prescribing~~
5 ~~uniform standards for warning signs to notify motorists that,~~
6 ~~pursuant to Section 42010 of the Vehicle Code, increased penalties~~
7 ~~apply for traffic violations that are committed within a Safety~~
8 ~~Enhancement-Double Fine Zone.~~

9 ~~(f) (1) The department or the local authority having jurisdiction~~
10 ~~over these highway and road segments shall place and maintain~~
11 ~~the warning signs identifying these segments by stating that a~~
12 ~~“Special Safety Zone Region Begins Here” and a “Special Safety~~
13 ~~Zone Ends Here.”~~

14 ~~(2) Increased penalties shall apply to violations under Section~~
15 ~~42010 of the Vehicle Code only if appropriate signage is in place~~
16 ~~pursuant to this subdivision.~~

17 ~~(3) If designation as a Safety Enhancement-Double Fine Zone~~
18 ~~is revoked pursuant to subdivision (d), the department shall be~~
19 ~~responsible for removal of all signage placed pursuant to this~~
20 ~~subdivision.~~

21 ~~(g) Safety Enhancement-Double Fine Zones do not increase the~~
22 ~~civil liability of the state or local authority having jurisdiction over~~
23 ~~the highway segment under Division 3.6 (commencing with Section~~
24 ~~810) of Title 1 of the Government Code or any other provision of~~
25 ~~law relating to civil liability.~~

26 ~~(1) Only the base fine shall be enhanced pursuant to this section.~~

27 ~~(2) Notwithstanding any other provision of law, any additional~~
28 ~~penalty, forfeiture, or assessment imposed by any other statute~~
29 ~~shall be based on the amount of the base fine before enhancement~~
30 ~~or doubling and shall not be based on the amount of the enhanced~~
31 ~~fine imposed pursuant to this section.~~

32 ~~(h) The projects specified as a Safety Enhancement-Double~~
33 ~~Fine Zone shall not be elevated in priority for state funding~~
34 ~~purposes.~~

35 ~~(i) The requirements of subdivision (a) shall not apply to the~~
36 ~~Safety Enhancement-Double Fine Zone established prior to the~~
37 ~~effective date of this subdivision pursuant to Section 97.4 or to the~~
38 ~~Safety Enhancement-Double Fine Zones established pursuant to~~
39 ~~Section 97.5.~~

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