

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 469

Introduced by Senator Corbett

February 21, 2013

An act to Chapter 4 (commencing with Section 22160) to Part 3 of Division 2 of the Public Contract Code, relating to local public transit. An act to amend Section 35110 of, and to add Section 35405 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 469, as amended, Corbett. ~~Public contracts: local agencies: public transit vehicles.~~ *Vehicles: aerodynamic vehicles.*

Existing law limits the length of vehicles and combinations of vehicles coupled together. Existing law permits door handles, hinges, cable cinchers, chain binders, aerodynamic devices, and holders for the display of placards warning of hazardous materials to extend 3 inches on each side of the vehicle. Under existing law, any extension or device used to increase the carrying capacity of a vehicle is generally included in measuring the length of a vehicle, subject to certain exceptions.

This bill would also permit a tarping system, as defined, and all nonproperty carrying devices or components to extend 3 inches on each side of the vehicle, as specified. The bill would exclude an aerodynamic device, as defined, that extends no more than 5 feet beyond the rear of a vehicle from the calculation of a vehicle's length if the device meets specified conditions, including that the device does not obscure tail lamps, turn signals, marker lamps, identification lamps, or any other required safety devices.

Existing law limits the width of a vehicle to no more than 102 inches, with certain exceptions, including that a vehicle may have an

aerodynamic device, as defined, that extends up to 3 inches beyond each side of the vehicle. Existing law prohibits an aerodynamic device from adversely impacting the vehicle's swept width and turning characteristics.

This bill would instead prohibit an aerodynamic device from affecting the vehicle's turning radius, as defined, or interfering with the vehicle's ability to complete a turn.

~~Existing law establishes various bidding requirements for local agencies entering into construction contracts.~~

~~This bill would require a local authority awarding a procurement contract for the purchase of a public transit vehicle to give a 10 percent preference to any bidder that agrees that all vehicles to be purchased under the contract are to be manufactured within the State of California. This bill would also state that this is an issue of statewide concern.~~

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 35110 of the Vehicle Code is amended to
2 read:

3 35110. (a) Door handles, hinges, cable cinchers, chain binders,
4 aerodynamic devices, ~~and~~ holders for the display of placards
5 warning of hazardous materials, *and a tarping system and all*
6 ~~nonproperty carrying devices or components thereof,~~ may extend
7 three inches on each side of the vehicle.

8 (b) (1) For purposes of this section, "aerodynamic ~~devices~~"
9 ~~device~~" means ~~devices using a device that uses~~ technologies that
10 minimize drag and improve airflow over an entire tractor-trailer
11 vehicle. These include gap fairings that reduce turbulence between
12 the tractor and trailer, side skirts that minimize wind under the
13 trailer, and rear fairings that reduce turbulence and pressure drop
14 at the rear of the ~~trailer, provided that these devices~~ trailer. An
15 *aerodynamic device* shall not ~~adversely impact~~ *have the vehicle's*
16 ~~swept width and turning characteristics and that the primary~~
17 ~~purpose of the device is not for advertising and shall not affect the~~
18 ~~vehicle's turning radius or interfere with the vehicle's ability to~~
19 ~~complete a turn.~~

1 (2) As used in paragraph (1), “turning radius” means the angle
2 that the tractor can rotate relative to the trailer while completing
3 a turn.

4 (c) (1) For purposes of this section, “a tarping system” means
5 a moveable device used to enclose the cargo area of flatbed
6 semitrailers or trailers.

7 (2) Subdivision (a) applies to all component parts of a tarping
8 system, including the following:

9 (A) The transverse structure at the front of the vehicle to which
10 the sliding walls and roof of the tarp mechanism are attached,
11 provided the structure is not also intended or designed to comply
12 with Section 393.106 of Title 49 of the Code of Federal
13 Regulations. The transverse structure may be up to 108 inches
14 wide if properly centered so that neither side extends more than
15 three inches beyond the structural edge of the vehicle.

16 (B) The side rails running the length of the vehicle.

17 (C) The rear doors, provided the only function of the rear doors
18 is to seal the cargo area and anchor the sliding walls and roof.

19 (D) The “wings” designed to close the gap between a
20 headerboard designed to comply with Section 393.106 of Title 49
21 of the Code of Federal Regulations and the movable walls and
22 roof of a tarping system, provided they are add-on pieces designed
23 to bear only the load of the tarping system itself and are not
24 integral parts of the load-bearing headerboard structure.

25 (d) For purposes of this section, a “headerboard designed to
26 comply with Section 393.106 of Title 49 of the Code of Federal
27 Regulations” is load bearing and does not exceed 102 inches in
28 width.

29 SEC. 2. Section 35405 is added to the Vehicle Code, to read:

30 35405. (a) An aerodynamic device that extends no more than
31 five feet beyond the rear of a vehicle shall not be included in
32 measuring the length of the vehicle or combination of vehicles, if
33 both of the following conditions are met:

34 (1) The device does not have the strength, rigidity, or mass to
35 damage a vehicle, or injure a passenger in a vehicle, that strikes
36 the vehicle equipped with the device from the rear.

37 (2) The device does not obscure tail lamps, turn signals, marker
38 lamps, identification lamps, or any other required safety devices,
39 including, but not limited to, hazardous materials placards or
40 conspicuity markings.

1 (b) For purposes of this section, “aerodynamic device” has the
 2 same meaning as defined in Section 35110.

3 SECTION 1. Chapter 4 (commencing with Section 22160) is
 4 added to Part 3 of Division 2 of the Public Contract Code, to read:

5
 6 CHAPTER 4. PUBLIC TRANSIT VEHICLES
 7

8 22160. (a) An awarding authority that use a competitive
 9 bidding process and awards a procurement contract for the purchase
 10 of a public transit vehicle shall give a 10 percent preference to any
 11 bidder that agrees that all public transit vehicles to be purchased
 12 under the contract are to be manufactured within the State of
 13 California.

14 (b) For the purposes of this Section, the following definitions
 15 apply:

16 (1) “Awarding authority” means a local government agency,
 17 including any city, county, city and county, special district, transit
 18 district, or joint powers authority that awards or otherwise enters
 19 into contracts for the public transit vehicles.

20 (2) “Bidder” means a person that submits a bid to sell a public
 21 transit vehicle to an awarding authority.

22 (3) “Manufactured within the State of California” means a
 23 majority of the component parts were manufactured or assembled
 24 at a facility in California.

25 (4) “Person” means any individual, proprietorship, joint venture,
 26 corporation, limited liability company, trust, association, other
 27 entity.

28 (5) “Public transit vehicle” means a vehicle used or intended to
 29 be used to transport members of the general public, including, but
 30 is not limited to, school buses.

31 SEC. 2. The Legislature hereby finds and declares that
 32 maintaining jobs in this state, including charter cities and counties,
 33 has a direct impact on the well-being of all residents of this state.
 34 Therefore, the Legislature finds and declares that giving a public
 35 contract preference to a bidder that manufactures public transit
 36 vehicles within the State of California, is an issue of statewide
 37 concern and not a municipal affair, as that term is used in Section
 38 5 of Article XI of the California Constitution. Therefore, this act
 39 shall apply to every city and county in this state, including a charter
 40 city, charter county, and charter city and county.

O