

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1340

Introduced by Assembly Member Chau
(Coauthor: Senator Mendoza)

February 27, 2015

An act to ~~add and repeal Section 37420.5 of the Government Code, and to add and repeal Section 10051.5 of the Public Utilities Code, relating to water utilities, and declaring the urgency thereof, to take effect immediately.~~ *amend Section 35400 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Chau. ~~Local government: sale of water utility property.~~ *Vehicles: buses.*

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 a bus, except a schoolbus, operated by a public agency or a passenger stage corporation, as defined, used in transit system service if the bus is equipped with a folding device attached to the front of the bus that is designed and used exclusively for transporting bicycles, the device does not materially affect efficiency or visibility of vehicle safety equipment, and the length of the bus, exclusive of that device, does not exceed 40 feet in length. In addition, existing law prohibits, among other things, the above-described device from extending more than 40 inches from the front body of the bus when fully deployed.

This bill would instead prohibit the above-described device from extending more than 40 inches from the front of the bus.

~~Existing law provides a procedure that is generally applicable for a city to sell its real property. Existing law also establishes specific procedures for the sale of public utility property owned by a municipal corporation with certain provisions applicable to the sale of property of a water utility.~~

~~This bill would authorize the City of Montebello to sell all or part of its water utility pursuant to the procedures that are generally applicable to a sale of real property by a city, if certain requirements are met.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Montebello.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

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

- 1 SECTION 1. Section 35400 of the Vehicle Code is amended to
- 2 read:
- 3 35400. (a) A vehicle may not exceed a length of 40 feet.
- 4 (b) This section does not apply to any of the following:
- 5 (1) A vehicle used in a combination of vehicles when the excess
- 6 length is caused by auxiliary parts, equipment, or machinery not
- 7 used as space to carry any part of the load, except that the
- 8 combination of vehicles shall not exceed the length provided for
- 9 combination vehicles.
- 10 (2) A vehicle, when the excess length is caused by any parts
- 11 necessary to comply with the fender and mudguard regulations of
- 12 this code.
- 13 (3) (A) An articulated bus or articulated trolley coach that does
- 14 not exceed a length of 60 feet.
- 15 (B) An articulated bus or articulated trolley coach described in
- 16 subparagraph (A) may be equipped with a folding device attached
- 17 to the front of the bus or trolley if the device is designed and used
- 18 exclusively for transporting bicycles. The device, including any
- 19 bicycles transported thereon, shall be mounted in a manner that
- 20 does not materially affect efficiency or visibility of vehicle safety
- 21 equipment, and shall not extend more than 36 inches from the front
- 22 body of the bus or trolley coach when fully deployed. The
- 23 handlebars of a bicycle that is transported on a device described

1 in this subparagraph shall not extend more than 42 inches from
2 the front of the bus.

3 (4) A semitrailer while being towed by a motortruck or truck
4 tractor, if the distance from the kingpin to the rearmost axle of the
5 semitrailer does not exceed 40 feet for semitrailers having two or
6 more axles, or 38 feet for semitrailers having one axle if the
7 semitrailer does not, exclusive of attachments, extend forward of
8 the rear of the cab of the motortruck or truck tractor.

9 (5) A bus or house car when the excess length is caused by the
10 projection of a front safety bumper or a rear safety bumper, or
11 both. The safety bumper shall not cause the length of the vehicle
12 to exceed the maximum legal limit by more than one foot in the
13 front and one foot in the rear. For the purposes of this chapter,
14 “safety bumper” means any device that is fitted on an existing
15 bumper or which replaces the bumper and is constructed, treated,
16 or manufactured to absorb energy upon impact.

17 (6) A schoolbus, when the excess length is caused by the
18 projection of a crossing control arm. For the purposes of this
19 chapter, “crossing control arm” means an extendable and retractable
20 device fitted to the front of a schoolbus that is designed to impede
21 movement of pupils exiting the schoolbus directly in front of the
22 schoolbus so that pupils are visible to the driver while they are
23 moving in front of the schoolbus. An operator of a schoolbus shall
24 not extend a crossing control arm while the schoolbus is in motion.
25 Except when activated, a crossing control arm shall not cause the
26 maximum length of the schoolbus to be extended by more than 10
27 inches, inclusive of any front safety bumper. Use of a crossing
28 control arm by the operator of a schoolbus does not, in and of
29 itself, fulfill his or her responsibility to ensure the safety of students
30 crossing a highway or private road pursuant to Section 22112.

31 (7) A bus, when the excess length is caused by a device, located
32 in front of the front axle, for lifting wheelchairs into the bus. That
33 device shall not cause the length of the bus to be extended by more
34 than 18 inches, inclusive of any front safety bumper.

35 (8) A bus, when the excess length is caused by a device attached
36 to the rear of the bus designed and used exclusively for the
37 transporting of bicycles. This device may be up to 10 feet in length,
38 if the device, along with any other device permitted pursuant to
39 this section, does not cause the total length of the bus, including
40 any device or load, to exceed 50 feet.

1 (9) A bus operated by a public agency or a passenger stage
2 corporation, as defined in Section 226 of the Public Utilities Code,
3 used in transit system service, other than a schoolbus, when the
4 excess length is caused by a folding device attached to the front
5 of the bus which is designed and used exclusively for transporting
6 bicycles. The device, including any bicycles transported thereon,
7 shall be mounted in a manner that does not materially affect
8 efficiency or visibility of vehicle safety equipment, and shall not
9 extend more than 40 inches from the front ~~body~~ of the bus when
10 fully deployed. The handlebars of a bicycle that is transported on
11 a device described in this paragraph shall not extend more than 46
12 inches from the front of the bus. A device described in this
13 paragraph may not be used on a bus that, exclusive of the device,
14 exceeds 40 feet in length or on a bus having a device attached to
15 the rear of the bus pursuant to paragraph (8).

16 (10) (A) A bus of a length of up to 45 feet when operating on
17 those highways specified in subdivision (a) of Section 35401.5.
18 The Department of Transportation or local authorities, with respect
19 to highways under their respective jurisdictions, may not deny
20 reasonable access to a bus of a length of up to 45 feet between the
21 highways specified in subdivision (a) of Section 35401.5 and points
22 of loading and unloading for motor carriers of passengers as
23 required by the federal Intermodal Surface Transportation
24 Efficiency Act of 1991 (Public Law 102-240).

25 (B) A bus operated by a public agency and on those highways
26 specified in subparagraph (A) may be equipped with a folding
27 device attached to the front of the bus that is designed and used
28 exclusively for transporting bicycles. The device, including all
29 bicycles transported thereon, may be mounted in a manner that
30 does not materially affect efficiency or visibility of vehicle safety
31 equipment, and may not extend more than 36 inches from the front
32 body of the bus when fully deployed. The handlebars of a bicycle
33 that is transported on a device described in this subparagraph may
34 not extend more than 42 inches from the front of the bus. The total
35 length of the bus, including the folding device or load, may not
36 exceed 48.5 feet. A Route Review Committee, established under
37 this subparagraph, shall review the routes where a public agency
38 proposes to operate a 45-foot bus equipped with a front-mounted
39 bicycle rack. The Route Review Committee shall be comprised of
40 one member from the public agency appointed by the general

1 manager of the public agency; one member who is a traffic engineer
2 and is employed and selected by the public agency that has
3 jurisdiction over the largest proportional share of routes among
4 all affected agencies; and one member appointed by the labor
5 organization that is the exclusive representative of the bus drivers
6 of the public agency. If there is no exclusive representative of the
7 bus drivers, a bus driver member shall be chosen by a majority
8 vote of the bus drivers employed by the agency. The members of
9 the Route Review Committee shall be selected not more than 30
10 days after receipt of a public agency proposal to equip a 45-foot
11 bus with a front-mounted bicycle rack. The review shall include
12 a field review of the proposed routes. The purpose of the Route
13 Review Committee is to ensure the safe operation of a 45-foot bus
14 that is equipped with a front-mounted bicycle rack. The Route
15 Review Committee, by a unanimous vote, shall make a
16 determination of which routes are suitable for the safe operation
17 of a 45-foot bus that is equipped with a front-mounted bicycle
18 rack. These determinations shall be consistent with the operating
19 requirements specified in subparagraph (A). It is the intent of the
20 Legislature that the field review required under this subparagraph
21 include consultation with traffic engineers from affected public
22 agencies that have jurisdiction over segments of the route or routes
23 under review, to ensure coordination with all affected state and
24 local public road agencies that may potentially be impacted due
25 to the operation of a 45-foot bus with a front-mounted bicycle
26 rack.

27 (11) (A) A house car of a length of up to 45 feet when operating
28 on the National System of Interstate and Defense Highways or
29 when using those portions of federal aid primary system highways
30 that have been qualified by the United States Secretary of
31 Transportation for that use, or when using routes appropriately
32 identified by the Department of Transportation or local authorities,
33 with respect to highways under their respective jurisdictions.

34 (B) A house car described in subparagraph (A) may be operated
35 on a highway that provides reasonable access to facilities for
36 purposes limited to fuel, food, and lodging when that access is
37 consistent with the safe operation of the vehicle and when the
38 facility is within one road mile of identified points of ingress and
39 egress to or from highways specified in subparagraph (A) for use
40 by that vehicle.

1 (C) As used in this paragraph and paragraph (10), “reasonable
2 access” means access substantially similar to that authorized for
3 combinations of vehicles pursuant to subdivision (c) of Section
4 35401.5.

5 (D) Any access route established by a local authority pursuant
6 to subdivision (d) of Section 35401.5 is open for access by a house
7 car of a length of up to 45 feet. In addition, local authorities may
8 establish a process whereby access to services by house cars of a
9 length of up to 45 feet may be applied for upon a route not
10 previously established as an access route. The denial of a request
11 for access to services shall be only on the basis of safety and an
12 engineering analysis of the proposed access route. In lieu of
13 processing an access application, local authorities, with respect to
14 highways under their jurisdiction, may provide signing, mapping,
15 or a listing of highways, as necessary, to indicate the use of these
16 specific routes by a house car of a length of up to 45 feet.

17 (c) The Legislature, by increasing the maximum permissible
18 kingpin to rearmost axle distance to 40 feet effective January 1,
19 1987, as provided in paragraph (4) of subdivision (b), does not
20 intend this action to be considered a precedent for any future
21 increases in truck size and length limitations.

22 (d) Any transit bus equipped with a folding device installed on
23 or after January 1, 1999, that is permitted under subparagraph (B)
24 of paragraph (3) of subdivision (b) or under paragraph (9) of
25 subdivision (b) shall be additionally equipped with any of the
26 following:

27 (1) An indicator light that is visible to the driver and is activated
28 whenever the folding device is in an extended position.

29 (2) Any other device or mechanism that provides notice to the
30 driver that the folding device is in an extended position.

31 (3) A mechanism that causes the folding device to retract
32 automatically from an extended position.

33 (e) (1) A person may not improperly or unsafely mount a
34 bicycle on a device described in subparagraph (B) of paragraph
35 (3) of subdivision (b), or in paragraph (9) or (10) of subdivision
36 (b).

37 (2) Notwithstanding subdivision (a) of Section 23114 or
38 subdivision (a) of Section 24002 or any other provision of law,
39 when a bicycle is improperly or unsafely loaded by a passenger
40 onto a transit bus, the passenger, and not the driver, is liable for

1 any violation of this code that is attributable to the improper or
2 unlawful loading of the bicycle.

3 ~~SECTION 1. Section 37420.5 is added to the Government~~
4 ~~Code, to read:~~

5 ~~37420.5. (a) The City of Montebello may sell all or part of its~~
6 ~~water utility pursuant to this article as provided in Section 10051.5~~
7 ~~of the Public Utilities Code.~~

8 ~~(b) This section shall remain in effect only until July 1, 2017,~~
9 ~~and as of that date is repealed, unless a later enacted statute, that~~
10 ~~is enacted before July 1, 2017, deletes or extends that date.~~

11 ~~SEC. 2. Section 10051.5 is added to the Public Utilities Code,~~
12 ~~to read:~~

13 ~~10051.5. (a) Notwithstanding any other provision of this~~
14 ~~article, the City of Montebello may sell all or part of its water~~
15 ~~utility property pursuant to Article 3 (commencing with Section~~
16 ~~37420) of Chapter 5 of Part 2 of Division 3 of Title 4 of the~~
17 ~~Government Code, subject and pursuant to the following additional~~
18 ~~provisions, limitations, and requirements:~~

19 ~~(1) The governing body of the city shall not sell the water utility~~
20 ~~property for less than its fair market value determined as set forth~~
21 ~~in the Public Water System Investment and Consolidation Act of~~
22 ~~1997 (Chapter 2.5 (commencing with Section 2718) of Part 2 of~~
23 ~~Division 1).~~

24 ~~(2) A majority of the members of the governing body of the city~~
25 ~~must approve the sale.~~

26 ~~(3) The entity acquiring the water utility property shall be a~~
27 ~~public utility, as defined in Section 216, which is presently~~
28 ~~authorized by the commission to provide water utility service~~
29 ~~within the corporate limits of the city pursuant to a certificate of~~
30 ~~public convenience and necessity and the area of the one or more~~
31 ~~certificates includes or surrounds all or part of the city's water~~
32 ~~utility system.~~

33 ~~(4) As a condition of acquiring the city's water system, the~~
34 ~~acquiring public utility shall file a revised service area map with~~
35 ~~the commission that shows the area formerly served through the~~
36 ~~city's water utility system as part of the acquiring public utility's~~
37 ~~service area. The acquiring public utility shall submit the map by~~
38 ~~filing a tier-one advice letter with the commission and, upon this~~
39 ~~filing, shall be deemed authorized and bound to render public~~
40 ~~utility water service to all persons in the area formerly served~~

1 through the city's water utility system on the same terms,
2 conditions, and rates that the commission has found to be just and
3 reasonable for the acquiring public utility's other customers in the
4 city.

5 (b) This section shall remain in effect only until July 1, 2017,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before July 1, 2017, deletes or extends that date.

8 SEC. 3. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique circumstances applicable to
12 the City of Montebello. The City Council of the City of Montebello
13 believes it is no longer in the public interest to own and operate
14 all or part of a water utility and desires to sell its water utility.
15 However, the city would be unable to do so in a timely manner
16 because the Legislature has enacted statutes that may conflict with
17 one another and with the City of Montebello's urgent financial
18 requirements, thereby preventing the City of Montebello from
19 selling and the acquiring public utility from purchasing the water
20 utility without an election and performance of other procedures.
21 In order to clearly state the law with respect to the City of
22 Montebello, a special statute is needed and a general statute cannot
23 be made applicable.

24 SEC. 4. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 The City of Montebello's water utility infrastructure is aging
29 and is experiencing numerous leaks and equipment failures. The
30 aging and failing water utility infrastructure impairs the safety and
31 reliability of the city's water utility system, including its ability to
32 provide water for public fire-fighting purposes. The city's water
33 utility serves only a small fraction of the city's residents and is
34 losing money despite significant recent rate increases. The city's
35 budget and general fund cannot make up for that revenue shortfall
36 or the cost of the urgently needed water supply infrastructure
37 upgrades and repairs of its water utility system. The City of
38 Montebello desires to sell all or part of the city-owned water utility
39 to a public utility capable of operating, managing, and upgrading
40 the water system while financial conditions are favorable to the

1 city, however, the Legislature has adopted statutes governing the
2 sale of municipal property which may conflict with each other and
3 the urgent needs of the city. In order to provide the City of
4 Montebello with the clear statutory authority to sell its water utility
5 without an election as soon as possible, it is necessary that this act
6 take effect immediately.

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