

Introduced by Committee on Transportation and Housing (Senators Beall (Chair), Allen, Bates, Cannella, Gaines, Galgiani, Leyva, McGuire, Mendoza, Roth, and Wieckowski)

February 26, 2015

An act to amend Sections 14526.5 and 65074 of the Government Code, to amend Section 44241 of the Health and Safety Code, to amend Sections 182.6, 182.7, and 890.4 of the Streets and Highways Code, and to amend Sections 1808, 1808.1, 13558, 16020.1, 16020.2, and 24002 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as introduced, Committee on Transportation and Housing. Transportation: omnibus bill.

(1) Existing law authorizes certain air districts to impose a vehicle registration fee surcharge to be used for projects and programs to improve air quality. Existing law, in the area under the jurisdiction of the Bay Area Air Quality Management District, requires at least 40% of fee revenues to be proportionately allocated to each county within the district, and requires an entity receiving these revenues to hold at least one annual public meeting for the purpose of adopting criteria for expenditure of the funds and to review those expenditures.

This bill would delete the requirement for an annual public meeting to adopt criteria for expenditure of funds, unless the criteria have been modified from the previous year.

(2) Existing law requires the employers of drivers of certain types of vehicles, including vehicles for which the driver is required to have a Class C license with a hazardous materials endorsement, to enroll these drivers in the pull notice system under which the Department of

Motor Vehicles notifies the employer of information appearing on a driver's driving record.

This bill would require the employer to enroll in the pull notice system any driver of a vehicle for which a Class C license with any endorsement is required.

(3) Existing law, among other things, provides that it is unlawful to operate any vehicle or vehicle combination that is in an unsafe condition, or that is not safely loaded, and that presents an immediate safety hazard, or that is not equipped as required by the Vehicle Code.

This bill would prohibit a motor carrier from requiring a person to drive a commercial motor vehicle unless the person, by experience, training, or both, can determine whether transported cargo, including passenger baggage, has been properly located, distributed, and secured, as specified. The bill would prohibit a driver from operating a commercial motor vehicle unless the driver can demonstrate familiarity with the methods and procedures for securing cargo. The bill would also require motor carriers and commercial motor vehicle drivers to comply with certain federal motor carrier regulations. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(4) Existing law generally requires drivers to show proof of financial responsibility to register their vehicles or upon the request of law enforcement, except that those requirements apply to residents of the Counties of Los Angeles and San Francisco only until January 1, 2016.

This bill would extend the proof of financial responsibility requirements to residents of those counties until January 1, 2020.

(5) Existing law classifies bikeways into various categories, including a Class IV bikeway, also known as a cycle track or separated bikeway, that provides a right-of-way designated exclusively for bicycle travel adjacent to a roadway and that is protected from vehicular traffic.

This bill would revise that description to delete the reference to a Class IV bikeway being protected from vehicular traffic and instead provide that it is separated from vehicular traffic.

(6) Existing law requires the Department of Transportation and regional transportation planning agencies to engage in various transportation planning activities, including the programming of transportation improvement projects. Existing federal law requires projects seeking federal funds to be in compliance with certain federal planning and programming requirements.

This bill would revise these provisions to refer to the current names of certain federal transportation programming documents, and would make various modifications to the dates by which regional transportation planning agencies and the department are required to adopt those documents.

(7) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. Existing law, for each project in the program, requires the department to specify capital and support budgets as well as a projected delivery date for certain project phases.

This bill would delete the requirement for the department to specify a projected delivery date for a project’s construction phase.

(8) This bill would also correct several erroneous cross-references.

(9) 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.

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

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

1 SECTION 1. Section 14526.5 of the Government Code is
2 amended to read:

3 14526.5. (a) Based on the asset management plan prepared
4 and approved pursuant to Section 14526.4, the department shall
5 prepare a state highway operation and protection program for the
6 expenditure of transportation funds for major capital improvements
7 that are necessary to preserve and protect the state highway system.
8 Projects included in the program shall be limited to capital
9 improvements relative to maintenance, safety, and rehabilitation
10 of state highways and bridges that do not add a new traffic lane to
11 the system.

12 (b) The program shall include projects that are expected to be
13 advertised prior to July 1 of the year following submission of the
14 program, but which have not yet been funded. The program shall

1 include those projects for which construction is to begin within
2 four fiscal years, starting July 1 of the year following the year the
3 program is submitted.

4 (c) The department, at a minimum, shall specify, for each project
5 in the state highway operation and protection program, the capital
6 and support budget *for each of the following project components*,
7 as well as a projected delivery ~~date~~, *date* ~~for each of the following~~
8 ~~project~~ components (1), (2), and (3):

9 (1) Completion of project approval and environmental
10 documents.

11 (2) Preparation of plans, specifications, and estimates.

12 (3) Acquisition of rights-of-way, including, but not limited to,
13 support activities.

14 (4) Construction.

15 (d) The program shall be submitted to the commission not later
16 than January 31 of each even-numbered year. Prior to submitting
17 the plan, the department shall make a draft of its proposed program
18 available to transportation planning agencies for review and
19 comment and shall include the comments in its submittal to the
20 commission.

21 (e) The commission may review the program relative to its
22 overall adequacy, consistency with the asset management plan
23 prepared and approved pursuant to Section 14526.4 and funding
24 priorities established in Section 167 of the Streets and Highways
25 Code, the level of annual funding needed to implement the
26 program, and the impact of those expenditures on the state
27 transportation improvement program. The commission shall adopt
28 the program and submit it to the Legislature and the Governor not
29 later than April 1 of each even-numbered year. The commission
30 may decline to adopt the program if the commission determines
31 that the program is not sufficiently consistent with the asset
32 management plan prepared and approved pursuant to Section
33 14526.4.

34 (f) Expenditures for these projects shall not be subject to
35 Sections 188 and 188.8 of the Streets and Highways Code.

36 SEC. 2. Section 65074 of the Government Code is amended
37 to read:

38 65074. The Department of Transportation shall prepare, in
39 cooperation with the metropolitan planning ~~agencies~~ *organizations*,
40 a federal *statewide* transportation improvement program in

1 accordance with subsection ~~(f)~~ (g) of Section 135 of Title 23 of
2 the United States Code. The federal *statewide* transportation
3 improvement program shall be submitted by the department to the
4 United States Secretary of Transportation, by ~~October~~ *December*
5 1 of each even-numbered year.

6 SEC. 3. Section 44241 of the Health and Safety Code is
7 amended to read:

8 44241. (a) Fee revenues generated under this chapter in the
9 bay district shall be subvned to the bay district by the Department
10 of Motor Vehicles after deducting its administrative costs pursuant
11 to Section 44229.

12 (b) Fee revenues generated under this chapter shall be allocated
13 by the bay district to implement the following mobile source and
14 transportation control projects and programs that are included in
15 the plan adopted pursuant to Sections 40233, 40717, and 40919:

16 (1) The implementation of ridesharing programs.

17 (2) The purchase or lease of clean fuel buses for school districts
18 and transit operators.

19 (3) The provision of local feeder bus or shuttle service to rail
20 and ferry stations and to airports.

21 (4) Implementation and maintenance of local arterial traffic
22 management, including, but not limited to, signal timing, transit
23 signal preemption, bus stop relocation and “smart streets.”

24 (5) Implementation of rail-bus integration and regional transit
25 information systems.

26 (6) Implementation of demonstration projects in telecommuting
27 and in congestion pricing of highways, bridges, and public transit.
28 No funds expended pursuant to this paragraph for telecommuting
29 projects shall be used for the purchase of personal computing
30 equipment for an individual’s home use.

31 (7) Implementation of vehicle-based projects to reduce mobile
32 source emissions, including, but not limited to, engine repowers,
33 engine retrofits, fleet modernization, alternative fuels, and advanced
34 technology demonstrations.

35 (8) Implementation of a smoking vehicles program.

36 (9) Implementation of an automobile buy-back scrappage
37 program operated by a governmental agency.

38 (10) Implementation of bicycle facility improvement projects
39 that are included in an adopted countywide bicycle plan or
40 congestion management program.

1 (11) The design and construction by local public agencies of
2 physical improvements that support development projects that
3 achieve motor vehicle emission reductions. The projects and the
4 physical improvements shall be identified in an approved
5 area-specific plan, redevelopment plan, general plan, or other
6 similar plan.

7 (c) (1) Fee revenue generated under this chapter shall be
8 allocated by the bay district for projects and programs specified
9 in subdivision (b) to cities, counties, the Metropolitan
10 Transportation Commission, transit districts, or any other public
11 agency responsible for implementing one or more of the specified
12 projects or programs. Fee revenue generated under this chapter
13 may also be allocated by the bay district for projects and programs
14 specified in paragraph (7) of subdivision (b) to entities that include,
15 but are not limited to, public agencies, consistent with applicable
16 policies adopted by the governing board of the bay district. Those
17 policies shall include, but are not limited to, requirements for
18 cost-sharing for projects subject to the policies. Fee revenues shall
19 not be used for any planning activities that are not directly related
20 to the implementation of a specific project or program.

21 (2) The bay district shall adopt cost-effectiveness criteria for
22 fee revenue generated under this chapter that projects and programs
23 are required to meet. The cost-effectiveness criteria shall maximize
24 emissions reductions and public health benefits.

25 (d) Not less than 40 percent of fee revenues shall be allocated
26 to the entity or entities designated pursuant to subdivision (e) for
27 projects and programs in each county within the bay district based
28 upon the county's proportionate share of fee-paid vehicle
29 registration.

30 (e) In each county, one or more entities may be designated as
31 the overall program manager for the county by resolutions adopted
32 by the county board of supervisors and the city councils of a
33 majority of the cities representing a majority of the population in
34 the incorporated area of the county. The resolution shall specify
35 the terms and conditions for the expenditure of funds. The entities
36 so designated shall be allocated the funds pursuant to subdivision
37 (d) in accordance with the terms and conditions of the resolution.

38 (f) Any county, or entity designated pursuant to subdivision (e),
39 that receives funds pursuant to this section, at least once a year,
40 shall hold one or more public meetings for the purpose of adopting

1 criteria for expenditure of the ~~funds funds~~, *if the criteria have been*
2 *modified in any way from the previous year*, and to review the
3 expenditure of revenues received pursuant to this section by any
4 designated entity. If any county or entity designated pursuant to
5 subdivision (e) that receives funds pursuant to this section has not
6 allocated all of those funds within six months of the date of the
7 formal approval of its expenditure plan by the bay district, the bay
8 district shall allocate the unallocated funds in accordance with
9 subdivision (c).

10 SEC. 4. Section 182.6 of the Streets and Highways Code is
11 amended to read:

12 182.6. (a) Notwithstanding Sections 182 and 182.5, Sections
13 188, 188.8, and 825 do not apply to the expenditure of an amount
14 of federal funds equal to the amount of federal funds apportioned
15 to the state pursuant to that portion of subsection (b)(3) of Section
16 104, subsections (a) and (c) of Section 157, and subsection (d) of
17 Section 160 of Title 23 of the United States Code that is allocated
18 within the state subject to subsection (d)(3) of Section 133 of that
19 code. These funds shall be known as the regional surface
20 transportation program funds. The department, the transportation
21 planning agencies, the county transportation commissions, and the
22 metropolitan planning organizations may do all things necessary
23 in their jurisdictions to secure and expend those federal funds in
24 accordance with the intent of federal law and this chapter.

25 (b) The regional surface transportation program funds shall be
26 apportioned by the department to the metropolitan planning
27 organizations designated pursuant to Section 134 of Title 23 of
28 the United States Code and, in areas where none has been
29 designated, to the transportation planning agency designated
30 pursuant to Section 29532 *or* 29532.1 of the Government Code.
31 The funds shall be apportioned in the manner and in accordance
32 with the formula set forth in subsection (d)(3) of Section 133 of
33 Title 23 of the United States Code, except that the apportionment
34 shall be among all areas of the state. Funds apportioned under this
35 subdivision shall remain available for three federal fiscal years,
36 including the federal fiscal year apportioned.

37 (c) Where county transportation commissions have been created
38 by Division 12 (commencing with Section 130000) of the Public
39 Utilities Code, all regional surface transportation program funds
40 shall be further apportioned by the metropolitan planning

1 organization to the county transportation commission on the basis
2 of relative population.

3 In the Monterey Bay region, all regional surface transportation
4 program funds shall be further apportioned, on the basis of relative
5 population, by the metropolitan planning organization to the
6 regional transportation planning agencies designated under
7 subdivision (b) of Section 29532 of the Government Code.

8 (d) The applicable metropolitan planning organization, county
9 transportation commission, or transportation planning agency shall
10 annually apportion the regional surface transportation program
11 funds for projects in each county, as follows:

12 (1) An amount equal to the amount apportioned under the
13 federal-aid urban program in federal fiscal year 1990–91 adjusted
14 for population. The adjustment for population shall be based on
15 the population determined in the 1990 federal census except that
16 no county shall be apportioned less than 110 percent of the
17 apportionment received in the 1990–91 fiscal year. These funds
18 shall be apportioned for projects implemented by cities, counties,
19 and other transportation agencies on a fair and equitable basis
20 based upon an annually updated five-year average of allocations.
21 Projects shall be nominated by cities, counties, transit operators,
22 and other public transportation agencies through a process that
23 directly involves local government representatives.

24 (2) An amount not less than 110 percent of the amount that the
25 county was apportioned under the federal-aid secondary program
26 in federal fiscal year 1990–91, for use by that county.

27 (e) The department shall notify each metropolitan planning
28 organization, county transportation commission, and transportation
29 planning agency receiving an apportionment under this section,
30 as soon as possible each year, of the amount of ~~obligation~~
31 *obligational* authority estimated to be available for program
32 purposes.

33 The metropolitan planning organization and transportation
34 planning agency, in cooperation with the department, congestion
35 management agencies, cities, counties, and affected transit
36 operators, shall select and program projects in conformance with
37 federal law. The metropolitan planning organization and
38 transportation planning agency shall submit its *federal*
39 transportation improvement program prepared pursuant to Section
40 134 of Title 23 of the United States Code to the department for

1 incorporation into the ~~state~~ *federal statewide* transportation
2 improvement program not later than ~~August~~ *October 1* of each
3 even-numbered year ~~beginning in 1994~~. *The federal transportation*
4 *improvement program shall, at a minimum, include the years*
5 *covered by the federal statewide transportation improvement*
6 *program.*

7 (f) Not later than July 1 of each year, the metropolitan planning
8 organizations, and the regional transportation planning agencies,
9 receiving obligational authority under this article shall notify the
10 department of the projected amount of obligational authority that
11 each entity intends to use during the remainder of the current
12 federal fiscal year, including, but not limited to, a list of projects
13 that will be obligated by the end of the current federal fiscal year.
14 Any federal obligational authority that will not be used shall be
15 redistributed by the department to other projects in a manner that
16 ensures that the state will continue to compete for and receive
17 increased obligational authority during the federal redistribution
18 of obligational authority. If the department does not have sufficient
19 federal apportionments to fully use excess obligational authority,
20 the metropolitan planning organizations or regional transportation
21 planning agencies relinquishing obligational authority shall make
22 sufficient apportionments available to the department to fund
23 alternate projects, when practical, within the geographical areas
24 relinquishing the obligational authority. Notwithstanding this
25 subdivision, the department shall comply with subsections (d)(3)
26 and (f) of Section 133 of Title 23 of the United States Code.

27 (g) A regional transportation planning agency that is not
28 designated as, nor represented by, a metropolitan planning
29 organization with an urbanized area population greater than
30 200,000 pursuant to the 1990 federal census may exchange its
31 annual apportionment received pursuant to this section on a
32 dollar-for-dollar basis for nonfederal State Highway Account funds,
33 which shall be apportioned in accordance with subdivision (d).

34 (h) (1) If a regional transportation planning agency described
35 in subdivision (g) does not elect to exchange its annual
36 apportionment, a county located within the boundaries of that
37 regional transportation planning agency may elect to exchange its
38 annual apportionment received pursuant to paragraph (2) of
39 subdivision (d) for nonfederal State Highway Account funds.

1 (2) A county not included in a regional transportation planning
2 agency described in subdivision (g), whose apportionment pursuant
3 to paragraph (2) of subdivision (d) was less than 1 percent of the
4 total amount apportioned to all counties in the state, may exchange
5 its apportionment for nonfederal State Highway Account funds.
6 If the apportionment to the county was more than 3½ percent of
7 the total apportioned to all counties in the state, it may exchange
8 that portion of its apportionment in excess of 3½ percent for
9 nonfederal State Highway Account funds. Exchange funds received
10 by a county pursuant to this section may be used for any
11 transportation purpose.

12 (i) The department shall be responsible for closely monitoring
13 the use of federal transportation funds, including regional surface
14 transportation program funds to assure full and timely use. The
15 department shall prepare a quarterly report for submission to the
16 commission regarding the progress in use of all federal
17 transportation funds. The department shall notify the commission
18 and the appropriate implementation agency whenever there is a
19 failure to use federal funds within the three-year apportionment
20 period established under subdivision (b).

21 (j) The department shall provide written notice to implementing
22 agencies when there is one year remaining within the three-year
23 apportionment period established under subdivision (b) of this
24 section.

25 (k) Within six months of the date of notification required under
26 subdivision (j), the implementing agency shall provide to the
27 department a plan to obligate funds that includes, but need not be
28 limited to, a list of projects and milestones.

29 (l) If the implementing agency has not met the milestones
30 established in the implementation plan required under subdivision
31 (k), prior to the end of the three-year apportionment period
32 established under subdivision (b), the commission shall redirect
33 those funds for use on other transportation projects in the state.

34 (m) Notwithstanding subdivisions (g) and (h), regional surface
35 transportation program funds available under this section
36 exchanged pursuant to Section 182.8 may be loaned to and
37 expended by the department. The department shall repay from the
38 State Highway Account to the Traffic Congestion Relief Fund all
39 funds received as federal reimbursements for funds exchanged
40 under Section 182.8 as they are received from the Federal Highway

1 Administration, except that those repayments are not required to
2 be made more frequently than on a quarterly basis.

3 (n) Prior to determining the amount for local subvention required
4 by this section, the department shall first deduct the amount
5 authorized by the Legislature for increased department oversight
6 of the federal subvented program.

7 SEC. 5. Section 182.7 of the Streets and Highways Code is
8 amended to read:

9 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections
10 188, 188.8, and 825 do not apply to the expenditure of an amount
11 of federal funds equal to the amount of federal funds apportioned
12 to the state pursuant to Section 104(b)(4) of Title 23 of the United
13 States Code. These funds shall be known as the congestion
14 mitigation and air quality improvement program funds and shall
15 be expended in accordance with Section 149 of Title 23 of the
16 United States Code, including the requirements relating to
17 particulate matter less than 2.5 micrometers in diameter in
18 subsections (g) and (k) of the section. The department, the
19 transportation planning agencies, and the metropolitan planning
20 organizations may do all things necessary in their jurisdictions to
21 secure and expend those federal funds in accordance with the intent
22 of federal law and this chapter.

23 (b) The congestion mitigation and air quality improvement
24 program funds shall be apportioned by the department to the
25 metropolitan planning organizations designated pursuant to Section
26 134 of Title 23 of the United States Code and, in areas where none
27 has been designated, to the transportation planning agency
28 ~~established~~ *designated* by Section 29532 or 29532.1 of the
29 Government Code. All funds apportioned to the state pursuant to
30 Section 104(b)(4) of Title 23 of the United States Code shall be
31 apportioned to metropolitan planning organizations and
32 transportation planning agencies responsible for air quality
33 conformity determinations in federally designated air quality
34 nonattainment and maintenance areas within the state as follows:

35 (1) The department shall apportion these funds in the ratio that
36 the weighted nonattainment and maintenance population in each
37 federally designated area within the state bears to the total of all
38 weighted nonattainment and maintenance area populations in the
39 state.

1 (2) Subject to paragraph (3), the weighted nonattainment and
2 maintenance area population shall be calculated by multiplying
3 the population of each area in the state that is a nonattainment area
4 or maintenance area as described in Section 149(b) of Title 23 of
5 the United States Code for ozone or carbon monoxide by the
6 following factors:

7 (A) A factor of 1.0, if, at the time of apportionment, the area is
8 a maintenance area.

9 (B) A factor of 1.0, if, at the time of the apportionment, the area
10 is classified as a marginal ozone nonattainment area under Subpart
11 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
12 seq.).

13 (C) A factor of 1.1, if, at the time of the apportionment, the area
14 is classified as a moderate ozone nonattainment area under Subpart
15 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
16 seq.).

17 (D) A factor of 1.2, if, at the time of the apportionment, the area
18 is classified as a serious ozone nonattainment area under Subpart
19 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
20 seq.).

21 (E) A factor of 1.3, if, at the time of the apportionment, the area
22 is classified as a severe ozone nonattainment area under Subpart
23 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
24 seq.).

25 (F) A factor of 1.4, if, at the time of the apportionment, the area
26 is classified as an extreme ozone nonattainment area under Subpart
27 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
28 seq.).

29 (G) A factor of 1.0, if, at the time of the apportionment, the area
30 is not a nonattainment or maintenance area for ozone, but is
31 classified under Subpart 3 of Part D of Title I of the Clean Air Act
32 (42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon
33 monoxide.

34 (H) A factor of 1.0, if, at the time of the apportionment, an area
35 is designated as a nonattainment area for ozone under Subpart 1
36 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et
37 seq.).

38 (3) If, in addition to being designated as a nonattainment or
39 maintenance area for ozone as described in paragraph (2), any
40 county within the area is also classified under Subpart 3 of Part D

1 of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as a
2 nonattainment or maintenance area described in paragraph (2) for
3 carbon monoxide, the weighted nonattainment or maintenance
4 area population of the county, as determined under subparagraphs
5 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall
6 be further multiplied by a factor of 1.2.

7 (4) Funds allocated under this subdivision shall remain available
8 for three federal fiscal years, including the federal fiscal year
9 apportioned.

10 (c) Notwithstanding subdivision (b), where county transportation
11 commissions have been created by Division 12 (commencing with
12 Section 130000) of the Public Utilities Code, all congestion
13 mitigation and air quality improvement program funds shall be
14 further apportioned by the metropolitan planning organization to
15 the county transportation commission on the basis of relative
16 population within the federally designated air quality nonattainment
17 and maintenance areas after first apportioning to the nonattainment
18 and maintenance areas in the manner and in accordance with the
19 formula set forth in subdivision (b).

20 In the Monterey Bay region, all congestion mitigation and air
21 quality improvement program funds shall be further apportioned,
22 on the basis of relative population, by the metropolitan planning
23 organization to the regional transportation planning agencies
24 designated under subdivision (b) of Section 29532 of the
25 Government Code.

26 (d) The department shall notify each metropolitan planning
27 organization, transportation planning agency, and county
28 transportation commission receiving an apportionment under this
29 section, as soon as possible each year, of the amount of obligational
30 authority estimated to be available for expenditure from the federal
31 apportionment. The metropolitan planning organizations,
32 transportation planning agencies, and county transportation
33 commissions, in cooperation with the department, congestion
34 management agencies, cities and counties, and affected transit
35 operators, shall select and program projects in conformance with
36 federal law. Each metropolitan planning organization and
37 transportation planning agency shall, not later than ~~August~~ *October*
38 1 of each even-numbered year ~~beginning in 1994~~, submit its *federal*
39 transportation improvement program prepared pursuant to Section
40 134 of Title 23 of the United States Code to the department for

1 incorporation into the—state *federal statewide* transportation
2 improvement program. *Federal transportation improvement*
3 *programs shall, at a minimum, include the years covered by the*
4 *federal statewide transportation improvement program.*

5 (e) Not later than July 1 of each year, the metropolitan planning
6 organizations and the regional transportation planning agencies
7 receiving obligational authority under this section, shall notify the
8 department of the projected amount of obligational authority that
9 each entity intends to use during the remainder of the current
10 federal fiscal year, including, but not limited to, a list of projects
11 that will use the obligational authority. Any federal obligational
12 authority that will not be used shall be redistributed by the
13 department to other projects in a manner that ensures that the state
14 will continue to compete for and receive increased obligational
15 authority during the federal redistribution of obligational authority.
16 If the department does not have sufficient federal apportionments
17 to fully use excess obligational authority, the metropolitan planning
18 organization or transportation planning agency relinquishing
19 obligational authority shall make sufficient funding available to
20 the department to fund alternate projects, when practical, within
21 the geographical areas relinquishing the obligational authority.
22 Notwithstanding this subdivision, the department shall comply
23 with subsection (f) of Section 133 of Title 23 of the United States
24 Code.

25 (f) The department shall be responsible for closely monitoring
26 the use of federal transportation funds, including congestion
27 management and air quality improvement program funds to assure
28 full and timely use. The department shall prepare a quarterly report
29 for submission to the commission regarding the progress in use of
30 all federal transportation funds. The department shall notify the
31 commission and the appropriate implementation agency whenever
32 there is a failure to use federal funds within the three-year
33 apportionment period established under paragraph (4) of
34 subdivision (b).

35 (g) The department shall provide written notice to implementing
36 agencies when there is one year remaining within the three-year
37 apportionment period established under paragraph (4) of
38 subdivision (b).

39 (h) Within six months of the date of notification required under
40 subdivision (g), the implementing agency shall provide to the

1 department a plan to obligate funds that includes, but need not be
2 limited to, a list of projects and milestones.

3 (i) If the implementing agency has not met the milestones
4 established in the implementation plan required under subdivision
5 (h), prior to the end of the three-year apportionment period
6 established under paragraph (4) of subdivision (b), the commission
7 shall redirect those funds for use on other transportation projects
8 in the state.

9 (j) Congestion mitigation and air quality improvement program
10 funds available under this section exchanged pursuant to Section
11 182.8 may be loaned to and expended by the department. The
12 department shall repay from the State Highway Account to the
13 Traffic Congestion Relief Fund all funds received as federal
14 reimbursements for funds exchanged under Section 182.8 as they
15 are received from the Federal Highway Administration, except
16 that those repayments are not required to be made more frequently
17 than on a quarterly basis.

18 (k) Prior to determining the amount for local subvention required
19 by this section, the department shall first deduct the amount
20 authorized by the Legislature for increased department oversight
21 of the federal subvented program.

22 SEC. 6. Section 890.4 of the Streets and Highways Code is
23 amended to read:

24 890.4. As used in this article, “bikeway” means all facilities
25 that provide primarily for, and promote, bicycle travel. For
26 purposes of this article, bikeways shall be categorized as follows:

27 (a) Bike paths or shared use paths, also referred to as “Class I
28 bikeways,” which provide a completely separated right-of-way
29 designated for the exclusive use of bicycles and pedestrians with
30 crossflows by motorists minimized.

31 (b) Bike lanes, also referred to as “Class II bikeways,” which
32 provide a restricted right-of-way designated for the exclusive or
33 semiexclusive use of bicycles with through travel by motor vehicles
34 or pedestrians prohibited, but with vehicle parking and crossflows
35 by pedestrians and motorists permitted.

36 (c) Bike routes, also referred to as “Class III bikeways,” which
37 provide a right-of-way on-street or off-street, designated by signs
38 or permanent markings and shared with pedestrians and motorists.

39 (d) Cycle tracks or separated bikeways, also referred to as “Class
40 IV bikeways,” which promote active transportation and provide a

1 right-of-way designated exclusively for bicycle travel adjacent to
2 a roadway and which are ~~protected~~ *separated* from vehicular traffic.
3 Types of separation include, but are not limited to, grade
4 separation, flexible posts, inflexible physical barriers, or on-street
5 parking.

6 SEC. 7. Section 1808 of the Vehicle Code is amended to read:

7 1808. (a) Except where a specific provision of law prohibits
8 the disclosure of records or information or provides for
9 confidentiality, all records of the department relating to the
10 registration of vehicles, other information contained on an
11 application for a driver's license, abstracts of convictions, and
12 abstracts of accident reports required to be sent to the department
13 in Sacramento, except for abstracts of accidents where, in the
14 opinion of a reporting officer, another individual was at fault, shall
15 be open to public inspection during office hours. All abstracts of
16 accident reports shall be available to law enforcement agencies
17 and courts of competent jurisdiction.

18 (b) The department shall make available or disclose abstracts
19 of convictions and abstracts of accident reports required to be sent
20 to the department in Sacramento, as described in subdivision (a),
21 if the date of the occurrence is not later than the following:

22 (1) Ten years for a violation pursuant to Section 23140, 23152,
23 or 23153.

24 (2) Seven years for a violation designated as two points pursuant
25 to Section 12810, except as provided in paragraph (1) of this
26 subdivision.

27 (3) Three years for accidents and all other violations.

28 (c) The department shall make available or disclose suspensions
29 and revocations of the driving privilege while the suspension or
30 revocation is in effect and for three years following termination
31 of the action or reinstatement of the privilege, except that driver's
32 license suspension actions taken pursuant to Sections 13202.6 and
33 13202.7, *Section 17520 of the Family Code*, or Section 256 or
34 *former Section 11350.6 of the Welfare and Institutions Code* shall
35 be disclosed only during the actual time period in which the
36 suspension is in effect.

37 (d) The department shall not make available or disclose a
38 suspension or revocation that has been judicially set aside or stayed.

39 (e) The department shall not make available or disclose personal
40 information about a person unless the disclosure is in compliance

1 with the Driver’s Privacy Protection Act of 1994 (18 U.S.C. Sec.
2 2721 et seq.). However, a disclosure is subject to the prohibition
3 in paragraph (2) of subdivision (a) of Section 12800.5.

4 (f) The department shall make available or disclose to the courts
5 and law enforcement agencies a conviction of Section 23103, as
6 specified in Section 23103.5, or a conviction of Section 23140,
7 23152, or 23153, or Section 655 of the Harbors and Navigation
8 Code, or paragraph (1) of subdivision (c) of Section 192 of the
9 Penal Code for a period of 10 years from the date of the offense
10 for the purpose of imposing penalties mandated by this code, or
11 by other applicable provisions of California law.

12 (g) The department shall make available or disclose to the courts
13 and law enforcement agencies a conviction of Section 191.5, or
14 subdivision (a) of Section 192.5 of the Penal Code, punished as a
15 felony, for the purpose of imposing penalties mandated by Section
16 23550.5, or by other applicable provisions of California law.

17 SEC. 8. Section 1808.1 of the Vehicle Code is amended to
18 read:

19 1808.1. (a) The prospective employer of a driver who drives
20 a vehicle specified in subdivision (k) shall obtain a report showing
21 the driver’s current public record as recorded by the department.
22 For purposes of this subdivision, a report is current if it was issued
23 less than 30 days prior to the date the employer employs the driver.
24 The report shall be reviewed, signed, and dated by the employer
25 and maintained at the employer’s place of business until receipt
26 of the pull-notice system report pursuant to subdivisions (b) and
27 (c). These reports shall be presented upon request to an authorized
28 representative of the Department of the California Highway Patrol
29 during regular business hours.

30 (b) The employer of a driver who drives a vehicle specified in
31 subdivision (k) shall participate in a pull-notice system, which is
32 a process for the purpose of providing the employer with a report
33 showing the driver’s current public record as recorded by the
34 department, and any subsequent convictions, failures to appear,
35 accidents, driver’s license suspensions, driver’s license revocations,
36 or any other actions taken against the driving privilege or
37 certificate, added to the driver’s record while the employer’s
38 notification request remains valid and uncanceled. As used in this
39 section, participation in the pull-notice system means obtaining a

1 requester code and enrolling all employed drivers who drive a
2 vehicle specified in subdivision (k) under that requester code.

3 (c) The employer of a driver of a vehicle specified in subdivision
4 (k) shall, additionally, obtain a periodic report from the department
5 at least every 12 months. The employer shall verify that each
6 employee's driver's license has not been suspended or revoked,
7 the employee's traffic violation point count, and whether the
8 employee has been convicted of a violation of Section 23152 or
9 23153. The report shall be signed and dated by the employer and
10 maintained at the employer's principal place of business. The
11 report shall be presented upon demand to an authorized
12 representative of the Department of the California Highway Patrol
13 during regular business hours.

14 (d) Upon the termination of a driver's employment, the employer
15 shall notify the department to discontinue the driver's enrollment
16 in the pull-notice system.

17 (e) For the purposes of the pull-notice system and periodic report
18 process required by subdivisions (b) and (c), an owner, other than
19 an owner-operator as defined in Section 34624, and an employer
20 who drives a vehicle described in subdivision (k) shall be enrolled
21 as if he or she were an employee. A family member and a volunteer
22 driver who drives a vehicle described in subdivision (k) shall also
23 be enrolled as if he or she were an employee.

24 (f) An employer who, after receiving a driving record pursuant
25 to this section, employs or continues to employ as a driver a person
26 against whom a disqualifying action has been taken regarding his
27 or her driving privilege or required driver's certificate, is guilty of
28 a public offense, and upon conviction thereof, shall be punished
29 by confinement in a county jail for not more than six months, by
30 a fine of not more than one thousand dollars (\$1,000), or by both
31 that confinement and fine.

32 (g) As part of its inspection of bus maintenance facilities and
33 terminals required at least once every 13 months pursuant to
34 subdivision (c) of Section 34501, the Department of the California
35 Highway Patrol shall determine whether each transit operator, as
36 defined in Section 99210 of the Public Utilities Code, is then in
37 compliance with this section and Section 12804.6, and shall certify
38 each operator found to be in compliance. Funds shall not be
39 allocated pursuant to Chapter 4 (commencing with Section 99200)
40 of Part 11 of Division 10 of the Public Utilities Code to a transit

1 operator that the Department of the California Highway Patrol has
2 not certified pursuant to this section.

3 (h) (1) A request to participate in the pull-notice system
4 established by this section shall be accompanied by a fee
5 determined by the department to be sufficient to defray the entire
6 actual cost to the department for the notification service. For the
7 receipt of subsequent reports, the employer shall also be charged
8 a fee established by the department pursuant to Section 1811. An
9 employer who qualifies pursuant to Section 1812 shall be exempt
10 from any fee required pursuant to this section. Failure to pay the
11 fee shall result in automatic cancellation of the employer's
12 participation in the notification services.

13 (2) A regularly organized fire department, having official
14 recognition of the city, county, city and county, or district in which
15 the department is located, shall participate in the pull-notice
16 program and shall not be subject to the fee established pursuant
17 to this subdivision.

18 (3) The Board of Pilot Commissioners for Monterey Bay and
19 the Bays of San Francisco, San Pablo, and Suisun, and its port
20 agent shall participate in the pull-notice system established by this
21 section, subject to Section 1178.5 of the Harbors and Navigation
22 Code, and shall not be subject to the fees established pursuant to
23 this subdivision.

24 (i) The department, as soon as feasible, may establish an
25 automatic procedure to provide the periodic reports to an employer
26 by mail or via an electronic delivery method, as required by
27 subdivision (c), on a regular basis without the need for individual
28 requests.

29 (j) (1) The employer of a driver who is employed as a casual
30 driver is not required to enter that driver's name in the pull-notice
31 system, as otherwise required by subdivision (a). However, the
32 employer of a casual driver shall be in possession of a report of
33 the driver's current public record as recorded by the department,
34 prior to allowing a casual driver to drive a vehicle specified in
35 subdivision (k). A report is current if it was issued less than six
36 months prior to the date the employer employs the driver.

37 (2) For the purposes of this subdivision, a driver is employed
38 as a casual driver when the employer has employed the driver less
39 than 30 days during the preceding six months. "Casual driver"

1 does not include a driver who operates a vehicle that requires a
2 passenger transportation endorsement.

3 (k) This section applies to a vehicle for the operation of which
4 the driver is required to have a class A or class B driver's license,
5 a class C license with a ~~hazardous materials~~ any endorsement
6 issued pursuant to Section 15278, a class C license issued pursuant
7 to Section 12814.7, or a certificate issued pursuant to Section
8 12517, 12519, 12520, 12523, 12523.5, or 12527, or a passenger
9 vehicle having a seating capacity of not more than 10 persons,
10 including the driver, operated for compensation by a charter-party
11 carrier of passengers or passenger stage corporation pursuant to a
12 certificate of public convenience and necessity or a permit issued
13 by the Public Utilities Commission.

14 (l) This section shall not be construed to change the definition
15 of "employer," "employee," or "independent contractor" for any
16 purpose.

17 (m) A motor carrier who contracts with a person to drive a
18 vehicle described in subdivision (k) that is owned by, or leased to,
19 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
20 (f), (j), (k), and (l) and the employer obligations in those
21 subdivisions.

22 (n) Reports issued pursuant to this section, but only those for a
23 driver of a taxicab engaged in transportation services as described
24 in subdivision (a) of Section 53075.5 of the Government Code,
25 shall be presented upon request, during regular business hours, to
26 an authorized representative of the administrative agency
27 responsible for issuing permits to taxicab transportation services
28 pursuant to Section 53075.5 of the Government Code.

29 SEC. 9. Section 13558 of the Vehicle Code is amended to read:

30 13558. (a) Any person, who has received a notice of an order
31 of suspension or revocation of the person's privilege to operate a
32 motor vehicle pursuant to Section 13353, 13353.1, 13353.2, 13388,
33 23612, or 13382 or a notice pursuant to Section 13557, may request
34 a hearing on the matter pursuant to Article 3 (commencing with
35 Section 14100) of Chapter 3, except as otherwise provided in this
36 section.

37 (b) If the person wishes to have a hearing before the effective
38 date of the order of suspension or revocation, the request for a
39 hearing shall be made within 10 days of the receipt of the notice
40 of the order of suspension or revocation. The hearing shall be held

1 at a place designated by the department as close as practicable to
2 the place where the arrest occurred, unless the parties agree to a
3 different location. Any evidence at the hearing shall not be limited
4 to the evidence presented at an administrative review pursuant to
5 Section 13557.

6 (c) (1) The only issues at the hearing on an order of suspension
7 or revocation pursuant to Section 13353 or 13353.1 shall be those
8 facts listed in paragraph (1) of subdivision (b) of Section 13557.
9 Notwithstanding Section 14106, the period of suspension or
10 revocation specified in Section 13353 or 13353.1 shall not be
11 reduced and, notwithstanding Section 14105.5, the effective date
12 of the order of suspension or revocation shall not be stayed pending
13 review at a hearing pursuant to this section.

14 (2) The only issues at the hearing on an order of suspension
15 pursuant to Section 13353.2 shall be those facts listed in paragraph
16 ~~(2)~~ (3) of subdivision (b) of Section 13557. Notwithstanding
17 Section 14106, the period of suspension specified in Section
18 13353.3 shall not be reduced.

19 (d) The department shall hold the administrative hearing before
20 the effective date of the order of suspension or revocation if the
21 request for the hearing is postmarked or received by the department
22 on or before 10 days after the person's receipt of the service of the
23 notice of the order of suspension or revocation pursuant to Section
24 13353.2, 13388, 23612, or 13382.

25 (e) A request for an administrative hearing does not stay the
26 suspension or revocation of a person's privilege to operate a motor
27 vehicle. If the department does not conduct an administrative
28 hearing and make a determination after an administrative hearing
29 within the time limit in subdivision (d), the department shall stay
30 the effective date of the order of suspension or revocation pending
31 the determination and, if the person's driver's license has been
32 taken by the peace officer pursuant to Section 13388, 23612, or
33 13382, the department shall notify the person before the expiration
34 date of the temporary permit issued pursuant to Section 13388,
35 23612, or 13382, or the expiration date of any previous extension
36 issued pursuant to this subdivision, provided the person is otherwise
37 eligible, in a form that permits the person to establish to any peace
38 officer that his or her privilege to operate a motor vehicle is not
39 suspended or revoked.

1 (f) The department shall give written notice of its determination
2 pursuant to Section 14105. If the department determines, upon a
3 hearing of the matter, to suspend or revoke the person's privilege
4 to operate a motor vehicle, notwithstanding the term of any
5 temporary permit issued pursuant to Section 13388, 23612, or
6 13382, the temporary permit shall be revoked and the suspension
7 or revocation of the person's privilege to operate a motor vehicle
8 shall become effective five days after notice is given. If the
9 department sustains the order of suspension or revocation, the
10 department shall include notice that the person has a right to review
11 by the court pursuant to Section 13559.

12 (g) A determination of facts by the department upon a hearing
13 pursuant to this section has no collateral estoppel effect on a
14 subsequent criminal prosecution and does not preclude litigation
15 of those same facts in the criminal proceeding.

16 SEC. 10. Section 16020.1 of the Vehicle Code is amended to
17 read:

18 16020.1. (a) On and after January 1, ~~2016~~, 2020, Section
19 4000.37 does not apply to vehicle owners with a residence address
20 in the County of Los Angeles at the time of registration renewal.

21 (b) On and after January 1, ~~2016~~, 2020, subdivisions (a) and (b)
22 of Section 16028 do not apply to a person who drives a motor
23 vehicle upon a highway in the County of Los Angeles.

24 SEC. 11. Section 16020.2 of the Vehicle Code is amended to
25 read:

26 16020.2. (a) On and after January 1, ~~2016~~, 2020, Section
27 4000.37 does not apply to vehicle owners with a residence address
28 in the City and County of San Francisco at the time of registration
29 renewal.

30 (b) On and after January 1, ~~2016~~, 2020, subdivisions (a) and (b)
31 of Section 16028 do not apply to a person who drives a motor
32 vehicle upon a highway in the City and County of San Francisco.

33 SEC. 12. Section 24002 of the Vehicle Code is amended to
34 read:

35 24002. (a) It is unlawful to operate any vehicle or combination
36 of vehicles which is in an unsafe condition, or which is not safely
37 loaded, and which presents an immediate safety hazard.

38 (b) It is unlawful to operate any vehicle or combination of
39 vehicles which is not equipped as provided in this code.

1 (c) A motor carrier shall not require a person to drive a
2 commercial motor vehicle unless the person, by reason of
3 experience, training, or both, is able to determine whether the
4 cargo being transported, including baggage in a
5 passenger-carrying commercial vehicle, has been properly located,
6 distributed, and secured in or on the vehicle.

7 (d) A driver shall not operate a commercial motor vehicle unless
8 the driver, by reason of experience, training, or both, is able to
9 demonstrate familiarity with the methods and procedures for
10 securing cargo, including baggage in a passenger-carrying
11 commercial vehicle, in or on the vehicle.

12 (e) A motor carrier and a driver of a commercial motor vehicle
13 shall comply with Section 392.9 of Title 49 of the Code of Federal
14 Regulations.

15 SEC. 13. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.