

AMENDED IN SENATE APRIL 22, 2015

**SENATE BILL**

**No. 491**

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

February 26, 2015

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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 143, 182.6, 182.7, 253.7, 470, and 890.4 of the Streets and Highways Code, and to amend Sections 1808, 1808.1, 13558, 16020.1, 16020.2, ~~and 24002 of 24002, 24017, 24604, 25104, 25305, 25803, 26311, 27400, 29007, 34500.3, 34500.5, and 34520 of~~, and to add Section 27154.1 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, 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~~ revenues, *at least once a year*, to hold ~~at least one annual~~ *one or more public meeting meetings* 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~~ *instead, at least once a year, require one or more public meeting meetings* to adopt criteria for expenditure of funds, ~~unless if~~ the criteria have been modified

from the previous ~~year~~ year, and one or more public meetings to review those expenditures.

(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 *the* 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 requires a transit bus operated by a motor carrier to be equipped with a speedometer, which is required to be maintained in good working order.*

*This bill would require every commercial motor vehicle operated by a motor carrier to be equipped with a speedometer maintained in good working order. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.*

(5) *Existing law, if the load on a vehicle or an integral part of the vehicle extends 4 feet or more beyond the rear of the vehicle, requires the vehicle to display 2 red lights at the extreme end of the load or projection if operating during darkness, or to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the extreme end of the load or projection if operating at any other time. Existing law requires a vehicle or equipment operating under a permit*

*due to exceeding normal vehicle width restrictions to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the extreme left front and rear of the vehicle or equipment if operating other than during darkness. Existing law also requires certain other vehicles with a total outside width of more than 100 inches to display a solid red or fluorescent orange flag or cloth of not less than 12 square inches at the left outer extremity of the vehicle or load if operating other than during darkness.*

*This bill would increase the size of the required flag or cloth in these cases to 18 square inches. The bill would impose new requirements for a vehicle to display 2 flags or cloths if a projecting load to the rear is more than 2 feet in width, and for a commercial vehicle transporting a load that extends beyond the sides of a vehicle by more than 4 inches to display a flag or cloth at the extremities of the vehicle or equipment. The bill would also revise provisions relating to a vehicle or equipment operating under a permit for exceeding width restrictions to display a flag or cloth at the extremities of the vehicle or equipment, rather than at the extreme left front and left rear. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.*

*(6) Existing law prohibits a person from placing, depositing, or displaying a lighted fusee upon or adjacent to any highway except as a warning to approaching vehicular traffic or railroad trains of an existing hazard.*

*This bill would prohibit a person from attaching or permitting any person to attach a lighted fusee to any part of a vehicle. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.*

*(7) Existing law generally requires every motor vehicle to be equipped with service brakes on all wheels, subject to certain exceptions, including trucks and truck tractors manufactured before January 1, 1982, with 3 or more axles, as specified, or any vehicle being towed in a driveaway-towaway operation.*

*This bill would specify that the requirement for a motor vehicle to be equipped with service brakes on all wheels applies to all wheels that are in contact with the roadway. The bill would narrow the above-referenced exceptions to instead apply to trucks or truck tractors manufactured before July 25, 1980, with 3 or more axles, and to the final towed vehicle in a triple-saddle-mount driveaway-towaway*

operation. Because the bill would change the definition of a crime, it would impose a state-mandated local program.

(8) Existing law imposes certain requirements for towing of a vehicle. Existing law provides that certain of these requirements do not apply to vehicles engaged in driveaway-towaway operations, if certain requirements are met.

This bill would impose additional requirements applicable to towing involving saddle mounts or use of more than one tow-bar or ball-and-socket coupling device in any combination. The bill would also require driveaway-towaway combinations to comply with specified federal regulations. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(9) Existing law requires the cab of any motor vehicle to be reasonably tight against the penetration of gases and fumes from the engine or exhaust system.

This bill would require the flooring in all motor vehicles to be substantially constructed free of unnecessary holes and openings and to be maintained so as to minimize the entrance of fumes, exhaust gases, or fire. The bill would also prohibit floors from being permeated with oil or other substances likely to cause injury to persons using the floor as a traction device. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(10) Existing law prohibits a person operating a motor vehicle or a bicycle from wearing a headset covering both ears, or from wearing earplugs in both ears, subject to certain exceptions.

This bill would also prohibit wearing earphones covering, resting on, or inserted in, both ears. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(11) Existing law requires the Department of the California Highway Patrol to adopt regulations relative to cargo securement standards. Existing law provides an exemption from those regulations, in certain cases, for the transportation of a pole on a pole dolly by a public utility company or a local agency engaged in the business of supplying electricity or telephone service, or by a licensed contractor in the performance of work for the public utility company or the local agency, or for the Department of Transportation.

This bill would delete this exemption. Because this bill would change the definition of a crime, it would impose a state-mandated local program.

(4)

(12) 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)

(13) 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)

(14) 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)

(15) 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.

(16) *Existing law provides for the California Transportation Commission, except as otherwise provided by law, to adopt the location*

*for a state highway on routes authorized by law. Existing law generally describes the various authorized routes in the state highway system, including Route 170 in the County of Los Angeles. Existing law also includes various state highway routes in the California freeway and expressway system.*

*This bill would revise the description of Route 170 to delete the unconstructed portion of this route between Los Angeles International Airport and Route 90 from both the state highway system and the California freeway and expressway system.*

~~(8)~~

*(17) This bill would also correct several erroneous cross-references and references.*

~~(9)~~

*(18) 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  
15 include those projects for which construction is to begin within  
16 four fiscal years, starting July 1 of the year following the year the  
17 program is submitted.

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

6 (1) Completion of project approval and environmental  
7 documents.

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

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

11 (4) Construction.

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

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

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

33 SEC. 2. Section 65074 of the Government Code is amended  
34 to read:

35 65074. The Department of Transportation shall prepare, in  
36 cooperation with the metropolitan planning ~~organizations, agencies,~~  
37 ~~a federal statewide transportation improvement program~~ *Federal*  
38 *Statewide Transportation Improvement Program* in accordance  
39 with subsection (g) of Section 135 of Title 23 of the United States  
40 Code. ~~The federal statewide transportation improvement program~~

1 *Federal Statewide Transportation Improvement Program* shall be  
2 submitted by the department to the United States Secretary of  
3 Transportation, by *not later than* December 1 of each  
4 even-numbered year.

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

7 44241. (a) Fee revenues generated under this chapter in the  
8 bay district shall be subvended to the bay district by the Department  
9 of Motor Vehicles after deducting its administrative costs pursuant  
10 to Section 44229.

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

15 (1) The implementation of ridesharing programs.

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

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

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

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

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

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

34 (8) Implementation of a smoking vehicles program.

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

37 (10) Implementation of bicycle facility improvement projects  
38 that are included in an adopted countywide bicycle plan or  
39 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, if ~~the~~ *those* criteria have been  
 2 modified in any way from the previous year, ~~and year~~. Any county,  
 3 or entity designated pursuant to subdivision (e), that receives funds  
 4 pursuant to this section, at least once a year, shall also hold one  
 5 or more public meetings to review the expenditure of revenues  
 6 received pursuant to this section by any designated entity. If any  
 7 county or entity designated pursuant to subdivision (e) that receives  
 8 funds pursuant to this section has not allocated all of those funds  
 9 within six months of the date of the formal approval of its  
 10 expenditure plan by the bay district, the bay district shall allocate  
 11 the unallocated funds in accordance with subdivision (c).

12 *SEC. 4. Section 143 of the Streets and Highways Code is*  
 13 *amended to read:*

14 143. (a) (1) “Best value” means a value determined by  
 15 objective criteria, including, but not limited to, price, features,  
 16 functions, life-cycle costs, and other criteria deemed appropriate  
 17 by the department or the regional transportation agency.

18 (2) “Contracting entity or lessee” means a public or private  
 19 entity, or consortia thereof, that has entered into a comprehensive  
 20 development lease agreement with the department or a regional  
 21 transportation agency for a transportation project pursuant to this  
 22 section.

23 (3) “Design-build” means a procurement process in which both  
 24 the design and construction of a project are procured from a single  
 25 entity.

26 (4) “Regional transportation agency” means any of the  
 27 following:

28 (A) A transportation planning agency as defined in Section  
 29 29532 or 29532.1 of the Government Code.

30 (B) A county transportation commission as defined in Section  
 31 130050, 130050.1, or 130050.2 of the Public Utilities Code.

32 (C) Any other local or regional transportation entity that is  
 33 designated by statute as a regional transportation agency.

34 (D) A joint exercise of powers authority as defined in Chapter  
 35 5 (commencing with Section 6500) of Division 7 of Title 1 of the  
 36 Government Code, with the consent of a transportation planning  
 37 agency or a county transportation commission for the jurisdiction  
 38 in which the transportation project will be developed.

39 (5) “Public Infrastructure Advisory Commission” means a unit  
 40 or auxiliary organization established by the ~~Business,~~

1 ~~Transportation and Housing~~ Agency that advises the department  
2 and regional transportation agencies in developing transportation  
3 projects through performance-based infrastructure partnerships.

4 (6) “Transportation project” means one or more of the following:  
5 planning, design, development, finance, construction,  
6 reconstruction, rehabilitation, improvement, acquisition, lease,  
7 operation, or maintenance of highway, public street, rail, or related  
8 facilities supplemental to existing facilities currently owned and  
9 operated by the department or regional transportation agencies  
10 that is consistent with the requirements of subdivision (c).

11 (b) (1) The Public Infrastructure Advisory Commission shall  
12 do all of the following:

13 (A) Identify transportation project opportunities throughout the  
14 state.

15 (B) Research and document similar transportation projects  
16 throughout the state, nationally, and internationally, and further  
17 identify and evaluate lessons learned from these projects.

18 (C) Assemble and make available to the department or regional  
19 transportation agencies a library of information, precedent,  
20 research, and analysis concerning infrastructure partnerships and  
21 related types of public-private transactions for public infrastructure.

22 (D) Advise the department and regional transportation agencies,  
23 upon request, regarding infrastructure partnership suitability and  
24 best practices.

25 (E) Provide, upon request, procurement-related services to the  
26 department and regional transportation agencies for infrastructure  
27 partnership.

28 (2) The Public Infrastructure Advisory Commission may charge  
29 a fee to the department and regional transportation agencies for  
30 the services described in subparagraphs (D) and (E) of paragraph  
31 (1), the details of which shall be articulated in an agreement entered  
32 into between the Public Infrastructure Advisory Commission and  
33 the department or the regional transportation agency.

34 (c) (1) Notwithstanding any other provision of law, only the  
35 department, in cooperation with regional transportation agencies,  
36 and regional transportation agencies, may solicit proposals, accept  
37 unsolicited proposals, negotiate, and enter into comprehensive  
38 development lease agreements with public or private entities, or  
39 consortia thereof, for transportation projects.

1 (2) Projects proposed pursuant to this section and associated  
2 lease agreements shall be submitted to the California Transportation  
3 Commission. The commission, at a regularly scheduled public  
4 hearing, shall select the candidate projects from projects nominated  
5 by the department or a regional transportation agency after  
6 reviewing the nominations for consistency with paragraphs (3)  
7 and (4). Approved projects may proceed with the process described  
8 in paragraph (5).

9 (3) The projects authorized pursuant to this section shall be  
10 primarily designed to achieve the following performance  
11 objectives:

12 (A) Improve mobility by improving travel times or reducing  
13 the number of vehicle hours of delay in the affected corridor.

14 (B) Improve the operation or safety of the affected corridor.

15 (C) Provide quantifiable air quality benefits for the region in  
16 which the project is located.

17 (4) In addition to meeting the requirements of paragraph (3),  
18 the projects authorized pursuant to this section shall address a  
19 known forecast demand, as determined by the department or  
20 regional transportation agency.

21 (5) At least 60 days prior to executing a final lease agreement  
22 authorized pursuant to this section, the department or regional  
23 transportation agency shall submit the agreement to the Legislature  
24 and the Public Infrastructure Advisory Commission for review.  
25 Prior to submitting a lease agreement to the Legislature and the  
26 Public Infrastructure Advisory Commission, the department or  
27 regional transportation agency shall conduct at least one public  
28 hearing at a location at or near the proposed facility for purposes  
29 of receiving public comment on the lease agreement. Public  
30 comments made during this hearing shall be submitted to the  
31 Legislature and the Public Infrastructure Advisory Commission  
32 with the lease agreement. The Secretary of ~~Business, Transportation~~  
33 ~~and Housing~~ or the chairperson of the Senate or Assembly fiscal  
34 committees or policy committees with jurisdiction over  
35 transportation matters may, by written notification to the  
36 department or regional transportation agency, provide any  
37 comments about the proposed agreement within the 60-day period  
38 prior to the execution of the final agreement. The department or  
39 regional transportation agency shall consider those comments prior

1 to executing a final agreement and shall retain the discretion for  
2 executing the final lease agreement.

3 (d) For the purpose of facilitating those projects, the agreements  
4 between the parties may include provisions for the lease of  
5 rights-of-way in, and airspace over or under, highways, public  
6 streets, rail, or related facilities for the granting of necessary  
7 easements, and for the issuance of permits or other authorizations  
8 to enable the construction of transportation projects. Facilities  
9 subject to an agreement under this section shall, at all times, be  
10 owned by the department or the regional transportation agency,  
11 as appropriate. For department projects, the commission shall  
12 certify the department's determination of the useful life of the  
13 project in establishing the lease agreement terms. In consideration  
14 therefor, the agreement shall provide for complete reversion of the  
15 leased facility, together with the right to collect tolls and user fees,  
16 to the department or regional transportation agency, at the  
17 expiration of the lease at no charge to the department or regional  
18 transportation agency. At the time of the reversion, the facility  
19 shall be delivered to the department or regional transportation  
20 agency, as applicable, in a condition that meets the performance  
21 and maintenance standards established by the department or  
22 regional transportation agency and that is free of any encumbrance,  
23 lien, or other claims.

24 (e) Agreements between the department or regional  
25 transportation agency and the contracting entity or lessee shall  
26 authorize the contracting entity or lessee to use a design-build  
27 method of procurement for transportation projects, subject to the  
28 requirements for utilizing such a method contained in Chapter 6.5  
29 (commencing with Section 6800) of Part 1 of Division 2 of the  
30 Public Contract Code, other than Sections 6802, 6803, and 6813  
31 of that code, if those provisions are enacted by the Legislature  
32 during the 2009–10 Regular Session, or a 2009–10 extraordinary  
33 session.

34 (f) (1) (A) Notwithstanding any other provision of this chapter,  
35 for projects on the state highway system, the department is the  
36 responsible agency for the performance of project development  
37 services, including performance specifications, preliminary  
38 engineering, prebid services, the preparation of project reports and  
39 environmental documents, and construction inspection services.  
40 The department is also the responsible agency for the preparation

1 of documents that may include, but need not be limited to, the size,  
2 type, and desired design character of the project, performance  
3 specifications covering the quality of materials, equipment, and  
4 workmanship, preliminary plans, and any other information deemed  
5 necessary to describe adequately the needs of the department or  
6 regional transportation agency.

7 (B) The department may use department employees or  
8 consultants to perform the services described in subparagraph (A),  
9 consistent with Article XXII of the California Constitution.  
10 Department resources, including personnel requirements, necessary  
11 for the performance of those services shall be included in the  
12 department's capital outlay support program for workload purposes  
13 in the annual Budget Act.

14 (2) The department or a regional transportation agency may  
15 exercise any power possessed by it with respect to transportation  
16 projects to facilitate the transportation projects pursuant to this  
17 section. The department, regional transportation agency, and other  
18 state or local agencies may provide services to the contracting  
19 entity or lessee for which the public entity is reimbursed, including,  
20 but not limited to, planning, environmental planning, environmental  
21 certification, environmental review, preliminary design, design,  
22 right-of-way acquisition, construction, maintenance, and policing  
23 of these transportation projects. The department or regional  
24 transportation agency, as applicable, shall regularly inspect the  
25 facility and require the contracting entity or lessee to maintain and  
26 operate the facility according to adopted standards. Except as may  
27 otherwise be set forth in the lease agreement, the contracting entity  
28 or lessee shall be responsible for all costs due to development,  
29 maintenance, repair, rehabilitation, and reconstruction, and  
30 operating costs.

31 (g) (1) In selecting private entities with which to enter into  
32 these agreements, notwithstanding any other provision of law, the  
33 department and regional transportation agencies may utilize, but  
34 are not limited to utilizing, one or more of the following  
35 procurement approaches:

36 (A) Solicitations of proposals for defined projects and calls for  
37 project proposals within defined parameters.

38 (B) Prequalification and short-listing of proposers prior to final  
39 evaluation of proposals.

1 (C) Final evaluation of proposals based on qualifications and  
2 best value. The California Transportation Commission shall  
3 develop and adopt criteria for making that evaluation prior to  
4 evaluation of a proposal.

5 (D) Negotiations with proposers prior to award.

6 (E) Acceptance of unsolicited proposals, with issuance of  
7 requests for competing proposals. Neither the department nor a  
8 regional transportation agency may award a contract to an  
9 unsolicited bidder without receiving at least one other responsible  
10 bid.

11 (2) When evaluating a proposal submitted by the contracting  
12 entity or lessee, the department or the regional transportation  
13 agency may award a contract on the basis of the lowest bid or best  
14 value.

15 (h) The contracting entity or lessee shall have the following  
16 qualifications:

17 (1) Evidence that the members of the contracting entity or lessee  
18 have completed, or have demonstrated the experience, competency,  
19 capability, and capacity to complete, a project of similar size,  
20 scope, or complexity, and that proposed key personnel have  
21 sufficient experience and training to competently manage and  
22 complete the design and construction of the project, and a financial  
23 statement that ensures that the contracting entity or lessee has the  
24 capacity to complete the project.

25 (2) The licenses, registration, and credentials required to design  
26 and construct the project, including, but not limited to, information  
27 on the revocation or suspension of any license, credential, or  
28 registration.

29 (3) Evidence that establishes that members of the contracting  
30 entity or lessee have the capacity to obtain all required payment  
31 and performance bonding, liability insurance, and errors and  
32 omissions insurance.

33 (4) Evidence that the contracting entity or lessee has workers'  
34 compensation experience, history, and a worker safety program  
35 of members of the contracting entity or lessee that is acceptable  
36 to the department or regional transportation agency.

37 (5) A full disclosure regarding all of the following with respect  
38 to each member of the contracting entity or lessee during the past  
39 five years:

1 (A) Any serious or willful violation of Part 1 (commencing with  
2 Section 6300) of Division 5 of the Labor Code or the federal  
3 Occupational Safety and Health Act of 1970 (P.L. 91-596).

4 (B) Any instance where members of the contracting entity or  
5 lessee were debarred, disqualified, or removed from a federal,  
6 state, or local government public works project.

7 (C) Any instance where members of the contracting entity or  
8 lessee, or its owners, officers, or managing employees submitted  
9 a bid on a public works project and were found to be nonresponsive  
10 or were found by an awarding body not to be a responsible bidder.

11 (D) Any instance where members of the contracting entity or  
12 lessee, or its owners, officers, or managing employees defaulted  
13 on a construction contract.

14 (E) Any violations of the Contractors' State License Law  
15 (Chapter 9 (commencing with Section 7000) of Division 3 of the  
16 Business and Professions Code), including, but not limited to,  
17 alleged violations of federal or state law regarding the payment of  
18 wages, benefits, apprenticeship requirements, or personal income  
19 tax withholding, or Federal Insurance Contributions Act (FICA)  
20 withholding requirements.

21 (F) Any bankruptcy or receivership of any member of the  
22 contracting entity or lessee, including, but not limited to,  
23 information concerning any work completed by a surety.

24 (G) Any settled adverse claims, disputes, or lawsuits between  
25 the owner of a public works project and any member of the  
26 contracting entity or lessee during the five years preceding  
27 submission of a bid under this article, in which the claim,  
28 settlement, or judgment exceeds fifty thousand dollars (\$50,000).  
29 Information shall also be provided concerning any work completed  
30 by a surety during this five-year period.

31 (H) If the contracting entity or lessee is a partnership, joint  
32 venture, or an association that is not a legal entity, a copy of the  
33 agreement creating the partnership or association that specifies  
34 that all general partners, joint venturers, or association members  
35 agree to be fully liable for the performance under the agreement.

36 (i) No agreement entered into pursuant to this section shall  
37 infringe on the authority of the department or a regional  
38 transportation agency to develop, maintain, repair, rehabilitate,  
39 operate, or lease any transportation project. Lease agreements may  
40 provide for reasonable compensation to the contracting entity or

1 lessee for the adverse effects on toll revenue or user fee revenue  
2 due to the development, operation, or lease of supplemental  
3 transportation projects with the exception of any of the following:

4 (1) Projects identified in regional transportation plans prepared  
5 pursuant to Section 65080 of the Government Code.

6 (2) Safety projects.

7 (3) Improvement projects that will result in incidental capacity  
8 increases.

9 (4) Additional high-occupancy vehicle lanes or the conversion  
10 of existing lanes to high-occupancy vehicle lanes.

11 (5) Projects located outside the boundaries of a public-private  
12 partnership project, to be defined by the lease agreement.

13 However, compensation to a contracting entity or lessee shall  
14 only be made after a demonstrable reduction in use of the facility  
15 resulting in reduced toll or user fee revenues, and may not exceed  
16 the difference between the reduction in those revenues and the  
17 amount necessary to cover the costs of debt service, including  
18 principal and interest on any debt incurred for the development,  
19 operation, maintenance, or rehabilitation of the facility.

20 (j) (1) Agreements entered into pursuant to this section shall  
21 authorize the contracting entity or lessee to impose tolls and user  
22 fees for use of a facility constructed by it, and shall require that  
23 over the term of the lease the toll revenues and user fees be applied  
24 to payment of the capital outlay costs for the project, the costs  
25 associated with operations, toll and user fee collection,  
26 administration of the facility, reimbursement to the department or  
27 other governmental entity for the costs of services to develop and  
28 maintain the project, police services, and a reasonable return on  
29 investment. The agreement shall require that, notwithstanding  
30 Sections 164, 188, and 188.1, any excess toll or user fee revenue  
31 either be applied to any indebtedness incurred by the contracting  
32 entity or lessee with respect to the project, improvements to the  
33 project, or be paid into the State Highway Account, or for all three  
34 purposes, except that any excess toll revenue under a lease  
35 agreement with a regional transportation agency may be paid to  
36 the regional transportation agency for use in improving public  
37 transportation in and near the project boundaries.

38 (2) Lease agreements shall establish specific toll or user fee  
39 rates. Any proposed increase in those rates not otherwise  
40 established or identified in the lease agreement during the term of

1 the agreement shall first be approved by the department or regional  
2 transportation agency, as appropriate, after at least one public  
3 hearing conducted at a location near the proposed or existing  
4 facility.

5 (3) The collection of tolls and user fees for the use of these  
6 facilities may be extended by the commission or regional  
7 transportation agency at the expiration of the lease agreement.  
8 However, those tolls or user fees shall not be used for any purpose  
9 other than for the improvement, continued operation, or  
10 maintenance of the facility.

11 (k) Agreements entered into pursuant to this section shall include  
12 indemnity, defense, and hold harmless provisions agreed to by the  
13 department or regional transportation agency and the contracting  
14 entity or lessee, including provisions for indemnifying the State  
15 of California or the regional transportation agency against any  
16 claims or losses resulting or accruing from the performance of the  
17 contracting entity or lessee.

18 (l) The plans and specifications for each transportation project  
19 on the state highway system developed, maintained, repaired,  
20 rehabilitated, reconstructed, or operated pursuant to this section  
21 shall comply with the department's standards for state  
22 transportation projects. The lease agreement shall include  
23 performance standards, including, but not limited to, levels of  
24 service. The agreement shall require facilities on the state highway  
25 system to meet all requirements for noise mitigation, landscaping,  
26 pollution control, and safety that otherwise would apply if the  
27 department were designing, building, and operating the facility.  
28 If a facility is on the state highway system, the facility leased  
29 pursuant to this section shall, during the term of the lease, be  
30 deemed to be a part of the state highway system for purposes of  
31 identification, maintenance, enforcement of traffic laws, and for  
32 the purposes of Division 3.6 (commencing with Section 810) of  
33 Title 1 of the Government Code.

34 (m) Failure to comply with the lease agreement in any significant  
35 manner shall constitute a default under the agreement and the  
36 department or the regional transportation agency, as appropriate,  
37 shall have the option to initiate processes to revert the facility to  
38 the public agency.

39 (n) The assignment authorized by subdivision (c) of Section  
40 130240 of the Public Utilities Code is consistent with this section.

1 (o) A lease to a private entity pursuant to this section is deemed  
2 to be public property for a public purpose and exempt from  
3 leasehold, real property, and ad valorem taxation, except for the  
4 use, if any, of that property for ancillary commercial purposes.

5 (p) Nothing in this section is intended to infringe on the authority  
6 to develop high-occupancy toll lanes pursuant to Section 149.4,  
7 149.5, or 149.6.

8 (q) Nothing in this section shall be construed to allow the  
9 conversion of any existing nontoll or nonuser-fee lanes into tolled  
10 or user fee lanes with the exception of a high-occupancy vehicle  
11 lane that may be operated as a high-occupancy toll lane for vehicles  
12 not otherwise meeting the requirements for use of that lane.

13 (r) The lease agreement shall require the contracting entity or  
14 lessee to provide any information or data requested by the  
15 California Transportation Commission or the Legislative Analyst.  
16 The commission, in cooperation with the Legislative Analyst, shall  
17 annually prepare a report on the progress of each project and  
18 ultimately on the operation of the resulting facility. The report  
19 shall include, but not be limited to, a review of the performance  
20 standards, a financial analysis, and any concerns or  
21 recommendations for changes in the program authorized by this  
22 section.

23 (s) Notwithstanding any other provision of this section, no lease  
24 agreement may be entered into pursuant to the section that affects,  
25 alters, or supersedes the Memorandum of Understanding (MOU),  
26 dated November 26, 2008, entered into by the Golden Gate Bridge  
27 Highway and Transportation District, the Metropolitan  
28 Transportation Commission, and the San Francisco County  
29 Transportation Authority, relating to the financing of the U.S.  
30 Highway 101/Doyle Drive reconstruction project located in the  
31 City and County of San Francisco.

32 (t) No lease agreements may be entered into under this section  
33 on or after January 1, 2017.

34 ~~SEC. 4.~~

35 *SEC. 5.* Section 182.6 of the Streets and Highways Code is  
36 amended to read:

37 182.6. (a) Notwithstanding Sections 182 and 182.5, Sections  
38 188, 188.8, and 825 do not apply to the expenditure of an amount  
39 of federal funds equal to the amount of federal funds apportioned  
40 to the state pursuant to that portion of subsection (b)(3) of Section

1 104, subsections (a) and (c) of Section 157, and subsection (d) of  
2 Section 160 of Title 23 of the United States Code that is allocated  
3 within the state subject to subsection (d)(3) of Section 133 of that  
4 code. These funds shall be known as the regional surface  
5 transportation program funds. The department, the transportation  
6 planning agencies, the county transportation commissions, and the  
7 metropolitan planning organizations may do all things necessary  
8 in their jurisdictions to secure and expend those federal funds in  
9 accordance with the intent of federal law and this chapter.

10 (b) The regional surface transportation program funds shall be  
11 apportioned by the department to the metropolitan planning  
12 organizations designated pursuant to Section 134 of Title 23 of  
13 the United States Code and, in areas where none has been  
14 designated, to the transportation planning agency designated  
15 pursuant to Section 29532-~~or 29532.4~~ of the Government Code.  
16 The funds shall be apportioned in the manner and in accordance  
17 with the formula set forth in subsection (d)(3) of Section 133 of  
18 Title 23 of the United States Code, except that the apportionment  
19 shall be among all areas of the state. Funds apportioned under this  
20 subdivision shall remain available for three federal fiscal years,  
21 including the federal fiscal year apportioned.

22 (c) Where county transportation commissions have been created  
23 by Division 12 (commencing with Section 130000) of the Public  
24 Utilities Code, all regional surface transportation program funds  
25 shall be further apportioned by the metropolitan planning  
26 organization to the county transportation commission on the basis  
27 of relative population.

28 In the Monterey Bay region, all regional surface transportation  
29 program funds shall be further apportioned, on the basis of relative  
30 population, by the metropolitan planning organization to the  
31 regional transportation planning agencies designated under  
32 subdivision (b) of Section 29532 of the Government Code.

33 (d) The applicable metropolitan planning organization, county  
34 transportation commission, or transportation planning agency shall  
35 annually apportion the regional surface transportation program  
36 funds for projects in each county, as follows:

37 (1) An amount equal to the amount apportioned under the  
38 federal-aid urban program in federal fiscal year 1990-91 adjusted  
39 for population. The adjustment for population shall be based on  
40 the population determined in the 1990 federal census except that

1 no county shall be apportioned less than 110 percent of the  
2 apportionment received in the 1990–91 fiscal year. These funds  
3 shall be apportioned for projects implemented by cities, counties,  
4 and other transportation agencies on a fair and equitable basis  
5 based upon an annually updated five-year average of allocations.  
6 Projects shall be nominated by cities, counties, transit operators,  
7 and other public transportation agencies through a process that  
8 directly involves local government representatives.

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

12 (e) The department shall notify each metropolitan planning  
13 organization, county transportation commission, and transportation  
14 planning agency receiving an apportionment under this section,  
15 as soon as possible each year, of the amount of ~~obligational~~  
16 *obligation* authority estimated to be available for program purposes.

17 The metropolitan planning organization and transportation  
18 planning agency, in cooperation with the department, congestion  
19 management agencies, cities, counties, and affected transit  
20 operators, shall select and program projects in conformance with  
21 federal law. The metropolitan planning organization and  
22 transportation planning agency shall submit its ~~federal~~  
23 ~~transportation improvement program~~ *Federal Transportation*  
24 *Improvement Program* prepared pursuant to Section 134 of Title  
25 23 of the United States Code to the department for incorporation  
26 into the ~~federal statewide transportation improvement program~~  
27 *Federal Statewide Transportation Improvement Program* not later  
28 than October 1 of each even-numbered year. The ~~federal~~  
29 ~~transportation improvement program~~ *Federal Transportation*  
30 *Improvement Programs* shall, at a minimum, include the years  
31 covered by the ~~federal statewide transportation improvement~~  
32 ~~program~~ *Federal Statewide Transportation Improvement Program*.

33 (f) Not later than July 1 of each year, the metropolitan planning  
34 organizations, and the regional transportation planning agencies,  
35 receiving obligational authority under this article shall notify the  
36 department of the projected amount of obligational authority that  
37 each entity intends to use during the remainder of the current  
38 federal fiscal year, including, but not limited to, a list of projects  
39 that will be obligated by the end of the current federal fiscal year.  
40 Any federal obligational authority that will not be used shall be

1 redistributed by the department to other projects in a manner that  
2 ensures that the state will continue to compete for and receive  
3 increased obligational authority during the federal redistribution  
4 of obligational authority. If the department does not have sufficient  
5 federal apportionments to fully use excess obligational authority,  
6 the metropolitan planning organizations or regional transportation  
7 planning agencies relinquishing obligational authority shall make  
8 sufficient apportionments available to the department to fund  
9 alternate projects, when practical, within the geographical areas  
10 relinquishing the obligational authority. Notwithstanding this  
11 subdivision, the department shall comply with subsections (d)(3)  
12 and (f) of Section 133 of Title 23 of the United States Code.

13 (g) A regional transportation planning agency that is not  
14 designated as, nor represented by, a metropolitan planning  
15 organization with an urbanized area population greater than  
16 200,000 pursuant to the 1990 federal census may exchange its  
17 annual apportionment received pursuant to this section on a  
18 dollar-for-dollar basis for nonfederal State Highway Account funds,  
19 which shall be apportioned in accordance with subdivision (d).

20 (h) (1) If a regional transportation planning agency described  
21 in subdivision (g) does not elect to exchange its annual  
22 apportionment, a county located within the boundaries of that  
23 regional transportation planning agency may elect to exchange its  
24 annual apportionment received pursuant to paragraph (2) of  
25 subdivision (d) for nonfederal State Highway Account funds.

26 (2) A county not included in a regional transportation planning  
27 agency described in subdivision (g), whose apportionment pursuant  
28 to paragraph (2) of subdivision (d) was less than 1 percent of the  
29 total amount apportioned to all counties in the state, may exchange  
30 its apportionment for nonfederal State Highway Account funds.  
31 If the apportionment to the county was more than 3½ percent of  
32 the total apportioned to all counties in the state, it may exchange  
33 that portion of its apportionment in excess of 3½ percent for  
34 nonfederal State Highway Account funds. Exchange funds received  
35 by a county pursuant to this section may be used for any  
36 transportation purpose.

37 (i) The department shall be responsible for closely monitoring  
38 the use of federal transportation funds, including regional surface  
39 transportation program funds to ~~assure~~ *ensure* full and timely use.  
40 The department shall prepare a quarterly report for submission to

1 the commission regarding the progress in use of all federal  
2 transportation funds. The department shall notify the commission  
3 and the appropriate implementation agency whenever there is a  
4 failure to use federal funds within the three-year apportionment  
5 period established under subdivision (b).

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

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

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

19 (m) Notwithstanding subdivisions (g) and (h), regional surface  
20 transportation program funds available under this section  
21 exchanged pursuant to Section 182.8 may be loaned to and  
22 expended by the department. The department shall repay from the  
23 State Highway Account to the Traffic Congestion Relief Fund all  
24 funds received as federal reimbursements for funds exchanged  
25 under Section 182.8 as they are received from the Federal Highway  
26 Administration, except that those repayments are not required to  
27 be made more frequently than on a quarterly basis.

28 (n) Prior to determining the amount for local subvention required  
29 by this section, the department shall first deduct the amount  
30 authorized by the Legislature for increased department oversight  
31 of the federal subvented program.

32 ~~SEC. 5.~~

33 *SEC. 6.* Section 182.7 of the Streets and Highways Code is  
34 amended to read:

35 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections  
36 188, 188.8, and 825 do not apply to the expenditure of an amount  
37 of federal funds equal to the amount of federal funds apportioned  
38 to the state pursuant to Section 104(b)(4) of Title 23 of the United  
39 States Code. These funds shall be known as the congestion  
40 mitigation and air quality improvement program funds and shall

1 be expended in accordance with Section 149 of Title 23 of the  
2 United States Code, including the requirements relating to  
3 particulate matter less than 2.5 micrometers in diameter in  
4 subsections (g) and (k) of the section. The department, the  
5 transportation planning agencies, and the metropolitan planning  
6 organizations may do all things necessary in their jurisdictions to  
7 secure and expend those federal funds in accordance with the intent  
8 of federal law and this chapter.

9 (b) The congestion mitigation and air quality improvement  
10 program funds shall be apportioned by the department to the  
11 metropolitan planning organizations designated pursuant to Section  
12 134 of Title 23 of the United States Code and, in areas where none  
13 has been designated, to the transportation planning agency  
14 ~~designated~~ *established* by Section 29532 or 29532.1 of the  
15 Government Code. All funds apportioned to the state pursuant to  
16 Section 104(b)(4) of Title 23 of the United States Code shall be  
17 apportioned to metropolitan planning organizations and  
18 transportation planning agencies responsible for air quality  
19 conformity determinations in federally designated air quality  
20 nonattainment and maintenance areas within the state as follows:

21 (1) The department shall apportion these funds in the ratio that  
22 the weighted nonattainment and maintenance population in each  
23 federally designated area within the state bears to the total of all  
24 weighted nonattainment and maintenance area populations in the  
25 state.

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

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

34 (B) A factor of 1.0, if, at the time of the apportionment, the area  
35 is classified as a marginal ozone nonattainment area under Subpart  
36 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
37 seq.).

38 (C) A factor of 1.1, if, at the time of the apportionment, the area  
39 is classified as a moderate ozone nonattainment area under Subpart

1 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
2 seq.).

3 (D) A factor of 1.2, if, at the time of the apportionment, the area  
4 is classified as a serious ozone nonattainment area under Subpart  
5 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
6 seq.).

7 (E) A factor of 1.3, if, at the time of the apportionment, the area  
8 is classified as a severe ozone nonattainment area under Subpart  
9 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
10 seq.).

11 (F) A factor of 1.4, if, at the time of the apportionment, the area  
12 is classified as an extreme ozone nonattainment area under Subpart  
13 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
14 seq.).

15 (G) A factor of 1.0, if, at the time of the apportionment, the area  
16 is not a nonattainment or maintenance area for ozone, but is  
17 classified under Subpart 3 of Part D of Title I of the Clean Air Act  
18 (42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon  
19 monoxide.

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

24 (3) If, in addition to being designated as a nonattainment or  
25 maintenance area for ozone as described in paragraph (2), any  
26 county within the area is also classified under Subpart 3 of Part D  
27 of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as a  
28 nonattainment or maintenance area described in paragraph (2) for  
29 carbon monoxide, the weighted nonattainment or maintenance  
30 area population of the county, as determined under subparagraphs  
31 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall  
32 be further multiplied by a factor of 1.2.

33 (4) Funds allocated under this subdivision shall remain available  
34 for three federal fiscal years, including the federal fiscal year  
35 apportioned.

36 (c) Notwithstanding subdivision (b), where county transportation  
37 commissions have been created by Division 12 (commencing with  
38 Section 130000) of the Public Utilities Code, all congestion  
39 mitigation and air quality improvement program funds shall be  
40 further apportioned by the metropolitan planning organization to

1 the county transportation commission on the basis of relative  
 2 population within the federally designated air quality nonattainment  
 3 and maintenance areas after first apportioning to the nonattainment  
 4 and maintenance areas in the manner and in accordance with the  
 5 formula set forth in subdivision (b).

6 In the Monterey Bay region, all congestion mitigation and air  
 7 quality improvement program funds shall be further apportioned,  
 8 on the basis of relative population, by the metropolitan planning  
 9 organization to the regional transportation planning agencies  
 10 designated under subdivision (b) of Section 29532 of the  
 11 Government Code.

12 (d) The department shall notify each metropolitan planning  
 13 organization, transportation planning agency, and county  
 14 transportation commission receiving an apportionment under this  
 15 section, as soon as possible each year, of the amount of obligational  
 16 authority estimated to be available for expenditure from the federal  
 17 apportionment. The metropolitan planning organizations,  
 18 transportation planning agencies, and county transportation  
 19 commissions, in cooperation with the department, congestion  
 20 management agencies, cities and counties, and affected transit  
 21 operators, shall select and program projects in conformance with  
 22 federal law. Each metropolitan planning organization and  
 23 transportation planning agency shall, not later than October 1 of  
 24 each even-numbered year, submit its ~~federal transportation~~  
 25 ~~improvement program~~ *Federal Transportation Improvement*  
 26 *Program* prepared pursuant to Section 134 of Title 23 of the United  
 27 States Code to the department for incorporation into the ~~federal~~  
 28 ~~statewide transportation improvement program~~. *Federal Statewide*  
 29 *Transportation Improvement Program*. ~~Federal transportation~~  
 30 ~~improvement programs~~ *Transportation Improvement Programs*  
 31 shall, at a minimum, include the years covered by the ~~federal~~  
 32 ~~statewide transportation improvement program~~. *Federal Statewide*  
 33 *Transportation Improvement Program*.

34 (e) Not later than July 1 of each year, the metropolitan planning  
 35 organizations and the regional transportation planning agencies  
 36 receiving obligational authority under this section, shall notify the  
 37 department of the projected amount of obligational authority that  
 38 each entity intends to use during the remainder of the current  
 39 federal fiscal year, including, but not limited to, a list of projects  
 40 that will use the obligational authority. Any federal obligational

1 authority that will not be used shall be redistributed by the  
2 department to other projects in a manner that ensures that the state  
3 will continue to compete for and receive increased obligational  
4 authority during the federal redistribution of obligational authority.  
5 If the department does not have sufficient federal apportionments  
6 to fully use excess obligational authority, the metropolitan planning  
7 organization or transportation planning agency relinquishing  
8 obligational authority shall make sufficient funding available to  
9 the department to fund alternate projects, when practical, within  
10 the geographical areas relinquishing the obligational authority.  
11 Notwithstanding this subdivision, the department shall comply  
12 with subsection (f) of Section 133 of Title 23 of the United States  
13 Code.

14 (f) The department shall be responsible for closely monitoring  
15 the use of federal transportation funds, including congestion  
16 management and air quality improvement program funds to ~~assure~~  
17 *ensure* full and timely use. The department shall prepare a quarterly  
18 report for submission to the commission regarding the progress in  
19 use of all federal transportation funds. The department shall notify  
20 the commission and the appropriate implementation agency  
21 whenever there is a failure to use federal funds within the three-year  
22 apportionment period established under paragraph (4) of  
23 subdivision (b).

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

28 (h) Within six months of the date of notification required under  
29 subdivision (g), the implementing agency shall provide to the  
30 department a plan to obligate funds that includes, but need not be  
31 limited to, a list of projects and milestones.

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

38 (j) Congestion mitigation and air quality improvement program  
39 funds available under this section exchanged pursuant to Section  
40 182.8 may be loaned to and expended by the department. The

1 department shall repay from the State Highway Account to the  
 2 Traffic Congestion Relief Fund all funds received as federal  
 3 reimbursements for funds exchanged under Section 182.8 as they  
 4 are received from the Federal Highway Administration, except  
 5 that those repayments are not required to be made more frequently  
 6 than on a quarterly basis.

7 (k) Prior to determining the amount for local subvention required  
 8 by this section, the department shall first deduct the amount  
 9 authorized by the Legislature for increased department oversight  
 10 of the federal subvented program.

11 *SEC. 7. Section 253.7 of the Streets and Highways Code is*  
 12 *amended to read:*

13 253.7. The California freeway and expressway system shall  
 14 also include:

15 Route 133 from Route 73 to Route 241.

16 Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

17 Route 138 from Route 5 near Gorman to Route 15 near Cajon  
 18 Pass.

19 Route 142 from Route 71 near Chino to Route 210 near Upland.

20 Route 152 from Route 101 to Route 65 near Sharon via Pacheco  
 21 Pass.

22 Route 160 from:

23 (a) Route 4 near Antioch to Route 12 near Rio Vista.

24 (b) Sacramento to Route 51.

25 Route 166 from:

26 (a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

27 (b) Route 33 near Maricopa to Route 5.

28 Route 168 from Fresno to Huntington Lake.

29 Route 170 ~~from:~~

30 ~~(a) Los Angeles International Airport to Route 90.~~

31 ~~(b) from~~ Route 101 near Riverside Drive to Route 5 near  
 32 Tujunga Wash.

33 Route 178 from:

34 (a) Bakersfield to Route 14 near Freeman.

35 (b) Route 14 near Freeman to the vicinity of the San Bernardino  
 36 county line.

37 Route 180 from:

38 (a) Route 25 near Paicines to Route 5.

39 (b) Route 5 to Route 99 passing near Mendota.

1 (c) Route 99 near Fresno to General Grant Grove section of  
2 Kings Canyon National Park.

3 Route 190 from Route 136 near Keeler to Route 127 near Death  
4 Valley Junction.

5 Route 193 from Route 65 near Lincoln to Route 80 near  
6 Newcastle.

7 Route 198 from Route 5 near Oilfields to the Sequoia National  
8 Park line.

9 *SEC. 8. Section 470 of the Streets and Highways Code is*  
10 *amended to read:*

11 470. (a) Route 170 is ~~from:~~ *from Route 101 near Riverside*  
12 *Drive to Route 5 near Tujunga Wash.*

13 ~~(1) Los Angeles International Airport to Route 90.~~

14 ~~(2) Route 101 near Riverside Drive to Route 5 near Tujunga~~  
15 ~~Wash.~~

16 (b) The relinquished former portion of Route 170 within the  
17 City of Los Angeles between Route 2 and Route 101 is not a state  
18 highway and is not eligible for adoption under Section 81. For that  
19 relinquished former portion of Route 170, the City of Los Angeles  
20 shall maintain signs directing motorists to the continuation of  
21 Route 170.

22 ~~SEC. 6.~~

23 *SEC. 9. Section 890.4 of the Streets and Highways Code is*  
24 *amended to read:*

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

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

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

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

1 (d) Cycle tracks or separated bikeways, also referred to as “Class  
2 IV bikeways,” which promote active transportation and provide a  
3 right-of-way designated exclusively for bicycle travel adjacent to  
4 a roadway and which are separated from vehicular traffic. Types  
5 of separation include, but are not limited to, grade separation,  
6 flexible posts, inflexible physical barriers, or on-street parking.

7 ~~SEC. 7.~~

8 *SEC. 10.* Section 1808 of the Vehicle Code is amended to read:

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

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

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

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

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

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

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

1 (e) The department shall not make available or disclose personal  
2 information about a person unless the disclosure is in compliance  
3 with the Driver’s Privacy Protection Act of 1994 (18 U.S.C. Sec.  
4 2721 et seq.). However, a disclosure is subject to the prohibition  
5 in paragraph (2) of subdivision (a) of Section 12800.5.

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

14 (g) The department shall make available or disclose to the courts  
15 and law enforcement agencies a conviction of Section 191.5, or  
16 subdivision (a) of Section 192.5 of the Penal Code, punished as a  
17 felony, for the purpose of imposing penalties mandated by Section  
18 23550.5, or by other applicable provisions of California law.

19 ~~SEC. 8.~~

20 *SEC. 11.* Section 1808.1 of the Vehicle Code is amended to  
21 read:

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

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

1 notification request remains valid and uncanceled. As used in this  
2 section, participation in the pull-notice system means obtaining a  
3 requester code and enrolling all employed drivers who drive a  
4 vehicle specified in subdivision (k) under that requester code.

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

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

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

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

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

1 allocated pursuant to Chapter 4 (commencing with Section 99200)  
2 of Part 11 of Division 10 of the Public Utilities Code to a transit  
3 operator that the Department of the California Highway Patrol has  
4 not certified pursuant to this section.

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

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

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

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

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

39 (2) For the purposes of this subdivision, a driver is employed  
40 as a casual driver when the employer has employed the driver less

1 than 30 days during the preceding six months. “Casual driver”  
2 does not include a driver who operates a vehicle that requires a  
3 passenger transportation endorsement.

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

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

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

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

30 ~~SEC. 9.~~

31 *SEC. 12.* Section 13558 of the Vehicle Code is amended to  
32 read:

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

1 (b) If the person wishes to have a hearing before the effective  
2 date of the order of suspension or revocation, the request for a  
3 hearing shall be made within 10 days of the receipt of the notice  
4 of the order of suspension or revocation. The hearing shall be held  
5 at a place designated by the department as close as practicable to  
6 the place where the arrest occurred, unless the parties agree to a  
7 different location. Any evidence at the hearing shall not be limited  
8 to the evidence presented at an administrative review pursuant to  
9 Section 13557.

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

18 (2) The only issues at the hearing on an order of suspension  
19 pursuant to Section 13353.2 shall be those facts listed in paragraph  
20 (3) of subdivision (b) of Section 13557. Notwithstanding Section  
21 14106, the period of suspension specified in Section 13353.3 shall  
22 not be reduced.

23 (d) The department shall hold the administrative hearing before  
24 the effective date of the order of suspension or revocation if the  
25 request for the hearing is postmarked or received by the department  
26 on or before 10 days after the person's receipt of the service of the  
27 notice of the order of suspension or revocation pursuant to Section  
28 13353.2, 13388, 23612, or 13382.

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

1 eligible, in a form that permits the person to establish to any peace  
2 officer that his or her privilege to operate a motor vehicle is not  
3 suspended or revoked.

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

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

19 ~~SEC. 10.~~

20 *SEC. 13.* Section 16020.1 of the Vehicle Code is amended to  
21 read:

22 16020.1. (a) On and after January 1, 2020, Section 4000.37  
23 does not apply to vehicle owners with a residence address in the  
24 County of Los Angeles at the time of registration renewal.

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

28 ~~SEC. 11.~~

29 *SEC. 14.* Section 16020.2 of the Vehicle Code is amended to  
30 read:

31 16020.2. (a) On and after January 1, 2020, Section 4000.37  
32 does not apply to vehicle owners with a residence address in the  
33 City and County of San Francisco at the time of registration  
34 renewal.

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

38 ~~SEC. 12.~~

39 *SEC. 15.* Section 24002 of the Vehicle Code is amended to  
40 read:

1 24002. (a) It is unlawful to operate any vehicle or combination  
2 of vehicles which is in an unsafe condition, or which is not safely  
3 loaded, and which presents an immediate safety hazard.

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

6 (c) A motor carrier shall not require a person to drive a  
7 commercial motor vehicle unless the ~~person~~, *driver can*, by reason  
8 of experience, training, or both, ~~is able to~~ determine whether the  
9 cargo being transported, including baggage in a passenger-carrying  
10 commercial vehicle, has been properly located, distributed, and  
11 secured in or on the ~~vehicle~~: *commercial motor vehicle operated*  
12 *by the driver*.

13 (d) A driver shall not operate a commercial motor vehicle unless  
14 the ~~driver~~, *driver can*, by reason of experience, training, or both,  
15 ~~is able to~~ demonstrate familiarity with the methods and procedures  
16 for securing cargo, including baggage in a passenger-carrying  
17 ~~commercial vehicle~~; *cargo in or on the vehicle: commercial motor*  
18 *vehicle operated by the driver*.

19 (e) ~~A motor carrier and a driver of a~~ *Drivers and motor carriers*  
20 ~~of commercial motor vehicle vehicles~~ shall comply with Section  
21 392.9 of Title 49 of the Code of Federal Regulations.

22 *SEC. 16. Section 24017 of the Vehicle Code is amended to*  
23 *read:*

24 24017. A ~~transit bus~~ *commercial motor vehicle, as defined in*  
25 *Section 260, operated by a motor carrier, whether the motor carrier*  
26 *is a private company or a public agency, that provides public*  
27 ~~transportation services~~ *agency shall be equipped with a*  
28 *speedometer that shall be maintained in good working order. The*  
29 *speedometer shall indicate the vehicle's speed in miles per hour*  
30 *or kilometers (km) per hour and shall be accurate to within plus*  
31 *or minus 5 miles per hour (8 km/hour) at a speed of 50 miles per*  
32 *hour (80 km/hour).*

33 *SEC. 17. Section 24604 of the Vehicle Code is amended to*  
34 *read:*

35 24604. (a) Whenever the load upon any vehicle extends, or  
36 whenever any integral part of any vehicle projects, to the rear four  
37 feet or more beyond the rear of the vehicle, as measured from the  
38 taillamps, there shall be displayed at the extreme end of the load  
39 or projecting part of the vehicle during darkness, in addition to the  
40 required taillamp, two red lights with a bulb rated not in excess of

1 six candlepower plainly visible from a distance of at least 500 feet  
 2 to the sides and rear. At any other time there shall be displayed at  
 3 the extreme end of the load or projecting part of the vehicle a solid  
 4 red or fluorescent orange flag or cloth not less than ~~12~~ 18 inches  
 5 square.

6 *(b) There shall be a single flag or cloth at the extreme rear if*  
 7 *the projecting load is two feet wide or less. Two warning flags or*  
 8 *cloths are required if the projecting load is wider than two feet.*  
 9 *Flags or cloths shall be located to indicate maximum width of*  
 10 *loads that extend beyond the sides or rear of the vehicle.*

11 *SEC. 18. Section 25104 of the Vehicle Code is amended to*  
 12 *read:*

13 25104. (a) Any vehicle or equipment that requires a permit  
 14 issued pursuant to Article 6 (commencing with Section 35780) of  
 15 Chapter 5 of Division 15 because it is wider than permitted under  
 16 Chapter 2 (commencing with Section 35100) of Division 15 shall  
 17 display a solid red or fluorescent orange flag or cloth not less than  
 18 ~~12~~ 18 inches square at the ~~extreme left front and left rear~~  
 19 *extremities* of the vehicle or equipment, if the vehicle or equipment  
 20 is being operated other than during darkness.

21 *(b) Any vehicle defined in Section 34500 transporting a load*  
 22 *that extends beyond the sides of the vehicle by more than four*  
 23 *inches shall also comply with subdivision (a).*

24 *SEC. 19. Section 25305 of the Vehicle Code is amended to*  
 25 *read:*

26 25305. (a) No person shall place, deposit, or display upon or  
 27 adjacent to any highway any lighted fusee, except as a warning to  
 28 approaching vehicular traffic or railroad trains, or both, of an  
 29 existing hazard upon or adjacent to the highway or  
 30 highway-railroad crossing.

31 (b) It is unlawful to use any fusee which produces other than a  
 32 red light. The provisions of this subdivision shall not apply to any  
 33 railroad, as defined in Section 229 of the Public Utilities Code.

34 *(c) No person shall attach or permit any person to attach a*  
 35 *lighted fusee to any part of a vehicle.*

36 *SEC. 20. Section 25803 of the Vehicle Code is amended to*  
 37 *read:*

38 25803. (a) All vehicles not otherwise required to be equipped  
 39 with headlamps, rear lights, or reflectors by this chapter shall, if  
 40 operated on a highway during darkness, be equipped with a lamp

1 exhibiting a red light visible from a distance of 500 feet to the rear  
2 of the vehicle. In addition, all of these vehicles operated alone or  
3 as the first vehicle in a combination of vehicles, shall be equipped  
4 with at least one lighted lamp exhibiting a white light visible from  
5 a distance of 500 feet to the front of the vehicle.

6 (b) A vehicle shall also be equipped with an amber reflector on  
7 the front near the left side and a red reflector on the rear near the  
8 left side. The reflectors shall be mounted on the vehicle not lower  
9 than 16 inches nor higher than 60 inches above the ground and so  
10 designed and maintained as to be visible during darkness from all  
11 distances within 500 feet from the vehicle when directly in front  
12 of a motor vehicle displaying lawful lighted headlamps undimmed.

13 (c) In addition, if a vehicle described in subdivision (a) or the  
14 load thereon has a total outside width in excess of 100 inches there  
15 shall be displayed during darkness at the left outer extremity at  
16 least one amber light visible under normal atmospheric conditions  
17 from a distance of 500 feet to the front, sides, and rear. At all other  
18 times there shall be displayed at the left outer extremity a solid  
19 red or fluorescent orange flag or cloth not less than ~~12~~ 18 inches  
20 square.

21 *SEC. 21. Section 26311 of the Vehicle Code is amended to*  
22 *read:*

23 26311. (a) Every motor vehicle shall be equipped with service  
24 brakes on all ~~wheels~~, *wheels in contact with the roadway*, except  
25 as follows:

26 (1) Trucks and truck tractors manufactured before ~~January 1,~~  
27 ~~1982,~~ *July 25, 1980*, having three or more axles need not have  
28 brakes on the front wheels, except when such vehicles are equipped  
29 with at least two steerable axles, the wheels of one such axle need  
30 not be equipped with brakes.

31 (2) ~~Any vehicle being~~ *The final* towed vehicle in a triple  
32 *saddle-mount* driveaway-towaway operation.

33 (3) Any vehicle manufactured prior to 1930.

34 (4) Any two-axle truck tractor manufactured prior to 1964.

35 (5) Any sidecar attached to a motorcycle.

36 (6) Any motorcycle manufactured prior to 1966. Such  
37 motorcycle shall be equipped with brakes on at least one wheel.

38 (b) Any bus, truck, or truck tractor may be equipped with a  
39 manual or automatic means for reducing the braking effort on the

1 front wheels. The manual means shall be used only when operating  
2 under adverse road conditions, such as wet, snowy, or icy roads.

3 (c) Vehicles and combinations of vehicles exempted in  
4 subdivisions (a) and (b) from the requirements of brakes on all  
5 wheels shall comply with the stopping distance requirements of  
6 Section 26454.

7 *SEC. 22. Section 27154.1 is added to the Vehicle Code, to*  
8 *read:*

9 *27154.1. (a) The flooring in all motor vehicles shall be*  
10 *substantially constructed, free of unnecessary holes and openings*  
11 *and shall be maintained so as to minimize the entrance of fumes,*  
12 *exhaust gases, or fire.*

13 *(b) Floors shall not be permeated with oil or other substances*  
14 *likely to cause injury to persons using the floor as a traction*  
15 *surface.*

16 *SEC. 23. Section 27400 of the Vehicle Code is amended to*  
17 *read:*

18 *27400. A person operating a motor vehicle or bicycle may not*  
19 *wear a headset covering, ~~or~~ earplugs in, or earphones covering,*  
20 *resting on, or inserted in, both ears. This prohibition does not*  
21 *apply to any of the following:*

22 *(a) A person operating authorized emergency vehicles, as*  
23 *defined in Section 165.*

24 *(b) A person engaged in the operation of either special*  
25 *construction equipment or equipment for use in the maintenance*  
26 *of any highway.*

27 *(c) A person engaged in the operation of refuse collection*  
28 *equipment who is wearing a safety headset or safety earplugs.*

29 *(d) A person wearing personal hearing protectors in the form*  
30 *of earplugs or molds that are specifically designed to attenuate*  
31 *injurious noise levels. The plugs or molds shall be designed in a*  
32 *manner so as to not inhibit the wearer's ability to hear a siren or*  
33 *horn from an emergency vehicle or a horn from another motor*  
34 *vehicle.*

35 *(e) A person using a prosthetic device that aids the hard of*  
36 *hearing.*

37 *SEC. 24. Section 29007 of the Vehicle Code is amended to*  
38 *read:*

1 29007. The requirements of Section 29004 shall not apply to  
2 vehicles engaged in driveaway-towaway operations if all the  
3 following conditions are met:

4 (a) The towed vehicle has one end supported by the towing  
5 vehicle.

6 (b) The towed vehicle is secured to the towing vehicle by a  
7 device designed and constructed as to be readily demountable and  
8 to perform the functions of a fifth-wheel-type connection.

9 (c) The fifth-wheel-type connection device is securely affixed  
10 to the vehicles to prevent shifting of the device on the vehicles to  
11 which it is attached.

12 (d) The fifth-wheel-type connection device provides a means  
13 of variation of inclination between the towing and towed vehicle  
14 due to vertical curvatures of the highway. Such means shall not  
15 depend upon either the looseness or deformation of the connection  
16 or the vehicles to provide for such variation.

17 (e) *No more than three saddle-mounts may be used in any*  
18 *combination.*

19 (f) *No more than one tow-bar or ball-and-socket type coupling*  
20 *device may be used in any combination.*

21 (g) *Driveaway-towaway combinations shall comply with all*  
22 *provisions specified in Section 393.71 of Title 49 of the Code of*  
23 *Federal Regulations.*

24 SEC. 25. *Section 34500.3 of the Vehicle Code is amended to*  
25 *read:*

26 34500.3. (a) The department shall adopt rules and regulations  
27 that are designed to promote the safe operation of vehicles,  
28 regarding cargo securement standards. The regulations adopted  
29 pursuant to this section shall be consistent with the securement  
30 regulations adopted by the United States Department of  
31 Transportation in Part 393 (commencing with Section 393.1) of  
32 Title 49 of the Code of Federal Regulations, as those regulations  
33 now exist or are amended in the future.

34 ~~(b) Regulations adopted pursuant to subdivision (a) do not apply~~  
35 ~~to the transportation of a pole on a pole dolly by a public utility~~  
36 ~~company or a local public agency engaged in the business of~~  
37 ~~supplying electricity or telephone service, by the Department of~~  
38 ~~Transportation, or by a licensed contractor in the performance of~~  
39 ~~work for a public utility company, a local agency, or the~~  
40 ~~Department of Transportation, when the transportation is between~~

1 storage yards or between a storage yard and job location where  
2 the pole is to be used. However, no more than nine poles shall be  
3 transported on a dolly if any of those poles exceeds a length of 30  
4 feet. If poles 30 feet or less are transported by a pole or pipe dolly,  
5 no more than 18 poles shall be transported. A pole shall be  
6 adequately secured when being transported on a dolly, to prevent  
7 shifting or spilling of a load.

8 (e)

9 (b) Regulations adopted pursuant to subdivision (a) do not apply  
10 to a farmer transporting his or her own hay or straw, incidental to  
11 his or her farming operation, if that transportation requires that the  
12 farmer use a highway, except that this subdivision does not relieve  
13 the farmer from loading and securing the hay or straw in a safe  
14 manner.

15 *SEC. 26. Section 34500.5 of the Vehicle Code is amended to*  
16 *read:*

17 34500.5. For purposes of this division, the term “commercial  
18 motor vehicle” has the same meaning as defined in subdivision  
19 (b) of Section ~~15210~~. 15210, or any vehicle listed in Section 34500.

20 *SEC. 27. Section 34520 of the Vehicle Code is amended to*  
21 *read:*

22 34520. (a) Motor carriers and drivers shall comply with the  
23 controlled substances and alcohol use, transportation, and testing  
24 requirements of the United States Secretary of Transportation as  
25 set forth in Part 382 (commencing with Section 382.101) of, and  
26 Sections ~~392.5(a)(1) and 392.5(a)(3)~~ 392.4 and 392.5 of, Title 49  
27 of the Code of Federal Regulations.

28 (b) (1) A motor carrier shall make available for inspection,  
29 upon the request of an authorized employee of the department,  
30 copies of all results and other records pertaining to controlled  
31 substances and alcohol use and testing conducted pursuant to  
32 federal law, as specified in subdivision (a), including those records  
33 contained in individual driver qualification files.

34 (2) For the purposes of complying with the return-to-duty  
35 alcohol or controlled substances test requirements, or both, of  
36 Section 382.309 of Title 49 of the Code of Federal Regulations  
37 and the followup alcohol or controlled substances test requirements,  
38 or both, of Section 382.311 of that title, the department may use  
39 those test results to monitor drivers who are motor carriers.

1 (3) Evidence derived from a positive test result in the possession  
2 of a motor carrier shall not be admissible in a criminal prosecution  
3 concerning unlawful possession, sale, or distribution of controlled  
4 substances.

5 (c) A drug or alcohol testing consortium, as defined in Section  
6 382.107 of Title 49 of the Code of Federal Regulations, shall mail  
7 a copy of all drug and alcohol positive test result summaries to the  
8 department within three days of the test. This requirement applies  
9 only to drug and alcohol positive tests of those drivers employed  
10 by motor carriers who operate terminals within this state.

11 (d) A transit agency receiving federal financial assistance under  
12 Section 3, 9, or 18 of the Federal Transit Act, or under Section  
13 103(e)(4) of Title 23 of the United States Code, shall comply with  
14 the controlled substances and alcohol use and testing requirements  
15 of the United States Secretary of Transportation as set forth in Part  
16 655 (commencing with Section 655.1) of Title 49 of the Code of  
17 Federal Regulations.

18 (e) The owner-operator shall notify all other motor carriers with  
19 whom he or she is under contract when the owner-operator has  
20 met the requirements of subdivision (c) of Section 15242.  
21 Notwithstanding subdivision (i), a violation of this subdivision is  
22 an infraction.

23 (f) Except as provided in Section 382.301 of Title 49 of the  
24 Code of Federal Regulations, an applicant for employment as a  
25 commercial driver or an owner-operator seeking to provide  
26 transportation services and meeting the requirements of subdivision  
27 (b) of Section 34624, may not be placed on duty by a motor carrier  
28 until a preemployment test for controlled substances and alcohol  
29 use meeting the requirements of the federal regulations referenced  
30 in subdivision (a) have been completed and a negative test result  
31 has been reported.

32 (g) An applicant for employment as a commercial driver or an  
33 owner-operator, seeking to provide transportation services and  
34 meeting the requirements of subdivision (b) of Section 34624, may  
35 not be placed on duty by a motor carrier until the motor carrier  
36 has completed a full investigation of the driver's employment  
37 history meeting the requirements of the federal regulations cited  
38 under subdivision (a). Every motor carrier, whether making or  
39 receiving inquiries concerning a driver's history, shall document  
40 all activities it has taken to comply with this subdivision.

1 (h) A motor carrier that utilizes a preemployment screening  
2 service to review applications is in compliance with the employer  
3 duties under subdivisions (e) and (f) if the preemployment  
4 screening services that are provided satisfy the requirements of  
5 state and federal law and the motor carrier abides by any findings  
6 that would, under federal law, disqualify an applicant from  
7 operating a commercial vehicle.

8 (i) It is a misdemeanor punishable by imprisonment in the county  
9 jail for six months and a fine not to exceed five thousand dollars  
10 (\$5,000), or by both the imprisonment and fine, for a person to  
11 willfully violate this section. As used in this subdivision,  
12 “willfully” has the same meaning as defined in Section 7 of the  
13 Penal Code.

14 (j) This section does not apply to a peace officer, as defined in  
15 Section 830.1 or 830.2 of the Penal Code, who is authorized to  
16 drive vehicles described in Section 34500, or to a firefighter, as  
17 defined in subdivision (f) of Section 15250.6, who is authorized  
18 to operate firefighting equipment as defined in subdivision (g) of  
19 Section 15250.6, if that peace officer or firefighter is participating  
20 in a substance abuse detection program within the scope of his or  
21 her employment.

22 ~~SEC. 13.~~

23 *SEC. 28.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

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