

AMENDED IN ASSEMBLY AUGUST 25, 2000

SENATE BILL

No. 1428

Introduced by Senator Karnette

(Coauthors: Senators Ortiz and Hughes)

(Coauthors: Assembly Members Ackerman, Bock, Cunneen, Jackson, Keeley, Leach, Longville, Lowenthal, Mazzoni, Strom-Martin, Washington, Wiggins, and Zettel)

February 3, 2000

An act to amend Sections 2560.5, 2561.3, 2561.5, 2562, 2562.3, 2562.5, 2563, and 2564 of, to add Section 2565 to, and to repeal Sections 2563.5 and 2564.5 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1428, as amended, Karnette. Highways: freeway service patrols.

Existing law authorizes, until January 1, 2002, the operation of freeway service patrols, as defined, under a memorandum of understanding between the Department of the California Highway Patrol, the Department of Transportation, and regional or local governmental entities.

This bill would delete the repeal date specified above and would thus extend indefinitely the authority to operate freeway service patrols. The bill would make other, conforming changes in existing law relating to freeway service patrols.

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

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

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) California's freeway service patrols are a critical
4 element in the state's efforts to keep our freeways safe
5 and operating efficiently.

6 (b) Freeway service patrols provide an effective
7 freeway congestion relief program on the state highway
8 system.

9 (c) Los Angeles County pioneered the state's first
10 freeway service patrol program in 1991, and, since that
11 time, 11 programs have been implemented as a
12 partnership between the Department of Transportation,
13 the Department of the California Highway Patrol, and
14 local and regional entities.

15 (d) Freeway service patrols, composed of teams of
16 specially trained tow truck drivers, patrol 1,220 miles of
17 California's most congested freeways, offering stranded
18 motorists help that is free of charge and includes services
19 such as changing a flat tire, "jump starting" a dead
20 battery, ~~taping~~ *repairing* hoses, refilling radiators, and
21 providing a gallon of fuel or a tow to a *predetermined* safe
22 location off the freeway.

23 (e) Since the state first implemented freeway service
24 patrol programs on a demonstration basis in 1992, some
25 4.5 million motorists statewide have received assistance.
26 Further, studies performed by the University of
27 California at Berkeley's Institute for Transportation
28 Studies, as required by the initial legislation, conclude
29 that for every dollar invested in the program, the state
30 receives from three dollars (\$3) to five dollars (\$5) back
31 in benefits, including time savings.

32 (f) Accordingly, California's freeway service patrol
33 programs, which were implemented initially as a
34 demonstration program, merit permanent status as part
35 of the state's overall program to keep California's
36 highways safe and free of traffic congestion.

37 SEC. 2. Section 2560.5 of the Streets and Highways
38 Code is amended to read:



1 2560.5. The purpose of this chapter is to provide for
2 permanent implementation of a freeway service patrol
3 system on traffic-congested urban freeways throughout
4 the state, involving a cooperative effort between state
5 and local agencies.

6 SEC. 3. Section 2561.3 of the Streets and Highways
7 Code is amended to read:

8 2561.3. The freeway service patrol in any particular
9 area shall be operated pursuant to a memorandum of
10 understanding between the Department of the
11 California Highway Patrol, the department, and the
12 appropriate regional or local entity.

13 SEC. 4. Section 2561.5 of the Streets and Highways
14 Code is amended to read:

15 2561.5. (a) Funding for the freeway service patrols
16 established pursuant to this chapter shall be provided,
17 upon annual appropriation, from the State Highway
18 Account in the State Transportation Fund. In addition,
19 the appropriate regional or local entity shall ensure that
20 local resources are expended on freeway service patrols
21 in an amount not less than 25 percent of the amount
22 provided from the State Highway Account.

23 (b) In locations where there already is a freeway
24 service patrol, the department shall coordinate and
25 integrate the funds appropriated pursuant to this section
26 into the existing program. In the allocation of these funds,
27 no local entity may be penalized for having an existing
28 freeway service patrol program.

29 (c) No state funding may be released prior to the
30 execution of the memorandum of understanding
31 developed under Section 2561.3.

32 (d) No program funded under this chapter may
33 supplant emergency response towing services provided
34 by the department as of January 1, 1992.

35 (e) It is the intent of the Legislature that funding for
36 programs funded under this chapter be consistent from
37 year to year in order to facilitate the awarding of
38 multiyear contracts between participating regional and
39 local entities and providers of freeway patrol services.



1 SEC. 5. Section 2562 of the Streets and Highways
2 Code is amended to read:

3 2562. Funding for a freeway service patrol in a
4 participating area shall be based 25 percent on the
5 number of urban freeway lane miles in the participating
6 area to the total number of freeway lane miles in all the
7 participating areas, 50 percent on the basis of the ratio of
8 the population of the participating area to the total
9 population of all the participating areas, and 25 percent
10 on the basis of traffic congestion as ascertained by the
11 department pursuant to the most recent Statewide
12 Highway Traffic Congestion Monitoring Program.

13 SEC. 6. Section 2562.3 of the Streets and Highways
14 Code is amended to read:

15 2562.3. In determining the annual funding allocation,
16 regional or local entities shall apply to the department in
17 accordance with program guidelines.

18 SEC. 7. Section 2562.5 of the Streets and Highways
19 Code is amended to read:

20 2562.5. Each tow truck participating in a freeway
21 service patrol shall bear a logo comprised of, at a
22 minimum, a circle, a triangle, and a tow truck silhouette,
23 with the words “Freeway Service Patrol,” which
24 identifies the Department of the California Highway
25 Patrol and the department, and, at the option of the
26 entity, the participating regional or local entity.
27 Participating regional or local entities may place an
28 approved logo on participating tow trucks.

29 SEC. 8. Section 2563 of the Streets and Highways
30 Code is amended to read:

31 2563. Tow truck drivers and employers participating
32 in a freeway service patrol pursuant to this chapter are
33 subject to the standards and qualifications established
34 under Article 3.3 (commencing with Section 2430) of
35 Chapter 2 of Division 2 of the Vehicle Code.

36 SEC. 9. Section 2563.5 of the Streets and Highways
37 Code is repealed.

38 SEC. 10. Section 2564 of the Streets and Highways
39 Code is amended to read:



1 2564. Not more than 2 percent of the state funds
2 appropriated for purposes of this chapter shall be used for
3 administrative overhead expenses or purposes by state
4 agencies. No state funds shall be used for administrative
5 purposes by the participating local and regional entities.

6 SEC. 11. Section 2564.5 of the Streets and Highways
7 Code is repealed.

8 SEC. 12. Section 2565 is added to the Streets and
9 Highways Code, to read:

10 2565. The department, the Department of the
11 California Highway Patrol, and participating regional
12 and local entities shall develop and periodically update
13 guidelines for program operations, as those guidelines
14 and updates may be required.

