

AMENDED IN ASSEMBLY AUGUST 27, 2009

AMENDED IN ASSEMBLY JUNE 22, 2009

**SENATE BILL**

**No. 734**

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**Introduced by Senator Lowenthal**

February 27, 2009

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An act to amend Sections ~~8879.23, 14530.1, 14530.1~~ and 14679 of the Government Code, to amend Sections 44011 and 44126 of the Health and Safety Code, ~~to amend Section 99243 of the Public Utilities Code,~~ and to amend Sections 4000.1, *9103*, 12810.3, 21650, 21800, 22507.8, 22511.7, 22511.8, *34501.2*, and 40215 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as amended, Lowenthal. Transportation.

~~(1) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds.~~

~~This bill would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.~~

~~(2) The Mills-Alquist-Deddeh Act requires transit operators to file an annual report of their operation with the transportation planning~~

~~agencies having jurisdiction over them and the Controller within 90 days after the close of the operator's fiscal year.~~

~~This bill would extend the filing deadline from 90 days to 110 days after the close of the operator's fiscal year if the report is filed electronically.~~

~~(3)~~

~~(1) Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.~~

~~This bill would define a "bicycle path crossing" as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified.~~

~~This bill would also permit the operation of bicycles on any sidewalk, on any bicycle path within a highway, or along any crosswalk or bicycle path crossing.~~

~~(4)~~

~~(2) Existing law requires the Department of Transportation, in cooperation with the California Transportation Commission, transportation planning agencies, and county transportation commissions and local governments, to develop guidelines for the development of the state transportation improvement program and the incorporation of projects into that program.~~

~~This bill would delete an obsolete provision of this requirement.~~

~~(5)~~

~~(3) Existing law makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans, unless the vehicle displays either a special identification license plate or a distinguishing placard. A violation of this provision is an infraction. Existing law requires that a distinctive sign be displayed in the stall or the space that clearly and conspicuously states specified information, including, among other things, a "Minimum Fine \$250" and also requires that a person convicted of this provision be punished according to a schedule of fines for first, 2nd, or 3rd or more offenses.~~

This bill would require that the sign display only “Minimum Fine \$250” and would make a conforming, cross-reference change to these provisions.

(6)

(4) Existing law requires the issuing agency or the processing agency to mail the results of the initial administrative review, including a reason for the denial of a cancellation of a notice of parking violations or delinquent parking violations, to the person contesting the notice of parking violations or delinquent parking violations and places a similar notification requirement on an administrative examiner following an administrative review hearing.

This bill would require the issuing agency or the processing agency, following an initial review, to include in the notice to the person notification of the ability to request an administrative hearing, and to include the existing required notice of the written procedure for waiving prepayment of the parking penalty based upon an inability to pay.

Because this bill would increase the level of service of a city or county processing agency and because a violation of these provisions would be a crime under an existing provision of law, this bill would impose a state-mandated local program.

(7)

(5) Under existing law, the Department of Motor Vehicles is required to obtain the submission of a valid smog check certificate of compliance or noncompliance, as appropriate, upon the initial registration, or upon the transfer of ownership and registration of specified motor vehicles. Existing law exempts the transfer of a motor vehicle that is 4 or less model-years old from this requirement.

This bill would provide the above exemption does not apply to diesel-powered vehicles.

(8)

(6) Existing law creates the High Polluter Repair or Removal Account in the Vehicle Inspection and Repair Fund and creates the Enhanced Fleet Modernization Subaccount in the High Polluter Removal and Repair Account.

This bill would correct the name of that account to refer to the High Polluter Repair or Removal Account.

(7) *Existing law exempts certain vehicles owned by the United States, any state or its political subdivision, or any municipality in this state from fees specified in the Vehicle Code, except for fees for duplicate plates, certificates, or cards.*

*This bill would exempt vehicles owned by a public entity formed by a regional transportation authority as a nonprofit public benefit corporation, designated as a consolidated transportation services agency, and charged with administering a countywide coordinated paratransit plan, from registration fees, except fees for duplicate plates, certificates, or cards.*

*(8) Existing law exempts a driver employed by an electrical corporation, a gas corporation, a telephone corporation, a water corporation, or a public water district from hours-of-service regulations while operating a public utility or public water district vehicle during the emergency restoration of service.*

*This bill would instead exempt those drivers from all hours-of-service regulations while operating a public utility or public water district vehicle.*

(9) The bill would make technical, nonsubstantive changes to the Health and Safety Code and the Vehicle Code.

(10) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 8879.23 of the Government Code is~~  
 2     ~~amended to read:~~  
 3     ~~8879.23. The Highway Safety, Traffic Reduction, Air Quality,~~  
 4     ~~and Port Security Fund of 2006 is hereby created in the State~~  
 5     ~~Treasury. The Legislature intends that the proceeds of bonds~~  
 6     ~~deposited in the fund shall be used to fund the mobility, safety,~~  
 7     ~~and air quality improvements described in this article over the~~  
 8     ~~course of the next decade. The proceeds of bonds issued and sold~~  
 9     ~~pursuant to this chapter for the purposes specified in this chapter~~  
 10    ~~shall be allocated in the following manner:~~

1 (a) (1) ~~Four billion five hundred million dollars~~  
2 ~~(\$4,500,000,000) shall be deposited in the Corridor Mobility~~  
3 ~~Improvement Account, which is hereby created in the fund. Funds~~  
4 ~~in the account shall be available to the California Transportation~~  
5 ~~Commission, upon appropriation in the annual Budget Bill by the~~  
6 ~~Legislature, for allocation for performance improvements on highly~~  
7 ~~congested travel corridors in California. Funds in the account shall~~  
8 ~~be used for performance improvements on the state highway~~  
9 ~~system, or major access routes to the state highway system on the~~  
10 ~~local road system that relieve congestion by expanding capacity,~~  
11 ~~enhancing operations, or otherwise improving travel times within~~  
12 ~~these high-congestion travel corridors, as identified by the~~  
13 ~~department and regional or local transportation agencies, pursuant~~  
14 ~~to the process in paragraph (3) or (4), as applicable.~~

15 (2) ~~The commission shall develop and adopt guidelines, by~~  
16 ~~December 1, 2006, including regional programming targets, for~~  
17 ~~the program funded by this subdivision, and shall allocate funds~~  
18 ~~from the account to projects after reviewing project nominations~~  
19 ~~submitted by the Department of Transportation and by regional~~  
20 ~~transportation planning agencies or county transportation~~  
21 ~~commissions or authorities pursuant to paragraph (4).~~

22 (3) ~~Subject to the guidelines adopted pursuant to paragraph (2),~~  
23 ~~the department shall nominate, by no later than January 15, 2007,~~  
24 ~~projects for the allocation of funds from the account on a statewide~~  
25 ~~basis. The department's nominations shall be geographically~~  
26 ~~balanced and shall reflect the department's assessment of a program~~  
27 ~~that best meets the policy objectives described in paragraph (1).~~

28 (4) ~~Subject to the guidelines adopted pursuant to paragraph (2),~~  
29 ~~a regional transportation planning agency or county transportation~~  
30 ~~commission or authority responsible for preparing a regional~~  
31 ~~transportation improvement plan under Section 14527 may~~  
32 ~~nominate projects identified pursuant to paragraph (1) that best~~  
33 ~~meet the policy objectives described in that paragraph for funding~~  
34 ~~from the account. Projects nominated pursuant to this paragraph~~  
35 ~~shall be submitted to the commission for consideration for funding~~  
36 ~~by no later than January 15, 2007.~~

37 (5) ~~All nominations to the California Transportation Commission~~  
38 ~~shall be accompanied by documentation regarding the quantitative~~  
39 ~~and qualitative measures validating each project's consistency~~  
40 ~~with the policy objectives described in paragraph (1). All projects~~

1 nominated to the commission for funds from this account shall be  
2 included in a regional transportation plan.

3 ~~(6) After review of the project nominations, and supporting~~  
4 ~~documentation, the commission, by no later than March 1, 2007,~~  
5 ~~shall adopt an initial program of projects to be funded from the~~  
6 ~~account. This program may be updated every two years in~~  
7 ~~conjunction with the biennial process for adoption of the state~~  
8 ~~transportation improvement program pursuant to guidelines adopted~~  
9 ~~by the commission. The inclusion of a project in the program shall~~  
10 ~~be based on a demonstration that the project meets all of the~~  
11 ~~following criteria:~~

12 ~~(A) Is a high-priority project in the corridor as demonstrated by~~  
13 ~~either of the following: (i) its inclusion in the list of nominated~~  
14 ~~projects by both the department pursuant to paragraph (3) and the~~  
15 ~~regional transportation planning agency or county transportation~~  
16 ~~commission or authority, pursuant to paragraph (4); or (ii) if needed~~  
17 ~~to fully fund the project, the identification and commitment of~~  
18 ~~supplemental funding to the project from other state, local, or~~  
19 ~~federal funds.~~

20 ~~(B) Can commence construction or implementation no later~~  
21 ~~than December 31, 2012.~~

22 ~~(C) Improves mobility in a high-congestion corridor by~~  
23 ~~improving travel times or reducing the number of daily vehicle~~  
24 ~~hours of delay, improves the connectivity of the state highway~~  
25 ~~system between rural, suburban, and urban areas, or improves the~~  
26 ~~operation or safety of a highway or road segment.~~

27 ~~(D) Improves access to jobs, housing, markets, and commerce.~~

28 ~~(7) Where competing projects offer similar mobility~~  
29 ~~improvements to a specific corridor, the commission shall consider~~  
30 ~~additional benefits when determining which project shall be~~  
31 ~~included in the program for funding. These benefits shall include,~~  
32 ~~but are not limited to, the following:~~

33 ~~(A) A finding that the project provides quantifiable air quality~~  
34 ~~benefits.~~

35 ~~(B) A finding that the project substantially increases the safety~~  
36 ~~for travelers in the corridor.~~

37 ~~(8) In adopting a program for funding pursuant to this~~  
38 ~~subdivision, the commission shall make a finding that the program~~  
39 ~~is (i) geographically balanced, consistent with the geographic split~~  
40 ~~for funding described in Section 188 of the Streets and Highways~~

1 Code; (ii) provides mobility improvements in highly traveled or  
2 highly congested corridors in all regions of California; and (iii)  
3 targets bond proceeds in a manner that provides the increment of  
4 funding necessary, when combined with other state, local, or  
5 federal funds, to provide the mobility benefit in the earliest possible  
6 timeframe.

7 (9) The commission shall include in its annual report to the  
8 Legislature, required by Section 14535, a summary of its activities  
9 related to the administration of this program. The summary should,  
10 at a minimum, include a description and the location of the projects  
11 contained in the program, the amount of funds allocated to each  
12 project, the status of each project, and a description of the mobility  
13 improvements the program is achieving.

14 (b) One billion dollars (\$1,000,000,000) shall be made available,  
15 upon appropriation in the annual Budget Bill by the Legislature,  
16 to the department for improvements to State Route 99. Funds may  
17 be used for safety, operational enhancements, rehabilitation, or  
18 capacity improvements necessary to improve the State Route 99  
19 corridor traversing approximately 400 miles of the central valley  
20 of this state.

21 (c) Three billion one hundred million dollars (\$3,100,000,000)  
22 shall be deposited in the California Ports Infrastructure, Security,  
23 and Air Quality Improvement Account, which is hereby created  
24 in the fund. The money in the account shall be available, upon  
25 appropriation by the Legislature and subject to such conditions  
26 and criteria as the Legislature may provide by statute, as follows:

27 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred  
28 to the Trade Corridors Improvement Fund, which is hereby created.  
29 The money in this fund shall be available, upon appropriation in  
30 the annual Budget Bill by the Legislature and subject to such  
31 conditions and criteria as the Legislature may provide by statute,  
32 for allocation by the California Transportation Commission for  
33 infrastructure improvements along federally designated "Trade  
34 Corridors of National Significance" in this state or along other  
35 corridors within this state that have a high volume of freight  
36 movement, as determined by the commission. In determining  
37 projects eligible for funding, the commission shall consult the trade  
38 infrastructure and goods movement plan submitted to the  
39 commission by the Secretary of Business, Transportation and  
40 Housing and the Secretary for Environmental Protection. No

1 moneys shall be allocated from this fund until the report is  
2 submitted to the commission for its consideration, provided the  
3 report is submitted no later than January 1, 2007. The commission  
4 shall also consult trade infrastructure and goods movement plans  
5 adopted by regional transportation planning agencies, adopted  
6 regional transportation plans required by state and federal law, and  
7 the statewide port master plan prepared by the California Marine  
8 and Intermodal Transportation System Advisory Council  
9 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and  
10 Navigation Code, when determining eligible projects for funding.  
11 Eligible projects for these funds include, but are not limited to, all  
12 of the following:

13 (i) Highway capacity improvements and operational  
14 improvements to more efficiently accommodate the movement of  
15 freight, particularly for ingress and egress to and from the state's  
16 seaports, including navigable inland waterways used to transport  
17 freight between seaports, land ports of entry, and airports, and to  
18 relieve traffic congestion along major trade or goods movement  
19 corridors.

20 (ii) Freight rail system improvements to enhance the ability to  
21 move goods from seaports, land ports of entry, and airports to  
22 warehousing and distribution centers throughout California,  
23 including projects that separate rail lines from highway or local  
24 road traffic, improve freight rail mobility through mountainous  
25 regions, relocate rail switching yards, and other projects that  
26 improve the efficiency and capacity of the rail freight system.

27 (iii) Projects to enhance the capacity and efficiency of ports.

28 (iv) Truck corridor improvements, including dedicated truck  
29 facilities or truck toll facilities.

30 (v) Border access improvements that enhance goods movement  
31 between California and Mexico and that maximize the state's  
32 ability to access coordinated border infrastructure funds made  
33 available to the state by federal law.

34 (vi) Surface transportation improvements to facilitate the  
35 movement of goods to and from the state's airports.

36 (B) The commission shall allocate funds for trade infrastructure  
37 improvements from the account in a manner that (i) addresses the  
38 state's most urgent needs, (ii) balances the demands of various  
39 ports (between large and small ports, as well as between seaports,  
40 airports, and land ports of entry), (iii) provides reasonable

1 geographic balance between the state's regions, and (iv) places  
2 emphasis on projects that improve trade corridor mobility while  
3 reducing emissions of diesel particulate and other pollutant  
4 emissions. In addition, the commission shall also consider the  
5 following factors when allocating these funds:

6 (i) "Velocity," which means the speed by which large cargo  
7 would travel from the port through the distribution system.

8 (ii) "Throughput," which means the volume of cargo that would  
9 move from the port through the distribution system.

10 (iii) "Reliability," which means a reasonably consistent and  
11 predictable amount of time for cargo to travel from one point to  
12 another on any given day or at any given time in California.

13 (iv) "Congestion reduction," which means the reduction in  
14 recurrent daily hours of delay to be achieved.

15 (C) The commission shall allocate funds made available by this  
16 paragraph to projects that have identified and committed  
17 supplemental funding from appropriate local, federal, or private  
18 sources. The commission shall determine the appropriate amount  
19 of supplemental funding each project should have to be eligible  
20 for moneys from this fund based on a project-by-project review  
21 and an assessment of the project's benefit to the state and the  
22 program. Except for border access improvements described in  
23 clause (v) of subparagraph (A), improvements funded with moneys  
24 from this fund shall have supplemental funding that is at least equal  
25 to the amount of the contribution from the fund. The commission  
26 may give priority for funding to projects with higher levels of  
27 committed supplemental funding.

28 (D) The commission shall include in its annual report to the  
29 Legislature, required by Section 14535, a summary of its activities  
30 related to the administration of this program. The summary should,  
31 at a minimum, include a description and the location of the projects  
32 contained in the program, the amount of funds allocated to each  
33 project, the status of each project, and a description of the mobility  
34 and air quality improvements the program is achieving.

35 (2) One billion dollars (\$1,000,000,000) shall be made available,  
36 upon appropriation by the Legislature and subject to such  
37 conditions and criteria contained in a statute enacted by the  
38 Legislature, to the State Air Resources Board for emission  
39 reductions, not otherwise required by law or regulation, from  
40 activities related to the movement of freight along California's

1 trade corridors. Funds made available by this paragraph are  
2 intended to supplement existing funds used to finance strategies  
3 and public benefit projects that reduce emissions and improve air  
4 quality in trade corridors commencing at the state's airports,  
5 seaports, and land ports of entry.

6 ~~(3) One hundred million dollars (\$100,000,000) shall be~~  
7 ~~available, upon appropriation by the Legislature, to the Office of~~  
8 ~~Emergency Services to be allocated, as grants, for port, harbor,~~  
9 ~~and ferry terminal security improvements. Eligible applicants shall~~  
10 ~~be publicly owned ports, harbors, and ferryboat and ferry terminal~~  
11 ~~operators, which may submit applications for projects that include,~~  
12 ~~but are not limited to, the following:~~

13 ~~(A) Video surveillance equipment.~~

14 ~~(B) Explosives detection technology, including, but not limited~~  
15 ~~to, X-ray devices.~~

16 ~~(C) Cargo scanners.~~

17 ~~(D) Radiation monitors.~~

18 ~~(E) Thermal protective equipment.~~

19 ~~(F) Site identification instruments capable of providing a~~  
20 ~~fingerprint for a broad inventory of chemical agents.~~

21 ~~(G) Other devices capable of detecting weapons of mass~~  
22 ~~destruction using chemical, biological, or other similar substances.~~

23 ~~(H) Other security equipment to assist in any of the following:~~

24 ~~(i) Screening of incoming vessels, trucks, and incoming or~~  
25 ~~outbound cargo.~~

26 ~~(ii) Monitoring the physical perimeters of harbors, ports, and~~  
27 ~~ferry terminals.~~

28 ~~(iii) Providing or augmenting onsite emergency response~~  
29 ~~capability.~~

30 ~~(I) Overweight cargo detection equipment, including, but not~~  
31 ~~limited to, intermodal crane scales and truck weight scales.~~

32 ~~(J) Developing disaster preparedness or emergency response~~  
33 ~~plans.~~

34 The Office of Emergency Services shall report to the Legislature  
35 on March 1 of each year on the manner in which the funds available  
36 pursuant to this paragraph were expended for that fiscal year.

37 ~~(d) Two hundred million dollars (\$200,000,000) shall be~~  
38 ~~available, upon appropriation by the Legislature, for schoolbus~~  
39 ~~retrofit and replacement to reduce air pollution and to reduce~~  
40 ~~children's exposure to diesel exhaust.~~

1 ~~(e) Two billion dollars (\$2,000,000,000) shall be available for~~  
2 ~~projects in the state transportation improvement program, to~~  
3 ~~augment funds otherwise available for this purpose from other~~  
4 ~~sources. The funds provided by this subdivision shall be deposited~~  
5 ~~in the Transportation Facilities Account which is hereby created~~  
6 ~~in the fund, and shall be available, upon appropriation by the~~  
7 ~~Legislature, to the Department of Transportation, as allocated by~~  
8 ~~the California Transportation Commission in the same manner as~~  
9 ~~funds allocated for those projects under existing law.~~

10 ~~(f) (1) Four billion dollars (\$4,000,000,000) shall be deposited~~  
11 ~~in the Public Transportation Modernization, Improvement, and~~  
12 ~~Service Enhancement Account, which is hereby created in the~~  
13 ~~fund. Funds in the account shall be made available, upon~~  
14 ~~appropriation by the Legislature, to the Department of~~  
15 ~~Transportation for intercity rail projects and to commuter or urban~~  
16 ~~rail operators, bus operators, waterborne transit operators, and~~  
17 ~~other transit operators in California for rehabilitation, safety or~~  
18 ~~modernization improvements, capital service enhancements or~~  
19 ~~expansions, new capital projects, bus rapid transit improvements,~~  
20 ~~or for rolling stock procurement, rehabilitation, or replacement.~~

21 ~~(2) Of the funds made available in paragraph (1), four hundred~~  
22 ~~million dollars (\$400,000,000) shall be available, upon~~  
23 ~~appropriation by the Legislature, to the department for intercity~~  
24 ~~rail improvements, of which one hundred twenty-five million~~  
25 ~~dollars (\$125,000,000) shall be used for the procurement of~~  
26 ~~additional intercity railcars and locomotives.~~

27 ~~(3) Of the funds remaining after the allocations in paragraph~~  
28 ~~(2), 50 percent shall be distributed to the Controller, for allocation~~  
29 ~~to eligible agencies using the formula in Section 99314 of the~~  
30 ~~Public Utilities Code, and 50 percent shall be distributed to the~~  
31 ~~Controller, for allocation to eligible agencies using the formula in~~  
32 ~~Section 99313 of the Public Utilities Code, subject to the provisions~~  
33 ~~governing funds allocated under those sections.~~

34 ~~(g) One billion dollars (\$1,000,000,000) shall be deposited in~~  
35 ~~the State-Local Partnership Program Account, which is hereby~~  
36 ~~created in the fund. The funds shall be available, upon~~  
37 ~~appropriation by the Legislature and subject to such conditions~~  
38 ~~and criteria as the Legislature may provide by statute, for allocation~~  
39 ~~by the California Transportation Commission over a five-year~~  
40 ~~period to eligible transportation projects nominated by an applicant~~

1 transportation agency. A dollar-for-dollar match of local funds  
2 shall be required for an applicant transportation agency to receive  
3 state funds under this program.

4 (h) ~~One billion dollars (\$1,000,000,000) shall be deposited in  
5 the Transit System Safety, Security, and Disaster Response  
6 Account, which is hereby created in the fund. Funds in the account  
7 shall be made available, upon appropriation by the Legislature and  
8 subject to such conditions and criteria as the Legislature may  
9 provide by statute, for capital projects that provide increased  
10 protection against a security and safety threat, and for capital  
11 expenditures to increase the capacity of transit operators, including  
12 waterborne transit operators, to develop disaster response  
13 transportation systems that can move people, goods, and emergency  
14 personnel and equipment in the aftermath of a disaster impairing  
15 the mobility of goods, people, and equipment.~~

16 (i) ~~One hundred twenty-five million dollars (\$125,000,000)  
17 shall be deposited in the Local Bridge Seismic Retrofit Account,  
18 which is hereby created in the fund. The funds in the account shall  
19 be used, upon appropriation by the Legislature, to provide the 11.5  
20 percent required match for federal Highway Bridge Replacement  
21 and Repair funds available to the state for seismic work on local  
22 bridges, ramps, and overpasses, as identified by the Department  
23 of Transportation.~~

24 (j) ~~(1) Two hundred fifty million dollars (\$250,000,000) shall  
25 be deposited in the Highway-Railroad Crossing Safety Account,  
26 which is hereby created in the fund. Funds in the account shall be  
27 available, upon appropriation by the Legislature, to the Department  
28 of Transportation for the completion of high-priority grade  
29 separation and railroad crossing safety improvements. Funds in  
30 the account shall be made available for allocation pursuant to the  
31 process established in Chapter 10 (commencing with Section 2450)  
32 of Division 3 of the Streets and Highways Code, except that a  
33 dollar-for-dollar match of nonstate funds shall be provided for  
34 each project, and the limitation on maximum project cost in  
35 subdivision (g) of Section 2454 of the Streets and Highways Code  
36 shall not be applicable to projects funded with these funds.~~

37 ~~(2) Notwithstanding the funding allocation process described  
38 in paragraph (1), in consultation with the department and the Public  
39 Utilities Commission, the California Transportation Commission  
40 shall allocate one hundred million dollars (\$100,000,000) of the~~

1 ~~funds in the account to high-priority railroad crossing~~  
2 ~~improvements, including grade separation projects, that are not~~  
3 ~~part of the process established in Chapter 10 (commencing with~~  
4 ~~Section 2450) of Division 3 of the Streets and Highways Code.~~  
5 ~~The allocation of funds under this paragraph shall be made in~~  
6 ~~consultation and coordination with the High-Speed Rail Authority~~  
7 ~~created pursuant to Division 19.5 (commencing with Section~~  
8 ~~185000) of the Public Utilities Code.~~

9 ~~(k) (1) Seven hundred fifty million dollars (\$750,000,000) shall~~  
10 ~~be deposited in the Highway Safety, Rehabilitation, and~~  
11 ~~Preservation Account, which is hereby created in the fund. Funds~~  
12 ~~in the account shall be available, upon appropriation by the~~  
13 ~~Legislature, to the Department of Transportation, as allocated by~~  
14 ~~the California Transportation Commission, for the purposes of the~~  
15 ~~state highway operation and protection program as described in~~  
16 ~~Section 14526.5.~~

17 ~~(2) The department shall develop a program for distribution of~~  
18 ~~two hundred and fifty million dollars (\$250,000,000) from the~~  
19 ~~funds identified in paragraph (1) to fund traffic light~~  
20 ~~synchronization projects or other technology-based improvements~~  
21 ~~to improve safety, operations, and the effective capacity of local~~  
22 ~~streets and roads.~~

23 ~~(l) (1) Two billion dollars (\$2,000,000,000) shall be deposited~~  
24 ~~in the Local Streets and Road Improvement, Congestion Relief,~~  
25 ~~and Traffic Safety Account of 2006, which is hereby created in~~  
26 ~~the fund. The proceeds of bonds deposited into that account shall~~  
27 ~~be available, upon appropriation by the Legislature, for the~~  
28 ~~purposes specified in this subdivision to the Controller for~~  
29 ~~administration and allocation in the fiscal year in which the bonds~~  
30 ~~are issued and sold, including any interest or other return earned~~  
31 ~~on the investment of those moneys, in the following manner:~~

32 ~~(A) Fifty percent to the counties, including a city and county,~~  
33 ~~in accordance with the following formulas:~~

34 ~~(i) Seventy-five percent of the funds payable under this~~  
35 ~~subparagraph shall be apportioned among the counties in the~~  
36 ~~proportion that the number of fee-paid and exempt vehicles that~~  
37 ~~are registered in the county bears to the number of fee-paid and~~  
38 ~~exempt vehicles registered in the state~~

39 ~~(ii) Twenty-five percent of the funds payable under this~~  
40 ~~subparagraph shall be apportioned among the counties in the~~

1 proportion that the number of miles of maintained county roads  
2 in each county bears to the total number of miles of maintained  
3 county roads in the state. For the purposes of apportioning funds  
4 under this clause, any roads within the boundaries of a city and  
5 county that are not state highways shall be deemed to be county  
6 roads.

7 (B) Fifty percent to the cities, including a city and county,  
8 apportioned among the cities in the proportion that the total  
9 population of the city bears to the total population of all the cities  
10 in the state, provided, however, that the Controller shall allocate  
11 a minimum of four hundred thousand dollars (\$400,000) to each  
12 city, pursuant to this subparagraph.

13 (2) Funds received under this subdivision shall be deposited as  
14 follows in order to avoid the commingling of those funds with  
15 other local funds:

16 (A) In the case of a city, into the city account that is designated  
17 for the receipt of state funds allocated for local streets and roads.

18 (B) In the case of an eligible county, into the county road fund.

19 (C) In the case of a city and county, into a local account that is  
20 designated for the receipt of state funds allocated for local streets  
21 and roads.

22 (3) For the purpose of allocating funds under this subdivision  
23 to cities and a city and county, the Controller shall use the most  
24 recent population estimates prepared by the Demographic Research  
25 Unit of the Department of Finance. For a city that incorporated  
26 after January 1, 1998, that does not appear on the most recent  
27 population estimates prepared by the Demographic Research Unit,  
28 the Controller shall use the population determined for that city  
29 under Section 11005.3 of the Revenue and Taxation Code.

30 (4) Funds apportioned to a city, county, or city and county under  
31 this subdivision shall be used for improvements to transportation  
32 facilities that will assist in reducing local traffic congestion and  
33 further deterioration, improving traffic flows, or increasing traffic  
34 safety that may include, but not be limited to, street and highway  
35 pavement maintenance, rehabilitation, installation, construction  
36 and reconstruction of necessary associated facilities such as  
37 drainage and traffic control devices, or the maintenance,  
38 rehabilitation, installation, construction and reconstruction of  
39 facilities that expand ridership on transit systems, safety projects

1 to reduce fatalities, or as a local match to obtain state or federal  
2 transportation funds for similar purposes.

3 ~~(5) At the conclusion of each fiscal year during which a city or~~  
4 ~~county expends the funds it has received under this subdivision,~~  
5 ~~including any interest or other return earned on the investment of~~  
6 ~~these funds, the Controller may verify the city's or county's~~  
7 ~~compliance with paragraph (4). Any city or county that has not~~  
8 ~~complied with paragraph (4) shall reimburse the state for the funds~~  
9 ~~it received during that fiscal year, including any interest or other~~  
10 ~~return earned on the investment of these funds. Any funds withheld~~  
11 ~~or returned as a result of a failure to comply with paragraph (4)~~  
12 ~~shall be reallocated to the other counties and cities whose~~  
13 ~~expenditures are in compliance.~~

14 ~~SEC. 2.~~

15 *SECTION 1.* Section 14530.1 of the Government Code is  
16 amended to read:

17 14530.1. (a) The department, in cooperation with the  
18 commission, transportation planning agencies, and county  
19 transportation commissions and local governments, shall develop  
20 guidelines for the development of the state transportation  
21 improvement program and the incorporation of projects into the  
22 state transportation improvement program.

23 (b) The guidelines shall include, but not be limited to, all of the  
24 following:

- 25 (1) Standards for project deliverability.
- 26 (2) Standards for identifying projects and project components.
- 27 (3) Standards for cost estimating.
- 28 (4) Programming methods for increases and schedule changes.
- 29 (5) Objective criteria for measuring system performance and  
30 cost-effectiveness of candidate projects.

31 (c) The guidelines shall be the complete and full statement of  
32 the policy, standards, and criteria that the commission intends to  
33 use in selecting projects to be included in the state transportation  
34 improvement program.

35 (d) The commission may amend the adopted guidelines after  
36 conducting at least one public hearing. The commission shall make  
37 a reasonable effort to adopt the amended guidelines prior to its  
38 adoption of the fund estimate pursuant to Section 14525. In no  
39 event shall the adopted guidelines be amended, or otherwise  
40 revised, modified, or altered during the period commencing 30

1 days after the adoption of the fund estimate pursuant to Section  
2 14525 and before the adoption of the state transportation  
3 improvement program pursuant to Section 14529.

4 ~~SEC. 3.~~

5 *SEC. 2.* Section 14679 of the Government Code is amended  
6 to read:

7 14679. (a) A parking facility under the jurisdiction or control  
8 of a state agency, that is available to private persons who desire  
9 to conduct business with the state agency, shall reserve for the  
10 exclusive use of any vehicle that displays either a special  
11 identification license plate issued pursuant to Section 5007 *of the*  
12 *Vehicle Code* or a distinguishing placard issued pursuant to Section  
13 22511.55 or 22511.59 *of the Vehicle Code* a minimum of one  
14 parking space for up to 25 spaces, and additional parking spaces  
15 pursuant to Section 1129B of Part 2 of Title 24 of the California  
16 Code of Regulations.

17 (1) (A) The space or spaces shall be reserved by posting  
18 immediately adjacent to and visible from such space or spaces a  
19 sign consisting of a profile view of a wheelchair with occupant in  
20 white on a blue background.

21 (B) The sign shall also clearly and conspicuously state the  
22 following: "Minimum Fine \$250." This subparagraph applies only  
23 to signs for parking spaces constructed on or after July 1, 2008,  
24 and signs that are replaced on or after July 1, 2008, or as the State  
25 Architect deems necessary when renovations, structural repair,  
26 alterations, and additions occur to existing buildings and facilities  
27 on or after July 1, 2008.

28 (2) The loading and unloading area of the pavement adjacent  
29 to a parking stall or space designated for disabled persons or  
30 disabled veterans shall be marked by a border and hatched lines.  
31 The border shall be painted blue and the hatched lines shall be  
32 painted a suitable contrasting color to the parking space. Blue or  
33 white paint is preferred. In addition, within the border the words  
34 "No Parking" shall be painted in white letters no less than 12 inches  
35 high. This paragraph applies only to parking spaces constructed  
36 on or after July 1, 2008, and painting that is done on or after July  
37 1, 2008, or as the State Architect deems necessary when  
38 renovations, structural repair, alterations, and additions occur to  
39 existing buildings and facilities on or after July 1, 2008.

1 (b) If no parking facility under the jurisdiction and control of a  
2 state agency is available to private persons who desire to conduct  
3 business with the state agency, the state agency shall request the  
4 local authority having jurisdiction over streets immediately adjacent  
5 to the property of the state agency to provide parking spaces for  
6 the use of disabled persons and disabled veterans pursuant to  
7 Section 22511.7 of the Vehicle Code.

8 (c) The Department of General Services under the Division of  
9 the State Architect shall develop pursuant to Section 4450, as  
10 appropriate, conforming regulations to ensure compliance with  
11 subparagraph (B) of paragraph (1) of subdivision (a) and paragraph  
12 (2) of subdivision (a). Initial regulations to implement these  
13 provisions shall be adopted as emergency regulations. The adoption  
14 of these regulations shall be considered by the Department of  
15 General Services to be an emergency necessary for the immediate  
16 preservation of the public peace, health and safety, or general  
17 welfare.

18 ~~SEC. 4.~~

19 *SEC. 3.* Section 44011 of the Health and Safety Code, as added  
20 by Section 3 of Chapter 739 of the Statutes of 2007, is amended  
21 to read:

22 44011. (a) All motor vehicles powered by internal combustion  
23 engines that are registered within an area designated for program  
24 coverage shall be required biennially to obtain a certificate of  
25 compliance or noncompliance, except for the following:

26 (1) All motorcycles until the department, pursuant to Section  
27 44012, implements test procedures applicable to motorcycles.

28 (2) All motor vehicles that have been issued a certificate of  
29 compliance or noncompliance or a repair cost waiver upon a change  
30 of ownership or initial registration in this state during the preceding  
31 six months.

32 (3) All motor vehicles manufactured prior to the 1976  
33 model-year.

34 (4) (A) Except as provided in subparagraph (B), all motor  
35 vehicles four or less model-years old.

36 (B) Beginning January 1, 2005, all motor vehicles six or less  
37 model-years old, unless the state board finds that providing an  
38 exception for these vehicles will prohibit the state from meeting  
39 the requirements of Section 176(c) of the federal Clean Air Act  
40 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with

1 respect to the state implementation plan required by the federal  
2 Clean Air Act.

3 (C) All motor vehicles excepted by this paragraph shall be  
4 subject to testing and to certification requirements as determined  
5 by the department, if any of the following apply:

6 (i) The department determines through remote sensing activities  
7 or other means that there is a substantial probability that the vehicle  
8 has a tampered emission control system or would fail for other  
9 cause a smog check test as specified in Section 44012.

10 (ii) The vehicle was previously registered outside this state and  
11 is undergoing initial registration in this state.

12 (iii) The vehicle is being registered as a specially constructed  
13 vehicle.

14 (iv) The vehicle has been selected for testing pursuant to Section  
15 44014.7 or any other provision of this chapter authorizing  
16 out-of-cycle testing.

17 (D) This paragraph does not apply to diesel-powered vehicles.

18 (5) In addition to the vehicles exempted pursuant to paragraph  
19 (4), any motor vehicle or class of motor vehicles exempted pursuant  
20 to subdivision (b) of Section 44024.5. It is the intent of the  
21 Legislature that the department, pursuant to the authority granted  
22 by this paragraph, exempt at least 15 percent of the lowest emitting  
23 motor vehicles from the biennial smog check inspection.

24 (6) All motor vehicles that the department determines would  
25 present prohibitive inspection or repair problems.

26 (7) Any vehicle registered to the owner of a fleet licensed  
27 pursuant to Section 44020 if the vehicle is garaged exclusively  
28 outside the area included in program coverage, and is not primarily  
29 operated inside the area included in program coverage.

30 (8) (A) All diesel-powered vehicles manufactured prior to the  
31 1998 model-year.

32 (B) All diesel-powered vehicles that have a gross vehicle weight  
33 rating of 8,501 to 10,000 pounds, inclusive, until the department,  
34 in consultation with the state board, pursuant to Section 44012,  
35 implements test procedures applicable to these vehicles.

36 (C) All diesel-powered vehicles that have a gross vehicle weight  
37 rating from 10,001 pounds to 14,000 pounds, inclusive, until the  
38 state board and the Department of Motor Vehicles determine the  
39 best method for identifying these vehicles, and until the department,

1 in consultation with the state board, pursuant to Section 44012,  
2 implements test procedures applicable to these vehicles.

3 (D) All diesel-powered vehicles that have a gross vehicle weight  
4 rating of 14,001 pounds or greater.

5 (b) Vehicles designated for program coverage in enhanced areas  
6 shall be required to obtain inspections from appropriate smog  
7 check stations operating in enhanced areas.

8 (c) For purposes of subdivision (a), a collector motor vehicle,  
9 as defined in Section 259 of the Vehicle Code, is exempt from  
10 those portions of the test required by subdivision (f) of Section  
11 44012 if the collector motor vehicle meets all of the following  
12 criteria:

13 (1) Submission of proof that the motor vehicle is insured as a  
14 collector motor vehicle, as shall be required by regulation of the  
15 bureau.

16 (2) The motor vehicle is at least 35 model-years old.

17 (3) The motor vehicle complies with the exhaust emissions  
18 standards for that motor vehicle's class and model-year as  
19 prescribed by the department, and the motor vehicle passes a  
20 functional inspection of the fuel cap and a visual inspection for  
21 liquid fuel leaks.

22 (d) This section shall become operative on January 1, 2010.

23 ~~SEC. 5.~~

24 *SEC. 4.* Section 44126 of the Health and Safety Code is  
25 amended to read:

26 44126. The Enhanced Fleet Modernization Subaccount is  
27 hereby created in the High Polluter Repair or Removal Account.  
28 All moneys deposited in the subaccount shall be available to the  
29 department and the BAR, upon appropriation by the Legislature,  
30 to establish and implement the program created pursuant to this  
31 article.

32 ~~SEC. 6. Section 99243 of the Public Utilities Code is amended~~  
33 ~~to read:~~

34 ~~99243. (a) The Controller, in cooperation with the department~~  
35 ~~and the operators, shall design and adopt a uniform system of~~  
36 ~~accounts and records, from which the operators shall prepare and~~  
37 ~~submit annual reports of their operation to the transportation~~  
38 ~~planning agencies having jurisdiction over them and to the~~  
39 ~~Controller within 90 days of the end of the fiscal year. If the report~~  
40 ~~is filed in electronic format as prescribed by the Controller, the~~

1 report shall be furnished within 110 days after the close of each  
2 fiscal year. The report shall specify (1) the amount of revenue  
3 generated from each source and its application for the prior fiscal  
4 year, and (2) the data necessary to determine which section, with  
5 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,  
6 and 99268.9, the operator is required to be in compliance with in  
7 order to be eligible for funds under this article.

8 (b) As a supplement to the annual report prepared pursuant to  
9 subdivision (a), each operator shall include an estimate of the  
10 amount of revenues to be generated from each source and its  
11 proposed application for the next fiscal year, and a report on the  
12 extent to which it has contracted with the Prison Industry Authority,  
13 including the nature and dollar amounts of all contracts entered  
14 into during the reporting period and proposed for the next reporting  
15 period.

16 (c) The Controller shall instruct the county auditor to withhold  
17 payments from the fund to any operator that has not submitted its  
18 annual report to the Controller within the time specified by  
19 subdivision (a).

20 (d) In establishing the uniform system of accounts and records,  
21 the Controller shall include the data required by the United States  
22 Department of Transportation and the department.

23 (e) Notwithstanding any other law or any regulation, including  
24 any California Code of Regulations provision, the City of South  
25 Lake Tahoe and the City of Huntington Beach may select, for  
26 purposes of this chapter, on a one-time basis, a fiscal year that  
27 does not end on June 30. After the city has sent a written notice  
28 to the Secretary of the Business, Transportation and Housing  
29 Agency and the Controller that the city has selected a fiscal year  
30 other than one ending on June 30, the fiscal year selected by the  
31 city shall be its fiscal year for all reports required by the state under  
32 this chapter.

33 **SEC. 7.**

34 *SEC. 5.* Section 231.5 is added to the Vehicle Code, to read:

35 231.5. A “bicycle path” or “bike path” is a Class I bikeway,  
36 as defined in subdivision (a) of Section 890.4 of the Streets and  
37 Highways Code.

38 **SEC. 8.**

39 *SEC. 6.* Section 231.6 is added to the Vehicle Code, to read:

40 231.6. (a) A “bicycle path crossing” is either of the following:

1 (1) That portion of a roadway included within the prolongation  
2 or connection of the boundary lines of a bike path at intersections  
3 where the intersecting roadways meet at approximately right  
4 angles.

5 (2) Any portion of a roadway distinctly indicated for bicycle  
6 crossing by lines or other markings on the surface.

7 (b) Notwithstanding subdivision (a), there shall not be a bicycle  
8 path crossing where local authorities have placed signs indicating  
9 no crossing.

10 ~~SEC. 9.~~

11 *SEC. 7.* Section 4000.1 of the Vehicle Code is amended to  
12 read:

13 4000.1. (a) Except as otherwise provided in subdivision (b),  
14 (c), or (d) of this section, or subdivision (b) of Section 43654 of  
15 the Health and Safety Code, the department shall require upon  
16 initial registration, and upon transfer of ownership and registration,  
17 of any motor vehicle subject to Part 5 (commencing with Section  
18 43000) of Division 26 of the Health and Safety Code, a valid  
19 certificate of compliance or a certificate of noncompliance, as  
20 appropriate, issued in accordance with Section 44015 of the Health  
21 and Safety Code.

22 (b) With respect to new motor vehicles certified pursuant to  
23 Chapter 2 (commencing with Section 43100) of Part 5 of Division  
24 26 of the Health and Safety Code, the department shall accept a  
25 statement completed pursuant to subdivision (b) of Section 24007  
26 in lieu of the certificate of compliance.

27 (c) For purposes of determining the validity of a certificate of  
28 compliance or noncompliance submitted in compliance with the  
29 requirements of this section, the definitions of new and used motor  
30 vehicle contained in Chapter 2 (commencing with Section 39010)  
31 of Part 1 of Division 26 of the Health and Safety Code shall control.

32 (d) Subdivision (a) does not apply to a transfer of ownership  
33 and registration under any of the following circumstances:

34 (1) The initial application for transfer is submitted within the  
35 90-day validity period of a smog certificate as specified in Section  
36 44015 of the Health and Safety Code.

37 (2) The transferor is the parent, grandparent, sibling, child,  
38 grandchild, or spouse of the transferee.

39 (3) A motor vehicle registered to a sole proprietorship is  
40 transferred to the proprietor as owner.

1 (4) The transfer is between companies the principal business of  
2 which is leasing motor vehicles, if there is no change in the lessee  
3 or operator of the motor vehicle or between the lessor and the  
4 person who has been, for at least one year, the lessee's operator  
5 of the motor vehicle.

6 (5) The transfer is between the lessor and lessee of the motor  
7 vehicle, if there is no change in the lessee or operator of the motor  
8 vehicle.

9 (6) The motor vehicle was manufactured prior to the 1976  
10 model-year.

11 (7) Except for diesel-powered vehicles, the transfer is for a  
12 motor vehicle that is four or less model-years old. The department  
13 shall impose a fee of eight dollars (\$8) on the transferee of a motor  
14 vehicle that is four or less model-years old. Revenues generated  
15 from the imposition of that fee shall be deposited into the Vehicle  
16 Inspection and Repair Fund.

17 (e) The State Air Resources Board, under Part 5 (commencing  
18 with Section 43000) of Division 26 of the Health and Safety Code,  
19 may exempt designated classifications of motor vehicles from  
20 subdivision (a) as it deems necessary, and shall notify the  
21 department of that action.

22 (f) Subdivision (a) does not apply to a motor vehicle when an  
23 additional individual is added as a registered owner of the motor  
24 vehicle.

25 (g) For purposes of subdivision (a), any collector motor vehicle,  
26 as defined in Section 259, is exempt from those portions of the  
27 test required by subdivision (f) of Section 44012 of the Health and  
28 Safety Code, if the collector motor vehicle meets all of the  
29 following criteria:

30 (1) Submission of proof that the motor vehicle is insured as a  
31 collector motor vehicle, as shall be required by regulation of the  
32 bureau.

33 (2) The motor vehicle is at least 35 model-years old.

34 (3) The motor vehicle complies with the exhaust emissions  
35 standards for that motor vehicle's class and model year as  
36 prescribed by the department, and the motor vehicle passes a  
37 functional inspection of the fuel cap and a visual inspection for  
38 liquid fuel leaks.

39 *SEC. 8. Section 9103 of the Vehicle Code is amended to read:*

1 9103. ~~No fees-~~*(a) Fees* specified in this code, except fees for  
2 duplicate plates, certificates, or cards ~~need, are not required to be~~  
3 paid for any vehicle of a type subject to registration under this  
4 code owned by the United States or by any state or political  
5 subdivision ~~thereof~~ *of a state* or by any municipality duly organized  
6 under the *California* Constitution or laws of this state.

7 *(b) The registration fees specified in this code, except fees for*  
8 *duplicate plates, certificates, or cards, are not required to be paid*  
9 *for any vehicle owned by a public entity described in subdivision*  
10 *(f) of Section 15975 of the Government Code.*

11 ~~SEC. 10.~~

12 *SEC. 9.* Section 12810.3 of the Vehicle Code is amended to  
13 read:

14 12810.3. Notwithstanding subdivision (f) of Section 12810, a  
15 violation point shall not be given for a conviction of a violation  
16 of subdivision (a) of Section 23123, subdivision (a) of Section  
17 23123.5, or subdivision (b) of Section 23124.

18 ~~SEC. 11.~~

19 *SEC. 10.* Section 21650 of the Vehicle Code is amended to  
20 read:

21 21650. Upon all highways, a vehicle shall be driven upon the  
22 right half of the roadway, except as follows:

23 (a) When overtaking and passing another vehicle proceeding  
24 in the same direction under the rules governing that movement.

25 (b) When placing a vehicle in a lawful position for, and when  
26 the vehicle is lawfully making, a left turn.

27 (c) When the right half of a roadway is closed to traffic under  
28 construction or repair.

29 (d) Upon a roadway restricted to one-way traffic.

30 (e) When the roadway is not of sufficient width.

31 (f) When the vehicle is necessarily traveling so slowly as to  
32 impede the normal movement of traffic, that portion of the highway  
33 adjacent to the right edge of the roadway may be utilized  
34 temporarily when in a condition permitting safe operation.

35 (g) This section does not prohibit the operation of bicycles on  
36 any shoulder of a highway, on any sidewalk, on any bicycle path  
37 within a highway, or along any crosswalk or bicycle path crossing,  
38 where the operation is not otherwise prohibited by this code or  
39 local ordinance.

1     ~~SEC. 12.~~

2     *SEC. 11.* Section 21800 of the Vehicle Code is amended to  
3 read:

4     21800. (a) The driver of a vehicle approaching an intersection  
5 shall yield the right-of-way to any vehicle which has entered the  
6 intersection from a different highway.

7     (b) (1) When two vehicles enter an intersection from different  
8 highways at the same time, the driver of the vehicle on the left  
9 shall yield the right-of-way to the vehicle on his or her immediate  
10 right, except that the driver of any vehicle on a terminating highway  
11 shall yield the right-of-way to any vehicle on the intersecting  
12 continuing highway.

13     (2) For the purposes of this section, “terminating highway”  
14 means a highway which intersects, but does not continue beyond  
15 the intersection, with another highway which does continue beyond  
16 the intersection.

17     (c) When two vehicles enter an intersection from different  
18 highways at the same time and the intersection is controlled from  
19 all directions by stop signs, the driver of the vehicle on the left  
20 shall yield the right-of-way to the vehicle on his or her immediate  
21 right.

22     (d) (1) The driver of any vehicle approaching an intersection  
23 which has official traffic control signals that are inoperative shall  
24 stop at the intersection, and may proceed with caution when it is  
25 safe to do so.

26     (2) When two vehicles enter an intersection from different  
27 highways at the same time, and the official traffic control signals  
28 for the intersection are inoperative, the driver of the vehicle on the  
29 left shall yield the right-of-way to the vehicle on his or her  
30 immediate right, except that the driver of any vehicle on a  
31 terminating highway shall yield the right-of-way to any vehicle  
32 on the intersecting continuing highway.

33     (e) This section does not apply to any of the following:

34     (1) Any intersection controlled by an official traffic control  
35 signal or yield right-of-way sign.

36     (2) Any intersection controlled by stop signs from less than all  
37 directions.

38     (3) When vehicles are approaching each other from opposite  
39 directions and the driver of one of the vehicles intends to make,  
40 or is making, a left turn.

1     ~~SEC. 13.~~

2     *SEC. 12.* Section 22507.8 of the Vehicle Code is amended to  
3 read:

4     22507.8. (a) It is unlawful for any person to park or leave  
5 standing any vehicle in a stall or space designated for disabled  
6 persons and disabled veterans pursuant to Section 22511.7 or  
7 22511.8 of this code or Section 14679 of the Government Code,  
8 unless the vehicle displays either a special identification license  
9 plate issued pursuant to Section 5007 or a distinguishing placard  
10 issued pursuant to Section 22511.55 or 22511.59.

11     (b) It is unlawful for any person to obstruct, block, or otherwise  
12 bar access to those parking stalls or spaces except as provided in  
13 subdivision (a).

14     (c) It is unlawful for any person to park or leave standing any  
15 vehicle, including a vehicle displaying a special identification  
16 license plate issued pursuant to Section 5007 or a distinguishing  
17 placard issued pursuant to Section 22511.55 or 22511.59, in either  
18 of the following places:

19     (1) On the lines marking the boundaries of a parking stall or  
20 space designated for disabled persons or disabled veterans.

21     (2) In any area of the pavement adjacent to a parking stall or  
22 space designated for disabled persons or disabled veterans that is  
23 marked by crosshatched lines and is thereby designated, pursuant  
24 to any local ordinance, for the loading and unloading of vehicles  
25 parked in the stall or space.

26     (d) Subdivisions (a), (b), and (c) apply to all offstreet parking  
27 facilities owned or operated by the state, and to all offstreet parking  
28 facilities owned or operated by a local authority. Subdivisions (a),  
29 (b), and (c) also apply to any privately owned and maintained  
30 offstreet parking facility.

31     ~~SEC. 14.~~

32     *SEC. 13.* Section 22511.7 of the Vehicle Code is amended to  
33 read:

34     22511.7. (a) In addition to Section 22511.8 for offstreet  
35 parking, a local authority may, by ordinance or resolution,  
36 designate onstreet parking spaces for the exclusive use of a vehicle  
37 that displays either a special identification license plate issued  
38 pursuant to Section 5007 or a distinguishing placard issued  
39 pursuant to Section 22511.55 or 22511.59.

1 (b) (1) Whenever a local authority so designates a parking  
 2 space, it shall be indicated by blue paint on the curb or edge of the  
 3 paved portion of the street adjacent to the space. In addition, the  
 4 local authority shall post immediately adjacent to and visible from  
 5 the space a sign consisting of a profile view of a wheelchair with  
 6 occupant in white on a blue background.

7 (2) The sign required pursuant to paragraph (1) shall clearly  
 8 and conspicuously state the following: “Minimum Fine \$250.”  
 9 This paragraph applies only to signs for parking spaces constructed  
 10 on or after July 1, 2008, and signs that are replaced on or after July  
 11 1, 2008.

12 (3) If the loading and unloading area of the pavement adjacent  
 13 to a parking stall or space designated for disabled persons or  
 14 disabled veterans is to be marked by a border and hatched lines,  
 15 the border shall be painted blue and the hatched lines shall be  
 16 painted a suitable contrasting color to the parking space. Blue or  
 17 white paint is preferred. In addition, within the border the words  
 18 “No Parking” shall be painted in white letters no less than 12 inches  
 19 high. This paragraph applies only to parking spaces constructed  
 20 on or after July 1, 2008, and painting that is done on or after July  
 21 1, 2008.

22 (c) This section does not restrict the privilege granted to disabled  
 23 persons and disabled veterans by Section 22511.5.

24 ~~SEC. 15.~~

25 *SEC. 14.* Section 22511.8 of the Vehicle Code is amended to  
 26 read:

27 22511.8. (a) A local authority, by ordinance or resolution, and  
 28 a person in lawful possession of an offstreet parking facility may  
 29 designate stalls or spaces in an offstreet parking facility owned or  
 30 operated by the local authority or person for the exclusive use of  
 31 a vehicle that displays either a special license plate issued pursuant  
 32 to Section 5007 or a distinguishing placard issued pursuant to  
 33 Section 22511.55 or 22511.59. The designation shall be made by  
 34 posting a sign as described in paragraph (1), and by either of the  
 35 markings described in paragraph (2) or (3):

36 (1) (A) By posting immediately adjacent to, and visible from,  
 37 each stall or space, a sign consisting of a profile view of a  
 38 wheelchair with occupant in white on a blue background.

39 (B) The sign shall also clearly and conspicuously state the  
 40 following: “Minimum Fine \$250.” This subparagraph applies only

1 to signs for parking spaces constructed on or after July 1, 2008,  
2 and signs that are replaced on or after July 1, 2008, or as the State  
3 Architect deems necessary when renovations, structural repair,  
4 alterations, and additions occur to existing buildings and facilities  
5 on or after July 1, 2008.

6 (2) (A) By outlining or painting the stall or space in blue and  
7 outlining on the ground in the stall or space in white or suitable  
8 contrasting color a profile view depicting a wheelchair with  
9 occupant.

10 (B) The loading and unloading area of the pavement adjacent  
11 to a parking stall or space designated for disabled persons or  
12 disabled veterans shall be marked by a border and hatched lines.  
13 The border shall be painted blue and the hatched lines shall be  
14 painted a suitable contrasting color to the parking space. Blue or  
15 white paint is preferred. In addition, within the border the words  
16 “No Parking” shall be painted in white letters no less than 12 inches  
17 high. This subparagraph applies only to parking spaces constructed  
18 on or after July 1, 2008, and painting that is done on or after July  
19 1, 2008, or as the State Architect deems necessary when  
20 renovations, structural repair, alterations, and additions occur to  
21 existing buildings and facilities on or after July 1, 2008.

22 (3) By outlining a profile view of a wheelchair with occupant  
23 in white on a blue background, of the same dimensions as in  
24 paragraph (2). The profile view shall be located so that it is visible  
25 to a traffic enforcement officer when a vehicle is properly parked  
26 in the space.

27 (b) The Department of General Services under the Division of  
28 the State Architect shall develop pursuant to Section 4450 of the  
29 Government Code, as appropriate, conforming regulations to ensure  
30 compliance with subparagraph (B) of paragraph (1) of subdivision  
31 (a) and subparagraph (B) of paragraph (2) of subdivision (a). Initial  
32 regulations to implement these provisions shall be adopted as  
33 emergency regulations. The adoption of these regulations shall be  
34 considered by the Department of General Services to be an  
35 emergency necessary for the immediate preservation of the public  
36 peace, health and safety, or general welfare.

37 (c) If posted in accordance with subdivision (e) or (f), the owner  
38 or person in lawful possession of a privately owned or operated  
39 offstreet parking facility, after notifying the police or sheriff’s  
40 department, may cause the removal of a vehicle from a stall or

1 space designated pursuant to subdivision (a) in the facility to the  
2 nearest public garage unless a special license plate issued pursuant  
3 to Section 5007 or distinguishing placard issued pursuant to Section  
4 22511.55 or 22511.59 is displayed on the vehicle.

5 (d) If posted in accordance with subdivision (e), the local  
6 authority owning or operating an offstreet parking facility, after  
7 notifying the police or sheriff’s department, may cause the removal  
8 of a vehicle from a stall or space designated pursuant to subdivision  
9 (a) in the facility to the nearest public garage unless a special  
10 license plate issued pursuant to Section 5007 or a distinguishing  
11 placard issued pursuant to Section 22511.55 or 22511.59 is  
12 displayed on the vehicle.

13 (e) Except as provided in Section 22511.9, the posting required  
14 for an offstreet parking facility owned or operated either privately  
15 or by a local authority shall consist of a sign not less than 17 by  
16 22 inches in size with lettering not less than one inch in height  
17 which clearly and conspicuously states the following:  
18 “Unauthorized vehicles parked in designated accessible spaces not  
19 displaying distinguishing placards or special license plates issued  
20 for persons with disabilities will be towed away at the owner’s  
21 expense. Towed vehicles may be reclaimed at:

22  
23  
24 \_\_\_\_\_ or by telephoning  
25 (Address)  
26 \_\_\_\_\_.”  
27 (Telephone number of local law enforcement agency)  
28

29 The sign shall be posted in either of the following locations:  
30 (1) Immediately adjacent to, and visible from, the stall or space.  
31 (2) In a conspicuous place at each entrance to the offstreet  
32 parking facility.

33 (f) If the parking facility is privately owned and public parking  
34 is prohibited by the posting of a sign meeting the requirements of  
35 paragraph (1) of subdivision (a) of Section 22658, the requirements  
36 of subdivision (c) may be met by the posting of a sign immediately  
37 adjacent to, and visible from, each stall or space indicating that a  
38 vehicle not meeting the requirements of subdivision (a) will be  
39 removed at the owner’s expense and containing the telephone  
40 number of the local traffic law enforcement agency.

1 (g) This section does not restrict the privilege granted to disabled  
2 persons and disabled veterans by Section 22511.5.

3 *SEC. 15. Section 34501.2 of the Vehicle Code is amended to*  
4 *read:*

5 34501.2. (a) The regulations adopted under Section 34501 for  
6 vehicles engaged in interstate or intrastate commerce shall establish  
7 hours-of-service regulations for drivers of those vehicles that are  
8 consistent with the hours-of-service regulations adopted by the  
9 United States Department of Transportation in Part 395 of Title  
10 49 of the Code of Federal Regulations, as those regulations now  
11 exist or are hereafter amended.

12 (b) The regulations adopted under Section 34501 for vehicles  
13 engaged in intrastate commerce that are not transporting hazardous  
14 substances or hazardous waste, as those terms are defined by  
15 regulations in Section 171.8 of Title 49 of the Code of Federal  
16 Regulations, as those regulations now exist or are hereafter  
17 amended, shall have the following exceptions:

18 (1) The maximum driving time within a work period shall be  
19 12 hours for a driver of a truck or truck tractor, except for a driver  
20 of a tank vehicle with a capacity of more than 500 gallons  
21 transporting flammable liquid, who shall not drive for more than  
22 10 hours within a work period.

23 (2) ~~No motor carrier shall~~ *A motor carrier shall not* permit or  
24 require a driver to drive, nor shall any driver drive, for any period  
25 after having been on duty for 80 hours in any consecutive eight  
26 days.

27 (3) A driver employed by an electrical corporation, as defined  
28 in Section 218 of the Public Utilities Code, a gas corporation, as  
29 defined in Section 222 of that code, a telephone corporation, as  
30 defined in Section 234 of that code, a water corporation, as defined  
31 in Section 241 of that code, or a public water district as defined in  
32 Section 20200 of the Water Code, ~~may be permitted or required~~  
33 ~~to drive more than the number of hours specified in subdivision~~  
34 ~~(a) while operating a public utility or public water district vehicle~~  
35 ~~during the emergency restoration of service is exempt from all~~  
36 ~~hours-of-service regulations while operating a public utility or~~  
37 ~~public water district vehicle.~~

38 (4) Any other exceptions applicable to drivers assigned to  
39 governmental fire suppression and prevention, as determined by  
40 the department.

1 (5) A driver employed by a law enforcement agency, as defined  
2 in Section 390.3(f)(2) of Title 49 of the Code of Federal  
3 Regulations, as that section now exists or is hereafter amended,  
4 during an emergency or to restore the public peace.

5 (c) The regulations adopted under Section 34501 for vehicles  
6 engaged in the transportation of farm products in intrastate  
7 commerce shall include all of the following provisions:

8 (1) A driver employed by an agricultural carrier, including a  
9 carrier holding a seasonal permit, or by a private carrier, when  
10 transporting farm products from the field to the first point of  
11 processing or packing, shall not drive for any period after having  
12 been on duty 16 hours or more following eight consecutive hours  
13 off duty and shall not drive for any period after having been on  
14 duty for 112 hours in any consecutive eight-day period, except  
15 that a driver transporting special situation farm products from the  
16 field to the first point of processing or packing, or transporting  
17 livestock from pasture to pasture, may be permitted, during one  
18 period of not more than 28 consecutive days or a combination of  
19 two periods totaling not more than 28 days in a calendar year, to  
20 drive for not more than 12 hours during any workday of not more  
21 than 16 hours. A driver who thereby exceeds the driving time limits  
22 specified in paragraph (2) of subdivision (b) shall maintain a  
23 driver's record of duty status, and shall keep a duplicate copy in  
24 his or her possession when driving a vehicle subject to this chapter.  
25 These records shall be presented immediately upon request by any  
26 authorized employee of the department, or any police officer or  
27 deputy sheriff.

28 (2) Upon the request of the Director of Food and Agriculture,  
29 the commissioner may, for good cause, temporarily waive the  
30 maximum on-duty time limits applicable to any eight-day period  
31 when an emergency exists due to inclement weather, natural  
32 disaster, or an adverse economic condition that threatens to disrupt  
33 the orderly movement of farm products during harvest for the  
34 duration of the emergency. For purposes of this paragraph, an  
35 emergency does not include a strike or labor dispute.

36 (3) For purposes of this subdivision, the following terms have  
37 the following meanings:

38 (A) "Farm products" means every agricultural, horticultural,  
39 viticultural, or vegetable product of the soil, honey and beeswax,  
40 oilseeds, poultry, livestock, milk, or timber.

1 (B) “First point of processing or packing” means a location  
2 where farm products are dried, canned, extracted, fermented,  
3 distilled, frozen, ginned, eviscerated, pasteurized, packed,  
4 packaged, bottled, conditioned, or otherwise manufactured,  
5 processed, or preserved for distribution in wholesale or retail  
6 markets.

7 (C) “Special situation farm products” means fruit, tomatoes,  
8 sugar beets, grains, wine grapes, grape concentrate, cotton, or nuts.

9 SEC. 16. Section 40215 of the Vehicle Code is amended to  
10 read:

11 40215. (a) For a period of 21 calendar days from the issuance  
12 of a notice of parking violation or 14 calendar days from the  
13 mailing of a notice of delinquent parking violation, exclusive of  
14 any days from the day the processing agency receives a request  
15 for a copy or facsimile of the original notice of parking violation  
16 pursuant to Section 40206.5 and the day the processing agency  
17 complies with the request, a person may request an initial review  
18 of the notice by the issuing agency. The request may be made by  
19 telephone, in writing, or in person. There shall be no charge for  
20 this review. If, following the initial review, the issuing agency is  
21 satisfied that the violation did not occur, that the registered owner  
22 was not responsible for the violation, or that extenuating  
23 circumstances make dismissal of the citation appropriate in the  
24 interest of justice, the issuing agency shall cancel the notice of  
25 parking violation or notice of delinquent parking violation. The  
26 issuing agency shall advise the processing agency, if any, of the  
27 cancellation. The issuing agency or the processing agency shall  
28 mail the results of the initial review to the person contesting the  
29 notice, and, if following that review, cancellation of the notice  
30 does not occur, include a reason for that denial, notification of the  
31 ability to request an administrative hearing, and notice of the  
32 procedure adopted pursuant to subdivision (b) for waiving  
33 prepayment of the parking penalty based upon an inability to pay.

34 (b) If the person is dissatisfied with the results of the initial  
35 review, the person may request an administrative hearing of the  
36 violation no later than 21 calendar days following the mailing of  
37 the results of the issuing agency’s initial review. The request may  
38 be made by telephone, in writing, or in person. The person  
39 requesting an administrative hearing shall deposit the amount of  
40 the parking penalty with the processing agency. The issuing agency

1 shall adopt a written procedure to allow a person to request an  
2 administrative hearing without payment of the parking penalty  
3 upon satisfactory proof of an inability to pay the amount due. After  
4 January 1, 1996, an administrative hearing shall be held within 90  
5 calendar days following the receipt of a request for an  
6 administrative hearing, excluding time tolled pursuant to this  
7 article. The person requesting the hearing may request one  
8 continuance, not to exceed 21 calendar days.

9 (c) The administrative hearing process shall include the  
10 following:

11 (1) The person requesting a hearing shall have the choice of a  
12 hearing by mail or in person. An in-person hearing shall be  
13 conducted within the jurisdiction of the issuing agency. If an  
14 issuing agency contracts with an administrative provider, hearings  
15 shall be held within the jurisdiction of the issuing agency or within  
16 the county of the issuing agency.

17 (2) If the person requesting a hearing is a minor, that person  
18 shall be permitted to appear at a hearing or admit responsibility  
19 for the parking violation without the necessity of the appointment  
20 of a guardian. The processing agency may proceed against the  
21 minor in the same manner as against an adult.

22 (3) The administrative hearing shall be conducted in accordance  
23 with written procedures established by the issuing agency and  
24 approved by the governing body or chief executive officer of the  
25 issuing agency. The hearing shall provide an independent,  
26 objective, fair, and impartial review of contested parking violations.

27 (4) (A) The issuing agency's governing body or chief executive  
28 officer shall appoint or contract with qualified examiners or  
29 administrative hearing providers that employ qualified examiners  
30 to conduct the administrative hearings. Examiners shall  
31 demonstrate those qualifications, training, and objectivity necessary  
32 to conduct a fair and impartial review. An examiner shall not be  
33 employed, managed, or controlled by a person whose primary  
34 duties are parking enforcement or parking citation, processing,  
35 collection, or issuance. The examiner shall be separate and  
36 independent from the citation collection or processing function.  
37 An examiner's continued employment, performance evaluation,  
38 compensation, and benefits shall not, directly or indirectly, be  
39 linked to the amount of fines collected by the examiner.

1 (B) Examiners shall have a minimum of 20 hours of training.  
2 The examiner is responsible for the costs of the training. The  
3 issuing agency may reimburse the examiner for those costs.  
4 Training may be provided through (i) an accredited college or  
5 university, (ii) a program conducted by the Commission on Peace  
6 Officer Standards and Training, (iii) American Arbitration  
7 Association or a similar established organization, or (iv) through  
8 any program approved by the governing board of the issuing  
9 agency, including a program developed and provided by, or for,  
10 the agency. Training programs may include topics relevant to the  
11 administrative hearing, including, but not limited to, applicable  
12 laws and regulations, parking enforcement procedures, due process,  
13 evaluation of evidence, hearing procedures, and effective oral and  
14 written communication. Upon the approval of the governing board  
15 of the issuing agency, up to 12 hours of relevant experience may  
16 be substituted for up to 12 hours of training. In addition, up to  
17 eight hours of the training requirements described in this  
18 subparagraph may be credited to an individual, at the discretion  
19 of the governing board of the issuing agency, based upon training  
20 programs or courses described in (i) to (iv), inclusive, that the  
21 individual attended within the last five years.

22 (5) The officer or person who issues a notice of parking violation  
23 shall not be required to participate in an administrative hearing.  
24 The issuing agency shall not be required to produce any evidence  
25 other than the notice of parking violation or copy thereof and  
26 information received from the Department of Motor Vehicles  
27 identifying the registered owner of the vehicle. The documentation  
28 in proper form shall be prima facie evidence of the violation.

29 (6) The examiner's decision following the administrative hearing  
30 may be personally delivered to the person by the examiner or sent  
31 by first-class mail, and, if the notice is not cancelled, include a  
32 written reason for that denial.

33 (7) Following a determination by the examiner that a person  
34 has committed the violation, the examiner may, consistent with  
35 the written guidelines established by the issuing agency, allow  
36 payment of the parking penalty in installments, or an issuing  
37 agency may allow for deferred payment or allow for payments in  
38 installments, if the person provides evidence satisfactory to the  
39 examiner or the issuing agency, as the case may be, of an inability  
40 to pay the parking penalty in full. If authorized by the governing

1 board of the issuing agency, the examiner may permit the  
2 performance of community service in lieu of payment of a parking  
3 penalty.

4 (d) The provisions of this section relating to the administrative  
5 appeal process do not apply to an issuing agency that is a law  
6 enforcement agency if the issuing agency does not also act as the  
7 processing agency.

8 SEC. 17. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution for certain  
10 costs that may be incurred by a local agency or school district  
11 because, in that regard, this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty for a crime  
13 or infraction, within the meaning of Section 17556 of the  
14 Government Code, or changes the definition of a crime within the  
15 meaning of Section 6 of Article XIII B of the California  
16 Constitution.

17 However, if the Commission on State Mandates determines that  
18 this act contains other costs mandated by the state, reimbursement  
19 to local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.