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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** AB 2285 **Hearing Date:** 8/4/2020  
**Author:** Committee on Transportation  
**Version:** 5/4/2020  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Katie Bonin

**SUBJECT:** Transportation

**DIGEST:** This bill makes numerous non-controversial alterations to transportation-related statutes.

**ANALYSIS:**

*Existing law:*

- 1) Requires a person driving a vehicle on a freeway that approaches a stationary authorized emergency vehicle displaying emergency lights, a stationary tow truck, or a California Department of Transportation (Caltrans) vehicle displaying flashing amber warning lights, to approach, with due caution, and before passing in a lane immediately adjacent to any of these vehicles, do one of the following:
  - a) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Caltrans vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.
  - b) If the maneuver described above would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.
- 2) Establishes a pilot program administered by Department of Motor Vehicles (DMV) for alternative license plates and vehicle registrations that expires on January 1, 2021.
- 3) Establishes, in Senate Bill 1, that Road Maintenance and Repair Act (RMRA) revenues are to be dedicated to specific programs.

- 4) Establishes the Clean Truck Program, administered by the California Air Resource Board (ARB) in conjunction with California Energy Commission (CEC), to use Greenhouse Gas Reduction Fund (GGRF) revenues for development, demonstration, pre-commercial pilot, and early commercial deployment of zero- and near zero-emission truck, bus, and off-road vehicle and equipment technologies and requires ARB, in consultation with CEC, to create an annual framework and plan for technology development.

**This bill:**

- 1) Extends the obligation for a person driving a vehicle to slow down and move over for certain stationary vehicles displaying flashing amber or emergency lights on the freeway to also apply on local streets and roadways.
- 2) Extends the pilot program for alternative license plates and vehicle registrations issued by the DMV until January 1, 2023.
- 3) Continuously appropriates interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account (RMRA) to Caltrans for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program (SHOPP).
- 4) Extends by one year, until January 1, 2022, the requirement that ARB dedicate 20% of California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program (Clean Truck Program) to support early commercial deployment of existing zero- and near-zero-emission heavy-duty trucks.

**COMMENTS:**

- 1) *Author's Statement.* According to the author, "in light of the COVID-19 pandemic and appreciating the need for the Legislature to be mindful of the volume of bills under consideration during this legislative session, the Assembly Transportation Committee consolidated four noncontroversial measures, initially introduced separately by members of that committee, into a single bill. Each of the four provisions in the bill are substantive, but minor policy changes without opposition."
- 2) *Slow Down, Move over.* According to the Center for Disease Control, between 2006 and 2016 more than one officer per week has been killed on the road

nationally. Roadside deaths have been the leading cause of death for officers while on duty. Between 2007 and 2016, 130 officers were killed in the U.S. as a result of being struck by a vehicle while on foot. In 2006, the Legislature passed and Governor Schwarzenegger signed SB 1610 (Simitian, Chapter 375, Statutes of 2006), which established the requirement for drivers to slow down and move over when approaching a stationary emergency vehicle, tow truck, or Caltrans vehicle while on the side of the freeway. This bill broadens that provision to also include local streets and roadways.

According to the California Association of Highway Patrolmen, who is sponsoring this provision, and only this provision, of the bill, “As you know, California Highway Patrol (CHP) officers are run down on the freeways far too often. The fact that we have a ‘Slow Down – Move Over’ law has not stopped all of the deaths; although, it has helped reduce them. This bill will further reduce deaths and injuries on highways and roadways. We are currently gathering statistics about crashes caused by motorists not moving over, but I can tell you, anecdotally, in talking to CHP officers all over California, the number of near-misses is staggering.”

This provision comprised the committee bill as introduced, and was introduced to enhance safety and create uniformity for the rules of the road. During the novel coronavirus pandemic, speeding dramatically increased. Between March 19 and April 19, CHP issued 87% more speeding tickets to drivers going above 100 miles per hour than over the same period last year. This provision can help ensure the safety of our essential workers.

- 3) *Pilot program alternative license plates and vehicle registration.* In 2013, the Legislature passed and Governor Brown signed SB 806 (Hueso, Chapter 569, Statutes of 2013), authorizing DMV to establish a pilot program to evaluate the use of alternatives to license plates, registration stickers, and registration cards. That pilot has been extended multiple times since its introduction. Last year, DMV recommended making the program permanent, and this year Assembly member Gipson introduced AB 2770 to make this program permanent. This bill instead extends the pilot by two years.

The pilot program established by SB 806 is set to expire on January 1, 2021. This bill merely extends the pilot program for two years instead of making it permanent so DMV can focus on more pressing issues than having to promulgate new regulations related to digital license plates in the midst of the pandemic, while still ensuring those participating in the pilot can continue to use the \$700 digital license plates they purchased.

- 4) *Highway maintenance.* This provision, as originally proposed by Assembly member Daly in this year's AB 2310, continuously appropriates to Caltrans the interest earnings derived from revenues deposited in the RMRA for maintenance of the state highway system or for purposes of the SHOPP.

In 2017, the Legislature passed and Governor Brown signed into law the Road Repair and Accountability Act (SB 1, Beall, Chapter 5), which created the RMRA, the account into which the state deposits about \$3 billion annually in state transportation revenues over the course of a fiscal year as they are collected. As is the case for the General Fund and other special funds, the RMRA carries a cash balance associated with it to ensure the availability of funds. This cash balance is invested in interest-bearing financial instruments through the state's Pooled Money Investment Account.

Whereas SB 1 dedicates the revenues deposited into the RMRA to specified programs, the legislation does not contain statutory language dedicating interest earnings to specific programs. Thus, the interest earnings effectively end up in the account's cash balance. To ensure these interest earnings do not accumulate unnecessarily, the California Transportation Commission recommended in its Annual Report to the Legislature that the interest earnings be dedicated to the SHOPP.

The University of California (UC) Road Ecology Center at UC Davis has reported traffic is down as much as 50% as a result of the shelter-in-place orders issued as a result of the novel coronavirus pandemic. Less driving means less fuel consumption, which means a loss in gas tax revenue. This provision can ensure additional funds are available for the SHOPP program at a time that gas tax revenues are down as a result of the shelter in place order.

- 5) *Zero and near-zero heavy duty trucks.* Nearly 40% of California's greenhouse gas (GHG) emissions are generated by the transportation sector, which includes both the light-duty (passenger fleet) and medium- and heavy-duty fleets. While cleaning up the entire transportation sector is important, efforts to improve the heavy-duty vehicle fleet is a high priority because, in addition to GHGs, this sector contributes greatly to a variety of smog-forming pollutants such as oxides of nitrogen (NOx), particulate matter, reactive organic gasses, and other toxic air contaminants that contribute to poor air quality and associated health impacts.

To help accelerate the deployment of zero- and near-zero-emission heavy-duty trucks, the Legislature passed and Governor Brown signed SB 1204 (Lara, Chapter 524, Statutes of 2013), which created the Clean Truck Program. This

Program was designed to use GGRF funds to develop, demonstrate, pilot, and deploy zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies. To help the Clean Truck Program better meet the goal of benefiting disadvantaged communities, SB 1204, among other things, required ARB, until January 1, 2018, to dedicate no less than 20% of the program's funding to support early commercial deployment of zero- and near-zero emission heavy duty truck technology. By creating this set aside, SB 1204 sought to ensure that cleaner trucks were be deployed sooner to provide immediate emissions reduction and air quality improvement benefits. The set aside was later extended until January 1, 2021.

Assembly member O'Donnell this year introduced AB 2860 to extend the set aside until the end of 2025 and clarify the definition of near-zero emission vehicles. The provision in AB 2285 instead extends that sunset by one year, until the end of 2022 so a more robust conversation about the future of the program can take place in next year's legislative session.

**FISCAL EFFECT:** Appropriation: Yes    Fiscal Com.: Yes    Local: Yes

According to the Assembly Appropriations Committee:

- The bill results in no state costs.
- The bill does have fiscal effects. It continuously appropriates millions of dollar in interest earnings to state highway maintenance.
- In addition, it requires ARB to continue, for another year, to dedicate millions of Clean Truck Program dollars to support early commercial deployment of existing zero- and near-zero-emission heavy duty-trucks.

**Assembly Votes:**

Floor	78-0
Approps	18-0
Trans	15-0

**POSITIONS: (Communicated to the committee before noon on Monday, July 27.)**

**SUPPORT:**

AAA Northern California, Nevada, and Utah

Alameda County Industries  
Alameda County Industries of San Ramon  
Amador Valley Industries  
American Refuse  
Arrow Services, INC.  
Atlas Disposal  
Auto Club of Southern California (AAA)  
Bioenergy Association of California  
Burrtec Waste Industries, INC.  
California Association of Highway Patrolmen  
California Natural Gas Vehicle Coalition  
California State Sheriffs' Association  
California Waste Haulers Council  
Calmet Services, INC.  
Clean Energy  
Cleanstreet  
Coalition for Renewable Natural Gas  
E.j. Harrison and Sons, INC.  
Food Express, INC.  
Garden City Sanitation  
Harris Ranch  
Interior Removal Specialist, INC.  
Livermore Sanitation  
Mid Valley Disposal  
Milpitas Sanitation  
Mustang Renewable Power Ventures  
Napa Recycling and Waste Services  
National Ready Mixed Concrete Company  
Palm Springs Disposal Services  
Pleasanton Garbage Service  
Refuel Energy Partners  
Republic Services INC.  
Resource Recovery Coalition of California  
South San Francisco Scavenger Company  
STAR Concrete  
Transportation California  
Tule Trash Company  
Turlock Scavenger Company  
Universal Waste Systems, INC.  
Valley Vista Services, INC.  
Ware Disposal, INC.  
Western Milling

**OPPOSITION:**

None received.

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