

Date of Hearing: August 16, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 68 (McGuire) – As Amended June 26, 2023

Policy Committee: Transportation

Vote: 15 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill authorizes the California Highway Patrol (CHP) to allow the driver of a tank vehicle carrying flammable liquid fuel to exceed statutory maximum driving times during a state of emergency, declared by the Governor, when the driver is transporting fuel used to refuel aircraft used in fire suppression or other emergency-related activities.

Specifically, this bill authorizes CHP to allow the driver of such a tank vehicle, driving during a state of emergency, to drive (a) more than 10 hours within a work period and (b) more than 80 hours in any consecutive eight days.

FISCAL EFFECT:

- 1) No direct state costs.
- 2) CHP will face pressure to modify its hour-of-service regulations as authorized by this bill. Should CHP modify these regulations, it will incur costs in the tens of thousands of dollars (special fund).

COMMENTS:

- 1) **Purpose.** The author intends this bill to provide CHP regulatory flexibility so that drivers may legally deliver fuel to aircraft needed for the response to an emergency, such as a wildfire. According to the author:

SB 68 will ensure CAL FIRE planes and helicopters have the necessary fuel to suppress fires and further support our firefighters on the ground. Since 2018, California has experienced the seven largest wildfires recorded in the State's history. A critical part of California's coordinated response to these fires relies on supplying aviation fuel for fire suppression aircrafts, but during Governor-declared emergencies, the truck drivers that transport the fuel run into issues with inflexible driving laws that create a barrier to CAL FIRE's ability to effectively respond to these fires that ravage the Golden State. SB 68 will direct CHP to create a permanent fix to address these emergencies, ensuring drivers are safe and firefighters on the ground can be supported by the firefighting aircraft above.

- 2) **Background.** Both federal regulations and state regulations prescribe hours-of-service limits on the drivers of large trucks, tractors, buses, trailers and vehicles transporting hazardous materials. CHP regulations establish a driver of a tank vehicle with a capacity of more than 500 gallons that is transporting flammable liquid shall drive no more than 10 hours within a work period and no more than 80 hours in any consecutive eight days. Yet, emergency response often relies on drivers of such fuel trucks operating their vehicles for more than 10 consecutive hours and more than 80 hours in eight consecutive days, CHP regulations notwithstanding.

Such was the case during the large, devastating wildfires California suffered in recent years. In response, the Governor issued blanket suspensions of the hours-of-service limits so that fuel could be delivered to aircraft that fight fire from above. This bill authorizes CHP to incorporate flexibility into its regulations, so that drivers may exceed the normally applicable hours-of-service limits to deliver fuel to aircraft during states of emergency; however, the bill does not require CHP to do so.

The California Professional Firefighters, writing in support of the bill, assert:

Timely and coordinated response is the key to preventing these fires from spreading out of control, and the deployment of firefighting aircraft such as planes and helicopters are a crucial piece of that response. However, in emergency situations, restrictions on the hours of operation for truck drivers of tanker vehicles transporting the fuel for these aircraft can slow down the deployment of needed firefighting resources, sometimes to deadly and destructive effect. SB 68 will authorize the California Highway Patrol to create regulations exempting the drivers of tanker vehicles with a capacity of more than 500 gallons from the ten-hour operation limit, only if those drivers are transporting aircraft fuel during a declared state of emergency if that fuel is being used for aircraft engaged in fire suppression activities. This narrow exemption ensures that fuel is available where it is critically needed, and response activities are not slowed down in times of heightened emergency.

Analysis Prepared by: Jay Dickenson / APPR. / (916) 319-2081