

ASSEMBLY THIRD READING  
AB 2788 (Committee on Transportation)  
As Introduced March 16, 2026  
Majority vote

## SUMMARY

Makes technical and non-controversial changes to sections of law relating to transportation.

### Major Provisions

- 1) Clarifies that the Bays of San Francisco, San Pablo, and Suisun includes the Ports of Sacramento and Stockton, and that insurance provision apply to any portion of a vessel transit that occurs within the waters of the Ports of Sacramento and Stockton.
- 2) Specifies that data about the number of automated traffic enforcement violations issued is not an administrative record prohibited from disclosure and is subject to disclosure.
- 3) Deletes reference to the small claims or traffic divisions of the superior court and specifies that a person contesting an automated traffic enforcement violation may file an appeal with the superior court.
- 4) Clarifies that an appeal of an automated traffic enforcement violation may be performed by a commissioner or other subordinate judicial officer at the direction of the presiding judge of the court.
- 5) Clarifies that motor carriers, drivers, vehicles, and shippers shall comply with the regulations in Part 107 and Parts 171 to 180, inclusive, of Title 49 of the Code of Federal Regulations to the extent that they relate to the transportation of hazardous materials by highway, as they now exist or are hereafter amended.
- 6) States that the regulations in Part 107 and Parts 171 to 180, inclusive, of Title 49 of the Code of Federal Regulations applies to motor carriers, drivers, vehicles, and shippers regardless of whether they are subject to the federal regulations, unless they are specifically exempted under specified regulations.

## COMMENTS

This is the Assembly Transportation Committee policy omnibus bill and it makes changes to existing law as follows:

- 1) *San Francisco Bar Pilots*. Section 1198 of the Harbors and Navigation Code (HNC) provides mission-critical indemnity protection for maritime pilots licensed by the State to pilot ships on the bays of San Francisco, San Pablo, and Suisun, and the tributaries thereto. These bays tributary waters form the "pilotage grounds" that are under the jurisdiction of the Board of Pilot Commissioners (BOPC).

The Port of Stockton is granted its own "exclusive" jurisdiction over pilots and pilotage within the port district. The Port of Sacramento and is similarly granted "exclusive" jurisdiction over pilots and pilotage. Historically both ports have granted commissions to certain pilots already licensed by the BOPC to pilot ships transiting the waters of the respective ports. However, the

provisions of Division 8 of the HNC establishing those port districts, and the accompanying grants of authority do not (or until recently have not) included any specific provision for indemnification of such pilots.

It has long been assumed by stakeholders, including the individual pilots commissioned by the ports, the San Francisco Bar Pilots Association, the operators of the ports, and the Pacific Merchant Shipping Association, that HNC 1198 applied within the waters of those ports, "exclusive jurisdiction" over pilots and pilotage granted to the ports notwithstanding. This bill would affirm the intent of HNC 1198 and clarify the application of the indemnity provision therein to cover the entirety of vessel transits up the rivers, into and within the waters of the ports of Stockton and Sacramento.

- 2) *Automated enforcement and appeals.* SB 720 (Ashby), Chapter 782, Statutes of 2025, authorizes a city, county or a city and county to establish an automated traffic enforcement system program to detect a violation of a traffic control signal, if the system meets specified requirements. Additionally, the bill provides for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under the program.

SB 720 (Ashby) was modeled after AB 645 (Friedman), Chapter 808, Statutes of 2023, a bill that authorized specified cities to establish a Speed Safety System Pilot Program, utilizing automated enforcement for speeding violations. AB 645 (Friedman) clearly states, "Notwithstanding any provision of the California Public Records Act, or any other law, photographic or administrative records made by a system shall be confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this article or to assess the impacts of the system. Data about the number of violations issued and the speeds at which they were issued is not considered an administrative record required not to be disclosed by this section."

In drafting SB 720 (Ashby), there was an error in mirroring this language. This bill ensures that the automated enforcement programs SB 720 (Ashby) authorized keep individual violation information confidential while maintaining the ability to report on the number of violations recorded.

Additionally, the court appeals process in SB 720 (Ashby) refers to filing an appeal to specific divisions within the superior court. This bill instead allows for an appeal to be filed with the superior court, which would provide the court with flexibility to properly assign the appeal. The current process also states that "the appeal under this section is a subordinate judicial duty". This bill makes the use of the subordinate judicial officer permissive, rather than required, to allow judges to also hear these cases where the court deems it necessary based on availability.

- 3) *Transportation of hazardous materials.* Motor carriers transporting hazardous materials are compelled by federal law to comply with the Hazardous Materials Regulations (HMR) adopted by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The California Highway Patrol is responsible for promoting the safe operation of regulated vehicles through reasonable regulations. With respect to transporting hazardous materials, this is accomplished by incorporating the federal HMR by reference in Title 13, California Code of Regulations (CCR).

However, the Administrative Procedure Act requires any incorporation of federal regulations to be done by year of publication. As a result, Title 13 of the CCR regarding HMR is outdated annually. During the time period where the federal HMR and California hazardous materials regulations are inconsistent, carriers are allowed to comply with current federal HMR pursuant to Title 13, CCR, Section 1160.2. This leads to inconsistencies between state and federal regulations and confusion between carriers and those attempting to enforce the federal HMR. Additionally, this places California-based carriers transporting into other states at a disadvantage because complying with California law is not acceptable when transporting out of state where the most current federal HMR will be enforced.

The ability to obtain statutory authority to adopt the most current federal regulations is vital to ensure the safe transportation of hazardous materials because it will permit state regulations to remain consistent with federal HMR at all times.

#### **According to the Author**

None on file.

#### **Arguments in Support**

According to the Pacific Merchants Shipping Association, "On behalf of the members of the Pacific Merchant Shipping Association (PMSA), we are proud to support AB 2788 (*Committee on Transportation*), which provides revisions to the geographic perimeters for indemnification purposes for bar pilots operating in Bays of San Francisco, San Pablo, and Suisun. Specifically, this bill clarifies that the Bays of San Francisco, San Pablo, and Suisun include the Ports of Sacramento and Stockton. This is important to sustain the safe and regulated navigation of these waters."

#### **Arguments in Opposition**

None on file

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "Negligible state costs, if any."

### **VOTES**

#### **ASM TRANSPORTATION: 15-0-1**

**YES:** Wilson, Davies, Aguiar-Curry, Ahrens, Carrillo, Harabedian, Hart, Hoover, Jackson, Lackey, Macedo, Papan, Ransom, Rogers, Sharp-Collins

**ABS, ABST OR NV:** Ávila Farías

#### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

### **UPDATED**

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