



Sacramento and Stockton to the Golden Gate Bridge. (HNC 1110)

- 4) States that every vessel, owner, operator, or demise or bareboat charterer hiring a pilot with a state license for the Bays of San Francisco, San Pablo, and Suisun shall either defend, indemnify, and hold harmless pilots or alternatively, notify pilots of an intent to pay for trip insurance, as defined. (HNC 1198(c))
- 5) Authorizes the formation of a port district, which shall include one municipal corporation and any contiguous unincorporated territory in any one county, but a municipal corporation shall not be divided in the formation of a district. (HNC 6210)
- 6) States that districts established pursuant to HNC 6200 and HNC 6800 have exclusive jurisdiction over pilots and pilotage rates within their district. (HNC 6299, 6899)
- 7) Authorizes the formation of a river port district which may include any contiguous territory in one or more counties, contiguous to a navigable river or to any channel connected with a navigable river. (HNC 6810)
- 8) Defines an “automated traffic enforcement system” or “system” as a fixed system that utilizes automated equipment to detect a violation of a traffic control signal and obtains a clear photograph of the detected vehicle’s license and video recording of the violation. (VEH 21455.9(a)(1))
- 9) Defines an “automated traffic enforcement violation” as a violation of a traffic control signal detected by an automated traffic enforcement system. (VEH 21455.9(a)(2))
- 10) Authorizes a designated jurisdiction to establish a program for traffic control signal enforcement that utilizes an automated traffic enforcement system, to be operated by a local department of transportation, at the limit line, the intersection, where a driver is required to stop, if the program meets specified requirements. (VEH 21455.9(b))
- 11) States that notwithstanding any provision of the California Public Records Act, or any other law, photographic, video, and administrative records made by a system shall be confidential. Data about the number of violations issued is not considered an administrative record required to be disclosed. (VEH 21455.9(g)(4)(A))

12) States that within 30 days after personal delivery or mailing of the final decision of an initial review of a notice of an automated traffic enforcement violation, a contestant may seek review of the violation by filing an appeal to the small claims division of the superior court or the traffic division of the superior court, where the case shall be heard. (VEH 21455.9(k)(1))

**This bill:**

- 1) Authorizes the Alameda County Transportation Commission to file amendments to the LATIP, so long as:
  - a) The proposed amendment is approved by the city council of each city located in the County of Alameda;
  - b) The proposed amendment describes the reason to remove or reprioritize a project; and,
  - c) Any proposed project to be added is included in the applicable regional transportation plan.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) Clarifies that motor carriers, drivers, vehicles, and shippers who comply with the regulations in Part 107 and Parts 171 to 180, inclusive, of Title 49 of the Code of Federal Regulations for the transportation of hazardous materials by highway, must comply with those regulations as they now exist or are hereafter

amended.

- 7) 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:

- 1) *Purpose of the bill.* AB 2788 is the transportation policy omnibus bill, authored by the Assembly Transportation Committee. The bill makes numerous technical, non-substantial changes to existing law.
- 2) *Alameda County Local Alternative Transportation Improvement Program.* Beginning in the 1970s, the Department of Transportation (Caltrans) purchased large amounts of property in southern Alameda County to construct the SR 238 bypass and improvements to SR 84 between SR 238 and Interstate 880 but never built the facilities. In response, the local counties and cities were permitted to develop a local transportation planning agency to develop an LATIP that addressed transportation problems and opportunities in the area to be served by the unbuilt facilities. The LATIP was later adopted by the California Transportation Commission (CTC), and previous legislation provided for the use of revenues from the sale of excess property on the proposed routing of State Highway 238 to fund the program.

As adopted, the LATIP lists projects in priority order. However, over time some of the projects listed are not moving forward due to changes in local priorities, but CTC is not able to fund projects further down the list until the higher priority projects are completed. Furthermore, existing law states that CTC “shall not approve any local alternative transportation improvement program submitted after July 1, 2010”. Thus, some LATIP projects in the region are not able to advance because they cannot be moved up the priority list. AB 2788 would address this issue by allowing the local governments and CTC to amend the existing plan.

- 3) *Sacramento and Stockton bar pilots.* California state law 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 BOPC.

However, both the Port of Stockton and the Port of Sacramento are granted

their own “exclusive” jurisdiction over pilots and pilotage within the port district. 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 Harbors and Navigation Code (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. AB 2788 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.

- 4) *Automated enforcement violations 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 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 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, there was an error in mirroring this language. AB 2788 ensures that the automated enforcement programs SB 720 authorized keep individual violation information confidential while maintaining the ability to report on the number of violations recorded.

AB 2788 additionally makes clarifying changes around the court appeals

process outlined in SB 720. SB 720 refers to filing an appeal to specific divisions within the superior court. AB 2788 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. AB 2788 further mirrors this change in language in other code sections with similar language.

- 5) *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 when the publication date of the Code of Federal Regulations (CFR) is updated. 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.

AB 2788 addresses this issue by clarifying that the federal regulations apply to all vehicles in the state, not otherwise exempt, and that the federal regulations apply as they exist now or are amended in the future.

- 6) *Double referral.* This bill has been double referred to the Senate Judiciary Committee.

#### **RELATED/PREVIOUS LEGISLATION:**

**SB 720 (Ashby, Chapter 782, Statutes of 2025)** – Authorized 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 met specified requirements.

**AB 645 (Friedman, Chapter 808, Statutes of 2023)** – Authorized specified cities to establish a Speed Safety System Pilot Program, utilizing automated enforcement for speeding violations.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: Yes

**POSITIONS:** (Communicated to the committee before noon on Wednesday, June 17, 2026.)

**SUPPORT:**

Pacific Merchant Shipping Association

**OPPOSITION:**

None received

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