

CONCURRENCE IN SENATE AMENDMENTS

AB 2788 (Committee on Transportation)

As Amended August 5, 2026

Majority vote

SUMMARY

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

Senate Amendments

- 1) Authorize the Alameda County Transportation Commission to file amendments to the local alternative transportation improvement program, so long as:
 - a) The proposed amendment is approved by the city councils of the Cities of Hayward and San Leandro and the board of supervisors of 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.

COMMENTS

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

- 1) *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, 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.

- 2) *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.

- 3) *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.

- 4) *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 Senate Appropriations Committee:

- 1) "The California Transportation Commission (CTC) indicates that its costs to facilitate amendments to Alameda County Transportation Commission's local alternative transportation improvement program (LATIP) would be minor and absorbable. (State Highway Account, Public Transportation Account)
- 2) The remaining provisions are not likely to result in state costs that cannot be absorbed."

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

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Muratsuchi, Celeste Rodriguez

UPDATED

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