

## CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 438 Author:(Hadwick)

As Amended Ver:May 29, 2025

Majority vote

**SUMMARY**

Authorizes the commissioner of the California Highway Patrol (CHP) to issue an emergency vehicle permit to a vehicle owned by a county, city or city and county office of emergency services only while that vehicle is being used by a public employee in responding to any disaster.

**Senate Amendments**

*Specify that the public employee must be a person who is employed by the office responding to the disaster in order to qualify as an authorized emergency vehicle (AEV).*

**COMMENTS**

The California Governor's Office of Emergency Services (Cal OES) vehicles are considered AEVs under state law. This bill would authorize local OES vehicles with a permit from CHP to also be designated AEVs for disaster response.

California is susceptible to a variety of natural disasters, the most prevalent and destructive of which are earthquakes, floods, and wildfires. In recent years, California has experienced an increase in the frequency and severity of natural disasters, and experts project that these events will continue to occur more frequently with climate change.

Cal OES is responsible for addressing natural, technological, or manmade disasters and emergencies, and preparing the State to prevent, respond to, quickly recover from, and mitigate the effects of both intentional and natural disasters. As part of its overall preparedness mission, Cal OES is required to develop a State Emergency Plan (SEP), a State Hazard Mitigation Plan (SHMP), and maintain a Standardized Emergency Management System (SEMS) and the Emergency Management Mutual Aid System (EMMA). Cal OES, in coordination with FEMA and local partners, has developed four Catastrophic Plans to augment the State Emergency Plan.

California's emergency response system, which is known as the SEMS, mirrors the federal government's National Incident Management System (NIMS). The Federal Emergency Management Agency (FEMA) manages the federal system, which is the nation's comprehensive approach to emergency management and applies to all levels of government, including cities, counties, and states. Under the State's emergency management system, local governments—which include cities, counties, and special districts—are primarily responsible for emergency response.

Counties are not required to have an OES, however, state law authorizes counties, cities and counties, and cities to create disaster councils by ordinance that are responsible for developing plans for meeting any condition constituting a local emergency or state of emergency.

*AEVs:* State law provides for special treatment of AEVs. If an AEV has a red siren on, surrounding traffic is required to yield the right-of-way and immediately drive to the right-hand edge or curb of any road and clear any intersection until the vehicle has passed. AEVs are allowed to be equipped with at least one steady-burning red warning lamp if engaged in police,

fire and lifesaving services. Drivers must change lanes or slow down when passing a stationary AEV with its sirens on. AEVs are generally exempt from most California Air Resources Board (CARB) emission regulations, such as the Clean Truck Program. AEVs are exempt from paying a toll or other charge if it is responding to an urgent or emergency call.

### **According to the Author**

"Local offices of emergency services serve as the first line of defense for communities during disasters. They respond immediately by setting up emergency operation centers, coordinating mutual aid, and directing evacuation operations. However, many rural areas face unique challenges due to limited resources, longer response times, and a lack of infrastructure. Assembly Bill 438 recognizes the critical role of local OES in emergency response by allowing responders to drive code 3, just as state OES does. By allowing local OES to drive code 3, emergency responders will be able to arrive faster, coordinate more effectively, and save more lives. This bill will improve emergency response and increase public safety."

### **Arguments in Support**

*Sacramento County, writing in support of this bill*, argues "County OES are communities' first line of defense during any disaster. Currently, peace officers, firefighters, tribal governments, and the California Governor's OES have authorized emergency vehicles (AEV). Though state OES has AEVs, AEVs for local OES are prohibited. In fire-threatened communities in rural California, often the only entity evacuating people during a fire are county OES. This ability is crucial for rural California where emergency response resources are stretched thin and unable to respond quickly.

By authorizing cities and counties to designate OES vehicles as authorized emergency vehicles, local OES can reduce response time to disasters such as fires, floods, tsunamis, and hazardous waste spills, particularly in underserved rural areas. Under AB 438 cities and counties must own the AEV, the AEV must have the appropriate equipment and markings, only public employees can drive the AEV, and responders must be trained to follow emergency vehicle laws.

Sacramento County OES staff currently take the Emergency Vehicle Operator Course (EVOC) course, the same training offered to law enforcement, to safely operate our vehicles. Our vehicles are equipped with hi/lo sirens as an additional warning for evacuations. This helps to ensure that our operations are compliant under law while maintaining operational capability and ensuring the safety of members of and visitors to our community. AB 438 will provide immediate assistance to communities during a disaster, expedite evacuation orders, and improve public safety."

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

Pursuant to Senate Rule 28.8, negligible state costs.

## **VOTES:**

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

**YES:** Wilson, Davies, Aguiar-Curry, Ahrens, Carrillo, Harabedian, Hart, Hoover, Jackson, Lackey, Lowenthal, Macedo, Ransom, Rogers, Ward

**ABS, ABST OR NV:** Papan

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

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

**ASSEMBLY FLOOR: 69-0-10**

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

**ABS, ABST OR NV:** Alanis, Arambula, Bennett, Caloza, Castillo, Jeff Gonzalez, Hart, Quirk-Silva, Ramos, Stefani

**SENATE FLOOR: 40-0-0**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**UPDATED**

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