

TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS
Supplemental Legislative Agenda
March 2012

Staff: Lobbyist: Jennifer Whiting (916) 658-8249

1. AB 819 (Wieckowski). Bikeways.

Bill Summary:

This bill would require CalTrans to establish procedures for local agencies to request approval to use, for purposes of research, experimentation, and verification:

- Nonstandard planning, design, and construction features in construction of bikeways and roadways; and,
- Nonstandard signs, markers, and traffic control devices where bicycle travel is permitted.

Background:

Current law charges Caltrans with the responsibility to adopt uniform standards for all traffic control devices used on streets and highways, after consultation with local authorities. Caltrans adopts these rules as the California Manual on Uniform Traffic Control Devices (MUTCD). Current law also requires CalTrans to establish minimum safety design criteria from the planning and construction of bikeways. Caltrans incorporates these rules into the California Highway Design Manual.

While the existing procedures of the MUTCD provide for experimental traffic control devices upon consideration by the California Traffic Control Devices Committee, there is no similar process expressly for the consideration of experimental or modified bikeway designs to be considered in the HDM.

The alternate procedures establish in accordance with AB 819 would allow local agencies to implement experimental projects and signage not authorized by the HDM or California MUTCD.

Staff Recommendation:

Discuss whether the League should take a position. And, if so, make a recommendation to the board.

Committee Recommendation:

Board Action:

Fiscal Impact:

No direct impact on cities unless they voluntarily choose to participate.

Existing League Policy:

The League supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities are not affected.

Comments:

No mandate. This bill does not mandate that cities do anything.

More flexibility. This bill purports to give local agencies more flexibility in planning for bicycles.

AASHTO and NACTO Guidelines. The bill originally authorized local agencies to consider guidelines as adopted by the American Association of State Highway and Transportation Officials (AASHTO) or a guidance document recently published by the National Association of City Transportation Officials (NACTO). The NACTO publication, in particular, has received some criticism that it was not adequately reviewed by transportation officials and could put both bicyclists and motorists at risk.

Support-Opposition:Support:

California Association of Bicycling Organizations (co-sponsor)

California Bicycle Coalition (co-sponsor)

Opposition:

None on file.

~~**2. AB 1650 (Portantino). Public Utilities. Emergency/Disaster Preparedness.**~~**3. AB 1706 (Eng). Vehicles. Unladen Weight.****Bill Summary:**

As currently in print, this bill changes the definition of “unladen weight” of a vehicle. However, as planned to be amended, this bill will contain the solution to the problem with public transit buses that are currently operating with an axle weight exceeding the current legal limit that the committee discussed in January.

There are currently two options being discussed. Below is a short summary of each, and staff will provide more information at the meeting.

- 1) Grandfather in current buses. For the future, create classifications of buses and prohibit the purchase (or operation) of another bus that weighs more than the heaviest bus in that class. Some examples of classifications are length, seating capacity, number of axles, and fuel or power system.
- 2) Adjust state law to reflect federal law which is 24,000 pounds per axle. This would likely need to be coupled with a grandfathering in of existing buses and buses already in the procurement stage.
- 3) Adjust state law to reflect the weight provided by federal statute (24,000 lbs. per axle), but instead incorporate the combined weight of both front and rear (or front, middle and rear for articulated buses) axles instead of specifying per axle.

Background:

The California Vehicle Code outlines weight limits for buses, stating that they must not exceed 20,500 lbs per axle. The current weight limit for buses was put into place in 1975, and has not been changed since that time. However, many other state and federal requirements for buses have changed significantly since 1975. The California Transit Association (sponsor) points to ADA requirements, increased safety requirements, and more stringent environmental requirements as examples to why the weight of transit buses have increased significantly.

Some examples of changes that have led to heavier buses include:

- The Fleet Rule for Transit Agencies, 2000. Established by the CA Air Resources Board, this rule directed the state's transit agencies to adopt either "alternative fuel" fleets or participate in zero emission bus demonstration projects. As a result, fleets transitioned to alternative fuel (CNG), and the equipment associated with that change added around 4,000 to each bus.
- Federal Americans with Disabilities Act (ADA), 1990. The ADA ensures equal access for persons with disabilities, requires public transit buses to be equipped with ADA-compliant tools, such as wheelchair lifts, ramps, kneelers, tie-downs, and other equipment. This gear also adds hundreds of pounds of weight to buses.

In addition to changes in law and regulations, buses today are designed to accommodate more passengers, especially standing passengers. Passenger weights are also increasing. The Federal Transit Administration is in the process of amending its bus testing regulation to more accurately reflect average passenger weights and actual transit vehicle loads.

As part of SAFETEA-Lu in 2005, federal law exempts public transit buses from the federal weight limit of 20,000 lbs per axle for buses traveling on interstate highways. The exemption was intended to give USDOT time to study the issue and develop more realistic weight limits. The exemption has been carried over in each extension of SAFETEA-Lu.

Staff Recommendation:

Continue current policy of negotiating with the public transit operators.

Committee Recommendation:**Board Action:****Fiscal Impact:**

Increased costs due to wear and tear on city streets.

Existing League Policy:

The League does not have direct policy for the size and weight of buses. However, the following policies are related.

The League opposes any efforts to increase truck size or weight. The size and weight of trucks is important because it affects the stability and control of the truck, the way it interacts with other traffic, and the impact it has when colliding with other vehicles. Truck safety is particularly important because these vehicles share city streets and county roads with users — such as, motorists, pedestrians, cyclists, motorcyclists, and bus riders.

The League opposes all efforts that allow vehicles on the road that will jeopardize the integrity of the public infrastructure or the health and safety of the motoring public. The League supports all efforts to

retain maximum control of the local street and road system. The League supports traffic safety enhancements such as motorcycle helmets, child restraints, seat belt and speed limit laws.

Comments:

The committee's discussion in January. In January, the Committee voted unanimously to 1) express concerns regarding this conceptual bill; 2) to direct staff to set up a meeting with the sponsor to work through technical issues and alternatives* raised by committee members; and, 3) to request staff to bring the issue/bill back to committee in March once the proposal is more fully developed.

Committee members cited concerns about impacts of heavier buses on city streets, and some contested the assertion that transit agencies had no other option than to buy these buses. Some members expressed that they would like transit agencies to speak up more in support of additional funding for local streets and roads. They suggested that publicly owned transit buses should be separated from privately owned buses. However, committee members recognized that these buses are already operating on our streets and the obstacles that face transit if the weight limits are not increased. They want to remain at the table to discuss how to best address the problem with our transit partners.

*Technical issues discussed included completing a traffic index report for bus impacts on roads, an estimate of how much such a change will cost cities, if Regional Transportation Plans would need to be revised, and what impact alternative fuels have on vehicle weight. Alternatives discussed included: buying smaller buses and using alternative materials for buses.

The Board supported this recommendation.

What triggered the legislation? Buses that violate the existing weight limits are already operating on city streets, likely in every jurisdiction. This has recently come to the attention of a few cities, and at least one of them issued citations to transit buses. Staff has been informed that the ticketing has been stopped until a legislative fix can be found.

What's the right amount? The sponsors of the bill have compiled some data on how much buses currently operating actually weigh. They have stated to staff that their intent is not to allow transit agencies to procure heavier buses; the sponsors simply want to change state law to reflect what is happening today.

Why did transit agencies procure buses that violated state law? According to the sponsors, lighter buses that meet state and federal regulations are simply not available. The committee may want to discuss with the sponsors what measures they have taken to confirm this information.

Public buses vs. Private buses. Current law does not distinguish between publicly and privately run buses. If the committee decides to support (or be neutral on) increased bus weight limits, should there be a distinction made?

How can we avoid this happening again? According to the sponsor, the weight of buses has gone up incrementally over many years due to changes in state and federal law and regulations. Should regulating agencies be required to consider the weight of new components on buses before passing a regulation? Staff believes this would be a tall order, but may be something that the committee wants to add to the legislative discussion, even if they do not require that it be part of the final bill.

Does this reflect a change in League policy? As noted in Existing League Policy above, current policy has strong language in opposition to weight limits for trucks being increased. Does the committee's recommendation reflect a change? If so, what is that change?

Support-Opposition:

Support:

California Transit Association (sponsor)
North American Bus Industries

Opposition:

Unknown (CSAC is also reviewing)

4. AB 1897 (Campos). General plan. Healthy food element.

Please see main Legislative Agenda Packet.

5. AB 2277 (Hueso). Adopt a Highway Program: Courtesy signs.

Bill Summary:

The bill requires CalTrans to notify a city or county before an Adopt a Highway Sign is placed. Gives the city or county 30 days to hold a hearing and decide whether or not to approve the proposed courtesy sign, otherwise CalTrans could authorize the sign. Requires that a city or county approve a sign unless public findings have been made that provide reasonable grounds for denial. Also requires CalTrans to post all Adopt a Highway Program applications on their website.

Background:

The Adopt a Highway Program (AAHP) is administered by CalTrans and provides individuals, organizations and businesses the opportunity to "adopt" a section of a state highway, typically on a two-mile stretch. CalTrans can recognize the contributions made by the individual, organization or business by placing a "courtesy sign" that displays the adopter's name at no cost to the adopter. In addition, adopter's can choose to pay additional costs to customize a sign with a logo or other elements approved by CalTrans.

A courtesy sign is neither required or guaranteed as part of the program.

According to the author: "some organizations have attempted to utilize AAHP as a means of soliciting their viewpoints and beliefs. In fact, there have been examples of groups advertising their AAHP courtesy signs as a symbol of community support, and even worse, as a means of intimidation. The unfair propaganda should not be allowed, especially within the context of a state program."

Staff Recommendation:

Discuss whether the League should take a position. And, if so, make a recommendation to the board.

Committee Recommendation:

Board Action:

Fiscal Impact:

Possibly significant costs associated with public meeting requirements. Unknown costs if a denial is challenged.

Existing League Policy:

There is no League policy specific to this legislation. However, the League's mission is to support local control.

Comments:

What the sign cannot say. AAHP regulations state that a courtesy sign is not intended to be an advertisement and that the sole purpose is to identify the adopter. Signs cannot display graphics or borders not part of the logo, wording or a logo that implies or is obscene or sexually explicit, or any form of advertising.

First amendment rights. California is not the only state to struggle with what to do with courtesy signs of groups that may not be popular in the community. However, the courts have ruled that governments cannot deny a sign to a group based on unpopularity. In Missouri, the Ku Klux Klan adopted a portion of the interstate. There was a significant outcry from the community, and the courtesy sign was repeatedly destroyed. Eventually the Missouri Department of Transportation adopted specific criteria to prohibit hate groups from future participation. However, the 8th Circuit Court of Appeals ruled that any attempt to bar the Klan from participation in the Adopt-a-Highway program on the basis of the group's purpose is a violation of the First Amendment. The Supreme Court declined to hear the case, so the ruling stood.

Does this bill accomplish what the author wants? Given the two points above, staff is hard pressed to think of a situation where CalTrans would approve a sign that the city or county could deny without taking on a legal challenge.

May be a state mandate. By requiring local agencies to hold a public hearing, this could meet the requirements of a state mandate.

Support-Opposition:

Support:

South Bay Forum (sponsor)

Opposition:

None on file

6. AB 2559 (Buchanan). Natural Gas Pipelines: Pipeline Integrity Management.

Bill Summary:

Requires that the PUC ensure notification to a city whenever a pipeline integrity plan may result in pipeline inspection, remediation, or replacement work in the jurisdiction. Also requires the city to expedite any permitting or other actions necessary to complete the necessary work.

Background:

The Public Utilities Commission (PUC) enforces statutes and rules which, in addition to the Federal Pipeline Safety Regulations, establish minimum requirements for the design, construction, quality of materials, locations, testing, operations and maintenance of gas facilities and pipelines.

The PUC conducts compliance inspections, accident investigations, reviews utilities' reports and records, conducts construction inspections, conducts special studies, and takes action in response to complaints and inquiries from the public on issues regarding gas pipeline and electric safety. The PUC also conducts audits and inspections of gas facilities owned and operated by mobile home parks, and audits and inspections of underground propane gas distributions systems.

The PUC has responsibility to ensure compliance with federal pipeline management standards for over 11,000 miles of transmission pipeline and almost 2,350 miles of transmission pipeline in high consequence areas.

Last year legislation (SB 705, Leno) was enacted that required the gas corporations to develop and implement, in coordination with the PUC, service and safety plans. The safety plans must:

- Identify and minimize hazards and risks
- Identify safety systems to eliminate or minimize hazards, including documentation
- Provide adequate storage and transportation capacity
- Provide patrol and inspection
- Provide systems controls with respect to both equipment and personnel procedures
- Provide timely response to reported leaks or other hazard conditions
- Provide protocols for determining maximum allowable operating pressure on relevant pipeline segments, including documentation
- Preparation to minimize damage and respond to earthquakes and other major events
- Meet or exceed minimum standards for safe design, construction, installation, and maintenance of gas transmission and distribution facilities
- Ensure adequate number of trained workforce to implement the service and safety plan
- Additional matters the PUC determines should be included

Staff Recommendation:

Committee Recommendation:

Board Action:

Fiscal Impact:

Increased costs associated with expedited permitting.

Existing League Policy:

No policy specific to this legislation; however, the League general opposes expedited permitting requirements if they become too stringent (within 24 hours, etc.).

Comments:

A note on increased costs. Cities may or may not be able to charge fees related to the expedited permitting based on their franchise agreement with the gas corporation.

Cities want to know. After the San Bruno explosion, staff heard repeatedly that cities want to know when there is urgent public safety work pending in their jurisdiction. Up to this point, there has not been a requirement to notify the city.

Support-Opposition:

Support: (as of March 14, 2012)

Public Utilities Commission (sponsor)

Opposition: (as of March 14, 2012)

7. AB 1627 (Dickinson). Environmental Quality: Building Standards: VMT.

Please see main Legislative Agenda Packet.