

In the Supreme Court of the State of California

STATE OF CALIFORNIA, ex rel. Department
of the California Highway Patrol,

Petitioner,

v.

SUPERIOR COURT FOR THE COUNTY OF
ORANGE,

Respondent,

MAYRA ANTONIO ALVARADO and
DYLAN HARBORD-MOORE,
Real Parties in Interest (Petitioners Herein).

Case No. S 214221

**SUPREME COURT
FILED**

MAY - 8 2014

Frank A. McGuire Clerk

Deputy

**ANSWERING PARTY'S
REQUEST FOR JUDICIAL NOTICE**

On Review From a decision of the California Court of Appeal
Fourth District, Division Three, Case No. G047922

Orange County Superior Court, Case No. 30-2008-00116111
The Honorable Robert J. Moss, Judge

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*Attorneys for Answering Party State of
California, California Highway Patrol*

Answering Party, State of California requests that the Court take judicial notice of the following pursuant to Evidence Code sections 452-453: The attached legislative history of the Freeway Service Patrol Act, Stats. 1992, Ch. 1109 (AB 3346, Katz), prepared by Joel Tochtermann, Librarian of the Office of the Attorney General, consisting of the following documents, attached as Legislative History, pages 1 - 422:

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The Court of Appeal in the matter below took judicial notice of these materials pursuant to the request filed by the State of California. These materials are relevant because the primary issue before this Court concerns the legislative intent behind the Freeway Service Patrol Act

Dated: May 8, 2014

Respectfully submitted,

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ID # 5590

LEGISLATIVE INTENT

Requester: Joel Davis
Telephone:
City/Room: Los Angeles

Date received: 18 Dec. 2012
Needed by:
Completed: 26 Dec. 2012

STATS: 1992 CHAPTER: 1109 CODE: Streets & Highways 2560-2564.5
BILL: AB 3346 AUTHOR: Assemblyman Katz
Summary Digest: X Final History: X Bill Forms: X

LEGISLATIVE POLICY COMMITTEE ANALYSES:

Assembly Committee: Ways & Means; Ways & Means Minority
Senate Committee: Appropriations; Rules

FISCAL ANALYSES:

Assembly Ways and Means: Legislative Analyst:
Department of Finance: X Other Agencies: X

THIRD READING ANALYSES:

Assembly Republican Caucus (ARC) (1973-): X
Senate Floor Analyses (SFA) (1985-): X

GOVERNOR'S CHAPTERED BILL FILE (GCBF): Gov. Pete Wilson donated his file for AB 3346 (1992) to the California State Archives. This file includes Enrolled Bill Reports from state agencies.

AUTHOR'S FILE: The author of the bill, Assemblyman Richard Katz, also provided a bill file to the State Archives. This file includes the author's statements, background materials and correspondence.

Other:

NOTES:

Stats 1992 Ch. 1109 (AB 3346) enacted the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic-congested urban freeways.

The statute enacted Streets & Highways code secs. 2560-2564.5. This legislative history includes copies of the code sections as they were after AB 3346 was signed into law.

The Assembly Committee on Transportation and Senate Committee on Transportation did not provide files for the bill to the State Archives.

All other committees, including the Department of Finance and Department of Transportation, provided bill files.

The pdf for this legislative history has been OCR'd (press Ctrl and F to search within the pdf document).

By Joel Tochtermann
Joel Tochtermann (916) 322-3375
Rev. 9-1-2011

The first section of this legislative history
contains the following documents:

- **The Statute/Chaptered Version of the Legislation**
- **The Legislative Counsel's Summary Digest of the Statute**
- **The Senate or Assembly Final History of the Legislative Bill**
 - **Versions of the Legislative Bill**

This is the code section
as it was following the
passage of the bill.

Discard Earlier Pocket Supplement

2

1993 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 1992

COVERING LEGISLATION THROUGH CHAPTER 1374* OF
THE 1992 SESSION OF THE 1991-92 LEGISLATURE

* See Foreword page 4

DEERING'S STREETS AND HIGHWAYS CODE

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ANNOTATED

JAN 8 1993

OF THE STATE OF CALIFORNIA

§§ 1-4999

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis of the Streets and Highways Code appears
at the beginning of this supplement.

SUPERSEDED



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jurisdiction only during the two-year period immediately following the start of the collection of a fee imposed pursuant to Section 2555 for that county.

Added Stats 1985 ch 1350 § 2 as § 2555. Amended Stats 1986 ch 997 § 4; Stats 1987 ch 250 § 4. Amended and renumbered Stats 1988 ch 1132 § 9, effective September 21, 1988.

Amendments:

1986 Amendment: Substituted the section for the former section which read: "Any service authority may, pursuant to Chapter 6 (commencing with Section 54300) of Division 2 of Title 5 of the Government Code, issue revenue bonds for the purposes of this chapter and pledge revenues to be received from the fees."

1987 Amendment: Substituted subd (b) for former subd (b) which read: "(b) A service authority may issue revenue bonds only during the two-year period immediately following the imposition of a fee pursuant to Section 2553."

1988 Amendment: (1) Amended subd (a) by substituting (a) "a motorist aid system of call boxes and shall" for "of an emergency motorist aid system for emergency call boxes and" and "Section 2555 as security for the payment of principal or of interest or other amounts due on those revenue bonds" for "Section 2553" in the first sentence; (b) substituting "a" for "an emergency" after "for facilities of" and "the" for "such" after "amounts due under" in the second sentence; (c) adding the third and fourth sentences; and (d) substituting "a motorist aid system of" for "of an emergency motorist aid system for emergency" in the last sentence; and (2) substituted "Section 2555" for "Section 2553" in subd (b).

§ 2559. Prohibited acts; Misdemeanor

It is a misdemeanor for any person to remove, damage, interfere with the use of, or obstruct any motorist aid call box provided pursuant to this chapter without the consent of the authority.

A person convicted under this section may be required by the court to pay to the service authority the costs of repairing or replacing the call box, in addition to any other penalty.

Added Stats 1988 ch 1132 sec 11, effective September 21, 1988.

CHAPTER 15

Freeway Service Patrols

[Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.]

[Former Chapter 5, consisting of §§ 2560-2565, was added Stats 1987 ch 505 § 1. Repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.]

Editor's Notes—For operative term see § 2564.5

Section

- 2560. (Operative until June 30, 1996) Short title
- 2560.5. (Operative until June 30, 1996) Purpose of chapter; Freeway service patrol
- 2561. (Operative until June 30, 1996) Definitions
- 2561.3. (Operative until June 30, 1996) Operation of patrol
- 2561.5. (Operative until June 30, 1996) Source of funding
- 2562. (Operative until June 30, 1996) Funding formula
- 2562.3. (Operative until June 30, 1996) Application for funding
- 2562.5. (Operative until June 30, 1996) Identifying logo on tow trucks
- 2563. (Operative until June 30, 1996) Governing law
- 2563.5. (Operative until June 30, 1996) Criteria for evaluation; Report
- 2564. (Operative until June 30, 1996) Use of appropriated funds for administrative purposes
- 2564.5. (Operative until June 30, 1996) Repeal of chapter
- 2565. [Section repealed 1992.]

§ 2560. (Operative until June 30, 1996) Short title

This chapter shall be known and may be cited as the Freeway Service Patrol Act.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

Former Sections:

Former § 2560, similar to present § 183.4, was added Stats 1987 ch 505 § 1 and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2560.5. (Operative until June 30, 1996) Purpose of chapter; Freeway service patrol

The purpose of this chapter is to implement a freeway service patrol system on traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2561. (Operative until June 30, 1996) Definitions

As used in this chapter, each of the following terms has the following meaning:

(a) "Emergency roadside assistance" has the same meaning as defined in Section 2436 of the Vehicle Code.

(b) "Employer" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(c) "Freeway service patrol" means a program managed by the Department of the California Highway Patrol, the department, and a regional or local entity which provides emergency roadside assistance on a freeway in an urban area.

(d) "Regional or local entity" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(e) "Tow truck driver" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

Former Sections:

Former § 2561, similar to present § 183.4, was added Stats 1987 ch 505 § 1 and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2561.3. (Operative until June 30, 1996) Operation of patrol

The freeway service patrol shall be operated pursuant to a memorandum of understanding between the Department of the California Highway Patrol, the department, and a regional or local entity.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2561.5. (Operative until June 30, 1996) Source of funding

(a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon appropriation, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where there already is a freeway service patrol, the department shall coordinate and integrate the funds appropriated pursuant to this section

into the existing program. In the allocation of these funds, no local entity shall be penalized for having an existing freeway service patrol program.

(c) No state funding shall be released prior to the execution of the memorandum of understanding developed pursuant to subdivision (b) of Section 2561.

(d) No program funded under this chapter shall supplant emergency response towing services provided by the department as of January 1, 1992.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

Former Sections:

Former § 2561.5, similar to present § 183.4, was added Stats 1988 ch 660 § 2, operative until December 31, 1992 and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2562. (Operative until June 30, 1996) Funding formula

Funding for a freeway service patrol in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program.

The department, in cooperation with participating agencies, shall review the formula created in this section and report to the Legislature on or before June 30, 1993, on recommendations regarding possible revisions.

Added Stats 1992 ch 1109 § 1, (AB 334), effective september 28, 1992, operative until June 30, 1996.

Former Sections:

Former § 2562, similar to present § 183.4, was added Stats 1987 ch 505 § 1 and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2562.3. (Operative until June 30, 1996) Application for funding

In determining the first year's funding, regional or local entities shall apply to the department within three months of the effective date of this chapter. If a county that otherwise qualifies for funds does not complete an application that assures local expenditures as required by Section 2561.5, its allocated funds shall be distributed on a pro rata basis to other qualifying counties that are receiving funds.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2562.5. (Operative until June 30, 1996) Identifying logo on tow trucks

Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words "Freeway Service Patrol," which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place a logo on participating tow trucks.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2563. (Operative until June 30, 1996) Governing law

Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

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Former Sections:

Former § 2563, similar to present § 183.4, was added Stats 1987 ch 505 § 1 and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2563.5. (Operative until June 30, 1996) Criteria for evaluation; Report

The department, in cooperation with the Department of the California Highway Patrol and participating regional and local entities, shall develop criteria to be used to evaluate the freeway service patrol system established pursuant to this chapter.

The department, in cooperation with those entities, shall prepare a report on the system, using the criteria developed pursuant to this section, and shall submit the report to the Legislature on or before July 1, 1994. The report shall be prepared in cooperation with the Emergency Roadside Assistance Advisory Committee created by Section 2437 of the Vehicle Code, and shall include a review of local expenditures made pursuant to Section 2561.5.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2564. (Operative until June 30, 1996) Use of appropriated funds for administrative purposes

Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

Former Sections:

Former § 2564, similar to present § 183.4, was added Stats 1987 ch 505 § 1, amended Stats 1988 ch 660 § 3, and repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992.

§ 2564.5. (Operative until June 30, 1996) Repeal of chapter

This chapter shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends those dates.

Added Stats 1992 ch 1109 § 1 (AB 3346), effective September 28, 1992, operative until June 30, 1996.

§ 2565. [Section repealed 1992.]

Added Stats 1987 ch 505 § 2. Repealed Stats 1992 ch 25 § 4 (AB 680), effective April 1, 1992. See § 183.4.

CHAPTER 15.5

Vanpool Financing

[Added Stats 1989 ch 799 sec 2, effective September 25, 1989.]

Section

- 2570. "Vanpool operator"; "Vanpool vehicle"; "Useful life"
- 2571. Ridesharing Vanpool Revolving Loan and Grant Fund
- 2572. Loan to purchase vehicle
- 2573. Rate to interest to be charged
- 2574. Administration of grant program
- 2575. Purchase grants
- 2576. Lease grants
- 2577. Deposit of money

This is the current
code section
of interest.

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STREETS AND HIGHWAYS CODE

Sections 900 to 4999

*Official
California Streets and Highways Code
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FREEWAY SERVICE PATROLS

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(b) A service authority may issue revenue bonds for each county within its jurisdiction.

(Formerly § 2555, added by Stats.1985, c. 1350, § 2. Amended by Stats.1986, c. 997, § 4; Stats.1987, c. 250, § 4. Renumbered § 2558 and amended by Stats.1988, c. 1132, § 9, eff. Sept. 22, 1988. Amended by Stats.2003, c. 374 (S.B.795), § 3.)

Library References

Highways ⇨90.
Westlaw Topic No. 200.

Notes of Decisions

Competitive bidding 1

1. Competitive bidding

Fact that local service authority for freeway emergencies could finance implementation and maintenance of emergency call box system by issuing revenue bonds pursuant to Gov.Code § 54300 et seq. and Health & Safety Code

§ 4950 et seq. containing competitive bidding provisions did not require local authority to let contract through competitive bidding where financing was accomplished solely through imposition of vehicle registration fee. San Diego Service Authority for Freeway Emergencies v. Superior Court (App. 4 Dist. 1988) 244 Cal. Rptr. 440, 198 Cal.App.3d 1466, modified, review denied. Highways ⇨ 113(1)

§ 2559. Removal, damage, or interference with call box; violation; repair costs

It is a misdemeanor for any person to remove, damage, interfere with the use of, or obstruct any motorist aid call box provided pursuant to this chapter without the consent of the authority.

A person convicted under this section may be required by the court to pay to the service authority the costs of repairing or replacing the call box, in addition to any other penalty.

(Added by Stats.1988, c. 1132, § 11, eff. Sept. 22, 1988.)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19, and 19.2.

Library References

Highways ⇨185.
Westlaw Topic No. 200.

Chapter 15

FREEWAY SERVICE PATROLS

Section

- 2560. Short title.
- 2560.5. Purpose; formula-based allocation program; Competitive Freeway Service Patrol Grant Program.
- 2561. Definitions.
- 2561.3. Operation of freeway service patrol; agreement.
- 2561.5. Funding.
- 2562. Renumbered.
- 2562.1. Funding for formula-based allocation program; overall benefit-cost ratio; allocation of funding.

Section

- 2562.2. Funding for Competitive Freeway Service Patrol Grant Program.
- 2562.3. Application for funding; eligibility requirements.
- 2562.5. Logos for participating tow trucks.
- 2563. Training and certification; criminal history checks.
- 2563.5. Repealed.
- 2564. Administrative costs; funding limitation.
- 2564.5. Repealed.
- 2565. Guidelines for program operations.

Chapter 15, "Freeway Service Patrols", was added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992.

Former Chapter 15, added as "State Highway Construction Revolving Account" by Stats.1987, c. 505, § 1, consisting of §§ 2560 to 2565, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

§ 2560. Short title

This chapter shall be known and may be cited as the Freeway Service Patrol Act.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992.)

Historical and Statutory Notes

Former § 2560, added by Stats.1987, c. 505, § 1, relating to establishment and funding of the State Highway Construction Revolving Account, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

"Freeway service patrol" defined for purposes of this chapter, see Streets and Highways Code § 2561.

§ 2560.5. Purpose; formula-based allocation program; Competitive Freeway Service Patrol Grant Program

(a) The purpose of this chapter is to provide for the implementation of a freeway service patrol system using a formula-based allocation, referred to as baseline funding allocation, to all eligible regional and local agencies for traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies. All regional or local agency programs that meet the minimum eligibility requirements set forth in this section and Section 2562.1 shall receive initial funding from the baseline funding allocation.

(b) In addition to the formula-based allocation program established, subject to funds being appropriated in the annual Budget Act, in subdivision (a), there is hereby established a Competitive Freeway Service Patrol Grant Program to provide funding of a freeway service patrol system to reduce traffic congestion.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 2; Stats.2002, c. 578 (A.B.2360), § 1, eff. Sept. 16, 2002; Stats.2004, c. 638 (A.B.2498), § 1.)

Historical and Statutory Notes

Section 1 of Stats.2000, c. 513 (S.B.1428), provides:

"The Legislature finds and declares all of the following:

"(a) California's freeway service patrols are a critical element in the state's efforts to keep our freeways safe and operating efficiently.

"(b) Freeway service patrols provide an effective freeway congestion relief program on the state highway system.

"(c) Los Angeles County pioneered the state's first freeway service patrol program in 1991, and, since that time, 11 programs have been implemented as a partnership between the Department of Transportation, the Department of the California Highway Patrol, and local and regional entities.

"(d) Freeway service patrols, composed of teams of specially trained tow truck drivers, patrol 1,220 miles of California's most congested freeways, offering stranded motorists help

that is free of charge and includes services such as changing a flat tire, "jump starting" a dead battery, repairing hoses, refilling radiators, and providing a gallon of fuel or a tow to a predetermined safe location off the freeway.

"(e) Since the state first implemented freeway service patrol programs on a demonstration basis in 1992, some 4.5 million motorists statewide have received assistance. Further, studies performed by the University of California at Berkeley's Institute for Transportation Studies, as required by the initial legislation, conclude that for every dollar invested in the program, the state receives from three dollars (\$3) to five dollars (\$5) back in benefits, including time savings.

"(f) Accordingly, California's freeway service patrol programs, which were implemented initially as a demonstration program, merit permanent status as part of the state's overall program to keep California's highways safe and free of traffic congestion."

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

"Freeway service patrol" defined for purposes of this chapter, see Streets and Highways Code § 2561.

Library References

Highways ⇨99.1.
Westlaw Topic No. 200.

§ 2561. Definitions

As used in this chapter, each of the following terms has the following meaning:

(a) "Emergency roadside assistance" has the same meaning as defined in Section 2436 of the Vehicle Code.

(b) "Employer" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(c) "Freeway service patrol" means a program managed by the Department of the California Highway Patrol, the department, and a regional or local entity which provides emergency roadside assistance on a freeway in an urban area.

(d) "Regional or local entity" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(e) "Tow truck driver" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992.)

Historical and Statutory Notes

Former § 2561, added by Stats.1987, c. 505, § 1, relating to advance agreements between a city or county and the department, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.
 "Highway" defined for the purposes of this Code, unless otherwise required, see Streets and Highways Code § 23.

§ 2561.3. Operation of freeway service patrol; agreement

The freeway service patrol in any particular area shall be operated pursuant to an agreement between the Department of the California Highway Patrol, the department, and the appropriate regional or local entity.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 3; Stats.2002, c. 578 (A.B.2360), § 2, eff. Sept. 16, 2002.)

Historical and Statutory Notes

Legislative findings and declarations relating and Statutory Notes under Streets and Highways Code § 2560.5, to Stats.2000, c. 513 (S.B.1428), see Historical

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

Library References

Highways ⇐ 165.
 Westlaw Topic No. 200.

§ 2561.5. Funding

(a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon appropriation in the annual Budget Act, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where a freeway service patrol exists, the department shall coordinate and integrate the funds appropriated pursuant to this section into the existing program. In the allocation of these funds, no local entity may be penalized for having an existing freeway service patrol program.

(c) No state funding may be released prior to the execution of the agreement developed under Section 2561.3.

(d) No program funded under this chapter may supplant emergency response towing services provided by the department as of January 1, 1992.

(e) It is the intent of the Legislature that funding provided under subdivision (a) of Section 2560.5 be consistent from year to year in order to facilitate the awarding of multiyear contracts between participating regional and local entities and providers of freeway patrol services. The department shall only recognize multiyear contract commitments equal to or less than three years. If new freeway service patrol regional or local entity programs are added to the baseline funding allocation, as described in Section 2560.5, those programs shall be phased in so as not to impact the multiyear contract commitments. However, once a new application from an eligible regional or local entity is

FREEWAY SERVICE PATROLS
Ch. 15

§ 2562.1

submitted and approved, the share of the baseline funding allocation to the regional or local agency shall be phased in within three years of the date the application is approved.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 4; - Stats.2002, c. 578 (A.B.2360), § 3, eff. Sept. 16, 2002; Stats.2004, c. 638 (A.B.2498), § 2.)

Historical and Statutory Notes

Former § 2561.5, added by Stats.1988, c. 660, § 2, relating to federally funded local highway projects, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992. Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.
"State Highway Account" defined for purposes of this Code, see Streets and Highways Code § 30.
"State highway" defined for purposes of this Code, see Streets and Highways Code § 24.

Library References

Highways ⇄99.1.
Westlaw Topic No. 200.

§ 2562. Renumbered § 2562.1 and amended by Stats.2002, c. 578 (A.B. 2360), § 4, eff. Sept. 16, 2002

Historical and Statutory Notes

Former § 2562, added by Stats.1987, c. 505, § 1, relating to requests for advances and approval, was repealed by Stats.1992, c. 25 (A.B. 680), § 4, eff. April 1, 1992.

§ 2562.1. Funding for formula-based allocation program; overall benefit-cost ratio; allocation of funding

(a) Funding for the program established in subdivision (a) of Section 2560.5 in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program. A regional or local agency submitting an application after July 1, 2003, for funding shall demonstrate in the application an overall benefit-cost ratio of 3 to 1. The department shall determine the benefit-cost ratio methodology.

(b) If a regional or local agency submits an application for funding that is approved by the department before December 31 of any year and additional funding is not provided to the baseline funding allocation, the department shall allocate the funding allocation at a maximum over three years as follows:

(1) Thirty-three and three-tenths percent of the total amount of the allocation during the immediately following fiscal year.

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(2) Sixty-six and six-tenths percent of the total amount of the allocation during the fiscal year that immediately follows the fiscal year described in paragraph (1).

(3) One hundred percent of the total amount of the allocation during the fiscal year that immediately follows the fiscal year described in paragraph (2). (Formerly § 2562, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 5. Renumbered § 2562.1 and amended by Stats.2002, c. 578 (A.B.2360), § 4. Amended by Stats.2004, c. 638 (A.B.2498), § 3.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

Library References

Highways ⇨99.1.
Westlaw Topic No. 200.

§ 2562.2. Funding for Competitive Freeway Service Patrol Grant Program

(a) Not later than 90 days after the effective date of this section, the department shall prepare guidelines for the implementation of a Competitive Freeway Service Patrol Grant Program and shall submit those guidelines to each regional or local agency operating a freeway service patrol. Not later than 30 days after receipt of the guidelines, the regional or local agency shall submit its written comments to the department.

(b) Not later than 150 days after the effective date of this section, the department shall publish the final guidelines for the Competitive Freeway Service Patrol Grant Program and commence implementation of the program. The guidelines shall not constitute a regulation for the purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The guidelines prepared pursuant to this section shall comply with the following requirements:

(1) Grants to be awarded to a regional or local agency applicant on a competitive basis for contracting with an employer for the provision of a new or expanded freeway service patrol service and for contracting with the Department of the California Highway Patrol for the provision of only direct supervisory services warranted by workload standards to reduce traffic congestion.

(2) The grant to require a matching share by the regional or local agency equaling not less than 25 percent of the amount provided from the State Highway Account.

(3) The grant to be awarded on the basis of project need and effectiveness calculated on a cost benefit analysis.

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(4) The amount of a grant to be made to a regional or local agency shall not exceed 35 percent of the total amount of the available grant funds.

(5) The regional or local agency demonstrates that the services it proposes to fund with the grant are new freeway service patrol services that were not previously provided in its jurisdiction.

(6) The regional or local agency demonstrates its ability to support and supervise the new or expanded services provided by the Department of the California Highway Patrol.

(d) This section shall be operative only if funds are appropriated for its purposes in the annual Budget Act.

(Added by Stats.2002, c. 578 (A.B.2360), § 5, eff. Sept. 16, 2002.)

Contingent Operation

Operation of this section is contingent upon availability of funding by its own terms.

Cross References

"Employer" defined for purposes of this chapter, see Streets and Highways Code § 2561.

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

"Freeway service patrol" defined for purposes of this chapter, see Streets and Highways Code § 2561.

"State Highway Account" defined for purposes of this Code, see Streets and Highways Code § 30.

"State highway" defined for purposes of this Code, see Streets and Highways Code § 24.

Library References

Highways ⇨99.1.

Westlaw Topic No. 200.

§ 2562.3. Application for funding; eligibility requirements

In determining the baseline annual funding allocation, regional or local entities shall apply to the department in accordance with operational standards as outlined in the program guidelines and in accordance with the eligibility requirements described in Sections 2561.5 and 2562.1. A regional or local entity that meets the eligibility requirements may not be denied its fair share of the baseline annual allocation made by the department.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 6; Stats.2004, c. 638 (A.B.2498), § 4.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Cross References

"Regional or local entity" defined for purposes of this chapter, see Streets and Highways Code § 2561.

Library References

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§ 2562.5. Logos for participating tow trucks

Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words "Freeway Service Patrol," which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place an approved logo on participating tow trucks.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 7.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Cross References

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

"Freeway service patrol" defined for purposes of this chapter, see Streets and Highways Code § 2561.

"Regional or local entity" defined for purposes of this chapter, see Streets and Highways Code § 2561.

Library References

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§ 2563. Training and certification; criminal history checks

Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to the standards and qualifications established under Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 21, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 8.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5. Former § 2563, added by Stats.1987, c. 505, § 1, relating to expenses, was repealed by Stats. 1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

Cross References

"Employer" defined for purposes of this chapter, see Streets and Highways Code § 2561.

"Freeway" defined for purposes of this Code, see Streets and Highways Code § 23.5.

"Freeway service patrol" defined for purposes of this chapter, see Streets and Highways Code § 2561.

"Tow truck driver" defined for purposes of this chapter, see Streets and Highways Code § 2561.

Library References

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§ 2563.5. Repealed by Stats.2000, c. 513 (S.B.1428), § 9

Historical and Statutory Notes

The repealed section, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1993, related to evaluation of freeway service patrol system.

§ 2564. Administrative costs; funding limitation

Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead expenses or purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 1, 1992. Amended by Stats. 2000, c. 513 (S.B.1428), § 10.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Former § 2564, added by Stats.1987, c. 505, § 1, amended by Stats.1988, c. 660, § 3, relating to unpaid advances, was repealed by Stats. 1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

Cross References

"Regional or local entity" defined for purposes of this chapter, see Streets and Highways Code § 2561.

Library References

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§ 2564.5. Repealed by Stats.2000, c. 513 (S.B.1428), § 11

Historical and Statutory Notes

The repealed section, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1993, amended by Stats.1995, c. 577 (A.B.31), § 1, provided for repeal of Chapter 15, Freeway Service Patrols, on January 1, 2002.

§ 2565. Guidelines for program operations

The department, the Department of the California Highway Patrol, and participating and eligible regional and local entities shall develop and periodically update guidelines for program operations, as those guidelines and updates may be required. The guidelines shall address operational requirements only and may not prevent a regional or local entity from entering the program.

(Added by Stats.2000, c. 513 (S.B.1428), § 12. Amended by Stats.2004, c. 638 (A.B. 2498), § 5.)

Historical and Statutory Notes

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Former § 2565, added by Stats.1987, c. 505, § 2, relating to implementation of program, was

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repealed by Stats.1992, c. 25 (A.B.680), § 4, eff.
April 1, 1992.

Cross References

"Regional or local entity" defined for purposes of this chapter, see Streets and Highways Code § 2561.

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Chapter 15.5

VANPOOL FINANCING

Section

- 2570. Definitions.
- 2571. Ridesharing vanpool revolving loan and grant fund.
- 2572. Loan; application; title; repayment.
- 2573. Loan interest rate.
- 2574. Grant.
- 2575. Grant; application; amount; conditions; forfeiture; title.
- 2576. Grant; lease; conditions; forfeiture.
- 2577. Money received by department; deposit in fund.
- 2578. Guidelines; loans; purchase; lease; operator and vehicle requirements; insurance; nonwork-trip use.
- 2579. Tax deduction or credit.
- 2580. Loans to other state agencies for purchasing vanpool vehicles; requirements.

Chapter 15.5 was added by Stats.1989, c. 799, § 2, eff. Sept. 26, 1989.

Cross References

Corporations, ridesharing, filing fees, see Corporations Code § 8217.
Inspections and inspectors, see Vehicle Code § 34509.
Ridesharing, see Public Resources Code § 25481 et seq.
Weight fees, exemptions, see Vehicle Code § 9107.

Law Review and Journal Commentaries

Review of selected 1989 California legislation.
21 Pac.L.J. 567 (1990).

§ 2570. Definitions

For purposes of this chapter, the following terms have the meanings given in this section:

(a) "Vanpool operator" means any person who files an application and who is approved for a loan or grant under this chapter.

(b) "Vanpool vehicle" means, notwithstanding any other provision of law, a motor vehicle designed for carrying more than six but less than 16 persons, including the driver, which is maintained and used primarily for the work-related transportation of adults for the purpose of ridesharing.

(c) "Useful life," with respect to a vanpool vehicle, means either 100,000 miles and four years old or 200,000 miles without regard to age.

(Added by Stats.1989, c. 799, § 2, eff. Sept. 26, 1989.)

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Effective:[See Text Amendments]

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▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → § 2560. Short title

This chapter shall be known and may be cited as the Freeway Service Patrol Act.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992.)

HISTORICAL AND STATUTORY NOTES

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Former Notes

Former § 2560, added by Stats.1987, c. 505, § 1, relating to establishment and funding of the State Highway Construction Revolving Account, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Freeway service patrol defined for purposes of this chapter, see Streets and Highways Code § 2561.

West's Ann. Cal. Str. & H. Code § 2560, CA STR & HWY § 2560

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Effective: January 1, 2005

West's Annotated California Codes Currentness

Streets and Highways Code (Refs & Annos)

▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→→ § 2560.5. Purpose; formula-based allocation program; Competitive Freeway Service Patrol Grant Program

(a) The purpose of this chapter is to provide for the implementation of a freeway service patrol system using a formula-based allocation, referred to as baseline funding allocation, to all eligible regional and local agencies for traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies. All regional or local agency programs that meet the minimum eligibility requirements set forth in this section and Section 2562.1 shall receive initial funding from the baseline funding allocation.

(b) In addition to the formula-based allocation program established, subject to funds being appropriated in the annual Budget Act, in subdivision (a), there is hereby established a Competitive Freeway Service Patrol Grant Program to provide funding of a freeway service patrol system to reduce traffic congestion.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 2; Stats.2002, c. 578 (A.B.2360), § 1, eff. Sept. 16, 2002; Stats.2004, c. 638 (A.B.2498), § 1.)

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Section 1 of Stats.2000, c. 513 (S.B.1428), provides:

“The Legislature finds and declares all of the following:

“(a) California's freeway service patrols are a critical element in the state's efforts to keep our freeways safe and operating efficiently.

“(b) Freeway service patrols provide an effective freeway congestion relief program on the state highway system.

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“(c) Los Angeles County pioneered the state's first freeway service patrol program in 1991, and, since that time, 11 programs have been implemented as a partnership between the Department of Transportation, the Department of the California Highway Patrol, and local and regional entities.

“(d) Freeway service patrols, composed of teams of specially trained tow truck drivers, patrol 1,220 miles of California's most congested freeways, offering stranded motorists help that is free of charge and includes services such as changing a flat tire, “jump starting” a dead battery, repairing hoses, refilling radiators, and providing a gallon of fuel or a tow to a predetermined safe location off the freeway.

“(e) Since the state first implemented freeway service patrol programs on a demonstration basis in 1992, some 4.5 million motorists statewide have received assistance. Further, studies performed by the University of California at Berkeley's Institute for Transportation Studies, as required by the initial legislation, conclude that for every dollar invested in the program, the state receives from three dollars (\$3) to five dollars (\$5) back in benefits, including time savings.

“(f) Accordingly, California's freeway service patrol programs, which were implemented initially as a demonstration program, merit permanent status as part of the state's overall program to keep California's highways safe and free of traffic congestion.”


CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Freeway service patrol defined for purposes of this chapter, see Streets and Highways Code § 2561.

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West's Ann. Cal. Str. & H. Code § 2560.5, CA STR & HWY § 2560.5

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West's Annotated California Codes Currentness

Streets and Highways Code (Refs & Annos)

Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

Chapter 15. Freeway Service Patrols (Refs & Annos)

→→ § 2561. Definitions

As used in this chapter, each of the following terms has the following meaning:

- (a) "Emergency roadside assistance" has the same meaning as defined in Section 2436 of the Vehicle Code.
- (b) "Employer" has the same meaning as defined in Section 2430.1 of the Vehicle Code.
- (c) "Freeway service patrol" means a program managed by the Department of the California Highway Patrol, the department, and a regional or local entity which provides emergency roadside assistance on a freeway in an urban area.
- (d) "Regional or local entity" has the same meaning as defined in Section 2430.1 of the Vehicle Code.
- (e) "Tow truck driver" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992.)

HISTORICAL AND STATUTORY NOTES

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Former Notes

Former § 2561, added by Stats.1987, c. 505, § 1, relating to advance agreements between a city or county and the department, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

CROSS REFERENCES

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Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Highway defined for the purposes of this Code, unless otherwise required, see Streets and Highways Code § 23.

West's Ann. Cal. Str. & H. Code § 2561, CA STR & HWY § 2561

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▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → **§ 2561.3. Operation of freeway service patrol; agreement**

The freeway service patrol in any particular area shall be operated pursuant to an agreement between the Department of the California Highway Patrol, the department, and the appropriate regional or local entity.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 3; Stats.2002, c. 578 (A.B.2360), § 2, eff. Sept. 16, 2002.)

HISTORICAL AND STATUTORY NOTES

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Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

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West's Ann. Cal. Str. & H. Code § 2561.3, CA STR & HWY § 2561.3

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☞ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → § 2561.5. Funding

(a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon appropriation in the annual Budget Act, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where a freeway service patrol exists, the department shall coordinate and integrate the funds appropriated pursuant to this section into the existing program. In the allocation of these funds, no local entity may be penalized for having an existing freeway service patrol program.

(c) No state funding may be released prior to the execution of the agreement developed under Section 2561.3.

(d) No program funded under this chapter may supplant emergency response towing services provided by the department as of January 1, 1992.

(e) It is the intent of the Legislature that funding provided under subdivision (a) of Section 2560.5 be consistent from year to year in order to facilitate the awarding of multiyear contracts between participating regional and local entities and providers of freeway patrol services. The department shall only recognize multiyear contract commitments equal to or less than three years. If new freeway service patrol regional or local entity programs are added to the baseline funding allocation, as described in Section 2560.5, those programs shall be phased in so as not to impact the multiyear contract commitments. However, once a new application from an eligible regional or local entity is submitted and approved, the share of the baseline funding allocation to the regional or local agency shall be phased in within three years of the date the application is approved.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 4; Stats.2002, c. 578 (A.B.2360), § 3, eff. Sept. 16, 2002; Stats.2004, c. 638 (A.B.2498), § 2.)

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HISTORICAL AND STATUTORY NOTES

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Former Notes

Former § 2561.5, added by Stats.1988, c. 660, § 2, relating to federally funded local highway projects, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.


Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.
State Highway Account defined for purposes of this Code, see Streets and Highways Code § 30.
State highway defined for purposes of this Code, see Streets and Highways Code § 24.

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Westlaw Topic No. 200.

West's Ann. Cal. Str. & H. Code § 2561.5, CA STR & HWY § 2561.5

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▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→→ **§ 2562. Renumbered § 2562.1 and amended by Stats.2002, c. 578 (A.B.2360), § 4, eff. Sept. 16, 2002**

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Former § 2562, added by Stats.1987, c. 505, § 1, relating to requests for advances and approval, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

West's Ann. Cal. Str. & H. Code § 2562, CA STR & HWY § 2562

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▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→→ § 2562.1. Funding for formula-based allocation program; overall benefit-cost ratio; allocation of funding

(a) Funding for the program established in subdivision (a) of Section 2560.5 in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program. A regional or local agency submitting an application after July 1, 2003, for funding shall demonstrate in the application an overall benefit-cost ratio of 3 to 1. The department shall determine the benefit-cost ratio methodology.

(b) If a regional or local agency submits an application for funding that is approved by the department before December 31 of any year and additional funding is not provided to the baseline funding allocation, the department shall allocate the funding allocation at a maximum over three years as follows:

(1) Thirty-three and three-tenths percent of the total amount of the allocation during the immediately following fiscal year.

(2) Sixty-six and six-tenths percent of the total amount of the allocation during the fiscal year that immediately follows the fiscal year described in paragraph (1).

(3) One hundred percent of the total amount of the allocation during the fiscal year that immediately follows the fiscal year described in paragraph (2).

CREDIT(S)

(Formerly § 2562, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 5. Renumbered § 2562.1 and amended by Stats.2002, c. 578 (A.B.2360), § 4. Amended by Stats.2004, c. 638 (A.B.2498), § 3.)

HISTORICAL AND STATUTORY NOTES

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Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

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Westlaw Topic No. 200.

West's Ann. Cal. Str. & H. Code § 2562.1, CA STR & HWY § 2562.1

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▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → **§ 2562.2. Funding for Competitive Freeway Service Patrol Grant Program**

(a) Not later than 90 days after the effective date of this section, the department shall prepare guidelines for the implementation of a Competitive Freeway Service Patrol Grant Program and shall submit those guidelines to each regional or local agency operating a freeway service patrol. Not later than 30 days after receipt of the guidelines, the regional or local agency shall submit its written comments to the department.

(b) Not later than 150 days after the effective date of this section, the department shall publish the final guidelines for the Competitive Freeway Service Patrol Grant Program and commence implementation of the program. The guidelines shall not constitute a regulation for the purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The guidelines prepared pursuant to this section shall comply with the following requirements:

(1) Grants to be awarded to a regional or local agency applicant on a competitive basis for contracting with an employer for the provision of a new or expanded freeway service patrol service and for contracting with the Department of the California Highway Patrol for the provision of only direct supervisory services warranted by workload standards to reduce traffic congestion.

(2) The grant to require a matching share by the regional or local agency equaling not less than 25 percent of the amount provided from the State Highway Account.

(3) The grant to be awarded on the basis of project need and effectiveness calculated on a cost benefit analysis.

(4) The amount of a grant to be made to a regional or local agency shall not exceed 35 percent of the total amount of the available grant funds.

(5) The regional or local agency demonstrates that the services it proposes to fund with the grant are new freeway service patrol services that were not previously provided in its jurisdiction.

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(6) The regional or local agency demonstrates its ability to support and supervise the new or expanded services provided by the Department of the California Highway Patrol.

(d) This section shall be operative only if funds are appropriated for its purposes in the annual Budget Act.

CREDIT(S)

(Added by Stats.2002, c. 578 (A.B.2360), § 5, eff. Sept. 16, 2002.)

CONTINGENT OPERATION

<Operation of this section is contingent upon availability of funding by its own terms.>

CROSS REFERENCES

Employer defined for purposes of this chapter, see Streets and Highways Code § 2561.

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Freeway service patrol defined for purposes of this chapter, see Streets and Highways Code § 2561.

State Highway Account defined for purposes of this Code, see Streets and Highways Code § 30.

State highway defined for purposes of this Code, see Streets and Highways Code § 24.

LIBRARY REFERENCES

2005 Main Volume

Highways 99.1.

Westlaw Topic No. 200.

West's Ann. Cal. Str. & H. Code § 2562.2, CA STR & HWY § 2562.2

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Effective: January 1, 2005

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Streets and Highways Code (Refs & Annos)

▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → **§ 2562.3. Application for funding; eligibility requirements**

In determining the baseline annual funding allocation, regional or local entities shall apply to the department in accordance with operational standards as outlined in the program guidelines and in accordance with the eligibility requirements described in Sections 2561.5 and 2562.1. A regional or local entity that meets the eligibility requirements may not be denied its fair share of the baseline annual allocation made by the department.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 6; Stats.2004, c. 638 (A.B.2498), § 4.)

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

CROSS REFERENCES

Regional or local entity defined for purposes of this chapter, see Streets and Highways Code § 2561.

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2005 Main Volume

Highways  99.1.

Westlaw Topic No. 200.

West's Ann. Cal. Str. & H. Code § 2562.3, CA STR & HWY § 2562.3

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Effective: January 1, 2001

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▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)

▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→→ § 2562.5. Logos for participating tow trucks

Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words "Freeway Service Patrol," which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place an approved logo on participating tow trucks.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 7.)

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

CROSS REFERENCES

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Freeway service patrol defined for purposes of this chapter, see Streets and Highways Code § 2561.

Regional or local entity defined for purposes of this chapter, see Streets and Highways Code § 2561.

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▣ Chapter 15. Freeway Service Patrols (Refs & Annos)

→ → **§ 2563. Training and certification; criminal history checks**

Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to the standards and qualifications established under Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 21, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 8.)

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Former Notes

Former § 2563, added by Stats.1987, c. 505, § 1, relating to expenses, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

CROSS REFERENCES

Employer defined for purposes of this chapter, see Streets and Highways Code § 2561.

Freeway defined for purposes of this Code, see Streets and Highways Code § 23.5.

Freeway service patrol defined for purposes of this chapter, see Streets and Highways Code § 2561.

Tow truck driver defined for purposes of this chapter, see Streets and Highways Code § 2561.

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→→ § 2563.5. Repealed by Stats.2000, c. 513 (S.B.1428), § 9

HISTORICAL AND STATUTORY NOTES

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The repealed section, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1993, related to evaluation of freeway service patrol system.

West's Ann. Cal. Str. & H. Code § 2563.5, CA STR & HWY § 2563.5

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 ▣ Division 3. Apportionment and Expenditure of Highway Funds (Refs & Annos)
 ▣ Chapter 15. Freeway Service Patrols (Refs & Annos)
 →→ § 2564. Administrative costs; funding limitation

Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead expenses or purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

CREDIT(S)

(Added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 1, 1992. Amended by Stats.2000, c. 513 (S.B.1428), § 10.)

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Legislative findings and declarations relating to Stats.2000, c. 513 (S.B.1428), see Historical and Statutory Notes under Streets and Highways Code § 2560.5.

Former Notes

Former § 2564, added by Stats.1987, c. 505, § 1, amended by Stats.1988, c. 660, § 3, relating to unpaid advances, was repealed by Stats.1992, c. 25 (A.B.680), § 4, eff. April 1, 1992.

CROSS REFERENCES

Regional or local entity defined for purposes of this chapter, see Streets and Highways Code § 2561.

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→ → § 2564.5. Repealed by Stats.2000, c. 513 (S.B.1428), § 11

HISTORICAL AND STATUTORY NOTES

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The repealed section, added by Stats.1992, c. 1109 (A.B.3346), § 1, eff. Sept. 29, 1993, amended by Stats.1995, c. 577 (A.B.31), § 1, provided for repeal of Chapter 15, Freeway Service Patrols, on January 1, 2002.

West's Ann. Cal. Str. & H. Code § 2564.5, CA STR & HWY § 2564.5

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Volume 3

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1992

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 2, 1992
and General Election, November 3, 1992

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1991-92 Regular Session
1991-92 First Extraordinary Session
1991-92 Second Extraordinary Session



Compiled by
BION M. GREGORY
Legislative Counsel

was deemed complete. A local agency may require compliance with local development standards and policies appropriate to, and consistent with, meeting the quantified objectives relative to the development of housing, as required in housing elements of the community pursuant to subdivision (b) of Section 65583 of the Government Code.

SEC. 3. The Legislature finds and declares that a general statute, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable to the unique problems within the County of Los Angeles, as set forth in subdivision (a) of Section 33320.6 of the Health and Safety Code, that Section 2 of this act is intended to remedy, and that, therefore, this special statute is necessary.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to attempt to prevent the serious economic hardship that would be caused by the closure of the Los Angeles Air Force Base and economic dislocation caused by the possible closure of other military facilities located throughout the state, it is necessary that this act take effect immediately.

CHAPTER 1109

An act to add and repeal Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code, and to amend Sections 2430.1, 2431, 2436, 9250.8, and 9250.9 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1992. Filed with Secretary of State September 29, 1992.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 15 (commencing with Section 2560) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 15. FREEWAY SERVICE PATROLS

2560. This chapter shall be known and may be cited as the Freeway Service Patrol Act.

2560.5. The purpose of this chapter is to implement a freeway service patrol system on traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies.

2561. As used in this chapter, each of the following terms has the

following meaning:

(a) "Emergency roadside assistance" has the same meaning as defined in Section 2436 of the Vehicle Code.

(b) "Employer" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(c) "Freeway service patrol" means a program managed by the Department of the California Highway Patrol, the department, and a regional or local entity which provides emergency roadside assistance on a freeway in an urban area.

(d) "Regional or local entity" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(e) "Tow truck driver" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

2561.3. The freeway service patrol shall be operated pursuant to a memorandum of understanding between the Department of the California Highway Patrol, the department, and a regional or local entity.

2561.5. (a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon appropriation, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where there already is a freeway service patrol, the department shall coordinate and integrate the funds appropriated pursuant to this section into the existing program. In the allocation of these funds, no local entity shall be penalized for having an existing freeway service patrol program.

(c) No state funding shall be released prior to the execution of the memorandum of understanding developed pursuant to subdivision (b) of Section 2561.

(d) No program funded under this chapter shall supplant emergency response towing services provided by the department as of January 1, 1992.

2562. Funding for a freeway service patrol in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program.

The department, in cooperation with participating agencies, shall review the formula created in this section and report to the Legislature on or before June 30, 1993, on recommendations regarding possible revisions.

2562.3. In determining the first year's funding, regional or local entities shall apply to the department within three months of the

effective date of this chapter. If a county that otherwise qualifies for funds does not complete an application that assures local expenditures as required by Section 2561.5, its allocated funds shall be distributed on a pro rata basis to other qualifying counties that are receiving funds.

2562.5. Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words "Freeway Service Patrol," which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place a logo on participating tow trucks.

2563. Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

2563.5. The department, in cooperation with the Department of the California Highway Patrol and participating regional and local entities, shall develop criteria to be used to evaluate the freeway service patrol system established pursuant to this chapter.

The department, in cooperation with those entities, shall prepare a report on the system, using the criteria developed pursuant to this section, and shall submit the report to the Legislature on or before July 1, 1994. The report shall be prepared in cooperation with the Emergency Roadside Assistance Advisory Committee created by Section 2437 of the Vehicle Code, and shall include a review of local expenditures made pursuant to Section 2561.5.

2564. Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

2564.5. This chapter shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends those dates.

SEC. 2. Section 2430.1 of the Vehicle Code is amended to read:

2430.1. As used in this article, each of the following terms has the following meaning:

(a) "Tow truck driver" means a person who operates a tow truck, who renders towing service or emergency road service to motorists while involved in freeway service patrol operations, pursuant to an agreement with a regional or local entity, and who has or will have direct and personal contact with the individuals being transported or assisted. As used in this subdivision, "towing service" and "emergency road service" have the same meaning as defined in Section 2436.

(b) "Employer" means any person or organization which employs those persons defined in subdivision (a), or who is an owner-operator

who performs the activity specified in subdivision (a), and who is involved in freeway service patrol operations pursuant to an agreement or contract with a regional or local entity.

(c) "Regional or local entity" means any public organization established as a public transportation planning entity pursuant to Title 7.1 (commencing with Section 66500) of the Government Code or authorized to impose a transaction and use tax for transportation purposes by the Public Utilities Code.

(d) "Emergency road service" has the same meaning as defined in Section 2436.

(e) "Freeway service patrol" has the same meaning as defined in Section 2561 of the Streets and Highway Code.

SEC. 3. Section 2431 of the Vehicle Code is amended to read:

2431. (a) For the purposes of conducting criminal history and driver history screening of tow truck drivers and employers, the commissioner shall do all of the following:

(1) Utilize the California Law Enforcement Telecommunications System (CLETS) to conduct preliminary criminal history checks.

(2) Obtain fingerprints from tow truck drivers and employers. The fingerprint cards will be submitted to the Department of Justice for criminal history checks.

(3) Obtain a second set of fingerprints from applicants who have not continuously resided in the state for the previous seven years, and submit that card to the Federal Bureau of Investigation for out-of-state criminal history checks. The department may charge a fee sufficient to cover the additional expense of processing the fingerprint cards through the Federal Bureau of Investigation.

(4) Verify that the tow truck driver or employer, or both, have a valid California driver's license, through the use of the automated records system.

(b) On and after July 1, 1992, all tow truck drivers shall submit an application for the issuance of a tow truck driver certificate with the department and pay an application fee equal to the actual costs of a criminal history check and issuance of the tow truck driver's certificate, but not more than fifty dollars (\$50). Applicants for the renewal of an expired tow truck driver certificate or applicants for a duplicate tow truck driver certificate shall submit an application for issuance of a new tow truck driver certificate to the Department of Motor Vehicles and pay an application fee of twelve dollars (\$12).

All fees collected pursuant to this section shall be deposited in the Motor Vehicle Account in the State Transportation Fund. An amount equal to the fees paid shall be made available, upon appropriation, to the Department of Motor Vehicles for its administrative costs, for the cost of criminal history checks to be conducted by the Department of Justice, and to the department for its administrative costs. In no case shall the fees collected exceed the costs of administering this section.

(c) Applicants for an original tow truck driver certificate shall be fingerprinted by the department, on a form issued by the

department, for submission to the Department of Justice for the purpose of determining whether the applicant has been convicted for a violation of any crime specified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13377.

(d) Information released to the department or the Department of Motor Vehicles shall be related to their inquiry and shall remain confidential.

(e) The department shall issue a temporary tow truck driver certificate, provided by the Department of Motor Vehicles, to applicants who have cleared the specified criminal history check through CLETS and the driver history check through the automated records system, and who meet all other applicable provisions of this code. The term of the temporary tow truck driver's certificate shall be for a period of 90 days from the date of issuance.

SEC. 4. Section 2436 of the Vehicle Code is amended to read:

2436. For the purposes of this article, each of the following terms has the meaning given in this section:

(a) "Committee" means the Emergency Roadside Assistance Advisory Committee.

(b) "Emergency road service" is the adjustment, repair, or replacement by a highway service organization of the equipment, tires, or mechanical parts of a motor vehicle so as to permit it to be operated under its own power. "Towing service" is the drafting or moving by a highway service organization of a motor vehicle from one place to another under power other than its own.

(c) "Emergency roadside assistance" means towing service or emergency road service.

(d) "Employer" has the same meaning as defined in Section 2430.1.

(e) "Freeway service patrol" has the same meaning as defined in Section 2561 of the Streets and Highways Code.

(f) "Highway service organization" means a motor club, as defined by Section 12142 of the Insurance Code and, in addition, includes any person or organization which operates or directs the operation of highway service vehicles to provide emergency roadside assistance to motorists, or any person or organization which is reimbursed or reimburses others for the cost of providing emergency roadside assistance, and any employer and include any person or organization which directly or indirectly, with or without compensation, provides emergency roadside assistance.

(g) "Regional or local entity" has the same meaning as defined in Section 2430.1.

(h) "Tow truck driver" has the same meaning as defined in Section 2430.1.

SEC. 5. Section 9250.8 of the Vehicle Code is amended to read:

9250.8. (a) In addition to any other fees specified in this code and the Revenue and Taxation Code, a fee of one dollar (\$1) shall be paid at the time of registration or renewal of registration of every vehicle subject to registration under this code, except those vehicles that are

expressly exempted under this code from the payment of registration fees.

(b) This section shall remain in effect only until January 1, 1995, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 1995, deletes or extends that date.

SEC. 6. Section 9250.9 of the Vehicle Code is amended to read:

9250.9. (a) All fees received by the department pursuant to Section 9250.8 shall be deposited in the Motor Vehicle Account in the State Transportation Fund. The money deposited in the account pursuant to this section shall be available, upon appropriation by the Legislature, for expenditure to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.

(b) This section shall remain in effect only until January 1, 1995, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 1995, deletes or extends that date.

SEC. 7. The sum of eight million three hundred ninety-six thousand dollars (\$8,396,000) is hereby appropriated from the State Highway Account in the State Transportation Fund to the Department of Transportation for the purposes of Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code.

SEC. 8. Sections 5 and 6 shall not become operative if the appropriation in Section 7 does not become operative.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that funds for the freeway service patrol are available at the beginning of the 1992-93 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1110

An act to add Article 4.2 (commencing with Section 14139) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to immunizations.

[Approved by Governor September 28, 1992. Filed with Secretary of State September 29, 1992.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Demand for public immunization services has increased significantly. According to the immunization unit of the State Department of Health Services, public immunization clinic usage

CALIFORNIA LEGISLATURE

**1991-92 REGULAR SESSION
1991-92 FIRST EXTRAORDINARY SESSION
1991-92 SECOND EXTRAORDINARY SESSION**

SUMMARY DIGEST

of

**Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1992**

and

1989-1992 Statutory Record



RICK ROLLENS
Secretary of the Senate

E. DOTSON WILSON
Chief Clerk of the Assembly

Compiled by
BION M. GREGORY
Legislative Counsel

terms of members and alternate members of the commission is 3 years.

This bill would provide, with respect to the election of producer members in the 1993 marketing year, that one member from each district shall serve for one year, one member shall serve for 2 years, and one member shall serve for 3 years.

(2) Existing law governing the commission does not apply to any person who grows flowers only for his or her own home use or who is not a producer. However, any such person who markets flowers is required to file an affidavit with the commission establishing that the person grows flowers valued at less than a specified gross value.

This bill would also require those persons to submit required reports, and to keep a complete and accurate record of the gross dollar value of all flowers grown and cut.

(3) Existing law authorizes the commission to deposit its funds in banks that the commission designates.

This bill would authorize the commission to maintain a separate bank account in order to create a permanent research fund.

Ch. 1108 (AB 3325) Tucker. Redevelopment: California Aerospace Job Retention Act of 1992.

(1) This bill would declare that it shall be known as the California Aerospace Job Retention Act of 1992.

(2) Under the existing Community Redevelopment Law, there is in each community, as defined, a redevelopment agency of the community, which cannot function and exercise any powers until the legislative body of the community, by ordinance, declares that there is a need for the agency to function in the community.

This bill would express various findings and declarations of the Legislature with regard to the threatened closure of the Los Angeles Air Force Base. The bill would authorize the legislative bodies of communities located in Los Angeles County to adopt ordinances to expend their tax-increment moneys outside of their territorial jurisdiction to implement the Los Angeles Air Force Base Retention Program through the formation of a separate joint powers entity, as specified. The bill would repeal those provisions on January 1, 1995, except as specified.

(3) Existing law requires a redevelopment agency, upon failure to expend or encumber surplus moneys, as defined, in the Low and Moderate Income Housing Fund within 5 years from the date the moneys become excess surplus, to disburse that excess surplus to a county housing authority, as specified. Existing law authorizes a county housing authority, operating within a county with a population under 200,000, to expend these excess surplus moneys anywhere within the county, including incorporated areas, upon a finding that the purpose of the expenditure is a benefit to the project area.

This bill would prohibit communities in which a redevelopment agency has disbursed excess surplus funds pursuant to this provision from disapproving a low- or moderate-income housing project funded, in whole or in part, by these excess surplus funds if the project is consistent with applicable building codes and the land use designation specified in any element of the general plan as it existed on the date the application was deemed complete, as specified.

(4) This bill would declare that, due to the unique problems within the County of Los Angeles which the bill is intended to remedy, a general statute within the meaning of Section 16 of Article IV of the California Constitution is not applicable and a special statute is necessary.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1109 (AB 3346) Katz. Vehicles: freeway service patrol.

(1) Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations.

This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic-congested urban freeways throughout the state. Funding would be provided to qualified counties that apply, from the State High-

NOTE: Superior numbers appear as a separate section at the end of the digests.

way Account in the State Transportation Fund, with additional funds from the appropriate regional or local entity. The bill would require the Department of Transportation, in cooperation with the Department of the California Highway Patrol and participating regional and local entities, to review the funding formula and report recommendations to the Legislature on or before June 30, 1993. The bill would also require the department, in cooperation with those entities, to develop criteria to be used to evaluate a freeway service patrol system, with a report, developed in cooperation with the Emergency Roadside Assistance Advisory Committee, to be submitted to the Legislature on or before July 1, 1994.

The bill would make conforming changes.

The Freeway Service Patrol Act would become inoperative on June 30, 1996, and would be repealed as of January 1, 1997.

(2) Existing law requires all tow truck drivers to submit an application for the issuance of a tow truck driver certificate and pay an application fee of \$50. Applicants for renewal of a tow truck driver certificate are required to pay \$12.

This bill would require tow truck drivers to pay not more than \$50, as specified, for the initial application, and would include a \$12 fee for a duplicate certificate.

(3) Under existing law, in addition to the other fees imposed for the registration of a vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would extend those repeal dates to January 1, 1995, but that extension would not become operative unless the appropriation in (4) below, becomes operative.

(4) The bill would appropriate \$8,396,000 from the State Highway Account to the Department of Transportation.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1110 (AB 3351) Gotch. Increased participation of providers of immunization services to children.

Existing law requires that children be immunized for certain communicable diseases before they may be unconditionally admitted as pupils of certain schools, and requires that entities administering immunizations provide a prescribed written record of the immunizations received to the person immunized or his or her parents.

This bill would state the findings and declarations of the Legislature relative to childhood immunizations, and would state the intent of the Legislature to separately enact a bulk purchase program for vaccines at the earliest possible time.

This bill would require the State Department of Health Services to expend, upon appropriation, any savings accrued from implementation of a bulk purchase program for vaccines to increase the participation of physicians and surgeons, public and community-based health clinics, and health care facility providers who administer immunizations to children under Medi-Cal or the child health disability prevention program, to increase access to, and improve the quality of, immunization services for publicly insured and uninsured children, and to provide funding to counties for specified purposes. This bill would require the department to implement these provisions at the earliest possible time after a bulk purchase program for vaccines is implemented. The bill would also provide that the department is encouraged to enlist the help of certain private organizations to enhance private provider outreach programs with specified components.

Ch. 1111 (AB 3354) Gotch. Medi-Cal: vaccines.

Under the Medi-Cal and child health and disability prevention programs, administered by the State Department of Health Services and funded in part by the federal government, various health care services, including immunization, are provided to eligible low-income children.

This bill would, to the extent permitted by federal law, require the department to purchase vaccines and biological products in bulk from the Centers for Disease Control or other sources at the lowest cost possible for use by providers in the immunization of

NOTE: Superior numbers appear as a separate section at the end of the digests.

VOLUME 2
CALIFORNIA LEGISLATURE
AT SACRAMENTO

1991-92 REGULAR SESSION
1991-92 FIRST EXTRAORDINARY SESSION
1991-92 SECOND EXTRAORDINARY SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT,
JOINT, AND HOUSE RESOLUTIONS

Assembly Convened December 3, 1990

Recessed December 4, 1990	Reconvened January 7, 1991
Recessed March 21, 1991	Reconvened April 1, 1991
Recessed July 18, 1991	Reconvened August 19, 1991
Recessed September 23, 1991	Reconvened January 6, 1992
Recessed April 9, 1992	Reconvened April 20, 1992
Recessed September 1, 1992	Reconvened September 9, 1992
Recessed September 9, 1992	Reconvened October 8, 1992

Adjourned October 9, 1992
Adjourned Sine Die November 30, 1992

Legislative Days..... 292

HON. WILLIE L. BROWN, JR.
Speaker

HON. JACK O'CONNELL
Speaker pro Tempore

HON. RICHARD POLANCO
Assistant Speaker pro Tempore

HON. THOMAS HANNIGAN
Majority Floor Leader

HON. JIM BRULTE
Minority Floor Leader

Compiled Under the Direction of
E. DOTSON WILSON
Chief Clerk

SUSAN S. FLYNN
History Clerk

A.B. No. 3345—Areias.

An act to add and repeal Section 17883.3 of the Education Code, relating to school funding.

1992

- Feb. 21—Introduced. To print.
- Feb. 22—From printer. May be heard in committee March 23.
- Feb. 24—Read first time.
- Mar. 17—Referred to Com. on ED.
- April 20—From committee: Amend, and do pass as amended, and re-refer to Com. on W. & M. (Ayes 8. Noes 3.) (April 8).
- April 21—Read second time and amended.
- April 27—Re-referred to Com. on W. & M.
- May 14—Withdrawn from committee. Re-referred to Com. on BANKING, FIN. & B.I.
- May 22—In committee: Set, first hearing. Failed passage.
- Nov. 30—From committee without further action pursuant to Joint Rule 62(a).

A.B. No. 3346—Katz.

An act to add and repeal Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code, and to amend Sections 2430.1, 2431, 2436, 9250.8, and 9250.9 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

1992

- Feb. 21—Introduced. To print.
- Feb. 23—From printer. May be heard in committee March 24.
- Feb. 24—Read first time.
- Mar. 17—Referred to Com. on TRANS.
- April 1—From committee chairman, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
- April 6—Re-referred to Com. on TRANS.
- April 7—From committee: Do pass, and re-refer to Com. on W. & M. with recommendation: To Consent Calendar. Re-referred. (Ayes 15. Noes 0.) (April 6).
- May 7—From committee: Do pass. To Consent Calendar. (May 6).
- May 11—Read second time. To Consent Calendar.
- May 14—Read third time, passed, and to Senate. (Ayes 75. Noes 0. Page 6973.)
- May 14—In Senate. Read first time. To Com. on RLS. for assignment.
- May 21—Referred to Com. on TRANS.
- June 8—From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on TRANS.
- June 25—From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 6. Noes 2.)
- June 26—Read second time, amended, and re-referred to Com. on APPR.
- July 8—From committee: Amend, and do pass as amended. (Ayes 10. Noes 0.)
- July 9—Read second time, amended, and to third reading.
- July 23—Read third time. Urgency clause adopted. Passed and to Assembly. (Ayes 27. Noes 3. Page 7145.)
- July 23—In Assembly. Concurrence in Senate amendments pending.
- Aug. 31—Urgency clause adopted. Senate amendments concurred in. To enrollment. (Ayes 56. Noes 20. Page 10045.)
- Sept. 17—Enrolled and to the Governor at 2 p.m.
- Sept. 28—Approved by the Governor.
- Sept. 29—Chaptered by Secretary of State - Chapter 1109, Statutes of 1992.

ASSEMBLY BILL

No. 3346

Introduced by Assembly Member Katz

February 21, 1992

An act to amend Sections 9250.8, 9250.9, and 38225 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3346, as introduced, Katz. Vehicles: fees: California Highway Patrol.

Under existing law, in addition to the other fees assessed for the registration of a vehicle, or the issuance of identification of an off-highway motor vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would delete those repeal dates to impose that fee indefinitely, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9250.8 of the Vehicle Code is
- 2 amended to read:
- 3 9250.8. (a) In addition to any other fees specified in
- 4 this code and the Revenue and Taxation Code, a fee of
- 5 one dollar (\$1) shall be paid at the time of registration or
- 6 renewal of registration of every vehicle subject to

1 registration under this code ~~beginning January 1, 1986,~~
2 except those vehicles that are expressly exempted under
3 this code from the payment of registration fees.

4 ~~(b) This section shall remain in effect until January 1,~~
5 ~~1993, and as of that date is repealed, unless a later enacted~~
6 ~~statute, which is chaptered on or before January 1, 1993,~~
7 ~~deletes or extends that date.~~

8 SEC. 2. Section 9250.9 of the Vehicle Code is
9 amended to read:

10 9250.9. ~~(a)~~ All fees received by the department
11 pursuant to Section 9250.8 shall be deposited in the Motor
12 Vehicle Account in the State Transportation Fund. The
13 money deposited in the account pursuant to this section
14 shall be available, upon appropriation by the Legislature,
15 for expenditure to offset the costs of maintaining the
16 uniformed field strength of the Department of the
17 California Highway Patrol.

18 ~~(b) This section shall remain in effect until June 1,~~
19 ~~1993, and as of that date is repealed, unless a later enacted~~
20 ~~statute which is chaptered on or before June 1, 1993,~~
21 ~~deletes or extends that date.~~

22 SEC. 3. Section 38225 of the Vehicle Code, as
23 amended by Chapter 954 of the Statutes of 1990, is
24 amended to read:

25 38225. ~~(a)~~ A service fee of nine dollars (\$9) shall be
26 paid to the department for the issuance or renewal of
27 identification of off-highway motor vehicles subject to
28 identification, except as expressly exempted under this
29 division.

30 ~~(b) This section shall become operative on January 1,~~
31 ~~1993 In addition to the service fee specified in subdivision~~
32 ~~(a), a fee of one dollar (\$1) shall be paid at the time of~~
33 ~~issuance or renewal of identification of off-highway~~
34 ~~motor vehicles subject to identification, except as~~
35 ~~expressly exempted under this division. The department~~
36 ~~shall deposit the fee received under this subdivision in~~
37 ~~the Motor Vehicle Account in the State Transportation~~
38 ~~Fund.~~

AMENDED IN ASSEMBLY APRIL 1, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3346

Introduced by Assembly Member Katz

February 21, 1992

An act to amend Sections 9250.8 ; ~~9250.9, and~~ and 9250.9, and to amend, repeal, and add Section 38225 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3346, as amended, Katz. Vehicles: fees: California Highway Patrol.

Under existing law, in addition to the other fees assessed for the registration of a vehicle, or the issuance of identification of an off-highway motor vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would ~~delete those repeal dates to impose that fee indefinitely, thereby imposing a tax for purposes of Article XIII A of the California Constitution~~ extend those repeal dates to January 1, 1995.

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9250.8 of the Vehicle Code is
2 amended to read:

3 9250.8. (a) In addition to any other fees specified in
4 this code and the Revenue and Taxation Code, a fee of
5 one dollar (\$1) shall be paid at the time of registration or
6 renewal of registration of every vehicle subject to
7 registration under this code, except those vehicles that
8 are expressly exempted under this code from the
9 payment of registration fees.

10 (b) *This section shall remain in effect only until*
11 *January 1, 1995, and as of that date is repealed, unless a*
12 *later enacted statute, which is enacted on or before*
13 *January 1, 1995, deletes or extends that date.*

14 SEC. 2. Section 9250.9 of the Vehicle Code is
15 amended to read:

16 9250.9. (a) All fees received by the department
17 pursuant to Section 9250.8 shall be deposited in the Motor
18 Vehicle Account in the State Transportation Fund. The
19 money deposited in the account pursuant to this section
20 shall be available, upon appropriation by the Legislature,
21 for expenditure to offset the costs of maintaining the
22 uniformed field strength of the Department of the
23 California Highway Patrol.

24 (b) *This section shall remain in effect only until*
25 *January 1, 1995, and as of that date is repealed, unless a*
26 *later enacted statute, which is enacted on or before*
27 *January 1, 1995, deletes or extends that date.*

28 SEC. 3. Section 38225 of the Vehicle Code, as
29 amended by Chapter 954 of the Statutes of 1990, is
30 amended to read:

31 38225. (a) A service fee of nine dollars (\$9) shall be
32 paid to the department for the issuance or renewal of
33 identification of off-highway motor vehicles subject to
34 identification, except as expressly exempted under this
35 division.

36 (b) In addition to the service fee specified in
37 subdivision (a), a fee of one dollar (\$1) shall be paid at
38 the time of issuance or renewal of identification of

1 off-highway motor vehicles subject to identification,
2 except as expressly exempted under this division. The
3 department shall deposit the fee received under this
4 subdivision in the Motor Vehicle Account in the State
5 Transportation Fund. *The money deposited in the*
6 *account pursuant to this subdivision shall be available,*
7 *upon appropriation by the Legislature, for expenditure to*
8 *offset the costs of maintaining the uniformed field*
9 *strength of the Department of the California Highway*
10 *Patrol.*

11 (c) *This section shall remain in effect only until*
12 *January 1, 1995, and as of that date is repealed, unless a*
13 *later enacted statute, which is enacted on or before*
14 *January 1, 1995, deletes or extends that date.*

15 SEC. 4. *Section 38225 is added to the Vehicle Code, to*
16 *read:*

17 38225. (a) *A service fee of nine dollars (\$9) shall be*
18 *paid to the department for the issuance or renewal of*
19 *identification of off-highway motor vehicles subject to*
20 *identification, except as expressly exempted under this*
21 *division.*

22 (b) *This section shall become operative on January 1,*
23 *1995.*

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AMENDED IN SENATE JUNE 8, 1992
AMENDED IN ASSEMBLY APRIL 1, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3346

Introduced by Assembly Member Katz

February 21, 1992

An act to *add and repeal Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code, and to amend Sections ~~9250.8~~ 2430.1, 2431, 2436, 9250.8, and 9250.9, and to amend, repeal, and add Section 38225 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3346, as amended, Katz. Vehicles: fees: California Highway Patrol.

(1) *Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations.*

This bill would enact the Freeway Service Patrol Act to implement a freeway service patrol system on congested urban freeways throughout the state. Funding would be provided to qualified counties that apply, from the State Highway Account in the State Transportation Fund, with additional funds from the appropriate regional or local entity. The bill would require the Department of Transportation, in cooperation with the Department of the California Highway

Patrol, to develop criteria to be used to evaluate the patrol with a report to be submitted to the Legislature on or before June 30, 1994.

The bill would make conforming changes.

The Freeway Service Patrol Act would become inoperative on June 30, 1996, and would be repealed as of January 1, 1997.

(2) Existing law, on and after July 1, 1992, requires all tow truck drivers to submit an application for the issuance of a tow truck driver certificate and pay an application fee of \$50. Applicants for renewal of a tow truck driver certificate are required to pay \$12.

This bill would require tow truck drivers to pay not more than \$35, as specified, for the initial application, and \$2 for a renewal of a certificate.

(3) Under existing law, in addition to the other fees assessed for the registration of a vehicle, or the issuance of identification of an off-highway motor vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would extend those repeal dates to January 1, 1995.

(4) The bill would appropriate \$8,500,000 from the State Highway Account to the Department of Transportation.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: majority $\frac{2}{3}$. Appropriation: no yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 15 (commencing with Section
- 2 2560) is added to Division 3 of the Streets and Highways
- 3 Code, to read:

1 *CHAPTER 15. FREEWAY SERVICE PATROLS*

2
3 *2560. This chapter shall be known and may be cited*
4 *as the Freeway Service Patrol Act.*

5 *2560.5. The purpose of this chapter is to implement a*
6 *freeway service patrol system on congested urban*
7 *freeways throughout the state, involving a cooperative*
8 *effort between state and local agencies.*

9 *2561. (a) "Freeway service patrol," as used in this*
10 *chapter and in Article 3.3 (commencing with Section*
11 *2430) and Article 3.5 (commencing with Section 2435) of*
12 *Chapter 2 of Division 2 of the Vehicle Code, means a*
13 *program managed by the Department of the California*
14 *Highway Patrol, the Department of Transportation, and*
15 *a regional or local entity, as defined in Section 2430.1 of*
16 *the Vehicle Code, which provides emergency roadside*
17 *assistance, as defined in Section 2436 of the Vehicle Code,*
18 *on a freeway in an urban area.*

19 *(b) The freeway service patrol shall be operated*
20 *pursuant to a memorandum of understanding between*
21 *those two departments, and a regional or local entity.*

22 *2561.5. (a) Funding for the freeway service patrols*
23 *established pursuant to this chapter shall be provided,*
24 *upon appropriation, from the State Highway Account. In*
25 *addition, the appropriate regional or local entity shall*
26 *ensure that local resources are expended on freeway*
27 *service patrols in an amount not less than 25 percent of*
28 *the amount provided from the State Highway Account.*

29 *(b) In locations where there already is a freeway*
30 *service patrol, the state shall coordinate and integrate the*
31 *funds appropriated pursuant to this section into the*
32 *existing program. In the allocation of these funds, no local*
33 *entity shall be penalized for having an existing freeway*
34 *service patrol program.*

35 *(c) No state funding shall be released prior to the*
36 *execution of the memorandum of understanding*
37 *developed pursuant to subdivision (b) of Section 2561.*

38 *2562. Funding for a freeway service patrol in a*
39 *participating area shall be based 25 percent on the*
40 *number of urban freeway lane miles in the participating*

1 area to the total number of freeway lane miles in all the
2 participating areas and 75 percent on the population of
3 the participating area to the total population of all the
4 participating areas.

5 No county is eligible for funding unless the
6 Department of Transportation has identified significant
7 congestion on highways within that county.

8 2562.3. In determining the first year's funding,
9 regional or local entities shall apply to the Department of
10 Transportation within three months of the enactment of
11 this chapter. If a county that otherwise qualifies for funds
12 does not complete an application that assures local
13 expenditures, as required by Section 2561.5, its allocated
14 funds shall be distributed on a pro-rata basis to other
15 qualifying counties who are receiving funds.

16 2562.5. Each truck participating in a freeway service
17 patrol shall bear a logo comprised of, at a minimum, a
18 circle, a triangle, and a two truck silhouette, with the
19 words "Freeway Service Patrol," and the names of the
20 two participating state agencies.

21 2563. Tow truck drivers and employers participating
22 in a freeway service patrol pursuant to this chapter are
23 subject to Article 3.3 (commencing with Section 2430) of
24 Chapter 2 of Division 2 of the Vehicle Code.

25 2563.5. The Department of Transportation, in
26 cooperation with the Department of the California
27 Highway Patrol and participating regional and local
28 entities, shall develop criteria to be used to evaluate the
29 freeway service patrol system established pursuant to this
30 chapter.

31 The Department of Transportation, in cooperation
32 with those entities, shall prepare a report on the system,
33 using the criteria developed pursuant to this section, and
34 shall submit the report to the Legislature on or before
35 June 30, 1994. The report shall include a review of local
36 expenditures made pursuant to Section 2561.5.

37 2564. Not more than 2 percent of the state funds
38 appropriated for purposes of this chapter shall be used for
39 administrative overhead purposes by state agencies. No
40 state funds shall be used for administrative purposes by

1 *the participating local and regional entities.*

2 *2564.5. This chapter shall become inoperative on June*
3 *30, 1996, and as of January 1, 1997, is repealed, unless a*
4 *later enacted statute, which becomes effective on or*
5 *before January 1, 1997, deletes or extends those dates.*

6 *SEC. 2. Section 2430.1 of the Vehicle Code is*
7 *amended to read:*

8 *2430.1. As used in this article and Article 3.5*
9 *(commencing with Section 2435):*

10 (a) "Tow truck driver" means a person who operates
11 a tow truck, who renders towing service or emergency
12 road service to motorists while involved in freeway
13 service patrol operations, pursuant to an agreement with
14 a regional or local entity, and who has or will have direct
15 and personal contact with the individuals being
16 transported or assisted. As used in this subdivision,
17 "towing service" and "emergency road service" have the
18 same meaning as defined in Section 2436.

19 (b) "Employer" means any person or organization
20 which employs those persons defined in subdivision (a),
21 or who is an owner-operator who performs the activity
22 specified in subdivision (a), and who is involved in
23 freeway service patrol operations pursuant to an
24 agreement or contract with a regional or local entity.

25 (c) "Regional or local entity" means any public
26 organization established as a public transportation
27 planning entity pursuant to Title 7.1 (commencing with
28 Section 66500) of the Government Code or ~~Section~~
29 ~~130050~~ *authorized to impose a transaction and use tax for*
30 *transportation purposes by the Public Utilities Code.*

31 *SEC. 3. Section 2431 of the Vehicle Code is amended*
32 *to read:*

33 2431. (a) For the purposes of conducting criminal
34 history and driver history screening of tow truck drivers
35 and employers, the commissioner shall do all of the
36 following:

37 (1) Utilize the California Law Enforcement
38 Telecommunications System (CLETS) to conduct
39 preliminary criminal history checks.

40 (2) Obtain fingerprints from tow truck drivers and

1 employers. The fingerprint cards will be submitted to the
2 Department of Justice for criminal history checks.

3 (3) Obtain a second set of fingerprints from applicants
4 who have not continuously resided in the state for the
5 previous seven years, and submit that card to the Federal
6 Bureau of Investigation for out-of-state criminal history
7 checks. The department may charge a fee sufficient to
8 cover the additional expense of processing the
9 fingerprint cards through the Federal Bureau of
10 Investigation.

11 (4) Verify that the tow truck driver or employer, or
12 both, have a valid California driver's license, through the
13 use of the automated records system.

14 (b) On and after July 1, 1992, all tow truck drivers shall
15 submit an application for the issuance of a tow truck
16 driver certificate with the department and pay an
17 application fee *of fifty dollars (\$50) equal to the actual*
18 *costs of a criminal history check and issuance of the tow*
19 *truck driver's certificate, but not more than thirty-five*
20 *dollars (\$35). Applicants for the renewal of an expired*
21 *tow truck driver certificate shall submit an application*
22 *for issuance of a new tow truck driver certificate to the*
23 *Department of Motor Vehicles and pay an application fee*
24 *of twelve dollars (\$12) two dollars (\$2).*

25 All fees collected pursuant to this section shall be
26 deposited in the Motor Vehicle Account in the State
27 Transportation Fund. An amount equal to the fees paid
28 shall be made available, upon appropriation, to the
29 Department of Motor Vehicles for its administrative
30 costs, for the cost of criminal history checks to be
31 conducted by the Department of Justice, and to the
32 department for its administrative costs. In no case shall
33 the fees collected exceed the costs of administering this
34 section.

35 (c) Applicants for an original tow truck driver
36 certificate shall be fingerprinted by the department, on
37 a form issued by the department, for submission to the
38 Department of Justice for the purpose of determining
39 whether the applicant has been convicted for a violation
40 of any crime specified in paragraph (1), (2), (3), or (4).

1 of subdivision (a) of Section 13377.

2 (d) Information released to the department or the
3 Department of Motor Vehicles shall be related to their
4 inquiry and shall remain confidential.

5 (e) The department shall issue a temporary tow truck
6 driver certificate, provided by the Department of Motor
7 Vehicles, to applicants who have cleared the specified
8 criminal history check through CLETS and the driver
9 history check through the automated records system, and
10 who meet all other applicable provisions of this code. The
11 term of the temporary tow truck driver's certificate shall
12 be for a period of 90 days from the date of issuance.

13 *SEC. 4. Section 2436 of the Vehicle Code is amended*
14 *to read:*

15 2436. For the purposes of this article, *Article 3.3*
16 *(commencing with Section 2430), and Chapter 15*
17 *(commencing with Section 2560) of Division 3 of the*
18 *Streets and Highways Code:*

19 (a) "Committee" means the Emergency Roadside
20 Assistance Advisory Committee.

21 (b) "Emergency road service" is the adjustment,
22 repair, or replacement by a highway service organization
23 of the equipment, tires, or mechanical parts of a motor
24 vehicle so as to permit it to be operated under its own
25 power. "Towing service" is the drafting or moving by a
26 highway service organization of a motor vehicle from one
27 place to another under power other than its own.

28 (c) "Emergency roadside assistance" means towing
29 service or emergency road service.

30 (d) "Highway service organization" means a motor
31 club, as defined by Section 12142 of the Insurance Code
32 and, in addition, includes any person or organization
33 which operates or directs the operation of highway
34 service vehicles to provide emergency roadside
35 assistance to motorists, or any person or organization
36 which is reimbursed or reimburses others for the cost of
37 providing emergency roadside assistance, and any
38 employer and include any person or organization which
39 directly or indirectly, with or without compensation,
40 provides emergency roadside assistance.

1 *SEC. 5.* Section 9250.8 of the Vehicle Code is
2 amended to read:

3 9250.8. (a) In addition to any other fees specified in
4 this code and the Revenue and Taxation Code, a fee of
5 one dollar (\$1) shall be paid at the time of registration or
6 renewal of registration of every vehicle subject to
7 registration under this code, except those vehicles that
8 are expressly exempted under this code from the
9 payment of registration fees.

10 (b) This section shall remain in effect only until
11 January 1, 1995, and as of that date is repealed, unless a
12 later enacted statute, which is enacted on or before
13 January 1, 1995, deletes or extends that date.

14 ~~SEC. 2.~~

15 *SEC. 6.* Section 9250.9 of the Vehicle Code is
16 amended to read:

17 9250.9. (a) All fees received by the department
18 pursuant to Section 9250.8 shall be deposited in the Motor
19 Vehicle Account in the State Transportation Fund. The
20 money deposited in the account pursuant to this section
21 shall be available, upon appropriation by the Legislature,
22 for expenditure to offset the costs of maintaining the
23 uniformed field strength of the Department of the
24 California Highway Patrol.

25 (b) This section shall remain in effect only until
26 January 1, 1995, and as of that date is repealed, unless a
27 later enacted statute, which is enacted on or before
28 January 1, 1995, deletes or extends that date.

29 ~~SEC. 3.~~

30 *SEC. 7.* Section 38225 of the Vehicle Code, as
31 amended by Chapter 954 of the Statutes of 1990, is
32 amended to read:

33 38225. (a) A service fee of nine dollars (\$9) shall be
34 paid to the department for the issuance or renewal of
35 identification of off-highway motor vehicles subject to
36 identification, except as expressly exempted under this
37 division.

38 (b) In addition to the service fee specified in
39 subdivision (a), a fee of one dollar (\$1) shall be paid at
40 the time of issuance or renewal of identification of

1 off-highway motor vehicles subject to identification,
2 except as expressly exempted under this division. The
3 department shall deposit the fee received under this
4 subdivision in the Motor Vehicle Account in the State
5 Transportation Fund. The money deposited in the
6 account pursuant to this subdivision shall be available,
7 upon appropriation by the Legislature, for expenditure to
8 offset the costs of maintaining the uniformed field
9 strength of the Department of the California Highway
10 Patrol.

11 (c) This section shall remain in effect only until
12 January 1, 1995, and as of that date is repealed, unless a
13 later enacted statute, which is enacted on or before
14 January 1, 1995, deletes or extends that date.

15 ~~SEC. 4.~~

16 *SEC. 8.* Section 38225 is added to the Vehicle Code,
17 to read:

18 38225. (a) A service fee of nine dollars (\$9) shall be
19 paid to the department for the issuance or renewal of
20 identification of off-highway motor vehicles subject to
21 identification, except as expressly exempted under this
22 division.

23 (b) This section shall become operative on January 1,
24 1995.

25 *SEC. 9.* *The sum of eight million five hundred*
26 *thousand dollars (\$8,500,000) is hereby appropriated*
27 *from the State Highway Account in the State*
28 *Transportation Fund to the Department of*
29 *Transportation for the purposes of Chapter 15*
30 *(commencing with Section 2560) of Division 3 of the*
31 *Streets and Highways Code.*

32 *SEC. 10.* *This act is an urgency statute necessary for*
33 *the immediate preservation of the public peace, health,*
34 *or safety within the meaning of Article IV of the*
35 *Constitution and shall go into immediate effect. The facts*
36 *constituting the necessity are:*

37 *In order to ensure that funds for the freeway service*
38 *patrol are available at the beginning of the 1992-93 fiscal*
39 *year, it is necessary that this act take effect immediately.*

AMENDED IN SENATE JUNE 26, 1992
AMENDED IN SENATE JUNE 8, 1992
AMENDED IN ASSEMBLY APRIL 1, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3346

Introduced by Assembly Member Katz

February 21, 1992

An act to add and repeal Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code, and to amend Sections 2430.1, 2431, 2436, 9250.8, and 9250.9; ~~and to amend, repeal, and add Section 38225~~ of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3346, as amended, Katz. Vehicles: ~~fees. California Highway Patrol freeway service patrol.~~

(1) Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations.

This bill would enact the Freeway Service Patrol Act to ~~implement~~ *authorize implementation of* a freeway service patrol system on ~~congested~~ *congested* urban freeways throughout the state. Funding would be provided to qualified counties that apply, from the State Highway Account in the State Transportation Fund, with additional funds from the

appropriate regional or local entity. The bill would require the Department of Transportation, in cooperation with the Department of the California Highway Patrol, to develop criteria to be used to evaluate ~~the~~ *a freeway service patrol system*, with a report to be submitted to the Legislature on or before June 30, 1994.

The bill would make conforming changes.

The Freeway Service Patrol Act would become inoperative on June 30, 1996, and would be repealed as of January 1, 1997.

(2) Existing law, on and after July 1, 1992, requires all tow truck drivers to submit an application for the issuance of a tow truck driver certificate and pay an application fee of \$50. Applicants for renewal of a tow truck driver certificate are required to pay \$12.

This bill would require tow truck drivers to pay not more than ~~\$35~~ \$50, as specified, for the initial application, and \$2 for a renewal of a certificate.

(3) ~~Under existing law, in addition to the other fees assessed for the registration of a vehicle, or the issuance of identification of an off-highway motor vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.~~

~~The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.~~

~~This bill would extend those repeal dates to January 1, 1995.~~

(4) The bill would appropriate \$8,500,000 from the State Highway Account to the Department of Transportation.

~~(5)~~

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 15 (commencing with Section
2 2560) is added to Division 3 of the Streets and Highways
3 Code, to read:

4
5 CHAPTER 15. FREEWAY SERVICE PATROLS
6

7 2560. This chapter shall be known and may be cited
8 as the Freeway Service Patrol Act.

9 2560.5. The purpose of this chapter is to implement a
10 freeway service patrol system on congested
11 traffic-congested urban freeways throughout the state,
12 involving a cooperative effort between state and local
13 agencies.

14 ~~2561. (a) "Freeway service patrol," as used in this~~
15 ~~chapter and in Article 3.3 (commencing with Section~~
16 ~~2430) and Article 3.5 (commencing with Section 2435) of~~
17 ~~Chapter 2 of Division 2 of the Vehicle Code, means a~~

18 2561. As used in this chapter, each of the following
19 terms has the following meaning:

20 (a) "Emergency roadside assistance" has the same
21 meaning as defined in Section 2436 of the Vehicle Code.

22 (b) "Employer" has the same meaning as defined in
23 Section 2430.1 of the Vehicle Code.

24 (c) "Freeway service patrol" means a program
25 managed by the Department of the California Highway
26 Patrol, the Department of Transportation department,
27 and a regional or local entity; as defined in Section 2430.1
28 of the Vehicle Code, which provides emergency roadside
29 assistance; as defined in Section 2436 of the Vehicle
30 Code, on a freeway in an urban area.

31 ~~(b)~~

32 (d) "Regional or local entity" has the same meaning as
33 defined in Section 2430.1 of the Vehicle Code.

34 (e) "Tow truck driver" has the same meaning as
35 defined in Section 2430.1 of the Vehicle Code.

36 2561.3. The freeway service patrol shall be operated
37 pursuant to a memorandum of understanding between
38 ~~those two departments~~ the Department of the California

1 *Highway Patrol, the department, and a regional or local*
2 *entity.*

3 2561.5. (a) Funding for the freeway service patrols
4 established pursuant to this chapter shall be provided,
5 upon appropriation, from the State Highway Account *in*
6 *the State Transportation Fund.* In addition, the
7 appropriate regional or local entity shall ensure that local
8 resources are expended on freeway service patrols in an
9 amount not less than 25 percent of the amount provided
10 from the State Highway Account.

11 (b) In locations where there already is a freeway
12 service patrol, the ~~state~~ *department* shall coordinate and
13 integrate the funds appropriated pursuant to this section
14 into the existing program. In the allocation of these funds,
15 no local entity shall be penalized for having an existing
16 freeway service patrol program.

17 (c) No state funding shall be released prior to the
18 execution of the memorandum of understanding
19 developed pursuant to subdivision (b) of Section 2561.

20 (d) *No program funded under this chapter shall*
21 *supplant emergency response towing services provided*
22 *by the department as of January 1, 1992.*

23 2562. Funding for a freeway service patrol in a
24 participating area shall be based 25 percent on the
25 number of urban freeway lane miles in the participating
26 area to the total number of freeway lane miles in all the
27 participating areas ~~and 75~~, 50 percent on the *basis of the*
28 *ratio of the population of the participating area to the*
29 *total population of all the participating areas, and 25*
30 *percent on the basis of traffic congestion as ascertained*
31 *by the department pursuant to the 1990 Statewide*
32 *Highway Traffic Congestion Monitoring Program.*

33 No county is eligible for funding unless the
34 ~~Department of Transportation~~ *department* has identified
35 significant *traffic* congestion on highways within that
36 county.

37 2562.3. In determining the first year's funding,
38 regional or local entities shall apply to the ~~Department~~
39 ~~of Transportation~~ *department* within three months of the
40 ~~enactment~~ *effective date* of this chapter. If a county that

1 otherwise qualifies for funds does not complete an
2 application that assures local expenditures as required by
3 Section 2561.5, its allocated funds shall be distributed on
4 a pro-rata basis to other qualifying counties ~~who~~ that are
5 receiving funds.

6 2562.5. Each tow truck participating in a freeway
7 service patrol shall bear a logo comprised of, at a
8 minimum, a circle, a triangle, and a ~~two~~ tow truck
9 silhouette, with the words "Freeway Service Patrol," ~~and~~
10 ~~the names of the two participating state agencies which~~
11 *identifies the Department of the California Highway*
12 *Patrol and the department, and, at the option of the*
13 *entity, the participating regional or local entity.*

14 2563. Tow truck drivers and employers participating
15 in a freeway service patrol pursuant to this chapter are
16 subject to Article 3.3 (commencing with Section 2430) of
17 Chapter 2 of Division 2 of the Vehicle Code.

18 2563.5. ~~The Department of Transportation~~
19 *department*; in cooperation with the Department of the
20 California Highway Patrol and participating regional and
21 local entities, shall develop criteria to be used to evaluate
22 the freeway service patrol system established pursuant to
23 this chapter.

24 ~~The Department of Transportation~~ *department*, in
25 cooperation with those entities, shall prepare a report on
26 ~~the system, using the criteria developed pursuant to this~~
27 ~~section, and shall submit the report to the Legislature on~~
28 or before June 30, 1994. The report shall include a review
29 of local expenditures made pursuant to Section 2561.5.

30 2564. Not more than 2 percent of the state funds
31 appropriated for purposes of this chapter shall be used for
32 administrative overhead purposes by state agencies. No
33 state funds shall be used for administrative purposes by
34 the participating local and regional entities.

35 2564.5. This chapter shall become inoperative on June
36 30, 1996, and as of January 1, 1997, is repealed, unless a
37 later enacted statute, which becomes effective on or
38 before January 1, 1997, deletes or extends those dates.

39 SEC. 2. Section 2430.1 of the Vehicle Code is
40 amended to read:

1 2430.1. As used in this article ~~and Article 3.5~~
2 ~~(commencing with Section 2435)~~, each of the following
3 terms has the following meaning:

4 (a) "Tow truck driver" means a person who operates
5 a tow truck, who renders towing service or emergency
6 road service to motorists while involved in freeway
7 service patrol operations, pursuant to an agreement with
8 a regional or local entity, and who has or will have direct
9 and personal contact with the individuals being
10 transported or assisted. As used in this subdivision,
11 "towing service" and "emergency road service" have the
12 same meaning as defined in Section 2436.

13 (b) "Employer" means any person or organization
14 which employs those persons defined in subdivision (a),
15 or who is an owner-operator who performs the activity
16 specified in subdivision (a), and who is involved in
17 freeway service patrol operations pursuant to an
18 agreement or contract with a regional or local entity.

19 (c) "Regional or local entity" means any public
20 organization established as a public transportation
21 planning entity pursuant to Title 7.1 (commencing with
22 Section 66500) of the Government Code or authorized to
23 impose a transaction and use tax for transportation
24 purposes by the Public Utilities Code.

25 (d) "Emergency road service" has the same meaning
26 as defined in Section 2436.

27 (e) "Freeway service patrol" has the same meaning as
28 defined in Section 2561 of the Streets and Highway Code.

29 SEC. 3. Section 2431 of the Vehicle Code is amended
30 to read:

31 2431. (a) For the purposes of conducting criminal
32 history and driver history screening of tow truck drivers
33 and employers, the commissioner shall do all of the
34 following:

35 (1) Utilize the California Law Enforcement
36 Telecommunications System (CLETS) to conduct
37 preliminary criminal history checks.

38 (2) Obtain fingerprints from tow truck drivers and
39 employers. The fingerprint cards will be submitted to the
40 Department of Justice for criminal history checks.

1 (3) Obtain a second set of fingerprints from applicants
2 who have not continuously resided in the state for the
3 previous seven years, and submit that card to the Federal
4 Bureau of Investigation for out-of-state criminal history
5 checks. The department may charge a fee sufficient to
6 cover the additional expense of processing the
7 fingerprint cards through the Federal Bureau of
8 Investigation.

9 (4) Verify that the tow truck driver or employer, or
10 both, have a valid California driver's license, through the
11 use of the automated records system.

12 (b) On and after July 1, 1992, all tow truck drivers shall
13 submit an application for the issuance of a tow truck
14 driver certificate with the department and pay an
15 application fee equal to the actual costs of a criminal
16 history check and issuance of the tow truck driver's
17 certificate, but not more than ~~thirty-five~~ fifty dollars
18 ~~(\$35)~~ (\$50). Applicants for the renewal of an expired tow
19 truck driver certificate shall submit an application for
20 issuance of a new tow truck driver certificate to the
21 Department of Motor Vehicles and pay an application fee
22 of two dollars (\$2).

23 All fees collected pursuant to this section shall be
24 deposited in the Motor Vehicle Account in the State
25 Transportation Fund. An amount equal to the fees paid
26 shall be made available, upon appropriation, to the
27 Department of Motor Vehicles for its administrative
28 costs, for the cost of criminal history checks to be
29 conducted by the Department of Justice, and to the
30 department for its administrative costs. In no case shall
31 the fees collected exceed the costs of administering this
32 section.

33 (c) Applicants for an original tow truck driver
34 certificate shall be fingerprinted by the department, on
35 a form issued by the department, for submission to the
36 Department of Justice for the purpose of determining
37 whether the applicant has been convicted for a violation
38 of any crime specified in paragraph (1), (2), (3), or (4)
39 of subdivision (a) of Section 13377.

40 (d) Information released to the department or the
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1 Department of Motor Vehicles shall be related to their
2 inquiry and shall remain confidential.

3 (e) The department shall issue a temporary tow truck
4 driver certificate, provided by the Department of Motor
5 Vehicles, to applicants who have cleared the specified
6 criminal history check through CLETS and the driver
7 history check through the automated records system, and
8 who meet all other applicable provisions of this code. The
9 term of the temporary tow truck driver's certificate shall
10 be for a period of 90 days from the date of issuance.

11 SEC. 4. Section 2436 of the Vehicle Code is amended
12 to read:

13 2436. For the purposes of this article, ~~Article 3-3~~
14 ~~(commencing with Section 2430), and Chapter 15~~
15 ~~(commencing with Section 2560) of Division 3 of the~~
16 ~~Streets and Highways Code; each of the following terms~~
17 ~~has the meaning given in this section:~~

18 (a) "Committee" means the Emergency Roadside
19 Assistance Advisory Committee.

20 (b) "Emergency road service" is the adjustment,
21 repair, or replacement by a highway service organization
22 of the equipment, tires, or mechanical parts of a motor
23 vehicle so as to permit it to be operated under its own
24 power. "Towing service" is the drafting or moving by a
25 highway service organization of a motor vehicle from one
26 place to another under power other than its own. 19V

27 (c) "Emergency roadside assistance" means towing
28 service or emergency road service.

29 (d) "Employer" has the same meaning as defined in
30 Section 2430.1.

31 (e) "Freeway service patrol" has the same meaning as
32 defined in Section 2561 of the Streets and Highways
33 Code.

34 (f) "Highway service organization" means a motor
35 club, as defined by Section 12142 of the Insurance Code
36 and, in addition, includes any person or organization
37 which operates or directs the operation of highway
38 service vehicles to provide emergency roadside
39 assistance to motorists, or any person or organization
40 which is reimbursed or reimburses others for the cost of

1 providing emergency roadside assistance, and any
2 employer and include any person or organization which
3 directly or indirectly, with or without compensation,
4 provides emergency roadside assistance.

5 (g) "Regional or local entity" has the same meaning as
6 defined in Section 2430.1.

7 (h) "Tow truck driver" has the same meaning as
8 defined in Section 2430.1.

9 SEC. 5. Section 9250.8 of the Vehicle Code is
10 amended to read:

11 9250.8. (a) In addition to any other fees specified in
12 this code and the Revenue and Taxation Code, a fee of
13 one dollar (\$1) shall be paid at the time of registration or
14 renewal of registration of every vehicle subject to
15 registration under this code, except those vehicles that
16 are expressly exempted under this code from the
17 payment of registration fees.

18 (b) This section shall remain in effect only until
19 January 1, 1995, and as of that date is repealed, unless a
20 later enacted statute, which is enacted on or before
21 January 1, 1995, deletes or extends that date.

22 SEC. 6. Section 9250.9 of the Vehicle Code is
23 amended to read:

24 9250.9. (a) All fees received by the department
25 pursuant to Section 9250.8 shall be deposited in the Motor
26 Vehicle Account in the State Transportation Fund. The
27 money deposited in the account pursuant to this section
28 shall be available, upon appropriation by the Legislature,
29 for expenditure to offset the costs of maintaining the
30 uniformed field strength of the Department of the
31 California Highway Patrol.

32 (b) This section shall remain in effect only until
33 January 1, 1995, and as of that date is repealed, unless a
34 later enacted statute, which is enacted on or before
35 January 1, 1995, deletes or extends that date.

36 SEC. 7. Section ~~38225~~ of the Vehicle Code, as
37 amended by Chapter 954 of the Statutes of 1990, is
38 amended to read:

39 ~~38225.~~ (a) A service fee of nine dollars (~~\$9~~) shall be
40 paid to the department for the issuance or renewal of

1 identification of off/highway motor vehicles subject to
2 identification, except as expressly exempted under this
3 division.

4 (b) In addition to the service fee specified in
5 subdivision (a), a fee of one dollar (~~\$1~~) shall be paid at
6 the time of issuance or renewal of identification of
7 off/highway motor vehicles subject to identification,
8 except as expressly exempted under this division. The
9 department shall deposit the fee received under this
10 subdivision in the Motor Vehicle Account in the State
11 Transportation Fund. The money deposited in the
12 account pursuant to this subdivision shall be available,
13 upon appropriation by the Legislature, for expenditure to
14 offset the costs of maintaining the uniformed field
15 strength of the Department of the California Highway
16 Patrol.

17 (c) This section shall remain in effect only until
18 January 1, 1995, and as of that date is repealed, unless a
19 later enacted statute, which is enacted on or before
20 January 1, 1995, deletes or extends that date.

21 **SEC. 8.** Section 38225 is added to the Vehicle Code, to
22 read:

23 ~~38225.~~ (a) A service fee of nine dollars (~~\$9~~) shall be
24 paid to the department for the issuance or renewal of
25 identification of off/highway motor vehicles subject to
26 identification, except as expressly exempted under this
27 division.

28 (b) This section shall become operative on January 1,
29 1995.

30 **SEC. 9.**

31 **SEC. 7.** The sum of eight million five hundred
32 thousand dollars (\$8,500,000) is hereby appropriated
33 from the State Highway Account in the State
34 Transportation Fund to the Department of
35 Transportation for the purposes of Chapter 15
36 (commencing with Section 2560) of Division 3 of the
37 Streets and Highways Code.

38 **SEC. 10**

39 **SEC. 8.** This act is an urgency statute necessary for
40 the immediate preservation of the public peace, health,

1 or safety within the meaning of Article IV of the
2 Constitution and shall go into immediate effect. The facts
3 constituting the necessity are:

4 In order to ensure that funds for the freeway service
5 patrol are available at the beginning of the 1992-93 fiscal
6 year, it is necessary that this act take effect immediately.

0113
4 ref

AMENDED IN SENATE JULY 9, 1992
AMENDED IN SENATE JUNE 26, 1992
AMENDED IN SENATE JUNE 8, 1992
AMENDED IN ASSEMBLY APRIL 1, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3346

Introduced by Assembly Member Katz

February 21, 1992

An act to add and repeal Chapter 15 (commencing with Section 2560) of Division 3 of the Streets and Highways Code, and to amend Sections 2430.1, 2431, 2436, 9250.8, and 9250.9 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3346, as amended, Katz. Vehicles: freeway service patrol.

(1) Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations.

This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic-congested urban freeways throughout the state. Funding would be provided to qualified counties that apply, from the State Highway Account in the State Transportation Fund, with additional funds from the appropriate regional or

local entity. The bill would require the Department of Transportation, in cooperation with the Department of the California Highway Patrol *and participating regional and local entities, to review the funding formula and report recommendations to the Legislature on or before June 30, 1993. The bill would also require the department, in cooperation with those entities, to develop criteria to be used to evaluate a freeway service patrol system, with a report, developed in cooperation with the Emergency Roadside Assistance Advisory Committee, to be submitted to the Legislature on or before June 30, July 1, 1994.*

The bill would make conforming changes.

The Freeway Service Patrol Act would become inoperative on June 30, 1996, and would be repealed as of January 1, 1997.

(2) Existing law ; ~~on and after July 1, 1992,~~ requires all tow truck drivers to submit an application for the issuance of a tow truck driver certificate and pay an application fee of \$50. Applicants for renewal of a tow truck driver certificate are required to pay \$12.

This bill would require tow truck drivers to pay not more than \$50, as specified, for the initial application, and ~~\$2 would include a \$12 fee for a renewal of a duplicate certificate.~~

(3) *Under existing law, in addition to the other fees imposed for the registration of a vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol.*

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would extend those repeal dates to January 1, 1995, but that extension would not become operative unless the appropriation in (4) below, becomes operative.

(4) The bill would appropriate ~~\$8,500,000~~ \$8,396,000 from the State Highway Account to the Department of Transportation.

~~(4)~~

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 15 (commencing with Section
2 2560) is added to Division 3 of the Streets and Highways
3 Code, to read:

4
5 CHAPTER 15. FREEWAY SERVICE PATROLS
6

7 2560. This chapter shall be known and may be cited
8 as the Freeway Service Patrol Act.

9 2560.5. The purpose of this chapter is to implement a
10 freeway service patrol system on traffic-congested urban
11 freeways throughout the state, involving a cooperative
12 effort between state and local agencies.

13 2561. As used in this chapter, each of the following
14 terms has the following meaning:

15 (a) "Emergency roadside assistance" has the same
16 meaning as defined in Section 2436 of the Vehicle Code.

17 (b) "Employer" has the same meaning as defined in
18 Section 2430.1 of the Vehicle Code.

19 (c) "Freeway service patrol" means a program
20 managed by the Department of the California Highway
21 Patrol, the department, and a regional or local entity
22 which provides emergency roadside assistance on a
23 freeway in an urban area.

24 (d) "Regional or local entity" has the same meaning as
25 defined in Section 2430.1 of the Vehicle Code.

26 (e) "Tow truck driver" has the same meaning as
27 defined in Section 2430.1 of the Vehicle Code.

28 2561.3. The freeway service patrol shall be operated
29 pursuant to a memorandum of understanding between
30 the Department of the California Highway Patrol, the
31 department, and a regional or local entity.

32 2561.5. (a) Funding for the freeway service patrols
33 established pursuant to this chapter shall be provided,
34 upon appropriation, from the State Highway Account in
35 the State Transportation Fund. In addition, the
36 appropriate regional or local entity shall ensure that local

1 resources are expended on freeway service patrols in an
2 amount not less than 25 percent of the amount provided
3 from the State Highway Account.

4 (b) In locations where there already is a freeway
5 service patrol, the department shall coordinate and
6 integrate the funds appropriated pursuant to this section
7 into the existing program. In the allocation of these funds,
8 no local entity shall be penalized for having an existing
9 freeway service patrol program.

10 (c) No state funding shall be released prior to the
11 execution of the memorandum of understanding
12 developed pursuant to subdivision (b) of Section 2561.

13 (d) No program funded under this chapter shall
14 supplant emergency response towing services provided
15 by the department as of January 1, 1992.

16 2562. Funding for a freeway service patrol in a
17 participating area shall be based 25 percent on the
18 number of urban freeway lane miles in the participating
19 area to the total number of freeway lane miles in all the
20 participating areas, 50 percent on the basis of the ratio of
21 the population of the participating area to the total
22 population of all the participating areas, and 25 percent
23 on the basis of traffic congestion as ascertained by the
24 department pursuant to the ~~1990~~ most recent Statewide
25 Highway Traffic Congestion Monitoring Program.

26 ~~No county is eligible for funding unless the department~~
27 ~~has identified significant traffic congestion on highways~~
28 ~~within that county.~~

29 *The department, in cooperation with participating*
30 *agencies, shall review the formula created in this section*
31 *and report to the Legislature on or before June 30, 1993,*
32 *on recommendations regarding possible revisions.*

33 2562.3. In determining the first year's funding,
34 regional or local entities shall apply to the department
35 within three months of the effective date of this chapter.
36 If a county that otherwise qualifies for funds does not
37 complete an application that assures local expenditures as
38 required by Section 2561.5, its allocated funds shall be
39 distributed on a pro-rata basis to other qualifying counties
40 that are receiving funds.

1 2562.5. Each tow truck participating in a freeway
2 service patrol shall bear a logo comprised of, at a
3 minimum, a circle, a triangle, and a tow truck silhouette,
4 with the words "Freeway Service Patrol," which
5 identifies the Department of the California Highway
6 Patrol and the department, and, at the option of the
7 entity, the participating regional or local entity.
8 *Participating regional or local entities may place a logo on*
9 *participating tow trucks.*

10 2563. Tow truck drivers and employers participating
11 in a freeway service patrol pursuant to this chapter are
12 subject to Article 3.3 (commencing with Section 2430) of
13 Chapter 2 of Division 2 of the Vehicle Code.

14 2563.5. The department, in cooperation with the
15 Department of the California Highway Patrol and
16 participating regional and local entities, shall develop
17 criteria to be used to evaluate the freeway service patrol
18 system established pursuant to this chapter.

19 The department, in cooperation with those entities,
20 shall prepare a report on the system, using the criteria
21 developed pursuant to this section, and shall submit the
22 report to the Legislature on or before ~~June 30, 1994~~. ~~The~~
23 ~~report~~ *July 1, 1994. The report shall be prepared in*
24 *cooperation with the Emergency Roadside Assistance*
25 *Advisory Committee created by Section 2437 of the*
26 *Vehicle Code, and shall include a review of local*
27 *expenditures made pursuant to Section 2561.5.*

28 2564. Not more than 2 percent of the state funds
29 appropriated for purposes of this chapter shall be used for
30 administrative overhead purposes by state agencies. No
31 state funds shall be used for administrative purposes by
32 the participating local and regional entities.

33 2564.5. This chapter shall become inoperative on June
34 30, 1996, and as of January 1, 1997, is repealed, unless a
35 later enacted statute, which becomes effective on or
36 before January 1, 1997, deletes or extends those dates.

37 SEC. 2. Section 2430.1 of the Vehicle Code is
38 amended to read:

39 2430.1. As used in this article, each of the following
40 terms has the following meaning:

1 (a) "Tow truck driver" means a person who operates
2 a tow truck, who renders towing service or emergency
3 road service to motorists while involved in freeway
4 service patrol operations, pursuant to an agreement with
5 a regional or local entity, and who has or will have direct
6 and personal contact with the individuals being
7 transported or assisted. As used in this subdivision,
8 "towing service" and "emergency road service" have the
9 same meaning as defined in Section 2436.

10 (b) "Employer" means any person or organization
11 which employs those persons defined in subdivision (a),
12 or who is an owner-operator who performs the activity
13 specified in subdivision (a), and who is involved in
14 freeway service patrol operations pursuant to an
15 agreement or contract with a regional or local entity.

16 (c) "Regional or local entity" means any public
17 organization established as a public transportation
18 planning entity pursuant to Title 7.1 (commencing with
19 Section 66500) of the Government Code or authorized to
20 impose a transaction and use tax for transportation
21 purposes by the Public Utilities Code.

22 (d) "Emergency road service" has the same meaning
23 as defined in Section 2436.

24 (e) "Freeway service patrol" has the same meaning as
25 defined in Section 2561 of the Streets and Highway Code.

26 SEC. 3. Section 2431 of the Vehicle Code is amended
27 to read:

28 2431. (a) For the purposes of conducting criminal
29 history and driver history screening of tow truck drivers
30 and employers, the commissioner shall do all of the
31 following:

32 (1) Utilize the California Law Enforcement
33 Telecommunications System (CLETS) to conduct
34 preliminary criminal history checks.

35 (2) Obtain fingerprints from tow truck drivers and
36 employers. The fingerprint cards will be submitted to the
37 Department of Justice for criminal history checks.

38 (3) Obtain a second set of fingerprints from applicants
39 who have not continuously resided in the state for the
40 previous seven years, and submit that card to the Federal

1 Bureau of Investigation for out-of-state criminal history
2 checks. The department may charge a fee sufficient to
3 cover the additional expense of processing the
4 fingerprint cards through the Federal Bureau of
5 Investigation.

6 (4) Verify that the tow truck driver or employer, or
7 both, have a valid California driver's license, through the
8 use of the automated records system.

9 (b) On and after July 1, 1992, all tow truck drivers shall
10 submit an application for the issuance of a tow truck
11 driver certificate with the department and pay an
12 application fee equal to the actual costs of a criminal
13 history check and issuance of the tow truck driver's
14 certificate, but not more than fifty dollars (\$50).
15 Applicants for the renewal of an expired tow truck driver
16 certificate *or applicants for a duplicate tow truck driver*
17 *certificate* shall submit an application for issuance of a
18 new tow truck driver certificate to the Department of
19 Motor Vehicles and pay an application fee of ~~two dollars~~
20 ~~(\$2)~~ of twelve dollars (\$12).

21 All fees collected pursuant to this section shall be
22 deposited in the Motor Vehicle Account in the State
23 Transportation Fund. An amount equal to the fees paid
24 shall be made available, upon appropriation, to the
25 Department of Motor Vehicles for its administrative
26 costs, for the cost of criminal history checks to be
27 conducted by the Department of Justice, and to the
28 department for its administrative costs. In no case shall
29 the fees collected exceed the costs of administering this
30 section.

31 (c) Applicants for an original tow truck driver
32 certificate shall be fingerprinted by the department, on
33 a form issued by the department, for submission to the
34 Department of Justice for the purpose of determining
35 whether the applicant has been convicted for a violation
36 of any crime specified in paragraph (1), (2), (3), or (4)
37 of subdivision (a) of Section 13377.

38 (d) Information released to the department or the
39 Department of Motor Vehicles shall be related to their
40 inquiry and shall remain confidential.

1 (e) The department shall issue a temporary tow truck
2 driver certificate, provided by the Department of Motor
3 Vehicles, to applicants who have cleared the specified
4 criminal history check through CLETS and the driver
5 history check through the automated records system, and
6 who meet all other applicable provisions of this code. The
7 term of the temporary tow truck driver's certificate shall
8 be for a period of 90 days from the date of issuance.

9 SEC. 4. Section 2436 of the Vehicle Code is amended
10 to read:

11 2436. For the purposes of this article, each of the
12 following terms has the meaning given in this section:

13 (a) "Committee" means the Emergency Roadside
14 Assistance Advisory Committee.

15 (b) "Emergency road service" is the adjustment,
16 repair, or replacement by a highway service organization
17 of the equipment, tires, or mechanical parts of a motor
18 vehicle so as to permit it to be operated under its own
19 power. "Towing service" is the drafting or moving by a
20 highway service organization of a motor vehicle from one
21 place to another under power other than its own.

22 (c) "Emergency roadside assistance" means towing
23 service or emergency road service.

24 (d) "Employer" has the same meaning as defined in
25 Section 2430.1.

26 (e) "Freeway service patrol" has the same meaning as
27 defined in Section 2561 of the Streets and Highways
28 Code.

29 (f) "Highway service organization" means a motor
30 club, as defined by Section 12142 of the Insurance Code
31 and, in addition, includes any person or organization
32 which operates or directs the operation of highway
33 service vehicles to provide emergency roadside
34 assistance to motorists, or any person or organization
35 which is reimbursed or reimburses others for the cost of
36 providing emergency roadside assistance, and any
37 employer and include any person or organization which
38 directly or indirectly, with or without compensation,
39 provides emergency roadside assistance.

40 (g) "Regional or local entity" has the same meaning as

1 defined in Section 2430.1.

2 (h) "Tow truck driver" has the same meaning as
3 defined in Section 2430.1.

4 SEC. 5. Section 9250.8 of the Vehicle Code is
5 amended to read:

6 9250.8. (a) In addition to any other fees specified in
7 this code and the Revenue and Taxation Code, a fee of
8 one dollar (\$1) shall be paid at the time of registration or
9 renewal of registration of every vehicle subject to
10 registration under this code, except those vehicles that
11 are expressly exempted under this code from the
12 payment of registration fees.

13 (b) This section shall remain in effect only until
14 January 1, 1995, and as of that date is repealed, unless a
15 later enacted statute, which is enacted on or before
16 January 1, 1995, deletes or extends that date.

17 SEC. 6. Section 9250.9 of the Vehicle Code is
18 amended to read:

19 9250.9. (a) All fees received by the department
20 pursuant to Section 9250.8 shall be deposited in the Motor
21 Vehicle Account in the State Transportation Fund. The
22 money deposited in the account pursuant to this section
23 shall be available, upon appropriation by the Legislature,
24 for expenditure to offset the costs of maintaining the
25 uniformed field strength of the Department of the
26 California Highway Patrol.

27 (b) This section shall remain in effect only until
28 January 1, 1995, and as of that date is repealed, unless a
29 later enacted statute, which is enacted on or before
30 January 1, 1995, deletes or extends that date.

31 SEC. 7. The sum of eight million ~~five hundred~~
32 ~~thousand dollars (\$8,500,000)~~ *three hundred ninety-six*
33 *thousand dollars (\$8,396,000)* is hereby appropriated
34 from the State Highway Account in the State
35 Transportation Fund to the Department of
36 Transportation for the purposes of Chapter 15
37 (commencing with Section 2560) of Division 3 of the
38 Streets and Highways Code.

39 SEC. 8. *Sections 5 and 6 shall not become operative if*
40 *the appropriation in Section 7 does not become*

1 *operative.*

2 *SEC. 9.* This act is an urgency statute necessary for
3 the immediate preservation of the public peace, health,
4 or safety within the meaning of Article IV of the
5 Constitution and shall go into immediate effect. The facts
6 constituting the necessity are:

7 In order to ensure that funds for the freeway service
8 patrol are available at the beginning of the 1992-93 fiscal
9 year, it is necessary that this act take effect immediately.

0

The documents following this page were
photocopied from the files of the

Assembly Committee on

Ways and Means

WAYS AND MEANS COMMITTEE ANALYSIS

Author: Katz

Amended: 04/01/92

Bill No.: AB 3346

Policy Committee: Transportation

Vote: 15-0 Consent

Urgency: No

Hearing Date: 05/06/92

State Mandated Local Program: No

Staff Comments By:

Reimbursable:

Allan Lind

Summary

This bill extends from 1/1/93 to 1/1/95 the sunset date on a \$1.00 surcharge on vehicle registrations which is dedicated to funding CHP officers.

Fiscal

Up to \$13,000,000 in 1992-93; \$24,000,0000 annually thereafter (until 1995).

This revenue is counted in the Governor's budget.

AL

Recommendation

Do pass, consent.

AL

Handwritten initials or mark, possibly 'FA' or similar, written in black ink.

Date of Hearing: April 6, 1992

ASSEMBLY TRANSPORTATION COMMITTEE
RICHARD KATZ, Chairman

AB 3346 (Katz) - As Amended: April 1, 1992

SUBJECT

Registration fees: California Highway Patrol

DIGEST

Existing law:

- 1) Requires payment of an annual \$27 fee to register or renew the registration of a motor vehicle. The \$27 fee includes a \$1 surcharge for the California Highway Patrol (CHP). On January 1, 1993, the \$1 surcharge will sunset.
- 2) Requires a payment of a \$9 service fee, a \$6 special fee, and a \$1 surcharge for the CHP to issue or renew identification of off-highway vehicles (OHV). The \$1 surcharge sunsets on January 1, 1993.

This bill extends the sunset of the \$1 vehicle registration surcharge and the \$1 OHV surcharge to January 1, 1995.

FISCAL EFFECT

Will raise approximately \$13 million for the Motor Vehicle Account (MVA) for one-half of the 1992-93 fiscal year; \$24 million annually thereafter, for motor vehicle registration fees.

COMMENTS

- 1) In 1981, the Legislature passed AB 202 (Papan, Chapter 933) which authorized a \$1 vehicle registration surcharge to provide increased uniformed field strength for the CHP. AB 457 (Papan - Chapter 797, Statutes of 1985) extended the fee until January 1, 1991. AB 107 (Peace - Chapter 1248, Statutes of 1985) extended the \$1 surcharge to off-highway vehicles. AB 2545 (Katz - Chapter 954, Statutes of 1990) extended the sunset until January 1, 1993. SB 184 (Kopp - Chapter 217, Statutes of 1991) raised the registration fee from \$22 to \$27.

- continued -

- 2) The MVA funds the activities of the CHP and the Department of Motor Vehicles (DMV). It receives revenues from the \$27 annual vehicle registration fee and from driver's license and occupational license fees. The Account is anticipated to receive \$1 billion in revenues and transfers during the budget year (1992-93); expenditures are estimated at \$1 billion.

The Governor's budget assumes only a \$.92 million carryover reserve into the MVA at the end of the current year. If car sales decline further, that reserve could disappear.

- 3) The Governor's budget for 1992-93 assumes that the \$1 motor vehicle surcharge authorized in the Papan bill is continued beyond its current sunset.

SUPPORT

California Association of Highway Patrolmen

OPPOSITION

Unknown

The documents following this page were
photocopied from the files of the

Assembly Minority Committee

on Ways and Means

Consent

AB 3346 (Katz)
5/6/92

ASSEMBLY WAYS AND MEANS COMMITTEE
REPUBLICAN ANALYSIS

AB 3346 (Katz) -- VEHICLES: FEES: CALIFORNIA HIGHWAY PATROL
Version: 4/1/92 Vice-Chair: Cathie Wright
Analyzed: 5/5/92 Vote: Majority
Recommendation: None

SUMMARY: Extends the sunset date from 1/1/93 to 1/1/95 on the \$1.00 fee per year added to vehicle registration for maintaining CHP.

FISCAL EFFECT: Continues until 1/1/95 annual revenues of approximately \$24 million to the MVA.

POTENTIAL EFFECTS: Continues a tax on registration of vehicles.

SUPPORT: California Association of Highway Patrolmen, Calif. Teamsters Public Affairs Council.

OPPOSITION: Unknown.

GOVERNOR'S POSITION: Unknown.

COMMENTS:

- o Governor's Budget assumes extension of this \$1 surcharge. The MVA is in dire straits, and is receiving a loan this budget year from the State Highway Account (SHA).
- o Extension of sunsets involving money to the state coffers has become routine.
- o Continues a fee (tax) per year on vehicle registration.
- o No net new cost to the motoring public.

Assembly Republican Committee vote
Trans. -- 4/6/92
(15-0) Ayes: All Republicans except
Abs.: Lancaster

Fiscal Consultant: Edi Thompson

WAYS AND MEANS COMMITTEE ANALYSIS

Author: Katz

Amended: 04/01/92

Bill No.: AB 3346

Policy Committee: Transportation

Vote: 15-0 Consent

Urgency: No

Hearing Date: 05/06/92

State Mandated Local Program: No

Staff Comments By:

Reimbursable:

Allan Lind

Summary

This bill extends from 1/1/93 to 1/1/95 the sunset date on a \$1.00 surcharge on vehicle registrations which is dedicated to funding CHP officers.

Fiscal

Up to \$13,000,000 in 1992-93; \$24,000,0000 annually thereafter (until 1995).

This revenue is counted in the Governor's budget.

AL

DEPARTMENT OF FINANCE BILL ANALYSIS

ET

AMENDMENT DATE: April 1, 1992
 POSITION: Support

BILL NUMBER: AB 3346
 AUTHOR: Katz

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE

This bill would extend the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995. The \$1 surcharges provide funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)						Code Fund	
		PROP 98	FC	1991-92	FC	1992-93	FC		1993-94
1141/ Vehicle Reg.	RV			--	P	\$12,000	P	\$24,000	044*

* Motor Vehicle Account

COMMENTS

- o The 1992/93 Governor's Budget includes a proposal to continue the \$1 vehicle and off-highway vehicle registration surcharges. The \$1 surcharges provide needed funding to the Motor Vehicle Account for maintaining baseline funding and supporting anticipated expenditure growth.
- o Finance supports the bill, but recommends that the surcharges be continued indefinitely since there is no evidence that these funds will not be needed on an on-going basis.

Analyst/Principal (751) R. Gutierrez	Date 4/23/92	Program Budget Manager (700) Wallis L. Clark BRK	Date
Department Deputy Director			Date

Governor's Office: By: _____ Date: _____ Position Noted _____
 Position Approved _____
 Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/92 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)		Form DF-43
AUTHOR	AMENDMENT DATE	BILL NUMBER
Katz	April 1, 1992	AB 3346

ANALYSIS

A. Specific Findings

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge and \$1 off-highway vehicle surcharge until January 1, 1995.

This bill supports the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account.

B. Fiscal Analysis

The 1992/93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations. The 1992/93 Governor's Budget assumes an additional \$12 million to the Motor Vehicle Account from the continued surcharge in 1992-93 (half-year revenues).

Finance supports the bill, but recommends continuing the surcharge on a permanent basis to provide needed revenue to the Motor Vehicle Account. Without the fee continuation, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, nor maintain a positive balance in the Motor Vehicle Account. There is no available information which demonstrates that this funding source will not be needed on a continuing basis to support CHP's uniformed field strength.

I:\WP\INDEX\BA\AB.91\AB3346.751



ET
APR 30 1992

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GERALD P. O'HARA
1400 K STREET, SUITE 302
SACRAMENTO, CALIFORNIA 95814

April 29, 1992

TO: All Members of the Assembly Ways and Means Committee

FROM: Gerald O'Hara

SUBJECT: AB 3346 (Katz) - Vehicles:
fees: California Highway Patrol

The Teamsters strongly support AB 3346 by Assembly Member Richard Katz.

AB 3346 would ensure that the California Highway Patrol permanently receives the necessary funding for maintaining their uniformed field strength.

We believe that highway safety is a very important concern for all of the motoring public and the California Highway Patrol deserves sufficient personnel to enforce safety on our roads and highways.

I urge your "Aye" vote on this good bill.



The documents following this page were
photocopied from the files of the

Senate Committee on

Appropriations

Appropriations Fiscal Summary

Author: Katz Amended: 6/26/92 Bill #: AB 3346

Hearing Date: 7/8/92 Policy Committee Vote: Trans 6-2

Summary Prepared By: Ed Derman

 Bill Summary: AB 3346, an urgency bill, enacts, until 1997, the Freeway Service Patrol Act to establish tow truck service patrols on congested urban freeways. Local entities participating in the program would contribute at least 25% of the amount paid by the state. The bill also extends the \$1 vehicle registration fee surcharge for CHP costs from 1993 until 1995, if funding for the freeway service patrol program is appropriated in this bill.

Fiscal Impact by Fiscal Year
 (Dollars in thousands)

<u>Department</u>	<u>1992-93</u>	<u>1993-94</u>	<u>1994-95</u>	<u>Fund</u>
Caltrans	\$8,396*	\$8,396 annually through 1995-96, subject to appropriation		State Highway
Revenue	\$13,000	\$24,000	\$12,000	Motor Vehicle

*Appropriated in the bill

 STAFF COMMENTS: This bill meets the criteria to be placed on the Suspense file.

The author will propose amendments, which are reflected in this analysis.

The Governor's Budget included \$10.2 million for Caltrans to institute a new statewide freeway service patrol program. The Conference Committee, in an effort to tie the legislative direction for that program provided in this bill to the funding, deleted the funding in the budget. About 75% of the funding for this program would pay for contracts with tow truck services to respond quickly to vehicles disabled by such simple things as flat tires or empty gas tanks on crowded freeways in order to reduce the congestion impact of the stranded vehicle. The motorist would not be charged for the service. Funds would be allocated by formula to participating eligible transportation planning entities on a 4 to 1 matching basis.

The \$1 surcharge was first imposed in 1981, and has since been extended 3 times. The Governor's Budget assumes the revenues generated in the bill. Even with these revenues, the introduced budget projected only a \$536,000 balance as of 6/30/92 and \$37 million as of 6/30/93. Approval of this surcharge is contingent on approval of the freeway patrol funding.

SENATE TRANSPORTATION COMMITTEE
Senator Quentin L. Kopp, Chairman

BILL NO.:.....
AUTHOR:.....
VERSION:
(Orig.):
(As Amend.):
FISCAL:.....

SUBJECT:

Registration fees: California Highway Patrol support: Freeway service patrols.

DESCRIPTION:

This urgency bill would extend for two years, until January 1, 1995, the date of repeal of a \$1 motor vehicle registration fee for the support of the California Highway Patrol.

The bill would add the Freeway Service Patrol Act to implement a tow truck service patrol system on congested urban freeways through a cooperative state and local effort. The bill would appropriate \$8,500,000 from the State Highway Account for the first year of the system.

ANALYSIS:

I. Existing law requires the payment of an annual \$27 fee to register or renew the registration of a motor vehicle. The \$27 fee includes a \$1 surcharge for maintaining the uniformed strength of the California Highway Patrol (CHP). On January 1, 1993, the \$1 surcharge will be repealed according to existing law.

Existing law requires the payment of a \$9 service fee, a \$6 special fee, and a \$1 surcharge for the CHP to issue or renew the identification of off-highway vehicles (OHV). The \$1 surcharge also sunsets on January 1, 1993.

This bill would extend the sunset date of the \$1 vehicle registration surcharge and the \$1 OHV surcharge for two years until January 1, 1995.

II. Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations. A report on the project is due by September 1, 1994.

There currently is in operation on Los Angeles County freeways the Metro Freeway Service Patrol (FSP). The project involves the Los Angeles County Transportation Commission, the California Highway Patrol (CHP) and the Department of Transportation and is designed to reduce traffic congestion, clear up traffic incidents/accidents, improve air quality and provide related motorist services free of charge.

This bill would establish freeway service patrols in congested urban areas throughout the state under provisions known as the Freeway Service Patrol Act.

The Freeway Service Patrol program would:

- A. Be managed by the CHP, Caltrans and regional or local agencies which provide emergency roadside assistance (towing and emergency service). A memorandum of understanding among the parties would be required for operation in a particular area.
- B. Be funded by a \$8,500,000 appropriation in the bill from the State Highway Account (SHA) in the first year and annual budget appropriations thereafter.
- C. Require "local resources" of at least 25 percent of the amount provided by the SHA.
- D. Allocate state funds by formula: 25 percent based on the number of urban freeway miles and 75 percent based on population (relative to those areas participating).
- E. Limit participation to those areas of the state that Caltrans has identified as having significant congestion (Districts 3,4,7,8,11,12).
- F. Redistribute a county's share of the funds to others if it does not meet program requirements.
- G. Require the tow trucks to bear a specified logo and drivers to meet statutory certification, training and background requirements.
- H. Require evaluation criteria to be developed and a report made to the Legislature by June 30, 1994.
- I. Make the program inoperative on June 30, 1996 and repeal it on January 1, 1997.
- J. Require the integration of the state program with any local program already in operation.

The bill would reduce the amount of the application fee for tow truck drivers' certificates from the current \$50 to the actual cost of a criminal history check and certificate issuance, up to a \$35 maximum.

COMMENTS:

Registration Fee Provisions:

1. In 1981, the Legislature and the Governor enacted AB 202 (Papan) which authorized a \$1 vehicle registration surcharge to provide increased uniformed field strength for the CHP. This legislation, however, included a sunset date for the surcharge. The fee has been extended several times: a) AB 457 (Papan - Chapter 797, Statutes of 1985) extended the fee until January 1, 1991; b) AB 107 (Peace -

Chapter 1248, Statutes of 1985) extended the \$1 surcharge to off-highway vehicles; c) AB 2545 (Katz - Chapter 954, Statutes of 1990) extended the sunset until January 1, 1993.

2. The Motor Vehicle Account (MVA) supports the activities of the CHP and the Department of Motor Vehicles (DMV). It receives revenues from the \$27 annual vehicle registration fee and from driver's license and occupational license fees. The account is anticipated to receive \$1 billion in revenues and transfers during the budget year (1992-93); expenditures are also estimated at \$1 billion, however.

The Governor's budget assumes only a \$920,000 carry-over reserve in the MVA at the end of the current year. If vehicle sales decline further, that reserve could disappear altogether.

3. The Governor's budget for 1992-93 assumes that the \$1 motor vehicle surcharge originally authorized in the Papan bill is continued beyond its current sunset date. The registration surcharge would raise approximately \$13 million for the Motor Vehicle Account (MVA) for one-half of the 1992-93 fiscal year and \$24 million annually thereafter until its sunset date.

Freeway Service Patrol Provisions:

1. The FSP program was included as part of the Governor's Budget for 1992-93 in the amount of \$10,200,000. The Legislative Analyst withheld recommendation on the expenditure due to lack of data justifying the program's cost effectiveness. After workload standards were revised upward, \$8,500,000 was included in the Department of Transportation's budget with language requiring enabling legislation. This bill represents the referenced enabling legislation and establishes some legislative control over the program's operations.

2. The LACTC, CHP and Caltrans believe the Los Angeles pilot program is working well. However, this assessment appears based primarily on anecdotal evidence and the number of motorists/incidents encountered rather than a formal evaluation. Such an evaluation is expected to be made public in October 1992.

Clearly, motorists like the towing, simple mechanical and free fuel services. What is not clear is how the program has fared with its other goals of decreasing congestion and improving air quality.

3. The bill raises a number of policy and fiscal issues for the committee's consideration:

a) Criteria: What congestion criteria or measures will be used to identify areas which can participate?

b) Funding formula: Is a lane-mile and population allocation formula the appropriate method to allocate funds where most needed?

c) Administrative expenses: How will the \$2,000,000 of program funds not used for actual road services be expended? Does the 2% administrative overhead cap include all administrative expenses?

d) Total program cost: The total cost of the FSP is unclear. In one case, the program's supporting documentation states a cost of \$8,106,000. Documents referencing the amount in the 1992-93 Budget Bill show the amount as \$8,396,000 while the bill appropriates \$8,500,000.

e) Reallocation provisions: Should the funds allocated for a region which fails to qualify automatically be reallocated to other areas, or should they revert to the State Highway Account?

f) Local contribution: What are the "local resources" which must be provided at a 25% match? Are these expenditures, services in-kind or other forms of assistance?

Assembly Votes:

Floor: 75-0
W&M: 21-0
Trans: 15-0

Note: Provisions related to the Freeway Service Patrols were added in the Senate.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 10, 1992.)

SUPPORT: California Highway Patrol
California Association of Highway Patrolmen
California Teamsters Public Affairs Council

OPPOSED: Orange County Transportation Authority

06/10/92

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 26, 1992
POSITION: Support, Note Concerns



BILL NUMBER: AB 3346
AUTHOR: Katz

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE / FREEWAY SERVICE PATROLS

This bill would extend the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995. The \$1 surcharges provide funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

AB 3346 would also add the Freeway Service Patrol (FSP) Act to implement a tow truck service system on congested urban freeways throughout the state. This bill is an urgency statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)						Code Fund
		PROP 98	FC 1992-93	FC 1993-94	FC 1994-95			
1141/ Vehicle Reg.	RV	P	\$12,000	P	\$24,000	P	\$24,000	044*
2660/ Transportation	SO	A	8,500					042**
1143/Misc. M. V. Fee	RV	U	-90	U	-90	U	-90	044*

* Motor Vehicle Account
 ** State Highway Account

COMMENTS

Continuing the surcharges is consistent with the 1992/93 Governor's Budget, but Finance recommends that they be permanently continued to provided needed revenue to the Motor Vehicle Account.

Although AB 3345 would restore funding for FSPs, the specified conditions for allocating the funds (i.e., local match requirement) could present problems.

SUMMARY OF CHANGES

The bill's June 26, 1992 amendments fundamentally alter the character of the bill by adding to the bill a freeway service patrol effort involving CHP and Caltrans.

Analyst/Principal <i>(751) R. Gutierrez</i>	Date <i>7/6/92</i>	Program Budget Manager <i>Wallis L. Clark</i>	Date <i>7/6/92</i>
Department Deputy Director		Date	

Governor's Office: By: _____ Date: _____ Position Noted _____
 Position Approved _____
 Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/92 Buff)
 AB3346.751

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DF-43

AUTHOR

AMENDMENT DATE

BILL NUMBER

Katz

June 26, 1992

AB 3346

ANALYSIS**A. Specific Findings**

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge and \$1 off-highway vehicle surcharge until January 1, 1995. This action would support the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account.

Under current law, the Department of Transportation (Caltrans) provides emergency tow service on the Bay Bridge and its approaches. Caltrans is also involved in a FSP project with the Los Angeles County Transportation Commission (LACTC) and the CHP. This FSP is designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality, and provide related services to the motoring public.

The 1992-93 Governor's Budget proposed expanding this FSP program statewide at a cost of about \$9.7 million and 11.4 PYs of support personnel. The Legislature reduced the funding to \$8.4 million based upon a recommendation from the Legislative Analyst. At the request of Richard Katz, the Conference Committee eliminated all FSP funding from the budget.

This bill would establish FSPs in congested areas throughout the state under the Freeway Service Patrol Act. The FSP Act would include the following major provisions:

- o FSPs would be managed, through a memorandum of understanding, by Caltrans, the CHP and regional or local entities which provide the actual towing services.
- o The program would be funded by a \$8.5 million appropriation from the State Highway Account for the first year, and then through the budget process in following years.
- o Funds would be allocated to various urban areas of the state on a formula basis as specified, and any funds received by local authorities would have to be matched with 25% local funds.
- o Makes specific requirements of tow truck operators and of CHP to regulate the tow truck operators, as specified.
- o Requires a Caltrans evaluation report on the effectiveness of the FSP program by June 30, 1994, and provides that the FSP Act sunsets on January 1, 1997 unless extended by statute.
- o Includes a reduction from \$12 to \$2 for the application fee that participating tow truck drivers must pay.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DF-43

AUTHOR

AMENDMENT DATE

BILL NUMBER

Katz

June 26, 1992

AB 3346

ANALYSIS

A. Specific Findings (continued)

Caltrans claims that the existing FSP program in Los Angeles is working well, and that the Department wants to make this program available statewide as part of their congestion relief activities. Although the Department has some concerns regarding the funding formulas and criteria for implementation, Caltrans is recommending a neutral position on the bill. CHP indicates the required 25% funding for counties wishing to participate in the FSP program would tend to reduce participation. CHP notes concerns regarding the bill's provisions requiring a county match.

B. Fiscal Analysis

The 1992/93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations, which provides an additional \$12 million to the Motor Vehicle Account (half-year revenues).

Finance recommends continuing the surcharge on a permanent basis to provide needed revenue to the Motor Vehicle Account. Without the fee continuation, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, and maintain a positive balance in the Motor Vehicle Account. There is no available information which demonstrates that this funding source will not be needed on a continuing basis to support CHP's uniformed field strength.

Caltrans states that implementing the FSP as proposed in AB 3346 will take 5.7 PYs (\$224,000). The balance of the \$8.5 million appropriation would be used for tow truck operator contracts, and related expenses including possible CHP reimbursements for their participation. CHP believes the bill's provisions would restore Caltrans reimbursements to CHP in order for CHP to implement the FSP program as proposed in the 92/93 Governor's Budget. Given the \$8.5 million appropriation from the State Highway Account, CHP believes the appropriation would provide sufficient funding to offset CHP's costs.

Finance believes the bill's reduction of application fee costs from \$12 to \$2 could reduce Motor Vehicle Account revenue by up to \$90,000. This estimated assumes 9,000 tow truck drivers in the program, a \$10 per application fee, and the number of tow truck drivers would remain fairly constant.

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The documents following this page were
photocopied from the
Senate Rules Committee's
file on this legislation.

THIRD READING

SENATE RULES COMMITTEE Office of Senate Floor Analyses 1020 N Street, Suite 524 445-6614	Bill No.	AB 3346
	Author:	Katz (D)
	Amended:	7/9/92 in Senate
	Vote Required:	27 - Urgency

Committee Votes:

Senate Floor Vote:

COMMITTEE: TRANSPORTATION			COMMITTEE: APPROPRIATIONS		
BILL NO.:	AB 3346		BILL NO.:	AB 3346	
DATE OF HEARING:	6-16-92		DATE OF HEARING:	7-8-92	
SENATORS:	AYE	NO	SENATORS:	AYE	NO
Ayala			Alquist		
Bergeson	✓		Ayala	✓	
Boatwright		✓	Bergeson	✓	
C. Green	✓		Davis	✓	
Killea	✓		Dills	✓	
Morgan		✓	L. Greene	✓	
Russell	✓		Johnston	✓	
Torres			Killea		
Voich	✓		Leonard	✓	
McCorquodale (VC)			Lockyer	✓	
Kopp (Ch)	✓		Beverly (VC)	✓	
			Presley (Ch)	✓	
TOTAL:	6	2	TOTAL:	10	0

Assembly Floor Vote: NOT RELEVANT

SUBJECT: Freeway service patrol

SOURCE: Author

DIGEST: This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic congested urban freeways. The bill would appropriate \$8,396,000 for the first year of the system.

NOTE: As it left the Assembly, the bill only extended the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995.

ANALYSIS: Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations. A report on the project is due by September 1, 1994.

There currently is in operation on Los Angeles County freeways the Metro Freeway Service Patrol (FSP). The project involves the Los Angeles County Transportation Commission, the California Highway Patrol (CHP) and the Department of Transportation and is designed to reduce traffic congestion, clear up traffic incidents/accidents, improve air quality and provide related motorist services free of charge.

This bill would enact the Freeway Service Patrol Act to authorize implementation of freeway service patrols on traffic congested urban freeways throughout the state.

CONTINUED

The Freeway Service Patrol program would:

- A. Be managed by the CHP, Caltrans and regional or local agencies which provide emergency roadside assistance (towing and emergency service). A memorandum of understanding among the parties would be required for operation in a particular area.
- B. Be funded by a \$8,396,000 appropriation in the bill from the State Highway Account (SHA) in the first year and annual budget appropriations thereafter.
- C. Require "local resources" of at least 25 percent of the amount provided by the SHA.
- D. Allocate state funds by formula: 25 percent based on the number of urban freeway miles and 50 percent based on population (relative to those areas participating).
- E. Require the department, in cooperation with participating agencies, to review the formula created in this section and report to the Legislature on or before June 30, 1993, on recommendations regarding possible revisions.
- F. Redistribute a county's share of the funds to others if it does not meet program requirements.
- G. Require the tow trucks to bear a specified logo and drivers to meet statutory certification, training and background requirements as well as pay not more than \$50 for their first application.
- H. Require evaluation criteria to be developed and a report made to the Legislature by July 1, 1994. The report shall be prepared in cooperation with the Emergency Roadside Assistance Advisory Committee.
- I. Make the program inoperative on June 30, 1996 and repeal it on January 1, 1997.
- J. Require the integration of the state program with any local program already in operation.

The bill would require the amount of the application fee for tow truck drivers' certificates or applicants for a duplicative tow truck driver certificate to pay not more than \$50.00 for the initial application, and \$12.00 for a renewal of a certificate (current law requirement is \$12.00).

The bill also extends the \$1.00 vehicle registration fee surcharge for CHP costs from 1993 until 1995, if funding for the freeway service patrol program is appropriated in this bill.

FISCAL EFFECT: Appropriation: Yes Fiscal Committee: Yes Local: No

According to the Senate Appropriations Committee analysis:

The Governor's Budget included \$10.2 million for Caltrans to institute a new statewide freeway service patrol program. The Conference Committee, in an effort to tie the legislative direction for that program provided in this bill to the funding, deleted the funding in the budget. About 75 percent of the funding for this program would pay for contracts with tow truck services to respond quickly to vehicles disabled by such simple things as flat tires or empty gas tanks on crowded freeways

CONTINUED

in order to reduce the congestion impact of the stranded vehicle. The motorist would not be charged for the service. Funds would be allocated by formula to participating eligible transportation planning entities on a 4 to 1 matching basis.

The \$1.00 surcharge was first imposed in 1981, and has since been extended 3 times. The Governor's Budget assumes the revenues generated in the bill. Even with these revenues, the introduced budget projected only a \$536,000 balance as of 6/30/92 and \$37 million as of 6/30/93. Approval of this surcharge is contingent on approval of the freeway patrol funding.

SUPPORT: (Verified 7/9/92)

California Highway Patrol
California Association of Highway Patrolmen
California Teamsters Public Affairs Council
Orange County Transportation Authority
Department of Finance

OPPOSITION: (Verified 7/10/92)

Sacramento County

ARGUMENTS IN SUPPORT: Proponents argue (1) continuing the surcharges is consistent with the 1992-93 Governor's Budget, and (2) the FSPs result in an improved travel environment as they are designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality and provide related services to the motoring public.

ARGUMENTS IN OPPOSITION: Opponents argue they object to only Section 25.62 which specifies the formula whereby the money is split up.

RJG:tb 7/16/92 Senate Floor Analyses

The documents following this page were
photocopied from the files of the

Assembly Republican Caucus.

Consent

AB 3346 (Katz)
5/6/92

**ASSEMBLY WAYS AND MEANS COMMITTEE
REPUBLICAN ANALYSIS**

AB 3346 (Katz) -- VEHICLES: FEES: CALIFORNIA HIGHWAY PATROL
Version: 4/1/92 Vice-Chair: Cathie Wright
Analyzed: 5/5/92 Vote: Majority
Recommendation: None

SUMMARY: Extends the sunset date from 1/1/93 to 1/1/95 on the \$1.00 fee per year added to vehicle registration for maintaining CHP.

FISCAL EFFECT: Continues until 1/1/95 annual revenues of approximately \$24 million to the MVA.

POTENTIAL EFFECTS: Continues a tax on registration of vehicles.

SUPPORT: California Association of Highway Patrolmen, Calif. Teamsters Public Affairs Council.

OPPOSITION: Unknown.

GOVERNOR'S POSITION: Unknown.

COMMENTS:

- o Governor's Budget assumes extension of this \$1 surcharge. The MVA is in dire straits, and is receiving a loan this budget year from the State Highway Account (SHA).
- o Extension of sunsets involving money to the state coffers has become routine.
- o Continues a fee (tax) per year on vehicle registration.
- o No net new cost to the motoring public.

Assembly Republican Committee vote

Trans. -- 4/6/92

(15-0) Ayes: All Republicans except
Abs.: Lancaster

Fiscal Consultant: Edi Thompson

AB3346

**ASSEMBLY TRANSPORTATION COMMITTEE
REPUBLICAN ANALYSIS**

AB 3346 (Katz) -- VEHICLES; FEES; CALIFORNIA HIGHWAY PATROL
Version: 4/1/92 Vice-Chair: Bev Hansen
Analyzed: 04/02/92 Vote: Majority

SUMMARY: Extends the sunset date from 1/1/93 to 1/1/95 on the \$1.00 fee per year added to vehicle registration for maintaining CHP.
FISCAL EFFECT: No increased costs. Since car sales are down the Motor Vehicle Account is just in balance which supports DMV and CHP.

POTENTIAL EFFECTS: Continues a tax on registration of vehicles.

SUPPORT: California Association of Highway Patrolmen.

OPPOSITION: Unknown.

GOVERNOR'S POSITION: Unknown.

COMMENTS:

- o Sunsets should be allowed to expire and truly sunset.
- o Continues a fee (tax) per year on vehicle registration.
- o No net new cost to the motoring public.

Assembly Republican Committee vote

Trans. -- 4/6/92

(> Ayes: >
Noes: >
Abs.: >
N.V.: >

Date of Hearing: April 6, 1992

ASSEMBLY TRANSPORTATION COMMITTEE
RICHARD KATZ, Chairman

AB 3346 (Katz) - As Amended: April 1, 1992

SUBJECT

Registration fees: California Highway Patrol

DIGEST

Existing law:

- 1) Requires payment of an annual \$27 fee to register or renew the registration of a motor vehicle. The \$27 fee includes a \$1 surcharge for the California Highway Patrol (CHP). On January 1, 1993, the \$1 surcharge will sunset.
- 2) Requires a payment of a \$9 service fee, a \$6 special fee, and a \$1 surcharge for the CHP to issue or renew identification of off-highway vehicles (OHV). The \$1 surcharge sunsets on January 1, 1993.

This bill extends the sunset of the \$1 vehicle registration surcharge and the \$1 OHV surcharge to January 1, 1995.

FISCAL EFFECT

Will raise approximately \$13 million for the Motor Vehicle Account (MVA) for one-half of the 1992-93 fiscal year; \$24 million annually thereafter, for motor vehicle registration fees.

COMMENTS

- 1) In 1981, the Legislature passed AB 202 (Papan, Chapter 933) which authorized a \$1 vehicle registration surcharge to provide increased uniformed field strength for the CHP. AB 457 (Papan - Chapter 797, Statutes of 1985) extended the fee until January 1, 1991. AB 107 (Peace - Chapter 1248, Statutes of 1985) extended the \$1 surcharge to off-highway vehicles. AB 2545 (Katz - Chapter 954, Statutes of 1990) extended the sunset until January 1, 1993. SB 184 (Kopp - Chapter 217, Statutes of 1991) raised the registration fee from \$22 to \$27.

- continued -

- 2) The MVA funds the activities of the CHP and the Department of Motor Vehicles (DMV). It receives revenues from the \$27 annual vehicle registration fee and from driver's license and occupational license fees. The Account is anticipated to receive \$1 billion in revenues and transfers during the budget year (1992-93); expenditures are estimated at \$1 billion.

The Governor's budget assumes only a \$.92 million carryover reserve into the MVA at the end of the current year. If car sales decline further, that reserve could disappear.

- 3) The Governor's budget for 1992-93 assumes that the \$1 motor vehicle surcharge authorized in the Papan bill is continued beyond its current sunset.

SUPPORT

California Association of Highway Patrolmen

OPPOSITION

Unknown

Kate Riley
445-7278
4/6/92

AB 3346
Page 2

SUPPLEMENTAL ANALYSIS

Business, Transportation & Planning Agency

<p>SUBJECT</p> <p>Vehicles: Fees: California Highway Patrol</p>	<p>AUTHOR</p> <p>Katz D-Sepulveda</p>	<p>BILL NUMBER AB 3346</p> <p>AS AMENDED: 6/8/92 6/26/92 7/9/92</p>
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The amendments of June 8, 1992 provide for the structure and development of the Freeway Service Patrol. Tow operators wishing to functionally participate in this operation would pay \$35.00 for their participatory application. Other technical changes and additions were also made. The Department continues with its approved position of SUPPORT on this bill.

The amendments of June 26, 1992 move the application fee from \$35.00 to \$50.00. Another amendment provides that, "no program funded under this chapter shall supplant emergency response towing services provided by the Department as of January 1, 1992." This provision runs contrary to a preexisting agreement with the Department of Transportation.

The Department suggests, as an amendment, the deletion of subsection (d) of proposed Vehicle Code Section 2561.5 which embodies the above quoted provision.

The Department, therefore, recommends a change of position from approved SUPPORT to OPPOSE UNLESS AMENDED THEN SUPPORT.

The amendments of July 9, 1992 provide technical, nonsubstantive changes, from a Departmental perspective. The concerns identified in the June 26, 1992 amendment have yet to be addressed.

The Department, therefore, continues to recommend a position of OPPOSE UNLESS AMENDED THEN SUPPORT.

<p>DEPARTMENT DIRECTOR POSITION</p> <p><input type="checkbox"/> S <input type="checkbox"/> O</p> <p><input type="checkbox"/> SA <input checked="" type="checkbox"/> OUA THEN SUPPORT</p> <p><input type="checkbox"/> N <input type="checkbox"/> NP</p> <p><input type="checkbox"/> NA <input type="checkbox"/> NAR</p> <p><input type="checkbox"/> <input type="checkbox"/> DEFER</p>	<p>AGENCY SECRETARY POSITION</p> <p><input type="checkbox"/> S <input type="checkbox"/> O</p> <p><input type="checkbox"/> SA <input checked="" type="checkbox"/> OUA</p> <p><input type="checkbox"/> N <input type="checkbox"/> NP</p> <p><input type="checkbox"/> NA <input type="checkbox"/> NAR</p>	<p>GOVERNOR'S OFFICE USE</p> <p>Position Apprvd. _____</p> <p>Position Disapp. _____</p> <p>Position Noted _____</p> <p>By: _____ Date: _____</p>
<p>DEPARTMENT DIRECTOR</p> <p><i>[Signature]</i> DATE 7/10/92</p>	<p>AGENCY SECRETARY</p> <p>Original Signed by Michael B. Dorais DATE JUL 10 1992</p>	<p>By: _____ Date: _____</p>

12/89 1004

SUPPLEMENTAL ANALYSIS

Business Transactions / 1992

DEPARTMENT	AUTHOR	BILL NUMBER
DEPARTMENT OF MOTOR VEHICLES	Katz	AB 3346
SUBJECT	AS AMENDED	
Vehicles: fees: California Highway Patrol	6/8/92	

NOTE: This analysis only addresses those provisions of the bill that impact the programs of the Department of Motor Vehicles.

These amendments would reduce the renewal application for a Tow Truck Driver Certificate (TTD) from \$12 to \$2.

COST ANALYSIS: Revised detailed fiscal analysis attached.

ARGUMENTS FOR:

1. The \$1 CHP fee revenue would continue to be used to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.
2. The \$1 CHP fee, which was established in 1981, has been previously extended.

ARGUMENTS AGAINST:

1. The motoring public may see the \$1 CHP fee as a continuation of another tax.
2. The reduction of the Tow Truck Driver Certificate renewal fee, from \$12 to \$2 would result in a loss of revenue to the Motor Vehicle Account. This program should be self-supporting.

RECOMMENDED POSITION: In reviewing the bill as amended, the department recommends a change of approved position from **NEUTRAL** to **OPPOSE UNLESS AMENDED, THEN NEUTRAL**.

This bill could result in a loss of revenue to the Motor Vehicle Account.

These suggested amendments would reinstate the \$12.00 certificate renewal fee and establish a duplicate certificate fee.

For further information, please contact:

Helen L. Fager
Legislative Liaison Office
657-6518

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
<input type="checkbox"/> S	<input checked="" type="checkbox"/> O	<input type="checkbox"/> S	<input type="checkbox"/> O	Position Apprvd.	<input type="checkbox"/>
<input type="checkbox"/> SA	<input checked="" type="checkbox"/> OUA THEN NEUTRAL	<input type="checkbox"/> SA	<input checked="" type="checkbox"/> OUA	Position Disapp.	<input type="checkbox"/>
<input type="checkbox"/> N	<input type="checkbox"/> NP	<input type="checkbox"/> N	<input type="checkbox"/> NP	Position Noted	<input type="checkbox"/>
<input type="checkbox"/> NA	<input type="checkbox"/> NAR	<input type="checkbox"/> NA	<input type="checkbox"/> NAR	By:	Date:
<input type="checkbox"/> DEFER					
DEPARTMENT DIRECTOR	DATE	AGENCY SECRETARY	DATE		
<i>Mark Z...</i>	6-25-92	Original Signed by Michael B. Dorais	JUL 05 1992		

AB 3346 Vehicles: fees: California Highway Patrol
June 25, 1992

SUGGESTED AMENDMENTS
AB 3346
AS AMENDED 6/8/92

AMENDMENT #1

On Page 6, line 21, after "certificate", **INSERT:**

or applicants for a duplicate tow truck driver certificate

AMENDMENT #2

On Page 6, line 21, after "or", **INSERT:**

twelve dollars (\$12)

and **DELETE:**

~~two dollars (\$2)~~

AB 3346 Vehicles: fees: California Highway Patrol
June 25, 1992

FISCAL STATEMENT
AB 3346
AS AMENDED 6/8/92

ASSUMPTIONS:

1. EDP has identified 551 hours of programming time at \$50 per hour to accommodate the fee change identified in this bill.
2. The vast majority of those Tow Truck Driver applicants whose licenses expire within one year of the Tow Truck Driver application date would renew their license prior to applying for the Tow Truck Driver Certificate.
3. Fifty percent of those drivers whose license expires between the first and second year would renew their license prior to or at the time of the Tow Truck Driver application.
4. For '89-'90 the rate of duplicate drivers license certificates issued equalled 24% of the number of renewal drivers certificates issued.
5. The current program is expected to affect up to 1,700 Tow Truck drivers.
6. 25% (425) of these drivers would renew their Tow Truck Driver Certificate annually.
7. A manual revision would be required to provide the new fee information.

NOTE: If the report to the Legislature as a result of this bill is favorable, the estimated volume could reach 5,000 renewals per year.

**DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
FISCAL DETAIL**

**BILL NO: AB 3346
Amend 6/8/92**

TITLE: Vehicles: fees: California Highway Patrol
DIVISION: Departmental Summary
SECTION:

SALARIES & WAGES	PERSONNEL YEARS			EXPENDITURES		
	92/93	93/94	94/95	92/93	93/94	94/95
Administration	0.0	0.0	0.0	0	0	0
Headquarters Ops	0.0	0.0	0.0	0	0	0
EDP Services	0.0	0.0	0.0	0	0	0
<hr/>						
TOTAL SALARIES AND WAGES	0.0	0.0	0.0	\$0	\$0	\$0
Partial Year Adjust	0.0	0.0	0.0	0	0	0
Salary Savings	0.0	0.0	0.0	0	0	0
<hr/>						
NET SALARIES AND WAGES	0.0	0.0	0.0	\$0	\$0	\$0
<hr/>						
STAFF BENEFITS DETAIL:						
OASDI				0	0	0
Dental				0	0	0
Health & Welfare				0	0	0
Retirement				0	0	0
Workers Compensation				0	0	0
IDL				0	0	0
NDL				0	0	0
Unemploy Insurance				0	0	0
Other				0	0	0
Life Insurance				0	0	0
Vision Insurance				0	0	0
Medicare insurance				0	0	0
<hr/>						
SUBTOTAL	XXXX	XXXX	XXXX	\$0	\$0	\$0
<hr/>						
TOTAL PERSONAL SERVICES	0.0	0.0	0.0	\$0	\$0	\$0
<hr/>						
OPERATING EXP/EQUIP	XXXX	XXXX	XXXX	28,750	0	0
<hr/>						
TOTAL EXPENDITURES	0.0	0.0	0.0	\$28,750	\$0	\$0
<hr/>						

6/25/92 AB3346.X1.9

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
FISCAL DETAIL

BILL NO: AB 3346

TITLE: Vehicles: fees: California Highway Patrol
DIVISION: Departmental Summary
SECTION:

OPERATING EXP/EQUIP -----	EXPENDITURES		
	92/93	93/94	94/95
General Expense	0	0	0
Printing	1,000	0	0
Communications	0	0	0
Postage	200	0	0
Insurance	0	0	0
Travel: In-state	0	0	0
Travel: Out-of state	0	0	0
Training	0	0	0
Facilities Operations	0	0	0
Utilities	0	0	0
Cons & Prof Svcs: Interdept'l	0	0	0
Cons & Prof Svcs: External	0	0	0
Consolidated Data Centers	0	0	0
Data Processing	27,550	0	0
Central Administrative Svcs - Prorata	0	0	0
Equipment	0	0	0
OTHER ITEMS OF EXPENSE:			
Vehicle Operations	0	0	0
Tabs & Stickers	0	0	0
Bicycle Indicia	0	0	0
License Plates	0	0	0
TOTAL OPERATING EXP/EQUIP	\$28,750	\$0	\$0

8/25/92 AB3346.XLS

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

REVENUE IMPACT: TTD CERTIFICATION FEE DECREASE

Amend 6/8/91

TITLE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	0	-2,120	-4,250
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
HARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

REVENUE IMPACT: \$1 CHP CONTINUATION

Amend 6/8/91

TITLE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	12,600,000	25,900,000	12,900,000
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
HARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

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Sacramento, California

September 16, 1992

Honorable Pete Wilson
Governor of California
Sacramento, CA 95814

Assembly Bill No. 3346

Dear Governor Wilson:

Pursuant to your request, we have reviewed the above-numbered bill authored by Assembly Member Katz and, in our opinion, the title and form are sufficient and the bill, if chaptered, will be constitutional. The digest on the printed bill as adopted correctly reflects the views of this office.

Very truly yours,

Bion M. Gregory
Legislative Counsel



By
David D. Alves
Principal Deputy

DDA:wld

Two copies to Honorable Richard Katz
pursuant to Joint Rule 34.

ENROLLED BILL REPORT*Business, Transportation and Housing Agency*

DEPARTMENT California Highway Patrol	AUTHOR Katz	BILL NUMBER AB 3346
SUBJECT Vehicles: Freeway Service Patrol		

SUMMARY

This bill would enact the Freeway Service Patrol Act to authorize the implementation of a freeway service patrol system. This bill would also extend special funding designed to augment the uniformed strength of the California Highway Patrol (CHP). This is an urgency measure.

IMPACT ASSESSMENT

Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations, and their employees, to be certified and receive specialized training. The project includes, among other things, the issuance of "tow truck driver certificates" to persons involved in freeway service patrol operations.

This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic-congested urban freeways throughout the State. Funding would be provided to qualified counties from the State Highway Account. Additional matching funds (at a rate of 25 percent) would be provided by the appropriate regional or local entity.

This bill would also require the Department of Transportation (CalTrans), in cooperation with the CHP and participating local entities, to review the funding formula and report recommendations to the Legislature on or before June 30, 1993.

This bill would also extend the \$1.00 fee attached to Vehicle Registrations and renewals which is deposited in the Motor Vehicle Account. This additional funding base is set aside to offset the costs of maintaining the uniformed field strength of the CHP. The provisions authorizing the imposition of this \$1.00 fee is scheduled to be repealed as of January 1, 1993. This bill would extend that repeal date to January 1, 1995. However, this extension would not become operative unless \$8,396,000 is appropriated from the State Highway Account to the Department of Transportation, to fund the Freeway Service Patrol Program.

The provisions of this bill would continue to generate a substantial cost benefit to the operations of the CHP.

RECOMMENDATION

SIGN

DEPARTMENT

DATE

AGENCY

DATE

<i>Ar. J. Hannighan</i>	<i>8/1/92</i>	<i>Michael Boran</i>	<i>1992</i>
-------------------------	---------------	----------------------	-------------

EBR - AB 3346
Katz
Page 2

The Assembly Floor vote was 75-0. The Senate Floor vote was 27-3.

ARGUMENTS PRO AND CON

Pro

This bill would allocate 8.4 million dollars from the State Highway Account to fund a statewide Freeway Service Patrol (FSP). This effort will be managed by the California Highway Patrol (CHP), CalTrans, and local agencies. This program may have a positive affect on traffic congestion and related problems throughout the State.

The objectives of this bill are shared by the California Highway Patrol's Legislative Proposal B-92-22. The bill would also continue to provide a critically important source of revenue to augment the field presence of the California Highway Patrol.

Con

This bill may restrict the introduction and operation of a statewide Freeway Service Patrol (FSP) program in some counties by requiring counties or regions to provide 25 percent matching funds. Requiring the participation of local agencies and their contribution of matching funds may reduce the flexibility of the FSP program.

RECOMMENDATION

The Department recommends that the Governor SIGN AB 3346. Although the CHP has an APPROVED OPPOSE UNLESS AMENDED THEN SUPPORT position on this bill, assurance has been received that the problem anticipated as a result of this bill will not pose a concern after all. The issue in question, initially, was the supplanting of emergency response towing services.

This bill extends funding essential to offset the costs of maintaining the uniform field strength of the Department. It is this Department's uniformed, frontline element which can provide the most immediate service to, and protection of, the motoring public.

With the increasing traffic congestion on our State's highways, the FSP may become an indispensable component of this Department's efforts to ensure the safe and efficient flow of vehicular traffic.

9214-8062R
CHP 657-7249

DEPARTMENT OF

Motor Vehicles

AUTHOR

Katz

ASSEMBLY

AB 3346

SUBJECT Vehicles: freeway service patrol

NOTE: This analysis only addresses those provisions of the bill that impact the programs of the Department of Motor Vehicles.

SUMMARY: Would establish a twelve dollar (\$12) fee for an application for a duplicate Tow Truck Driver (TTD) certificate. Additionally, this bill would extend the authority of the department to collect a \$1 fee at the time of registration of all vehicles except off-highway vehicles.

SPONSOR: This bill is sponsored by Assembly Member Katz.

IMPACT ASSESSMENT: Existing law created a two-year pilot program to develop recommendations for the training of emergency roadside service organizations and their employees. Owners and operators of tow trucks that are engaged in "freeway service patrol operations" are required to be certified pursuant to an agreement or a contract with a local traffic planning agency. The California Highway Patrol is responsible for processing the original application for a TTD certificate with this department responsible for processing the renewal applications.

This bill would establish a twelve dollar (\$12) fee for an application for a duplicate TTD certificate.

Existing law requires the collection of a \$1 fee which is paid at the time of issuance or renewal of every vehicle subject to registration. This fee is utilized to maintain the uniformed strength of the California Highway Patrol.

This bill would extend the authority for the department to collect a \$1 fee at the time of registration for all vehicles except off-highway vehicles until January 1, 1995.

NOTE: The off-highway vehicle \$1 sunset was extended to January 1, 1995 through language contained in SB 1282.

The department's costs to implement the provisions of this bill would be minimal and absorbable.

This bill links the extension of the authority for the department to collect the \$1 law enforcement fee upon issuance or renewal of vehicle registration that is deposited into the Motor Vehicle Account to be used by the CHP, to the appropriation of \$8,396,000 to the Department of Transportation for their part in administering the Freeway Service Patrol Act. There are approximately 25.6 million currently fee paid registered vehicles in California.

ASSEMBLY VOTE:

75 - 0

SENATE VOTE:

27 - 3

RECOMMENDATION

SIGN

Department

Frank Z...

Date

9-9-92

Agency

[Signature]

SEP 10 1992

DMV 24 (REV. 1/87)

WTC

ARGUMENTS PRO: The \$1 CHP fee revenue would continue to be used to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.

Support for this bill comes from the California Highway Patrol, California Association of Highway Patrolmen, California Teamsters Public Affairs Council, Orange County Transportation Authority and the Department of Finance.

ARGUMENTS CON:

1. This bill would add an additional fee for the application of a duplicate TTD certificate.
2. This bill extends the additional \$1 CHP fee which may be viewed as a tax by the motoring public.

Opposition to this bill comes from Sacramento County.

RECOMMENDATION: SIGN.

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ENROLLED BILL REPORT

7/16/92

Business, Transportation & Housing Agency

DEPARTMENT

AUTHOR

BILL NUMBER

Transportation

Katz

AB 3346

SUBJECT

Freeway Service Patrols

SUMMARY: Appropriates \$8.4 million for a statewide system of freeway service patrols.

ANALYSIS:

A. Policy:

Under existing law, the Department is responsible for the operation of State highways. Under this authority, the Department provides emergency tow services on the Bay Bridge and its approaches.

This bill would appropriate \$8.4 million from the State Highway Account (SHA) to be allocated statewide on a formula basis to regional and local agencies to provide freeway service patrols (FSPs) on State highways. The allocation formula would be based on population, urban freeway miles and traffic congestion. (A Department report to the Legislature is required by June 30, 1993 recommending possible revisions to the formula.) Participating agencies would be required to provide a 25 percent match of money and/or services. The program would be managed by Caltrans, the CHP and participating agencies. Services provided under the program would be integrated with existing Caltrans services and those employees providing the Caltrans service could not be supplanted by FSP personnel. Overhead costs would be limited to 2 percent of program costs.

The bill requires a report by Caltrans to the Legislature on July 1, 1994 evaluating the program's operation. Additionally, it extends by two years a vehicle registration surcharge which supports CHP staffing.

The FSP provisions of the bill are in response to a Department BCP asking for \$10 million for a FSP program. In contrast to this bill, the Department proposed to fund FSPs based solely on congestion and without regard to local match. (Any locality desiring a level of service higher than that available through Caltrans' program would have been free to supplement that program at its own expense.) At the author's insistence, the Department's BCP was stricken from the Budget so that this bill provides the only means of funding an FSP program. Presumably, this was done to assure that Los Angeles County achieve a substantial degree of funding, as it would under the bill's formula.

B. Fiscal:

The SHA appropriation would cover Caltrans' program costs of approximately \$224,000 (including 5.7 PY).

SPONSOR: Author

RECOMMENDATION

SIGN

DEPARTMENT

DATE

AGENCY

DATE

Warren Weber

7/17/92



SEP 0 5 1992

ARGUMENTS PRO & CON:

Arguments in Support of the Bill:

1. The bill continues a critical source of funding for CHP staffing.
2. FSPs are a very effective way of reducing traffic congestion without having to finance expensive capital projects.
3. The bill is supported by the Orange County Transportation Authority, CHP, California Association of Highway Patrolmen and Teamsters Public Affairs Council.
4. There is no opposition to the bill and, prior to a Senate floor vote, the bill has received only two NO votes in the Legislature.

Arguments in Opposition to the Bill:

1. The bill includes inappropriate criteria for allocating FSP funds and prohibits the Department from providing FSP services in regions where no local match is available. However, the Department will have an opportunity to critique the funding formula in its 1993 report.
2. Depending on how administrative costs are calculated, the 2% cap may prove inadequate to cover the costs of both Caltrans and the CHP.
3. The author and the affected employee union assure that the "supplant" provision is meant only to protect existing jobs of Caltrans employees. However, this could be interpreted to deny the Department the discretion to deploy its forces as it chooses.

RECOMMENDATION:

The Department recommends SIGN because:

The bill provides the only vehicle for establishing and funding an FSP program and continues a critical source of funding for maintaining CHP field strength.

FOR FURTHER INFORMATION CONTACT WARREN WEBER (O) 654-2808
(H) 422-9223

Prepared By: HPosner/IT
654-2397

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: July 9, 1992
RECOMMENDATION: Sign

BILL NUMBER: AB 3346
AUTHOR: Katz

Assembly: N/A
 Senate: 27/3

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE / FREEWAY SERVICE PATROLS

This bill would extend the \$1 surcharges on vehicle registration (excluding off-highway vehicles) until January 1, 1995. The \$1 surcharge provides funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

AB 3346 would also add the Freeway Service Patrol (FSP) Act to implement a tow truck service system on congested urban freeways throughout the state. This bill is an urgency statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)						Code Fund	
		(Dollars in Thousands)							
		PROP 98	FC	1992-93	FC	1993-94	FC		1994-95
1141/ Vehicle Reg.	RV	P		\$12,000	P	\$24,000	P	\$24,000	044*
2660/ Transportation	SO	A		8,396	C	8,396	C	8,396	042**

* Motor Vehicle Account
 ** State Highway Account

COMMENTS

Continuing the surcharges is consistent with the 1992-93 Governor's Budget.

Although AB 3345 would restore the funding for FSPs that the Legislature deleted from the Budget Act, the specified conditions for allocating the funds (i.e., local match requirement) could present problems for Caltrans' administration of the program.

Analyst/Principal (751) D. Cabrera	Date 9/14/92	Program Budget Manager Wallis D. Clark	Date 7/14/92
Department Deputy Director			Date 9.16.92

ENROLLED BILL REPORT
 AB3346.751

Form DF-43 (Rev 03/92 Pink)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)
 AUTHOR AMENDMENT DATE

Form DF-43
 BILL NUMBER

Katz

July 9, 1992

AB 3346

ANALYSIS

A. Specific Findings

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge on vehicles (excluding off-highway vehicles) until January 1, 1995. This action would support the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account. Finance recommended signature of SB 1565 which extended the sunset date on the surcharge related to off-highway vehicles.

Under current law, the Department of Transportation (Caltrans) provides emergency tow service on the Bay Bridge and its approaches. Caltrans is also involved in a FSP project with the Los Angeles County Transportation Commission (LACTC) and the CHP. This FSP is designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality, and provide related services to the motoring public.

The 1992-93 Governor's Budget proposed expanding this FSP program statewide at a cost of about \$9.7 million and 11.4 PYs of support personnel. The Legislature reduced the funding to \$8.4 million based upon a recommendation from the Legislative Analyst. At the request of Richard Katz, the Conference Committee eliminated all FSP funding from the budget.

This bill would establish FSPs in congested areas throughout the state by adding the Freeway Service Patrol Act to the Streets and Highways Code. The FSP Act, which would sunset on January 1, 1997 unless extended by statute, would include the following major provisions:

- o FSPs would be managed, through a memorandum of understanding, by Caltrans, the CHP and regional or local entities which provide the actual towing services.
- o During the first year, the program would be funded by a \$8.4 million appropriation contained in the bill. In subsequent years, the program would be funded through the Budget Act.
- o Funds would be allocated to various urban areas of the state on a formula basis as specified, and any funds received by local authorities would have to be matched with 25% local funds.
- o Specific requirements would be imposed on tow truck operators and the CHP, which would regulate the tow truck operators.
- o Caltrans would be required to submit an evaluation report on the funding formula by 6/30/94 and on the effectiveness of the FSP program by 7/1/94.
- o A \$12 fee would be imposed on duplicate tow truck driver certificates.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DE-43

AUTHOR

AMENDMENT DATE

BILL NUMBER

Katz

July 9, 1992

AB 3346

ANALYSIS

A. Specific Findings (continued)

Caltrans claims that the existing FSP program in Los Angeles is working well, and that the Department wants to make this program available statewide as part of its congestion relief activities. The Department has some concerns regarding the funding formulas and criteria for implementation. CHP is concerned that the required 25% funding for counties wishing to participate in the FSP program would tend to reduce participation.

B. Fiscal Analysis

The 1992-93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations, which provides an additional \$24 million in annual revenues to the Motor Vehicle Account (\$12 million half-year).

The revenue from the surcharge is needed to continue supporting DMV and the CHP at the 1992-93 levels proposed by the Administration. In future years, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, and maintain a positive balance in the Motor Vehicle Account without increasing other motor vehicle fees.

Caltrans states that implementing the FSP as proposed in AB 3346 will take 5.7 PYs (\$224,000), which was proposed in the January 9 Governor's Budget. The balance of the \$8.4 million appropriation would be used for tow truck operator contracts and related expenses and the costs of the CHP, which would be reimbursed by Caltrans.

I:\WP\INDEX\BA\AB.91\AB3346.751

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Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ
Chairman

September 3, 1992

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ADDRESS
State Capitol
Sacramento, CA 95814
(916) 445-7278

Honorable Pete Wilson, Governor
State of California
State Capitol
Sacramento, CA 95814

Dear Governor Wilson:

The Legislature has passed to you my AB 3346, which extends the sunset on vehicle registration fees and enacts a statewide freeway service patrol program. I am requesting that you sign this measure.

The bill has two parts:

- 1) AB 3346 extends by two years the sunset on a \$1 annual vehicle registration surcharge, dedicated to maintaining uniformed field strength at the CHP. Your 1992-93 budget for next year assumes this fee is continued; without it there will be a deficit in the Motor Vehicle Account. The fee will raise \$12.5 million in 1992-93, and \$25 million in 1993-94. These provisions are supported by the CHP, the California Association of Highway Patrolmen and the Teamsters.
- 2) AB 3346 creates a statewide Freeway Service Patrol program. Your 1992-93 budget included \$10.2 million in State Highway Account money for Caltrans to begin operation of statewide freeway service patrols, but the budget included no local match requirements or other standards. I worked closely with Caltrans and the CHP, as well as local entities, in drafting a measure to provide a freeway service patrol program framework.

Honorable Pete Wilson
September 3, 1992
Page 2

AB 3346 establishes the following standards for the freeway service patrols:


-- a local role in governance, through a Memorandum Of Understanding, to ensure that local entities are involved with the actual governance of the FSP programs.

-- funding allocations based on a formula reflecting real measures of need.

--local entities must match, at 25%, state funds.

This legislation is necessary for both elements -- the registration fee and the freeway service patrol program. It is broadly supported by the California Highway Patrol, the Teamsters, the Los Angeles County Transportation Commission, the Orange County Transportation Authority, and the Automobile Club of Southern California. Once again, I seek your signature on this vital measure.

Sincerely,


RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

AS 2343
Katz (D)
7/9/92 In Senate
27 - Urgency

NOT RELEVANT

SUBJECT: Freeway service patrol

SOURCE: Author

DIGEST: This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic congested urban freeways. The bill would appropriate \$8,396,000 for the first year of the system.

NOTE: As it left the Assembly, the bill only extended the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995.

ANALYSIS: Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations. A report on the project is due by September 1, 1994.

There currently is in operation on Los Angeles County freeways the Metro Freeway Service Patrol (FSP). The project involves the Los Angeles County Transportation Commission, the California Highway Patrol (CHP) and the Department of Transportation and is designed to reduce traffic congestion, clear up traffic incidents/accidents, improve air quality and provide

related motorist service free of charge.

This bill would enact the Freeway Service Patrol Act to authorize implementation of freeway service patrols on traffic congested urban freeways throughout the state.

The Freeway Service Patrol program would:

- A. Be managed by the CHP, Caltrans and regional or local agencies which provide emergency roadside assistance (towing and emergency service). A memorandum of understanding among the parties would be required for operation in a particular area.
- B. Be funded by a \$8,396,000 appropriation in the bill from the State Highway Account (SHA) in the first year and annual budget appropriations thereafter.
- C. Require "local resources" of at least 25 percent of the amount provided by the SHA.
- D. Allocate state funds by formula: 25 percent based on the number of urban freeway miles and 50 percent based on population (relative to those areas participating).
- E. Require the department, in cooperation with participating agencies, to review the formula created in this section and report to the Legislature on or before June 30, 1993, on recommendations regarding possible revisions.
- F. Redistribute a county's share of the funds to others if it does not meet program requirements.
- G. Require the tow trucks to bear a specified logo and drivers to meet statutory certification, training and background requirements as well as pay not more than \$50 for their first application.
- H. Require evaluation criteria to be developed and a report made to the Legislature by July 1, 1994. The report shall be prepared in cooperation with the Emergency Roadside Assistance Advisory Committee.
- I. Make the program inoperative on June 30, 1996 and repeal it on January 1, 1997.
- J. Require the integration of the state program with any local program already in operation.

The bill would require the amount of the application fee for tow truck drivers' certificates or applicants for a duplicative tow truck driver certificate to pay not more than \$90.00 for the initial application, and \$12.00 for a renewal of a certificate (current law requirement is \$12.00).

The bill also extends the \$1.00 vehicle registration fee surcharge for CHP costs from 1993 until 1995. If funding for the freeway service patrol program is appropriated in this bill.

FISCAL EFFECT: Appropriation: Yes Fiscal Committee: Yes Local: No

CONTINUED

According to the Senate Appropriations Committee analysis:

The Governor's Budget included \$10.2 million for Caltrans to institute a new statewide freeway service patrol program. The Conference Committee, in an effort to tie the legislative direction for that program provided in this bill to the funding, deleted the funding in the budget. About 75 percent of the funding for this program would pay for contracts with tow truck services to respond quickly to vehicles disabled by such simple things as flat tires or empty gas tanks on crowded freeways in order to reduce the congestion impact of the stranded vehicle. The motorist would not be charged for the service. Funds would be allocated by formula to participating eligible transportation planning entities on a 4 to 1 matching basis.

The \$1.00 surcharge was first imposed in 1981, and has since been extended 3 times. The Governor's Budget assumes the revenues generated in the bill. Even with these revenues, the introduced budget projected only a \$536,000 balance as of 6/30/92 and \$37 million as of 6/30/93. Approval of this surcharge is contingent on approval of the freeway patrol funding.

SUPPORT: (Verified 7/9/92)

California Highway Patrol
California Association of Highway Patrolmen
California Teamsters Public Affairs Council
Orange County Transportation Authority
Department of Finance

OPPOSITION: (Verified 7/10/92)

Sacramento County

ARGUMENTS IN SUPPORT: Proponents argue (1) continuing the surcharges is consistent with the 1992-93 Governor's Budget, and (2) the FSPs result in an improved travel environment as they are designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality and provide related services to the motoring public.

ARGUMENTS IN OPPOSITION: Opponents argue they object to only Section 25.62 which specifies the formula whereby the money is split up.

RJG:tb 7/16/92 Senate Floor Analyses

CONTINUED

The documents following this page were
photocopied from the files of

Assemblyman Richard Katz,

author of this legislation.

AB 3346 -- CHP FEES: EXTEND SUNSET -- FREEWAY SERVICE PATROLS
CONCURRENCE

MR. SPEAKER AND MEMBERS:

#21 (9.2)

THIS BILL HAS TWO ELEMENTS --

AB 3346 EXTENDS BY TWO YEARS THE SUNSET ON THE \$1 ANNUAL
VEHICLE REGISTRATION SURCHARGE, DEDICATED TO MAINTAINING UNIFORMED
FIELD STRENGTH AT THE CHP. WITHOUT THE BILL THERE WILL BE A
DEFICIT IN THE MOTOR VEHICLE ACCOUNT.

THE SENATE AMENDMENTS ADDED THE SECOND ELEMENT OF THE BILL.
AB 3346 ESTABLISHES GUIDELINES FOR A STATEWIDE FREEWAY SERVICE
PATROL SYSTEM, WHERE TOW TRUCKS PROVIDE SERVICES TO DISABLED
DRIVERS DURING COMMUTE HOURS ON CONGESTED FREEWAYS, AND
APPROPRIATES \$8.3 MILLION IN STATE HIGHWAY ACCOUNT MONEY, TO BE
MATCHED BY LOCAL FUNDS, FOR THE PROGRAM.

THE GOVERNOR'S PROPOSED 1992-93 BUDGET INCLUDED HIGHWAY
ACCOUNT MONEY FOR CALTRANS TO BEGIN OPERATION OF STATEWIDE FREEWAY
SERVICE PATROLS. THIS BILL SETS THE GUIDELINES FOR THIS PROGRAM.

I URGE YOUR AYE VOTE ON THIS BILL AS AMENDED.

SUPPORT

CHP (ON FEE EXTENSION)
CALIF. ASSOC. OF HIGHWAY PATROLMEN
TEAMSTERS
ORANGE COUNTY TRANSPORTATION AUTHORITY
LA COUNTY TRANSPORTATION COMMISSION
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

OPPOSITION

COUNTY OF SACRAMENTO

Amendments

AB 3346 -- CHP FEES: EXTEND SUNSET -- FREEWAY SERVICE PATROLS
JUNE 16, 1992
SENATE TRANSPORTATION COMMITTEE

MR. CHAIRMAN AND MEMBERS:

THIS BILL HAS TWO PARTS: I'D LIKE TO BEGIN WITH THE EASY PART:

AB 3346 EXTENDS BY TWO YEARS THE SUNSET ON A \$1 ANNUAL VEHICLE REGISTRATION SURCHARGE, DEDICATED TO MAINTAINING UNIFORMED FIELD STRENGTH AT THE CHP. THE GOVERNOR'S BUDGET FOR NEXT YEAR ASSUMES THIS FEE IS CONTINUED; WITHOUT IT THERE WILL BE A DEFICIT IN THE MOTOR VEHICLE ACCOUNT. THE FEE WILL RAISE \$12.5 MILLION IN 1992-93. THESE PROVISIONS ARE SUPPORTED BY THE CHP, THE CALIFORNIA ASSOCIATION OF HIGHWAY PATROLMEN AND THE TEAMSTERS.

NOW, TO THE MORE DIFFICULT PROVISIONS:

LAST YEAR THIS COMMITTEE PASSED MY AB 123, DESIGNED IN PART TO AUTHORIZE THE LACTC TO ENGAGE IN A FREEWAY SERVICE PATROL, ALLOWING CONTRACT TOW TRUCKS TO OPERATE ON CONGESTED URBAN FREEWAYS TO REMOVE STOPPED VEHICLES, TO REDUCE CONGESTION AND IMPROVE AIR QUALITY. LACTC, CHP, AND CALTRANS ARE CURRENTLY RUNNING THIS PROGRAM IN LA COUNTY, USING \$9 MILLION IN LOCAL PROP A MONEY.

THE GOVERNOR'S PROPOSED 1992-93 BUDGET INCLUDED \$10.2 MILLION IN STATE HIGHWAY ACCOUNT MONEY FOR CALTRANS TO BEGIN OPERATION OF STATEWIDE FREEWAY SERVICE PATROLS, BUT THE BUDGET INCLUDED NO LOCAL MATCH REQUIREMENTS OR OTHER STANDARDS. FURTHER, THE BUDGET CHANGE PROPOSAL ALLOCATED FUNDS WITHOUT REGARD TO EXISTING PROGRAM COMMITMENTS.

WE WERE CONCERNED THAT THE PROGRAM WAS BEING IMPLEMENTED WITHOUT LEGISLATIVE OVERSIGHT AND GUIDANCE. WE BELIEVE:

- THERE SHOULD BE A LOCAL ROLE IN FINANCING AND GOVERNANCE
- FUNDING ALLOCATIONS SHOULD BE BASED ON A FORMULA REFLECTING REAL MEASURES OF NEED.

THE CONFERENCE COMMITTEE ON THE BUDGET HAS ADOPTED ~~ASSEMBLY~~ LANGUAGE WHICH PROHIBITS SPENDING MONEY ON A FSP PROGRAM WITHOUT ENABLING LEGISLATION -- THAT LEGISLATION IS BEFORE YOU NOW: AB 3346. THIS BILL:

- INCLUDES REQUIREMENTS THAT LOCAL ENTITIES MATCH, AT 25%, STATE FUNDS, AND

- REQUIRES THAT, THROUGH AN MOU, LOCAL ENTITIES BE INVOLVED WITH THE ACTUAL GOVERNANCE OF THE FSP PROGRAMS.

I HAVE AUTHOR'S AMENDMENTS WHICH SHOULD RESOLVE SOME OF THE ISSUES NOTED IN THE ANALYSIS:

1) WE HAVE REVISED THE FUNDING FORMULA TO REFLECT A FACTOR BASED ON CONGESTION. WE ARE USING CALTRANS' ESTIMATE OF EACH CALTRANS' DISTRICTS PERCENTAGE OF STATEWIDE DELAY IN 1990.

OLD FORMULA:

75% POPULATION + 25% URBAN LANE MILES

NEW FORMULA (IN AMENDMENTS)

50% POPULATION + 25% URBAN LANE MILES + 25% CONGESTION

2) WE ARE, AT CHP'S REQUEST, RAISING THE LIMIT FOR THE TOW TRUCK DRIVER CERTIFICATES FROM \$35 BACK TO \$50 [NOTE THAT THIS IS THE UPPER LIMIT, BUT THE FEE IS LIMITED TO COVERING COSTS].

3) FINALLY, IN ORDER TO AVOID A CONFLICT WITH SENATOR MCCORQUODALE'S SB 1282, WE ARE AMENDING OUT THE SUNSET EXTENSION FOR THE OHV \$1 FEE, SINCE THAT EXTENSION IS CARRIED IN SB 1282.

4) THE OTHER AMENDMENTS ARE TECHNICAL ONLY. *Operating Engineers*
I WOULD LIKE TO COMMENT ON THE OTHER ISSUES IN THE ANALYSIS:

1) ADMINISTRATIVE EXPENSES: WE HAVE INCLUDED A 2% ADMINISTRATIVE OVERHEAD CAP, BUT HAVE NOT SPECIFIED AN AMOUNT FOR CHP OR CALTRANS, ON THE ASSUMPTION THAT THESE AGENCIES SHOULD HAVE FLEXIBILITY TO DESIGNATE FUNDS TO LOCAL ENTITIES AND TO REASONABLE OVERSIGHT AND SUPPORT ACTIVITIES WITHOUT ADDITIONAL LIMITS. HOWEVER, IF THE COMMITTEE WISHES TO ADD MORE SPECIFICITY TO THE BILL WITH RESPECT TO ADMINISTRATIVE EXPENSES, I WOULD BE WILLING TO LOOK AT THIS.

2) TOTAL PROGRAM COSTS: THE BUDGET IS FAIRLY UNCLEAR ON THIS, AND WE HAVE HEARD SEVERAL DIFFERENT EXPLANATIONS FOR THE ACTUAL AMOUNT WHICH IS DEDICATED TO FSPS. HOWEVER, THE BEST ESTIMATE WE HAVE IS \$8,396,000 IN STATE HIGHWAY ACCOUNT MONEY, AND TO BE ACCURATE, I WILL AMEND THE BILL IN APPROPRIATIONS COMMITTEE TO REFLECT THIS FIGURE.

3) REALLOCATION PROVISIONS: WE THINK IT ONLY FAIR THAT AGENCIES WHICH DO NOT MATCH STATE FUNDS DO NOT RECEIVE STATE FUNDS, AND THAT OTHER AGENCIES SHOULD BE ABLE TO APPLY FOR THEM. A GOOD EXAMPLE OF THIS IS THE ABANDONED VEHICLE AUTHORITY BILL PASSED BY THE LEGISLATURE SEVERAL YEARS AGO.

4) OUR GOAL ON THE IN-KIND EXPENSES WAS TO GIVE LOCALS MAXIMUM FLEXIBILITY. THEY MAY USE LOCAL OR FEDERAL MONEY, STAFF TIME, OR OTHER FORMS OF CONTRIBUTION. WE HAVE ASKED CALTRANS TO REPORT TO US ON THIS ITEM, SO THAT THERE WILL NOT BE WHOLESALE ABUSE.

WE NEED THIS OVERSIGHT ON THE FREEWAY SERVICE PATROL SYSTEM. CHP NEEDS THE CONTINUATION OF THE MOTOR VEHICLE FEE (OR THERE WILL BE A \$12.5 MILLION HOLE IN THE MOTOR VEHICLE ACCOUNT NEXT YEAR). I URGE YOUR AYE VOTE ON THIS BILL AS AMENDED.

SUPPORT (ON FEE EXTENSION)
CHP
CALIF. ASSOC. OF HIGHWAY PATROLMEN
TEAMSTERS

OPPOSITION (ON FEE EXTENSION)
NONE

SUPPORT (ON FSP)
LACTC
MTC (STAFF RECOMMENDATION)

OPPOSITION (ON FSP)
OCTA
SACRAMENTO (AS AMENDED)

AB 3346 -- CHP FEES: EXTEND SUNSET -- FREEWAY SERVICE PATROLS
JULY 8, 1992
SENATE APPROPRIATIONS COMMITTEE

AUTHOR'S AMENDMENTS

MR. CHAIRMAN AND MEMBERS:

THIS BILL HAS TWO ELEMENTS --

AB 3346 EXTENDS BY TWO YEARS THE SUNSET ON THE \$1 ANNUAL VEHICLE REGISTRATION SURCHARGE, DEDICATED TO MAINTAINING UNIFORMED FIELD STRENGTH AT THE CHP. WITHOUT THE BILL THERE WILL BE A DEFICIT IN THE MOTOR VEHICLE ACCOUNT. THE FEE WILL RAISE \$12.5 MILLION IN 1992-93.

AB 3346 ESTABLISHES GUIDELINES FOR A STATEWIDE FREEWAY SERVICE PATROL SYSTEM, WHERE TOW TRUCKS PROVIDE SERVICES TO DISABLED DRIVERS DURING COMMUTE HOURS ON CONGESTED FREEWAYS. LAST YEAR MY AB 123 AUTHORIZED THE LACTC TO RUN SUCH A PROGRAM. THE GOVERNOR'S PROPOSED 1992-93 BUDGET INCLUDED \$10.2 MILLION IN STATE HIGHWAY ACCOUNT MONEY FOR CALTRANS TO BEGIN OPERATION OF STATEWIDE FREEWAY SERVICE PATROLS. THIS BILL SETS THE GUIDELINES FOR THIS PROGRAM. THE BILL CALLS FOR:

- A LOCAL ROLE IN FINANCING AND GOVERNANCE
- FUNDING ALLOCATIONS BASED ON A FORMULA REFLECTING REAL MEASURES OF NEED.

THE CONFERENCE COMMITTEE ON THE BUDGET HAS REMOVED THE MONEY FROM THE BUDGET. IT IS CARRIED IN THIS BILL.

I HAVE AUTHOR'S AMENDMENTS WHICH ENSURE THAT THE FUNDING FORMULA USES UP TO DATE INFORMATION, AND MAKE A VARIETY OF MINOR REVISIONS AT THE REQUEST OF THE WORKING GROUP ON FREEWAY SERVICE PATROLS.

WE NEED THIS OVERSIGHT ON THE FREEWAY SERVICE PATROL SYSTEM. CHP NEEDS THE CONTINUATION OF THE MOTOR VEHICLE FEE (OR THERE WILL BE A \$12.5 MILLION HOLE IN THE MOTOR VEHICLE ACCOUNT NEXT YEAR). I URGE YOUR AYE VOTE ON THIS BILL AS AMENDED.

SUPPORT

CHP (ON FEE EXTENSION)
CALIF. ASSOC. OF HIGHWAY PATROLMEN
TEAMSTERS
ORANGE COUNTY TRANSPORTATION AUTHORITY
LA COUNTY TRANSPORTATION COMMISSION
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

OPPOSITION

COUNTY OF SACRAMENTO

AUTHOR'S AMENDMENTS

- 1) Provide that Caltrans' congestion figures are the most recent available (these are the figures used in the funding formula).
- 2) Require Caltrans to study the formula after a year and report on possible revisions.
- 3) Let local authorities place their own logo on the truck.
- 4) Require the Caltrans report on this program to be done in conjunction with the AB 123 advisory committee report.
- 5) Correct the appropriation amount to \$8.396 million.
- 6) Say that the CHP fee increases in the bill do not become effective unless the appropriation in the bill for FSPs remains.
- 7) Correct a drafting error in the CHP renewal fee for the tow truck driver certificate (returns the fee to \$12; bill had inadvertently reduced it to \$2).

AB 3346 -- CHP FEES -- EXTEND SUNSET
MAY 6, 1992
ASSEMBLY WAYS AND MEANS COMMITTEE

MR. CHAIRMAN AND MEMBERS:

AB 3346 EXTENDS BY TWO YEARS THE SUNSET OF A \$1 ANNUAL VEHICLE
REGISTRATION SURCHARGE AND A \$1 ANNUAL OHV REGISTRATION SURCHARGE.

BOTH SURCHARGES ARE DEDICATED TO PROVIDING INCREASED UNIFORMED
FIELD STRENGTH AT THE CHP.

THE GOVERNOR'S BUDGET FOR NEXT YEAR ASSUMES THIS FEE IS
CONTINUED; WITHOUT IT THERE WOULD BE A DEFICIT IN THE MOTOR
VEHICLE ACCOUNT.

THE BILL IS SUPPORTED BY THE CHP, THE CALIFORNIA ASSOCIATION
OF HIGHWAY PATROLMEN AND THE TEAMSTERS. THERE IS NO OPPOSITION.
I ASK FOR YOUR AYE VOTE.

SUPPORT

CHP
Cal. Assoc. of Highway Patrolmen
Teamsters

OPPOSITION

None

Richard Katz. NEWS

Assemblyman 39th Dist.

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FOR IMMEDIATE RELEASE
September 1, 1992

KATZ SEEKS FREEWAY SERVICE PATROL EXPANSION

Legislation by Assemblyman Richard Katz (D-Sylmar) that will allow expansion of the Freeway Service Patrol program in Los Angeles and begin operation statewide, was approved yesterday by the Assembly.

"The sight of a dependable tow truck has been a welcome relief to stranded motorists during morning and evening rush hours," Katz explained. "We want to provide the rest of the state with the same measure of safety and service that Los Angeles has enjoyed."

Since the start of the program last September in Los Angeles, close to 160,000 motorists have been assisted by 88 trucks along 215 miles of freeway. Earlier this month, the Los Angeles County Transportation Commission (LACTC), one of the joint operators of the program, added an additional 50 trucks to cover 130 more miles.

"Most drivers used to have to wait 1/2 hour or more to get help, but with this program, that time has been cut in half," Katz reported. "We should also see a reduction in the maddening congestion which instantly occurs when cars stall in the middle of the freeway."

AB 3346 requires that cities and counties across the state match 1/4 of funds allocated by Caltrans, and be involved in the operation of the program. The state will also participate in funding the Los Angeles County program, which has previously been operated through Proposition A monies.

-more-

Freeway Service Patrol

2-2-2-2-2

The Freeway Service Patrol was started in Los Angeles in 1991, as a result of legislation authored by Katz. The program uses contract tow trucks to patrol congested urban freeways to remove stopped vehicles, reduce congestion and improve air quality.

#

FACT SHEET

AB 3346 -- CALIFORNIA HIGHWAY PATROL FEES -- EXTEND SUNSET

MAY 6, 1992

- O AB 3346 EXTENDS BY TWO YEARS THE SUNSET OF A \$1 ANNUAL VEHICLE REGISTRATION SURCHARGE AND A \$1 ANNUAL OHV REGISTRATION SURCHARGE.
- O BOTH SURCHARGES ARE DEDICATED TO PROVIDING INCREASED UNIFORMED FIELD STRENGTH AT THE CHP.
- O THE GOVERNOR'S BUDGET FOR NEXT YEAR ASSUMES THIS FEE IS CONTINUED; WITHOUT IT THERE WOULD BE A DEFICIT IN THE MOTOR VEHICLE ACCOUNT.
- O THE BILL IS SUPPORTED BY THE CHP, THE CALIFORNIA ASSOCIATION OF HIGHWAY PATROLMEN AND THE TEAMSTERS. THERE IS NO OPPOSITION.

PK/OK

CONCURRENCE IN SENATE AMENDMENTS

AB 3346 (Katz) - As Amended: July 9, 1992

ASSEMBLY VOTE 75-0 (May 14, 1992) SENATE VOTE 27-3 (July 23, 1992)Original Committee Reference: TRANS.DIGEST

Urgency statute. 2/3 vote required.

Existing law:

- 1) Requires payment of an annual \$27 fee to register or renew the registration of a motor vehicle. The \$27 fee includes a \$1 surcharge for the California Highway Patrol (CHP). On January 1, 1993, the \$1 surcharge will sunset.
- 2) Requires a payment of a \$9 service fee, a \$6 special fee, and a \$1 surcharge for the CHP to issue or renew identification of off-highway vehicles (OHV). The \$1 surcharge sunsets on January 1, 1993.

As passed by the Assembly, this bill extended the sunset of the \$1 vehicle registration surcharge and the \$1 OHV surcharge to January 1, 1995.

The Senate amendments:

- 1) Enact the Freeway Service Patrol Act, establishing a program to authorize tow truck patrols on traffic-congested urban freeways throughout the state. The program is to be managed cooperatively by the CHP, Caltrans, and local transportation agencies. Additionally, the amendments:
 - a) Require a 25% local match. If counties cannot match state funds, their share is allocated to other counties.
 - b) Establish an allocation formula based on 50% population, 25% urban freeway lane miles, and 25% congestion. Caltrans is to review this formula after the first year.
 - c) Sunset the program on January 1, 1997.
- 2) Appropriate \$8.3 million in State Highway Account funds for the freeway service patrol program.
- 3) Delete the sunset extension for the \$1 OHV surcharge.
- 4) Add an urgency clause.

FISCAL EFFECT

Will raise approximately \$13 million for the Motor Vehicle Account (MVA) for the 1992-93 fiscal year; \$24 million annually thereafter, for motor vehicle

- continued -

registration fees.

Appropriates \$8,396,000 from the State Highway Account for allocation to local agencies for freeway service patrols.

COMMENTS

- 1) In 1981, the Legislature passed AB 202 (Papan, Chapter 933) which authorized a \$1 vehicle registration surcharge to provide increased uniformed field strength for the CHP. AB 457 (Papan - Chapter 797, Statutes of 1985) extended the fee until January 1, 1991. AB 107 (Peace - Chapter 1248, Statutes of 1985) extended the \$1 surcharge to off-highway vehicles. AB 2545 (Katz - Chapter 954, Statutes of 1990) extended the sunset until January 1, 1993. The Governor's budget for 1992-93 assumes that the \$1 motor vehicle surcharge authorized in the Papan bill is continued beyond its current sunset.
- 2) The MVA funds the activities of the CHP and the Department of Motor Vehicles (DMV). It receives revenues from the \$27 annual vehicle registration fee and from driver's license and occupational license fees.
- 3) The Governor's Budget proposed for 1992-93 included \$10.2 million for Caltrans to institute a statewide freeway service patrol program. This program, currently operating in Los Angeles, involves contract tow trucks roving freeways during rush hour, removing stopped vehicles from the freeway to ameliorate traffic congestion. AB 3346 is designed to provide a structure for the freeway service patrol system. The freeway service patrol appropriation was deleted from the budget by the Conference Committee. The appropriation is now carried in this bill.
- 4) The OHV \$1 surcharge sunset extension was deleted from this bill because it is carried in SB 1282 (McCorquodale).

FN 027859

THIRD READING

AB 3346

Katz (D)

7/9/92 in Senate

27 - Urgency

NOT RELEVANT

SUBJECT: Freeway service patrol

SOURCE: Author

DIGEST: This bill would enact the Freeway Service Patrol Act to authorize implementation of a freeway service patrol system on traffic congested urban freeways. The bill would appropriate \$8,396,000 for the first year of the system.

NOTE: As it left the Assembly, the bill only extended the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995.

ANALYSIS: Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations. A report on the project is due by September 1, 1994.

There currently is in operation on Los Angeles County freeways the Metro Freeway Service Patrol (FSP). The project involves the Los Angeles County Transportation Commission, the California Highway Patrol (CHP) and the Department of Transportation and is designed to reduce traffic congestion, clear up traffic incidents/accidents, improve air quality and provide

related motorist services free of charge.

This bill would enact the Freeway Service Patrol Act to authorize implementation of freeway service patrols on traffic congested urban freeways throughout the state.

The Freeway Service Patrol program would:

- A. Be managed by the CHP, Caltrans and regional or local agencies which provide emergency roadside assistance (towing and emergency service). A memorandum of understanding among the parties would be required for operation in a particular area.
- B. Be funded by a \$8,396,000 appropriation in the bill from the State Highway Account (SHA) in the first year and annual budget appropriations thereafter.
- C. Require "local resources" of at least 25 percent of the amount provided by the SHA.
- D. Allocate state funds by formula: 25 percent based on the number of urban freeway miles and 50 percent based on population (relative to those areas participating).
- E. Require the department, in cooperation with participating agencies, to review the formula created in this section and report to the Legislature on or before June 30, 1993, on recommendations regarding possible revisions.
- F. Redistribute a county's share of the funds to others if it does not meet program requirements.
- G. Require the tow trucks to bear a specified logo and drivers to meet statutory certification, training and background requirements as well as pay not more than \$50 for their first application.
- H. Require evaluation criteria to be developed and a report made to the Legislature by July 1, 1994. The report shall be prepared in cooperation with the Emergency Roadside Assistance Advisory Committee.
- I. Make the program inoperative on June 30, 1996 and repeal it on January 1, 1997.
- J. Require the integration of the state program with any local program already in operation.

The bill would require the amount of the application fee for tow truck drivers' certificates or applicants for a duplicative tow truck driver certificate to pay not more than \$50.00 for the initial application, and \$12.00 for a renewal of a certificate (current law requirement is \$12.00).

The bill also extends the \$1.00 vehicle registration fee surcharge for CHP costs from 1993 until 1995, if funding for the freeway service patrol program is appropriated in this bill.

FISCAL EFFECT: Appropriation: Yes Fiscal Committee: Yes Local: No

CONTINUED

According to the Senate Appropriations Committee analysis:

The Governor's Budget included \$10.2 million for Caltrans to institute a new statewide freeway service patrol program. The Conference Committee, in an effort to tie the legislative direction for that program provided in this bill to the funding, deleted the funding in the budget. About 75 percent of the funding for this program would pay for contracts with tow truck services to respond quickly to vehicles disabled by such simple things as flat tires or empty gas tanks on crowded freeways in order to reduce the congestion impact of the stranded vehicle. The motorist would not be charged for the service. Funds would be allocated by formula to participating eligible transportation planning entities on a 4 to 1 matching basis.

The \$1.00 surcharge was first imposed in 1981, and has since been extended 3 times. The Governor's Budget assumes the revenues generated in the bill. Even with these revenues, the introduced budget projected only a \$536,000 balance as of 6/30/92 and \$37 million as of 6/30/93. Approval of this surcharge is contingent on approval of the freeway patrol funding.

SUPPORT: (Verified 7/9/92)

California Highway Patrol
California Association of Highway Patrolmen
California Teamsters Public Affairs Council
Orange County Transportation Authority
Department of Finance

OPPOSITION: (Verified 7/10/92)

Sacramento County

ARGUMENTS IN SUPPORT: Proponents argue (1) continuing the surcharges is consistent with the 1992-93 Governor's Budget, and (2) the FSPs result in an improved travel environment as they are designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality and provide related services to the motoring public.

ARGUMENTS IN OPPOSITION: Opponents argue they object to only Section 25.62 which specifies the formula whereby the money is split up.

RJG:tb 7/16/92 Senate Floor Analyses

CONTINUED

SENATE TRANSPORTATION COMMITTEE
Senator Quentin L. Kopp, Chairman

BILL NO.:.....AB 3346
AUTHOR:.....KATZ
VERSION:
(Orig.):
(As Amend.):..06/08/92
FISCAL:.....YES

SUBJECT:

Registration fees: California Highway Patrol support: Freeway service patrols.

DESCRIPTION:

This urgency bill would extend for two years, until January 1, 1995, the date of repeal of a \$1 motor vehicle registration fee for the support of the California Highway Patrol.

The bill would add the Freeway Service Patrol Act to implement a tow truck service patrol system on congested urban freeways through a cooperative state and local effort. The bill would appropriate \$8,500,000 from the State Highway Account for the first year of the system.

ANALYSIS:

I. Existing law requires the payment of an annual \$27 fee to register or renew the registration of a motor vehicle. The \$27 fee includes a \$1 surcharge for maintaining the uniformed strength of the California Highway Patrol (CHP). On January 1, 1993, the \$1 surcharge will be repealed according to existing law.

Existing law requires the payment of a \$9 service fee, a \$6 special fee, and a \$1 surcharge for the CHP to issue or renew the identification of off-highway vehicles (OHV). The \$1 surcharge also sunsets on January 1, 1993.

This bill would extend the sunset date of the \$1 vehicle registration surcharge and the \$1 OHV surcharge for two years until January 1, 1995.

II. Existing law creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees to be certified and receive certain training in the interest of public safety. The project includes, among other things, the issuance of tow truck driver certificates to persons involved in freeway service patrol operations. A report on the project is due by September 1, 1994.

There currently is in operation on Los Angeles County freeways the Metro Freeway Service Patrol (FSP). The project involves the Los Angeles County Transportation Commission, the California Highway Patrol (CHP) and the Department of Transportation and is designed to reduce traffic congestion, clear up traffic incidents/accidents, improve air quality and provide related motorist services free of charge.

This bill would establish freeway service patrols in congested urban areas throughout the state under provisions known as the Freeway Service Patrol Act.

The Freeway Service Patrol program would:

- A. Be managed by the CHP, Caltrans and regional or local agencies which provide emergency roadside assistance (towing and emergency service). A memorandum of understanding among the parties would be required for operation in a particular area.
- B. Be funded by a \$8,500,000 appropriation in the bill from the State Highway Account (SHA) in the first year and annual budget appropriations thereafter.
- C. Require "local resources" of at least 25 percent of the amount provided by the SHA.
- D. Allocate state funds by formula: 25 percent based on the number of urban freeway miles and 75 percent based on population (relative to those areas participating).
- E. Limit participation to those areas of the state that Caltrans has identified as having significant congestion (Districts 3,4,7,8,11,12).
- F. Redistribute a county's share of the funds to others if it does not meet program requirements.
- G. Require the tow trucks to bear a specified logo and drivers to meet statutory certification, training and background requirements.
- H. Require evaluation criteria to be developed and a report made to the Legislature by June 30, 1994.
- I. Make the program inoperative on June 30, 1996 and repeal it on January 1, 1997.
- J. Require the integration of the state program with any local program already in operation.

The bill would reduce the amount of the application fee for tow truck drivers' certificates from the current \$50 to the actual cost of a criminal history check and certificate issuance, up to a \$35 maximum.

COMMENTS:

Registration Fee Provisions:

1. In 1981, the Legislature and the Governor enacted AB 202 (Papan) which authorized a \$1 vehicle registration surcharge to provide increased uniformed field strength for the CHP. This legislation, however, included a sunset date for the surcharge. The fee has been extended several times: a) AB 457 (Papan - Chapter 797, Statutes of 1985) extended the fee until January 1, 1991; b) AB 107 (Peace -

Chapter 1248, Statutes of 1985) extended the \$1 surcharge to off-highway vehicles; c) AB 2545 (Katz - Chapter 954, Statutes of 1990) extended the sunset until January 1, 1993.

2. The Motor Vehicle Account (MVA) supports the activities of the CHP and the Department of Motor Vehicles (DMV). It receives revenues from the \$27 annual vehicle registration fee and from driver's license and occupational license fees. The account is anticipated to receive \$1 billion in revenues and transfers during the budget year (1992-93); expenditures are also estimated at \$1 billion, however.

The Governor's budget assumes only a \$920,000 carry-over reserve in the MVA at the end of the current year. If vehicle sales decline further, that reserve could disappear altogether.

3. The Governor's budget for 1992-93 assumes that the \$1 motor vehicle surcharge originally authorized in the Papan bill is continued beyond its current sunset date. The registration surcharge would raise approximately \$13 million for the Motor Vehicle Account (MVA) for one-half of the 1992-93 fiscal year and \$24 million annually thereafter until its sunset date.

Freeway Service Patrol Provisions:

1. The FSP program was included as part of the Governor's Budget for 1992-93 in the amount of \$10,200,000. The Legislative Analyst withheld recommendation on the expenditure due to lack of data justifying the program's cost effectiveness. After workload standards were revised upward, \$8,500,000 was included in the Department of Transportation's budget with language requiring enabling legislation. This bill represents the referenced enabling legislation and establishes some legislative control over the program's operations.

2. The LACTC, CHP and Caltrans believe the Los Angeles pilot program is working well. However, this assessment appears based primarily on anecdotal evidence and the number of motorists/incidents encountered rather than a formal evaluation. Such an evaluation is expected to be made public in October 1992.

Clearly, motorists like the towing, simple mechanical and free fuel services. What is not clear is how the program has fared with its other goals of decreasing congestion and improving air quality.

3. The bill raises a number of policy and fiscal issues for the committee's consideration:

a) Criteria: What congestion criteria or measures will be used to identify areas which can participate?

b) Funding formula: Is a lane-mile and population allocation formula the appropriate method to allocate funds where most needed?

c) Administrative expenses: How will the \$2,000,000 of program funds not used for actual road services be expended? Does the 2% administrative overhead cap include all administrative expenses?

d) Total program cost: The total cost of the FSP is unclear. In one case, the program's supporting documentation states a cost of \$8,106,000. Documents referencing the amount in the 1992-93 Budget Bill show the amount as \$8,396,000 while the bill appropriates \$8,500,000.

e) Reallocation provisions: Should the funds allocated for a region which fails to qualify automatically be reallocated to other areas, or should they revert to the State Highway Account?

f) Local contribution: What are the "local resources" which must be provided at a 25% match? Are these expenditures, services in-kind or other forms of assistance?

Assembly Votes:

Floor: 75-0
W&M: 21-0
Trans: 15-0

Note: Provisions related to the Freeway Service Patrols were added in the Senate.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 10, 1992.)

SUPPORT: California Highway Patrol
California Association of Highway Patrolmen
California Teamsters Public Affairs Council

OPPOSED: Orange County Transportation Authority

06/10/92



Supplemental Analysis 1992 Budget Bill

Item 2660

Department of Transportation
(Page III-84 of the Analysis)

We recommend a reduction of \$1.5 million for the freeway service patrol program because the proposed workload standards are too low. We also recommend the adoption of supplemental report language stating legislative intent that, in the future, any program expansion should be matched by local funding.

In the *Analysis*, we withheld recommendation on the Department of Transportation's (Caltrans) request for \$10.2 million and 11.4 personnel-years (PYs) to institute a new statewide freeway service patrol program, pending receipt of data justifying the program's cost-effectiveness. The department has subsequently provided the requested information and our analysis of the department's proposal follows.

Freeway Service Patrol Workload Standards Too Low

Under the proposed freeway service patrol program, Caltrans will contract with private towing companies to have roving tow trucks available to assist disabled motorists on specific segments of the state freeway system. The goal of the program is to reduce freeway congestion resulting from stalled vehicles. The total cost of the program is estimated at \$10.2 million, including \$8.1 million for vehicle contracts, \$1.2 million to reimburse the California Highway Patrol for its costs, and \$900,000 for equipment and personnel.

Workload Standards Have Been Revised Upward. Caltrans' budget request for the freeway patrol program is based on a goal of covering 200 miles of freeway statewide. Using a workload standard of one truck for each 2.3 miles of centerline freeway, the department requested funds to contract for 87 vehicles at a cost of \$8.1 million (a centerline mile is the entire length of the freeway segment, in both directions). This workload standard was based on the one used by the Los Angeles County Transportation Commission (LACTC) in its own freeway service patrol program.

Item 2660--contd

Subsequent to Caltrans' budget request, LACTC increased its workload standard for each truck from 2.3 miles to 2.8 miles of centerline freeway. The change reflects a realization that each vehicle can effectively cover a larger area while retaining the same program benefits. Because Caltrans' freeway service patrol program is based on LACTC's experience, it is appropriate to use LACTC's more recent workload standard. This adjustment would result in the need for only 71 vehicles, at a total cost of \$6.6 million. The resulting reduction in program cost would be \$1.5 million.

Accordingly, we recommend that the Legislature reduce Item 2660-001-042 by \$1.5 million.

Future Program Expansion Should Be Locally Matched. In its budget request, Caltrans indicated that it would seek to have local public agencies contribute funding to expand the program.

As a congestion relief proposal, the benefits of the freeway service patrol program accrue primarily to local users of the freeway system. Thus, we believe it is appropriate for local agencies to contribute to the costs of the program. By contrast, many other Caltrans activities, such as freeway expansion, provide benefits that may be taken advantage of by any user of the state system.

While it is appropriate for Caltrans to provide full funding for the start-up of the freeway service patrol program -- to demonstrate the viability and potential benefits of such a program -- it is appropriate in the future to have local funds contribute to the costs of local congestion relief. Consequently, we recommend that the Legislature adopt the following supplemental report language stating its intent to require local match of these services in the future:

It is the intent of the Legislature that, in the future, additional state costs for the freeway service patrol program should be matched by contributions from local funds.

METRO FREEWAY SERVICE PATROL

Six Month Interim Report



Prepared by:
Los Angeles County Transportation Commission
California Department of Transportation
California Highway Patrol
April 23, 1992



METRO FREEWAY SERVICE PATROL
SIX MONTH INTERIM REPORT

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METRO FREEWAY SERVICE PATROL
SIX MONTH INTERIM REPORT

EXECUTIVE SUMMARY

The Metro Freeway Service Patrol (FSP) currently covers half of the Los Angeles County Freeway network. As of mid-April, the service has helped almost 120,000 motorists. An annual evaluation study to be circulated in September will describe the congestion and air quality benefits of the program. As of April we have found that:

- An initial study indicates that 91 percent of all accidents or stalled vehicles receive assistance in 15 minutes or less. *Prior to FSP service, only 5 percent of all accidents & stalls received assistance in less than 15 minutes.*
- 137 jobs have been added to the Los Angeles economy as a result of the Metro FSP program.
- Only 30 percent of vehicles assisted required towing.
- Ongoing service adjustments may continue to increase the number of motorists receiving assistance.
- Motorists are not abusing the 1-gallon of free gas aspect of the service so there is no need to charge for gasoline.
- Ninety-two percent of surveyed motorists rate the service as excellent. Additionally, three-quarters of the motorists providing written comments about service improvements stated that either the service was great or needed to be expanded to other areas or longer hours.
- About 5 percent of all vehicles receiving assistance are large trucks. Although FSP cannot tow these vehicles, most of the time they can provide non-towing assistance.
- FSP vehicles should drive in the right hand lane since three-quarters of the incidents are located on the right shoulder.
- About 45 percent of surveyed motorists know about the FSP program.

METRO FREEWAY SERVICE PATROL (FSP) OVERVIEW

The Metro Freeway Service Patrol (FSP) is a contracted fleet of tow trucks which continuously patrol designated Los Angeles County freeway segments during commute peak periods (see Figures 1 and 2). Metro FSP drivers provide "quick fix" items such as changing a flat tire, refilling a radiator, taping a hose, and providing one gallon of gasoline. These services are provided free of charge to the motoring public.

The Metro FSP is designed to:

- Decrease traffic congestion
- Quickly remove incidents
- Reduce secondary accidents
- Improve air quality
- Provide satisfactory service to motorists

SCOPE OF METRO FSP ANNUAL (SEPTEMBER) EVALUATION

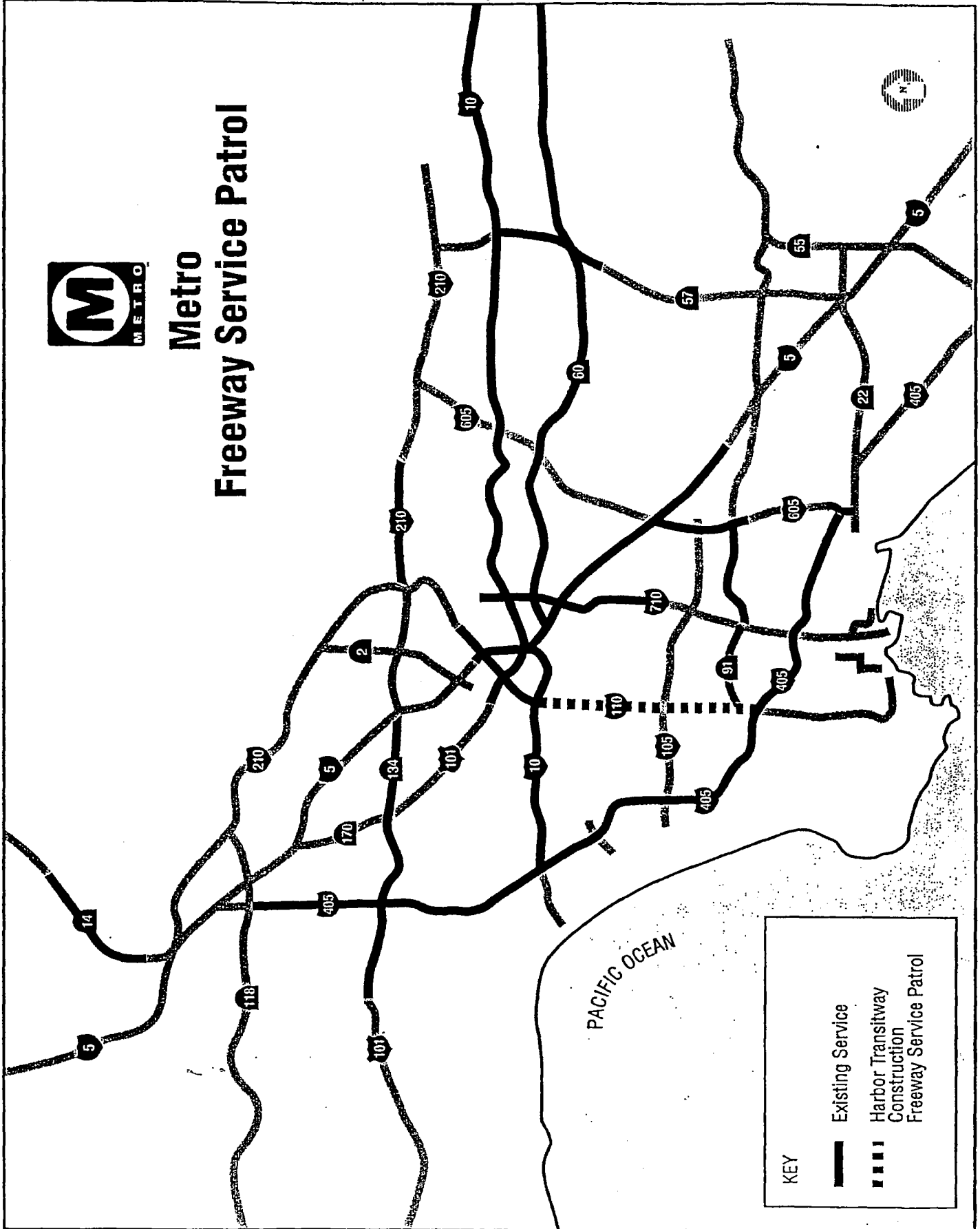
The Metro FSP Annual Evaluation Study will address the effectiveness of the Metro FSP program and will include answers to the following questions:

1. What affect (i.e. change in peak period volumes, travel time, travel time variability) is the Metro FSP having on designated freeway segments and the freeway network?
2. What is the improvement in Metro FSP incident detection, response, and clearance time compared to traditional rotational tow services?
3. What affect is the Metro FSP having on vehicle emissions and fuel usage?
4. What is the Metro FSP program's benefit/cost ratio?
5. Is the Metro FSP program providing satisfactory levels of service to the motoring public?

The report will be presented for LACTC's Planning and Mobility Improvement Committee in September and available for public review in October.



Metro Freeway Service Patrol



METRO FREEWAY SERVICE PATROL SERVICE COVERAGE

BEMAT	FWY	LIMITS	FIRM NAME	NUMBER OF TRUCKS	CENTERLINE MILES	AM SHIFT	PM SHIFT
1	110	Martin Luther King to Avenue 43	Just for You	5	7.6	6:30 to 10:00	2:30 to 7:00
2	101	Vermont to East LA Interchange & East LA Interchange to 3rd Street	Automobile Club of So. Cal.	4	7.9	6:00 to 10:00	3:00 to 7:00
3	10	Vermont to Eastern Avenue	Automobile Club of So. Cal.	4	7.7	6:00 to 10:00	3:00 to 7:00
4	5	Stadium Way/Riverside to Garfield	Sunset Tow	4	11.1	5:45 to 9:45	2:45 to 6:45
5	405	Mulholland to Venice/Washington	Westwood Club Service	4	9.1	6:00 to 10:00	3:00 to 7:00
6	405	Venice/Washington to Imperial	Bob Cass Towing	3	6.7	6:00 to 10:00	3:00 to 7:00
7	101	Vineland to Reseda	Fox Motors	4	10.1	6:00 to 10:00	3:00 to 7:00
8	10	Eastern to Santa Anita	City Terrace Services Inc.	3	7.9	6:00 to 10:00	3:00 to 7:00
9	405	Imperial to Normandie	Bob Cass Towing	4	7.4	6:00 to 10:00	2:30 to 6:30
10	405	Devonshire to Mulholland	Fox Motors	3	9.2	6:00 to 10:00	3:00 to 7:00
11	210	Orange Grove to Santa Anita	Hillcrest Towing	3	7.3	6:00 to 10:00	2:30 to 6:30
12	10	Santa Anita to Grand	Royal Coaches Auto Body & Towing	3	9.8	6:00 to 10:00	3:00 to 7:00
13	60	3rd Street to Crossroads Prkwy	Haddick's Auto Body & Towing	4	10.0	6:00 to 10:00	3:00 to 7:00
14	605	Telegraph to South Street	Brookhurst Auto Body Inc.	3	6.4	6:00 to 10:00	3:00 to 7:00
15	91	Long Beach to Pioneer	Brookhurst Auto Body Inc.	3	7.0	5:30 to 9:30	2:30 to 6:30
16	5	Garfield to Valley View	*	3	9.7	6:00 to 9:30	2:30 to 7:00
17	10	Bundy to Vermont	Just For You Inc.	AM: 4, PM: 5	9.3	6:30 to 10:00	2:30 to 7:00
18	10	Grand to Indian Hill	Walnut Valley Towing	4	9.2	5:30 to 9:00	2:30 to 7:00
19	405	Normandie to Studebaker	Tip Top Towing	4	13.4	6:00 to 10:00	3:00 to 7:00
20	60	Crossroads Prkwy to Fairway	Haddick's Auto Body & Towing	3	8.9	5:30 to 9:00	2:30 to 7:00
21	60	Fairway to Reservoir & Diamond Bar to 210 @ Via Verde	Walnut Valley Towing	4	15.6	5:30 to 9:00	2:30 to 7:00
22	134	Lankershim to San Fernando	Coastal Towing	3	5.7	6:30 to 10:00	2:30 to 7:00
23	710	Firestone to Valley	Dale's Tow Inc.	3	9.0	6:00 to 10:00	3:00 to 7:00
24	14	San Fernando to Shadow Pines	TG Towing	2	8.7	5:00 to 9:00	3:00 to 7:00

REVISED APRIL 6, 1992

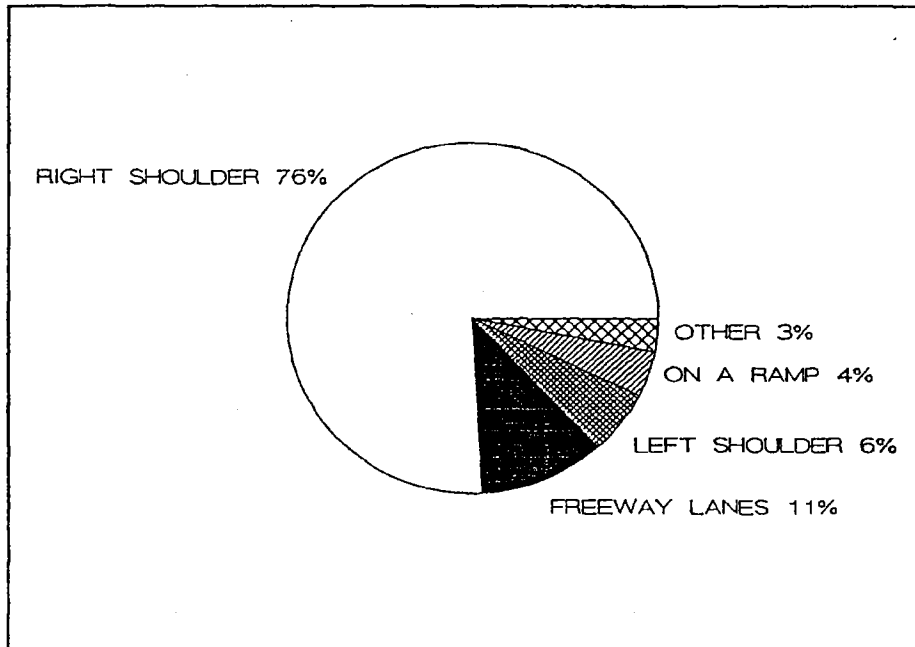
* Contract terminated. Beat covered through truck redeployment.

FSP\FM\FSP-1/SF

SERVICE CHARACTERISTICS

Metro FSP drivers complete a "Motorist Assist Form" for every incident they service. Tabulation of over 50,000 Motorist Assist Forms shows that the vast majority (82 percent) of all disabled vehicles assisted by the Metro FSP were found on freeway shoulders -- 76 percent on the right shoulder and 6 percent on the left shoulder. Eleven percent of all disabled vehicles were found in freeway lanes and 4 percent on freeway on or off ramps (see Figure 3). This information suggests that Metro FSP tow vehicles should drive on the right side of the freeway to better allow for quick stops and to reduce tow truck lane changes.

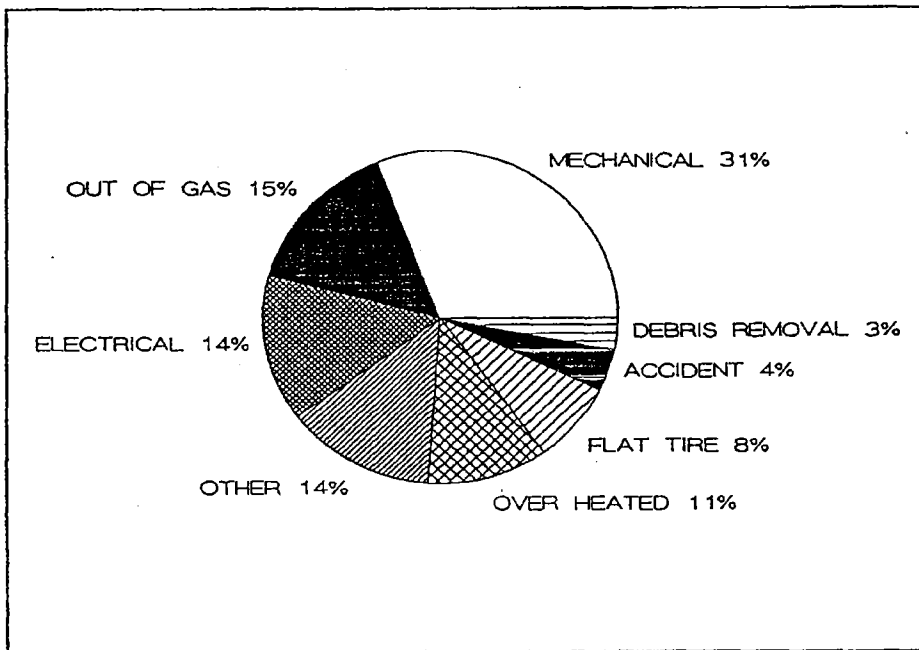
**FIGURE 3
METRO FREEWAY SERVICE PATROL
VEHICLE LOCATION**



SOURCE: Motorist Assist Forms completed by Metro FSP drivers between July 1, 1991 and March 23, 1992.

The Metro FSP helps stranded motorists in a variety of predicaments. About one-third of all disabled vehicles assisted by the Metro FSP had mechanical problems, 15 percent ran out of gas, 14 percent had electrical problems, and 11 percent had overheated. About four percent of the disabled vehicles were involved in minor accidents (see Figure 4).

FIGURE 4
METRO FREEWAY SERVICE PATROL
SERVICE TYPE

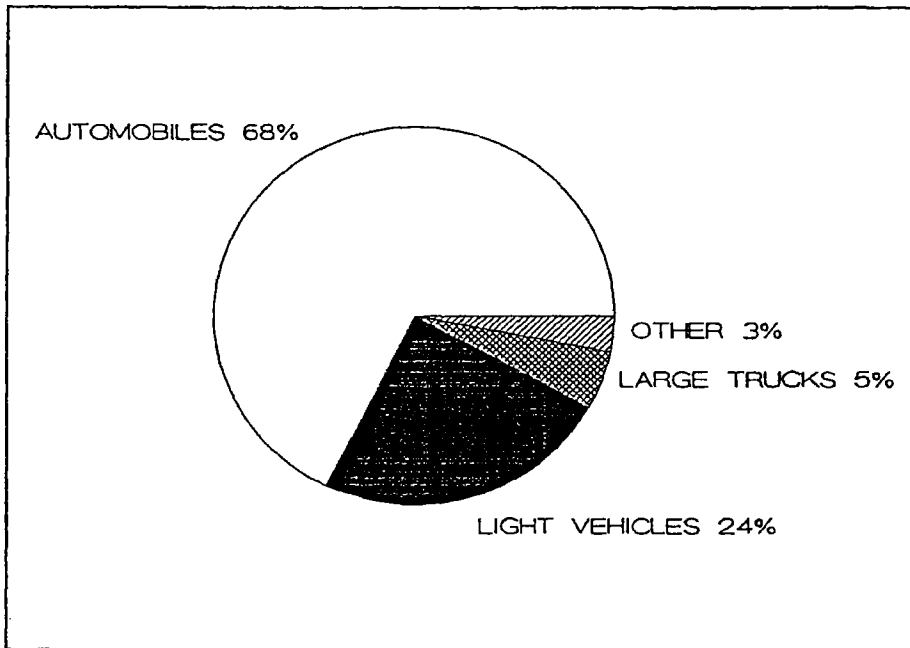


SOURCE: Motorist Assist Forms completed by Metro FSP drivers.

Metro FSP drivers are able to service and get moving the majority (about 70 percent) of vehicles they assist. About 30 percent of motorists aided by the Metro FSP require additional assistance and are towed off of the freeway where they are no longer a road hazard or a cause of gawker's blocks.

The Metro FSP is designed to aid motorists and clear freeways of automobiles and other light vehicles. Currently, 68 percent of all assisted vehicles are automobiles and 24 percent are light vehicles including vans, pickups, and other small trucks. About five percent of Metro FSP assisted vehicles are "big rigs" or other large vehicles (see Figure 5). Although big rigs were not originally intended to receive service, Motorist Assist Forms show that the Metro FSP is directly helping large trucks by refilling air brakes and providing diesel fuel.

FIGURE 5
METRO FREEWAY SERVICE PATROL
TYPES OF VEHICLES ASSISTED



SOURCE: Motorist Assist Forms completed by Metro FSP drivers.

SERVICE PERFORMANCE TOTALS

Each incident removed from freeway lanes or the view of passing motorists by the Metro FSP can contribute to improved traffic flow and reduced congestion. As of April 17, 1992, the Metro FSP assisted over 118,000 motorists.¹ The average number of daily assists is over 700 per day.² Recently, however, the Metro FSP has increased efficiency and is assisting more motorists. In fact, during the past two months the average number of Metro FSP assists has grown to over 750 per day and many recent daily totals have topped 800 assists. Since September 30, 1991, each Metro FSP truck has provided approximately eight assists per day or about one assist every hour. Since February 1, 1992, however, each Metro FSP truck has provided almost nine assists per day. The average cost per assist is about \$43 (see TABLE 1).

TABLE 1
METRO FREEWAY SERVICE PATROL
SUMMARY STATISTICS
(September 30, 1991 to April 17, 1992)

	MORNING SHIFT	EVENING SHIFT ³	TOTAL
SERVICE TOTALS	50,878	67,602	118,480
AVERAGE DAILY ASSISTS	304	406	710
AVERAGE DAILY ASSISTS PER TRUCK	3.6	4.8	8.3
AVERAGE COST PER ASSIST	\$51	\$38	\$43

SOURCE: Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system. Average cost per assist estimate includes operating costs only.

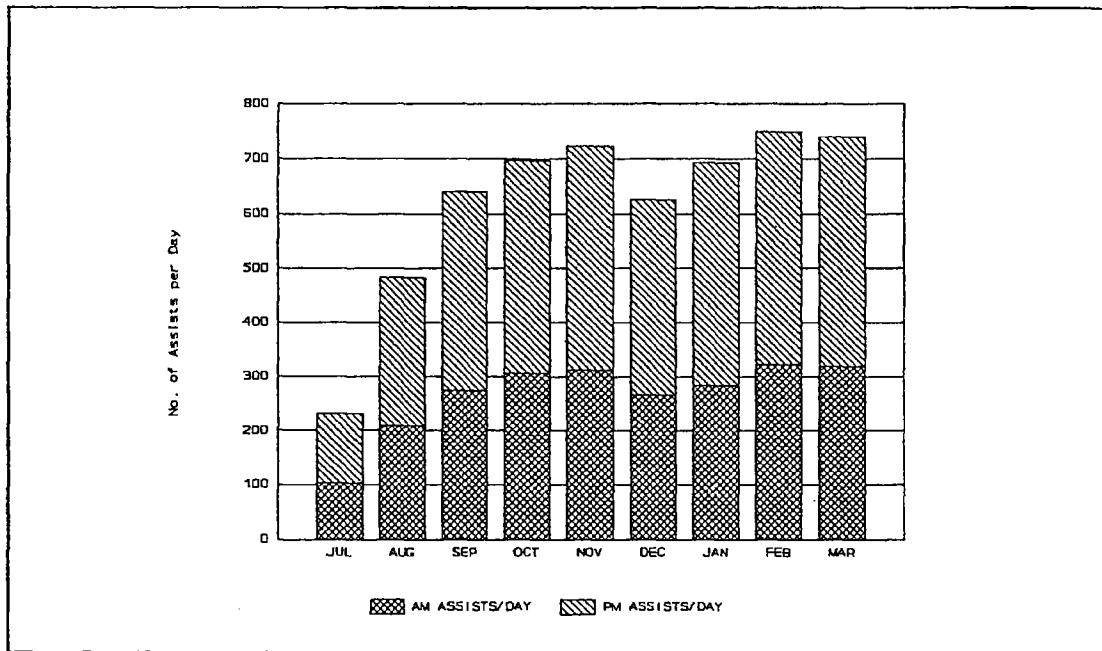
¹ Assist totals reflect Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system.

² September 30, 1991 was selected as a base date because all stages were operating and past their initial shakedown periods.

³ The Metro Freeway Service Patrol offers slightly more Evening Shift hours than Morning Shift hours in some locations to better match the greater PM peak period demand.

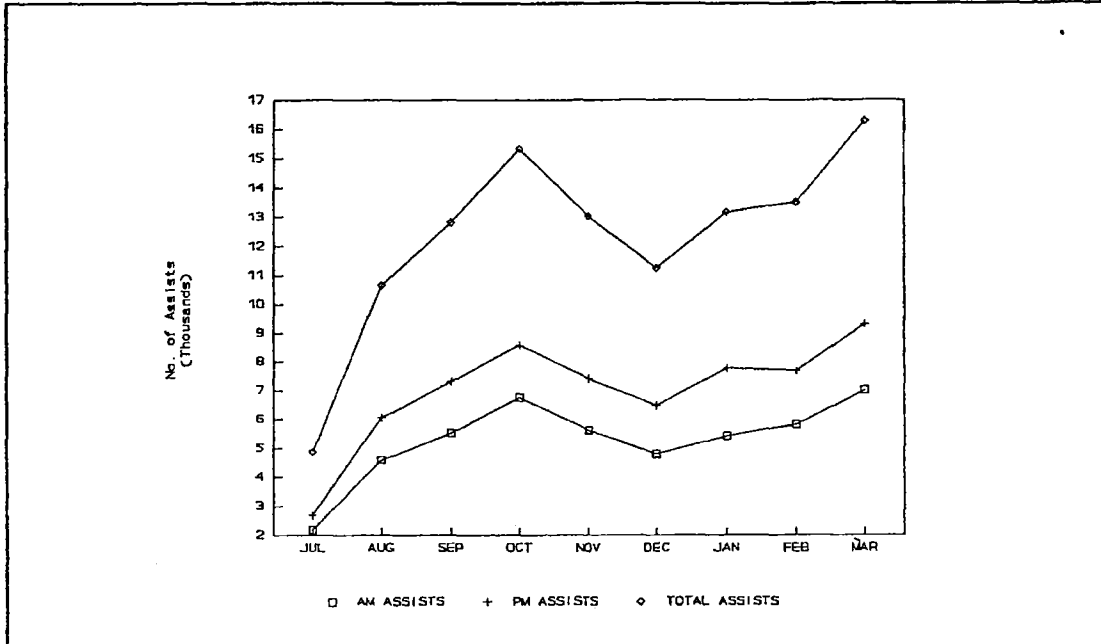
Metro FSP average daily assists have increased steadily each month from 232 average assists per day in July 1991, when the program was launched with 36 tow trucks, to over 700 average assists per day in November 1992 when four of the Metro FSP's 88 trucks were removed from service with the termination of a Metro FSP contract. Since November, the Metro FSP's average daily assists have again been increasing. In February 1992 (with four fewer trucks than before), Metro FSP average daily assists reached about 750 (see Figures 6 and 7).

**FIGURE 6
METRO FREEWAY SERVICE PATROL
AVERAGE DAILY ASSISTS**



SOURCE: Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system.

FIGURE 7
METRO FREEWAY SERVICE PATROL
TOTAL MONTHLY ASSISTS



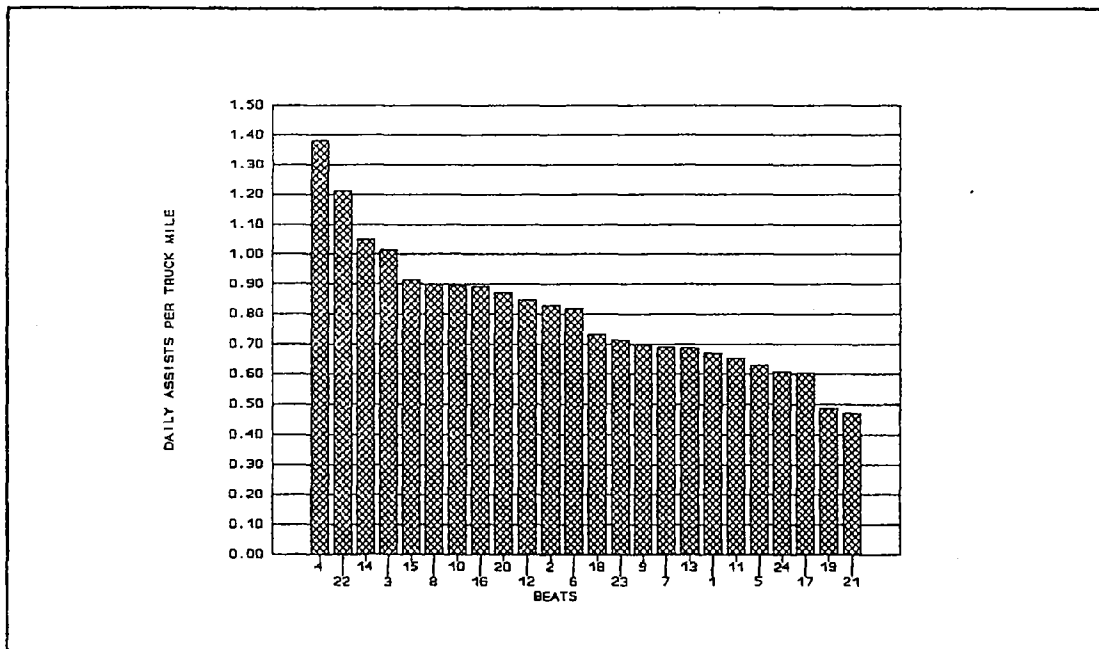
SOURCE: Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system. The December drop in total assists is due in part to the holidays.

The Metro FSP consistently provides about one-third more assists during the evening peak period than in the morning peak period (see Table 1 and Figures 6 and 7). Greater PM assist totals are due in part to the fact that the evening peak period usually experiences heavier congestion than the morning peak period. To compensate for this uneven demand and to better match specific freeway needs, operating hours are being adjusted on some beats with an emphasis on increasing PM peak period coverage.

Metro FSP beats currently vary considerably in performance. For example, Daily Beat Assists per Truck Mile ranged from a high of 1.38 to a low of 0.47 during a 63 Metro FSP work day period between September 9 and December 24, 1991 (see Figure 8). This variation in beat efficiency may be caused by a number of factors including contractor and driver performance, different congestion levels, beat length, and accident rates. The Metro FSP Annual Evaluation will attempt to quantify the relationship between these and other variables and beat performance.

The ongoing Metro FSP evaluation will attempt to determine the appropriate number of trucks and length for each beat to maximize the number of assists for that particular beat. Maximizing assists, without significantly degrading response time or increasing costs, will increase both the program's cost effectiveness and ability to reduce congestion on Los Angeles freeways.

**FIGURE 8
METRO FREEWAY SERVICE PATROL
DAILY ASSISTS PER TRUCK MILE**



SOURCE: Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system.

FIELD OBSERVATIONS

Prior to the start of the Metro FSP program, real time data needed to be gathered to estimate changes in tow truck response time. Field observations were made of tow truck response and clearance times from the following three locations during morning and evening peak periods:

- San Diego Freeway at Santa Monica Boulevard (Route 405 - Beat 5),
- Hollywood Freeway at Alvarado Street (Route 101 - Beat 2), and
- San Bernardino Freeway at Flair Drive (Route 10 - Beat 8).

Caltrans staff observed freeway traffic from tall buildings adjacent to the freeway where visibility was at least one mile in each direction. Field observations were made prior to and after the initiation of Metro FSP service. Times were recorded when a vehicle stopped, when a tow truck arrived (response time), and when both the vehicle and tow truck left (clearance time).

After reviewing the data from this study, Caltrans, LACTC, and CHP staff and consultants have concluded that additional data needs to be gathered to develop a statistically valid comparison of before and after conditions. These data gathering efforts are currently underway.

Based on the preliminary data, which is being re-verified, it appears that 91 percent of all stalls and accidents received assistance in 15 minutes or less.

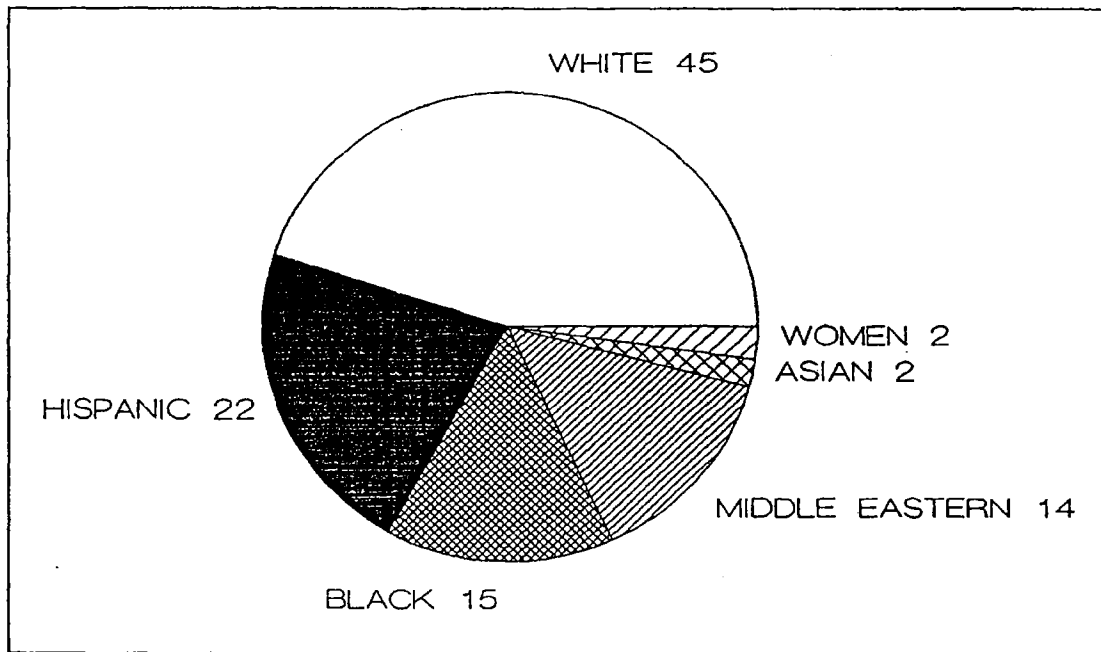
Prior to Metro FSP service, only 75 percent of in-lane accidents received tow truck assistance; after service began, all in-lane accidents received tow truck assistance. Similarly, prior to the Metro FSP, only 27 percent of in-lane stalls received assistance; with the Metro FSP, 86 percent of in-lane stalls received assistance.

The annual evaluation is using data from Caltrans' field observations and the additional data currently being collected to help determine the congestion relief and air quality improvements of the program.

ECONOMIC IMPACTS

Metro FSP contracts with private sector service providers have directly resulted in the creation of 100 new tow vehicle operator jobs for Los Angeles County workers. The Metro FSP has contributed indirectly to the creation of 37 jobs through equipment and tow truck suppliers. Combined, the program has added 137 full time equivalent positions to the nations economy!⁴ Of the 100 new full-time tow operator positions created by the service, over 55 are filled by ethnic or female workers -- 22 hispanic, 15 black, 14 Middle Eastern, and two women (see Figure 9). In light of current economic conditions, the Metro FSP's tremendous economic side effects are a welcome and important secondary impact.

**FIGURE 9
METRO FREEWAY SERVICE PATROL
ETHNIC BREAKDOWN OF DRIVERS**



SOURCE: Metro FSP contractors.

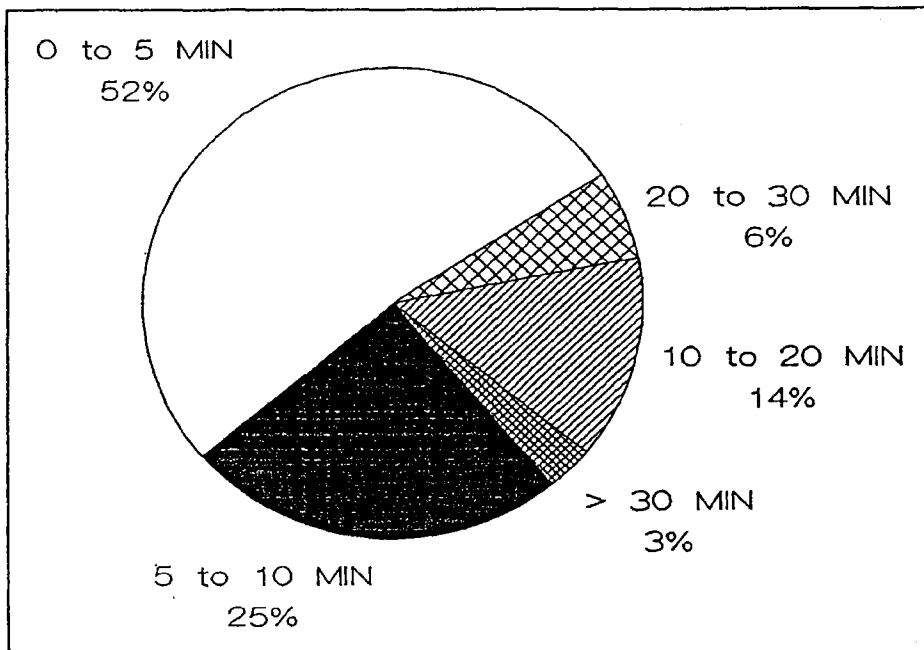
⁴ Indirect full time equivalent job creation estimates calculated by LACTC Policy Analysis using the Bureau of Economic Analysis Economic Impacts model.

MOTORIST PERCEPTIONS

The Metro FSP program consistently receives high marks from motorists for both its excellent service and quick response times. Currently, about 92 percent of motorists receiving Metro FSP assistance rated the program as excellent and seven percent of the motorists rated the program as good. Virtually no motorists responding to the Metro FSP survey rated the program's service as either fair or poor. The Metro FSP program is clearly well liked and greatly appreciated.

A primary goal of the program is to reduce congestion by removing disabled vehicles as quickly as possible. The continuous patrolling of freeways is a key element in reducing tow truck response time because Metro FSP drivers can often detect and respond to incidents before the CHP or Caltrans are even aware of a problem. Currently, Metro FSP drivers encounter the stranded motorist about 92 percent of the time. The result is that 52 percent of all surveyed motorists state they were assisted within five minutes and over three quarters of all assisted motorists state they were assisted within 10 minutes (see Figure 10). Preliminary field observations estimate that 91 percent of all accident and stalls receive assistance in 15 minutes or less. This estimate is roughly consistent with the motorists perceptions.

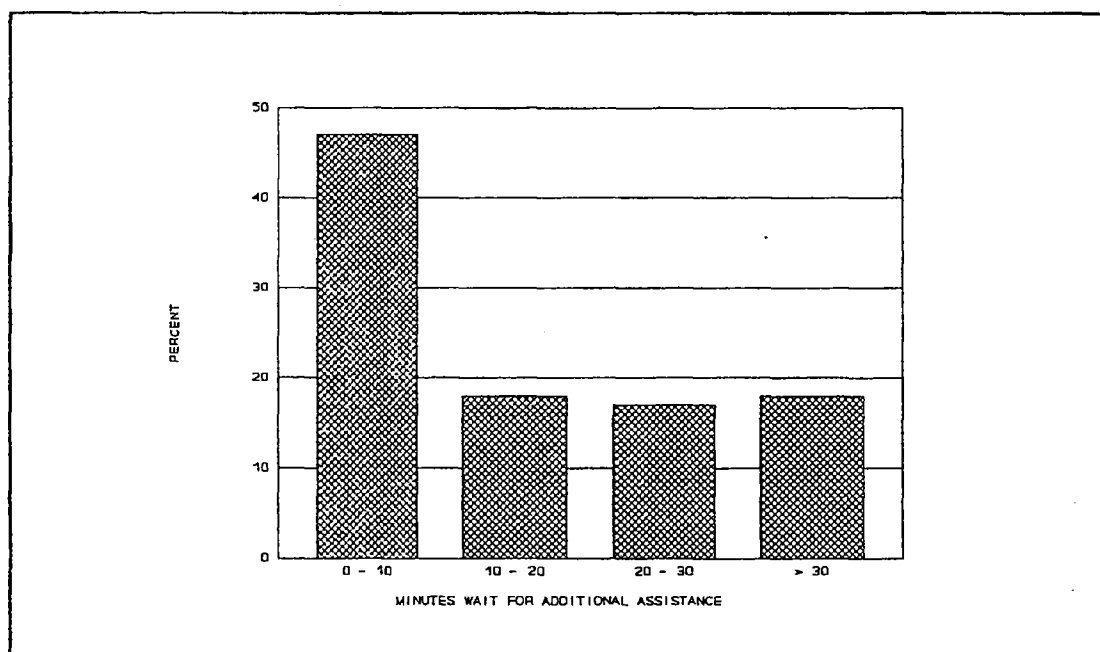
**FIGURE 10
METRO FREEWAY SERVICE PATROL
MOTORIST PERCEIVED RESPONSE TIMES**



SOURCE: Metro FSP Motorist Survey.

Vehicles that cannot be started by Metro FSP drivers within about ten minutes are towed off of the freeway to CHP identified drop locations to receive additional assistance. Of all stranded motorists towed off of freeways, almost half stated that they received additional assistance within 20 minutes (see Figure 11). It is important to note that motorist time estimates are "customer" perceptions measured by surveys returned to the LACTC.

**FIGURE 11
METRO FREEWAY SERVICE PATROL
MOTORIST PERCEIVED
SECONDARY TOW RESPONSE TIMES**



SOURCE: Metro FSP Motorist Survey.

Motorist survey statistics are compiled from surveys completed by over 12,000 assisted motorists since the program began. About 11 percent of motorists receiving assistance return postage paid surveys to the Commission.

In addition to answering questions, many motorists surveyed also commented on how the service could be improved. The following sample comments (with percent of respondents expressing similar views) provide a glimpse of how Los Angeles motorists would like to see the Metro FSP program improved.

<u>PERCENT</u>	<u>SAMPLE COMMENTS</u>
67 %	The program and its drivers are great, no need for improvement. "This is the best program my tax dollars have ever gone to."
12 %	The Metro FSP should expand its hours, area of service, and drivers.
6 %	Miscellaneous comments including brighter truck colors; and the provision of more than one gallon of gas to motorists.
4 %	The program should be better publicized so motorists can better recognize and receive assistance.
3 %	Call boxes should be easier to reach, in working condition, and should have better service (people are being put on hold for extended periods of time).
3 %	The Metro FSP needs better drop-off locations (locations that are: well lighted, have access to a telephone, are near a service station, off residential zones, and on public parking lots).
2 %	Have tow trucks tow motorists to areas other than designated drop-off locations within a three or five mile radius of breakdown locations. (Towing locations should include people's home, auto shop, or gasoline station.)
2 %	Tow truck drivers should be easier to recognize, introduce themselves properly, provide information for secondary tow and be bilingual.
< 1 %	Tow truck response times should be shorter; trucks should have a cellular phone for motorists who need to call for a secondary tow, work, or family; and a toll free number should be established exclusively for the Metro FSP.

Many of the public's comments are part of existing Metro FSP procedures (i.e. driver courtesy and drop-off locations). We are continuously supervising drivers and updating procedures. Furthermore, the LACTC is seeking additional program publicity. Currently, about 45 percent of assisted motorists stated that they had heard about the program prior to receiving assistance. Of those, over half were informed of the service through the TV or radio.

Requests with cost implications (i.e. expanded service hours, bilingual drivers, the establishment of a toll free phone number,

cellular phones in tow vehicles, etc.) cannot be considered at this time given the program's limited funding.

Drop off locations are identified by the CHP; selection criteria for these locations include all points mentioned by surveyed motorists. Drop-off location comments are transmitted to the CHP and contractors for increased attention to ensure drop-off locations are adequately identified to the drivers and non-approved locations are not used. The call box system is currently in the process of being upgraded to address reliability and responsiveness concerns.

NEED FOR FREE GAS

When the LACTC board authorized the Metro FSP (FSP) program, there was concern that motorists may abuse the services' provision of free gasoline. Staff was directed to monitor the use of free gasoline to determine whether there was abuse and whether a fee for gasoline needed to be charged as a deterrent. Review of Assist records could not find any instances of multiple requests for gas from a single vehicle. Additionally, it would cost much more to administer a fee for gas program than could be acquired in revenues. The major reason for repeated assistance was tow truck operators who stopped for the same disabled/abandoned vehicle and filled out separate forms.

REDEPLOYMENT TESTING

Staff is implementing various redeployment tests to improve the effectiveness of Metro FSP service. Our redeployment goal is to maximize assists, while retaining current costs, without significantly degrading response time.

Redeployment testing will include changing the following service characteristics:

- Fine tuning shift time
- Adjusting number of trucks
- Shifting beat length
- Changing management practices such as fining late drivers, notifying contractors of drivers who are not on their beat, and checking beat lap times.
- Need for non-peak service (mid-day and holidays)

Figure 12 describes our initial redeployment efforts. Depending upon the results of these tests, further redeployment testing may be implemented. Redeployment resulting in a significant increase of assists 5 percent above the baseline will be retained through contractual amendments. Redeployment testing resulting in an

METRO FREEWAY SERVICE PATROL REDEPLOYMENT TESTING PLAN

CURRENT AND PAST TESTS

APRIL 19, 1992

BEAT #	ROUTE	LOCATION	START DATE	END DATE	COMMENTS
NON-PEAK SERVICE					
ALL	ALL	VARIOUS ROUTES	11/11/91	11/11/91	Veterans Day Service cancelled.
ALL	ALL	VARIOUS ROUTES	11/27/91	11/27/91	Operate from 7 to 9 pm. on pre-holiday traffic
ALL	ALL	VARIOUS ROUTES	12/1/91	12/1/91	Operate from 3 to 9 pm. on post-holiday traffic
ALL	ALL	VARIOUS ROUTES	12/26/91	12/31/91	Cancel service between Christmas & New Years Day.
FINE TUNING SHIFT TIME					
4	5	Stadium Way/Riverside - Garfield	4/6/92	8/3/92	15 min earlier AM - 5:45 & PM - 2:45
9	405	Imperial to Normandie	4/6/92	8/3/92	Shift PM start time from 3:00 to 2:30.
11	210	Orange Grove to Santa Anita	4/6/92	8/3/92	Shift PM start time from 3:00 to 2:30
18	10	Grand to Indian Hill	11/25/91	8/3/92	Changed AM shift from 6:30/10:30 to 5:30/9:00
ADJUSTING NUMBER OF TRUCKS					
16	5	Garfield to Valley View	11/22/91	6/01/92	Contractor cancelled. Trucks reduced from 4 to 3.
4	5	Stadium Way to Riverside/Garfield	11/22/91	6/01/92	Trucks reduced from 5 to 4.
13	60	3rd Street to Crossroads Pkwy.	11/22/91	6/01/92	Trucks reduced from 5 to 4.
19	405	Normandie to Studebaker	11/22/91	6/01/92	Trucks reduced from 5 to 4.
17	10	Santa Monica Freeway	3/9/92	8/3/92	Add one truck to PM shift
ADJUSTING BEAT LENGTH					
18	10	Via Verde to Indian Hill	1/13/92	6/01/92	Extend west to Grand
12	10	Santa Anita to Azusa	1/13/92	6/01/92	Extend east to Grand.
21	60 & Fairway	to Reservoir	2/25/92	6/29/92	Extend north & south on 57
	57	Diamond Bar to 210 @ Via Verde			
CHANGING MANAGEMENT PRACTICES					
ALL	VARIOUS	VARIOUS	2/21/92	Ongoing	Fleet Management - timeliness review

increase in response time will not be retained. In general, each test will last up to four months, with opportunities to cancel testing through interim reports. Preliminary results of shift time changes indicate mixed success with initial redeployment tests.

PROGRAM EXPANSION

Due to limited revenues, the Freeway Service Patrol cannot currently expand its service. Two new revenue sources may permit service expansion in the near future. When pending litigation concerning the Proposition C one-half cent sales tax is resolved additional service is scheduled to be added to Routes 91, 101, 110, 118. Additionally, State Budget Change Proposal Funds may become available during FY 1992-93 to expand the Freeway Service Patrol program statewide, including locations in Los Angeles.

dpl:\6month

Claudette +
Pence Berlin

Notes for Kate Riley

April 8, 1992

FREEWAY SERVICE PATROL STATE FUNDING

LEGISLATIVE PROVISIONS

ADMINISTRATION PROPOSAL

MATCHING FUNDS

- The State has a fiduciary responsibility to maintain and operate the State Highway System.
- Caltrans along with California Highway Patrol should identify a "basic" emergency roadside assistance program.
- The basic program should be identified, including the geographic extent and hours of operation in the next budget cycle.
- A matching program could be devised to allow local governments to participate in an enhanced emergency roadside assistance program over and above the basic program.
- The match or participation rate of the locals in an expanded emergency roadside assistance program should be the same as capital programs. In other words, the local matching dollar should have the same leverage whether it is for an operating expense such as the emergency roadside assistance program or a capital project.
- "In kind" services should count as part of a match program.

INTEGRATION

- The 92/93 freeway service patrol budget change proposal would be integrated with existing emergency roadside assistance programs.
- State funding will be pursued to fund the remaining unfunded basic emergency roadside assistance program.
- Local agencies would not be penalized for having taken the initiative to fund emergency roadside assistance programs.
- Existing State service patrol programs, with the exception of tow service patrols on toll bridges, tunnels and tubes, will be integrated with regional emergency roadside assistance programs jointly managed and administered by Caltrans, CHP and the local participating agency.
- Traffic Management Plan tow patrols will have the same look and feel of the basic patrol and be coordinated with the basic patrol. They will still be under the control of the

Cap -- [what is true value?]
with admin - included in this 2 to - 1/2 to
who decides ->

local agency should be involved in deciding

system based on funding
if local match - additional miles

- Contract with PSP to provide service
- No duplicative service - no service x vs - no competing programs

- prior to integration -> exempt LA/ETC until can be effected -

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resident engineer.

each agencies roles & responsibilities will be clearly defined.

DUPLICATION OF EFFORT

- Memorandums of Understanding will be executed among all agencies contributing resources to the emergency roadside assistance program.
- The Memorandums of Understanding will be unique to each region.

EVALUATION

necessary for local involvement

[re: sunset?]

- Commonly agreed upon statewide evaluation procedures and criteria should be used.

An annual evaluation and report to the legislature is a burdensome and unnecessary requirement. A single evaluation, 24 months after the program start, would be more appropriate.

18 months after start of program

- The ongoing program will be monitored by the participating agencies and adjustments will be made as necessary. Changes in the State funding level will go through the BCP process.

FUNDING

panel develop Statewide evaluation strategy - includes all agency.

- Contracts with tow companies should be for a minimum of three years. Anniversary dates should be staggered.
- Local governments that elect to participate financially should be committed for the three year duration of the contracts within their jurisdiction. → *funding contingent on annual eval + positive findings.*

ADMINISTRATIVE and OPERATING COSTS

- Caltrans and the CHP will supervise and operate the program at no cost to local government.

Cap @ 2%. 88% → tow truck contracts + or dedicated commun. system.

UNIFORM THEME

- The emergency roadside assistance vehicles will have similar appearance and field operating procedures statewide. Logos on the vehicles will reflect a true three way partnership: Local agency, CHP and Caltrans.

partner

ANALYSIS OF PROPOSED LEGISLATION
FREEWAY SERVICE PATROL

1. DESCRIBE WHAT EFFECT THIS BILL WILL HAVE ON THE DEPARTMENT

There is no impact on Department policy or procedures. However, this bill could restrict or prevent CHP participation in a statewide Freeway Service Patrol program by limiting available funds and/or requiring matching funds from local agencies that lack resources or choose not to participate.

2. ESTIMATE OF COST/SAVINGS TO THE DEPARTMENT

There is no fiscal impact on the Department. Costs incurred for participation in this program are to be reimbursed from program funds taken from the State Highway Account.

3. ARGUMENTS FOR AND AGAINST THIS BILL

For: This bill will allocate 8.5 million dollars from the State Highway Account to fund a statewide Freeway Service Patrol. It will be managed by the CHP, Caltrans, and local agencies and will positively impact congestion throughout the State.

Against: As written, this bill will severely restrict the introduction and operation of a statewide FSP program by requiring counties/regions to provide 25% matching funds. The proposed section 2561 of the Streets and Highways Code states the purpose of this chapter is to implement an FSP system on congested freeways throughout the state. However, under this legislation, congestion and those elements related to congestion are not included as criteria for establishing a regional FSP program.

4. DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS.

With available funding, Caltrans and the CHP have existing authority to operate a freeway service patrol with or without the participation of local agencies. An example of a successful FSP program currently operating with cooperation from Caltrans, the CHP, and the Los Angeles County Transportation Commission (LACTC) is the program that has been operational in the Los Angeles area since July 1990. If local funding were available to reimburse Caltrans and the CHP for services provided to an FSP program, this legislation would not be necessary.

ANALYSIS OF PROPOSED LEGISLATION
FREEWAY SERVICE PATROL
Page 2

The desired result, which appears to be to implement a statewide FSP program, could also be more easily accomplished if the legislation merely authorized the expenditure of funds and did not saddle the FSP concept with unnecessary restrictions.

5. RECOMMENDED POSITION AND SUBSTANTIATION

As written, this bill should be ~~rejected~~ because:

- The required 25% matching funds will prove prohibitive to many regional agencies and will restrict the program to specific geographical areas in the State. Additionally, the basic maintenance and operation of a state program should not be predicated on the funding decisions of local transportation agencies.
- The allocation formula for funds is not based on congestion or congestion related elements.
- It is not necessary for additional logos to be placed on FSP tow vehicles. An additional logo may be confusing to motorists and detracts from the concept of uniformity and ease of recognition by motorists. Space for local transportation agencies to identify themselves both individually and as part of the cooperative FSP program has already been provided on the statewide logo.
- The administrative costs of 2% referred to in section 256~~7~~ must be clarified. If administrative costs include reimbursement to the CHP, there will be insufficient funds for the CHP to participate in the program. Caltrans and CHP administrative costs historically have accounted for approximately 15% of available FSP funds.

OTHER COMMENTS:

The proposed legislation refers to the California Highway Patrol as "the Patrol". The proper reference would be the California Highway Patrol or the CHP.

ANALYSIS OF PROPOSED LEGISLATION
FREEWAY SERVICE PATROL
Page 3

Section 2564, subsection D, refers to an allocation formula based on the number of freeway lane miles and population in a particular area. It is not clear what "area" refers to or how the determination of "area" is made. Allocation of FSPs should be based, at a minimum, on:

- (a) the number of freeway miles of congestion,
- (b) the duration of congestion as measured in hours,
- (c) the magnitude of congestion as measured in vehicle hours,
- (d) the number of accidents, and
- (e) the amount of non-standard and absent shoulders within a Caltrans-identified region.

Sections 2563, 2567, and 2436 in this legislation refer to Article 3.3 and 3.5 of the vehicle code. The reference to Article 3.3 and 3.5 should be preceded by Division 2, Chapter 2.

FREEWAY SERVICE PATROL STATE FUNDING

BUDGET CHANGE PROPOSAL

LEGISLATIVE PROVISIONS

- o **MATCHING FUNDS** - Counties providing matching local funds should receive funding proportionate to the local contribution and should not be penalized in the distribution of state funds for providing local match.
- o **INTEGRATION** - Freeway Service Patrol Budget Change Proposal (BCP) funds should be integrated with existing programs to expand the area of coverage. Parallel programs should be disallowed.
- o **DUPLICATION OF EFFORT** - Each agency must have its own unique role in administering Freeway Service Patrol programs. These roles should be based on each agency's strengths and duplication of effort should be minimized. Memoranda of Understanding outlining each agency's responsibilities must be executed among the participating agencies prior to the release of any funds.
- o **EVALUATION** - Statewide panel composed of representatives from local transportation agencies, Caltrans and CHP will develop uniform evaluation procedures to enable each county to competitively compete for future funding. Each program must submit an annual evaluation documenting its effectiveness to the legislature 18 months after implementation.
- o **FUNDING** - Contingent upon the positive findings of the annual evaluation, a minimum of three years of funding should be guaranteed. This will enable tow companies to depreciate the cost of the tow trucks resulting in reduced contracting costs.
- o **ADMINISTRATIVE COSTS** - Freeway Service Patrol administrative costs will be restricted to 2% of the total program costs.
- o **CONTRACTUAL/COMMUNICATION COSTS** - 88% of the funding will be allocated to contractual costs (tow truck companies) and development and operation of the dedicated communication system. In areas where a dedicated communication system is not warranted, the total 88% will be allocated to contracting costs.

FREEWAY SERVICE PATROL STATE FUNDING
BUDGET CHANGE PROPOSAL
LEGISLATIVE PROVISIONS
Page 2

- o OPERATING COSTS - 10% of the funding will be allocated to operating costs which include CHP personnel, decals, logos, reprographic costs, community outreach.
- o UNIFORM THEME - Statewide uniform vehicle paint scheme and program identification (logos) different from Caltrans and/or CHP will be developed to provide consistency and easy program identification for statewide travelers. If desired, the local transportation agency can incorporate or add additional identification markings, if it contributes local funds to the program.



LACTC

**Los Angeles County
Transportation Commission**

213 West Seventh Street
Suite 1100
Los Angeles, CA 90017
Tel: 213 623-1194
Fax: 213 236-4805

**DEPARTMENT OF TRANSPORTATION,
CALIFORNIA HIGHWAY PATROL**

and

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

MEMORANDUM OF UNDERSTANDING

SUBJECT: FREEWAY SERVICE PATROLS

GENERAL:

This Memorandum of Understanding (MOU) pertains to the development and implementation of a freeway service patrol (FSP) program in Los Angeles County.

Section 2401 of the California Vehicle Code (CVC) states that the Commissioner of the California Highway Patrol (CHP) shall make adequate provisions for patrol of the highways at all times of the day and night. This section is interpreted to mean that the Commissioner is given broad discretion in determining the means of providing adequate patrol, including the use of FSP vehicles.

Section 22520(g) of the CVC is a provision which specifically allows the CHP to be responsible for FSPs stopping on freeways for the purpose of rapid removal of impediments to traffic.

Article 3, Section 91, of the Streets and Highways Code, states that Caltrans has the responsibility to improve and maintain the state highways. Caltrans also has the responsibility for traffic system management and removing impediments from the highways.

Article 3, Section 92, of the Streets and Highways Code, states that Caltrans may do any act necessary, convenient or proper for the construction, improvement, maintenance, or use of all highways which are under its jurisdiction, possession, or control.

Together, the CHP and Caltrans are working toward an agreement to jointly operate Traffic Operation Centers (TOCs) to improve the efficiency of the transportation system. (See Attachment 1).

The CHP and Caltrans have also entered into a joint agreement regarding the operation of FSP programs (See Attachment 2).

The Los Angeles County Transportation Commission (LACTC) has the ability to provide funding for FSPs on freeways within Los Angeles County. FSPs will assist in transportation system management efforts, provide traffic congestion relief, and expedite the removal of freeway impediments, all of which will have the added benefit of improving air quality.

The FSP program is intended to be funded with revenues derived from the imposition of a Transactions and Use tax approved by the voters on November 6, 1990 known as Proposition C. The CHP and Caltrans acknowledge that there currently exists a legal challenge to the validity of Proposition C and agree that in the event Proposition C revenues are not available as a result of a legal challenge, performance hereunder may be immediately terminated and no such termination will be deemed in breach of this Agreement.

It is the intent of the Executive Director of the LACTC, the Commissioner of the CHP, and Director of Caltrans, that LACTC, CHP, and Caltrans jointly develop an FSP program for Los Angeles County.

LACTC RESPONSIBILITIES:

1. The LACTC in cooperation with Caltrans and CHP shall define the basic FSP program as well as the equipment to be used to provide and manage the program.
2. The LACTC shall finance and contract for the provision of a basic FSP program on selected segments of Los Angeles County freeways.
3. The LACTC shall develop, advertise, and award the FSP contract(s) and evaluate the program.
4. The LACTC in cooperation with CHP and Caltrans shall recommend the FSP level of service and equipment requirements. The Commission shall have final authority on FSP funding allocation and scope of service.
5. The LACTC shall reimburse CHP and Caltrans for expenses necessary to support the FSP operations. Attachment 3 will be updated annually and will include the annual ceiling of reimbursable expenditures for both agencies.
6. The LACTC shall have the authority to cancel the funding of this program with 30 days written notification and in conformance with contract(s) with individual contractor(s).

CALTRANS RESPONSIBILITIES:

1. When necessary, Caltrans will dispatch FSP vehicles based on information regarding the need for services received at the TOC and within the FSP contractors' scope of services and shall record the information on the computer aided dispatch (CAD) system.
2. Within 20 calendar days of receipt, Caltrans shall review all contractors' invoices, certify accuracy, and properly package and deliver invoices for LACTC payment.
3. Caltrans shall supply all reasonable information required by LACTC to evaluate the FSP effectiveness in reducing congestion, accidents, and improving air quality.

CHP RESPONSIBILITIES:

1. When necessary, CHP will dispatch FSP vehicles based on information regarding the need for services received at the Los Angeles Communication center and within the FSP contractors' scope of services and shall record the information on the computer aided dispatch (CAD) system.
2. The CHP shall provide to LACTC a monthly report of FSP related data from the CAD system.
3. The CHP shall investigate complaints from the public regarding FSP contractor/operator conduct and operations and will further report to the LACTC and Caltrans via the technical committee their findings and recommendations for appropriate action.
4. The CHP will perform all necessary driver's license and background checks on all FSP operators.
5. The CHP will inspect all tow trucks prior to the start of service and will perform inspections on a periodic basis after the start of service.

JOINT RESPONSIBILITIES:

1. The CHP and Caltrans are jointly responsible for all necessary daily field project supervision, program management and the oversight of the quality of the contractors' services, with the CHP serving as the lead agency.
2. The CHP and Caltrans shall provide joint training to all FSP contractors and operators. This will include personnel and

necessary material. The FSP contractors and operators will be trained prior to initiation of service with training updates occurring on an as needed basis.

3. The TOC may only use the FSP program system within the limits of the FSP operators' contract(s) and existing resources for traffic system management purposes as described in this agreement. The prime purpose will be for incident removal and service.
4. The CHP and Caltrans shall ensure that FSP activities are integrated into existing incident and traffic system management operations to maximize public benefit. The prime purpose will be for incident removal and service.
5. The LACTC, CHP and Caltrans shall provide representation for FSP policy and technical committees which will guide program development, implementation, operation, and evaluation.
 - (a) The policy committee will consist of representation from LACTC, CHP and Caltrans. The policy committee shall provide program direction and shall meet quarterly on an as needed basis.
 - (b) The technical committee will consist of representation from LACTC, CHP, Caltrans and two nonvoting representatives of the FSP operators. The technical committee shall provide operational assistance and shall meet monthly on an as needed basis.

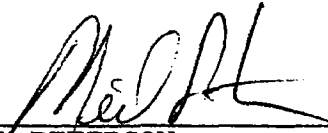
The LACTC will serve as chair/lead agency for both committees. Attachment 4 shows each agency's representation on each committee.

6. The LACTC in cooperation with the CHP and Caltrans shall develop and implement contract(s) for the operation of the Los Angeles County FSP program.
7. The LACTC in cooperation with the CHP and Caltrans shall develop an operational plan for the FSP vehicle paint scheme; a common uniform; communication requirements; and a common logo.
8. The LACTC, CHP and Caltrans shall develop an FSP service reporting and verification system.

9. The LACTC, CHP and Caltrans will be responsible for jointly coordinating all media and public information releases regarding the FSP program. LACTC, using data supplied by Caltrans and the CHP, will periodically provide for use by all three agencies FSP statistics. Media events will be sponsored jointly by the LACTC, CHP and Caltrans.

EXECUTION IN COUNTERPARTS:

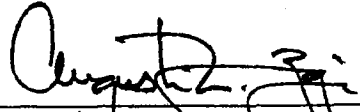
This Memorandum of Understanding may be executed in one or more counterparts, and when all the parties have signed such counterparts, it shall constitute a duplicate original.



NEIL PETERSON Date
Executive Director

APPROVED AS TO FORM:

DE WITT CLINTON
County Counsel



Deputy

DEPARTMENT OF TRANSPORTATION

AND

CALIFORNIA HIGHWAY PATROL

Joint Operational Policy Statement

TRAFFIC OPERATIONS CENTERSGENERAL

This agreement pertains to all existing and future Traffic Operation Centers (TOCs) where real-time traffic information is collected from electronic loop detectors, closed-circuit television (CCTV), aerial surveillance, service patrols, automatic location devices or any other system that may be implemented to acquire surveillance data.

It is the intent of the Director of the Department of Transportation (Caltrans) and the Commissioner of the California Highway Patrol (CHP) that the CHP and Caltrans will have joint responsibility for incident detection, incident verification, system incident management, operational control of the changeable message signs, and operational control of the commercial radio advisory system and any Highway Advisory Radio Systems (HAR). However, Caltrans shall have primary responsibility for managing freeway corridor systems impacted by incidents and the CHP shall have jurisdiction over freeway incident scene management and scene traffic control. This agreement shall serve as a working model for joint operations of future TOCs.

DEFINITIONS

1. Incident is an occurrence which causes or can cause some disruption of normal traffic flow on a highway.
2. Incident Detection is the discovery of any occurrence which can cause or causes some disruption of normal traffic flow on a highway.
3. System-wide Incident Management is the coordination of the efforts of personnel in identifying, verifying, and responding to incidents to minimize the impacts on traffic flow on both a local and system-wide basis.

4. Incident Scene Management is on-the-scene management activities associated with calling for and coordinating the services of responders needed to clear the scene, the control of traffic in the immediate vicinity of the incident, and official scene announcements.
5. Incident Verification is the process used to confirm that an incident has occurred and to obtain enough details to initiate action in clearing the incident and mitigating its effect on traffic.
6. Electronic Traffic Surveillance is a method of monitoring the traffic flow by using electronic devices (Loop detectors, CCTV monitors, automatic vehicle location devices, etc.).

RESPONSIBILITIES

1. The TOC normal operating schedule will be jointly determined by both agencies. Both agencies will provide sufficient staffing to effectively operate the TOC during the entire time it is scheduled to be in operation.
2. Within the TOCs, Caltrans and CHP personnel will receive training on the operation of the changeable message signs (CMS), the HAR and commercial radio advisory systems, and the CCTV control systems. Caltrans will operate and maintain the system programs and computers under Caltrans control.

Any decision to move or relocate the CMSs, HAR, or CCTV cameras shall be coordinated between both departments. Any costs associated with removal and/or reinstallation of the signs will be borne by Caltrans.

3. The CHP and Caltrans will continue to research and evaluate incident detection, verification, and response methods. Evaluation will help determine cost-effectiveness and the feasibility of expanding existing methods or incorporating new incident detection verification and response methods. Caltrans and CHP staff will provide each other with desired incident detection, verification, and response information.
4. Within the TOCs, Caltrans will be the primary operator of the CMS, HAR, commercial radio advisory system, and CCTV elements. Message content for CMS, HAR, and the commercial radio advisory system will be provided by Caltrans staff.

The displaying or broadcasting of this information will be coordinated with the CHP to ensure that the message is appropriate. Caltrans will provide messages related to incident delays, planned lane closures, special events, chain control, weather conditions, and recurrent congestion conditions.

5. CHP personnel will be responsible for monitoring and maintenance of the CHP radio frequencies as well as operating the Computer Assisted Dispatch (CAD) terminals.

In the event that future TOCs and CHP communication centers are combined at the same facility, incoming emergency calls originating from 9-1-1 or freeway call boxes will be answered by CHP personnel. Caltrans personnel will be responsible for monitoring and maintenance of their own radio frequencies.

6. CHP and Caltrans management shall develop procedures that allow the CHP officer in the TOCs to authorize dispatch of appropriate emergency response vehicles (fire, paramedics, tow trucks, etc.) based solely upon the television image that is transmitted to the TOCs from the field. This reduction in verification time will improve the response time to the scene and will significantly reduce the traffic impacts of an incident.

ROBERT K. BEST
Director of Transportation

M. J. HANNIGAN, Commissioner
Department of California
Highway Patrol

Date

Date

DEPARTMENT OF TRANSPORTATION
AND
CALIFORNIA HIGHWAY PATROL
Joint Operational Policy Statement
FREEWAY SERVICE PATROLS

GENERAL

This Joint Operational Policy Statement pertains to all existing and future freeway service patrol operations.

Section 23271 of the California Vehicle Code (CVC) allows the Department of Transportation (Caltrans) to maintain a tow service operation on vehicular crossings. Caltrans may furnish this service as is necessary to permit the orderly flow of traffic upon such crossings and may prescribe and collect reasonable rates for towing services furnished.

Section 2401 of the CVC states that the Commissioner shall make adequate provisions for patrol of the highways at all times of the day and night. While this section does not specifically authorize the use of Freeway Service Patrol (FSP) vehicles by the California Highway Patrol (CHP), it is interpreted to mean that the Commissioner is given broad discretion in determining the means of providing adequate patrol, including the type of vehicle to be used.

It is the intent of the Director of Caltrans and the Commissioner of the CHP that the CHP and Caltrans jointly develop a congestion relief master plan identifying Statewide needs for FSPs. The master plan will encompass all freeways and vehicular crossings and identify implementation priorities.

CALTRANS RESPONSIBILITIES

1. Caltrans will continue to operate all existing service patrols on vehicular crossings. Caltrans may initiate additional FSP operations on any vehicular crossing (as defined in CVC 23254) that does not currently maintain a service patrol.

2. Service patrols in construction areas will be provided as part of the construction contract prepared by Caltrans. Typically, these patrols are part of an extensive Traffic Management Plan that is designed by Caltrans, in cooperation with the CHP, to minimize traffic delays during the construction period.
3. Caltrans will continue to operate the FSP on the 37-mile demonstration project in the vicinity of the San Francisco-Oakland Bay Bridge (SFOBB). This FSP will be considered a demonstration until the CHP is able to mobilize and operate these freeway segments.


CHP RESPONSIBILITIES

1. The CHP will provide for and manage FSPs, where appropriate, on State freeways as identified in the master plan.
2. When the CHP has mobilized and is ready to operate FSPs in the area of the approaches to the SFOBB, the CHP will provide and operate the service on those freeway segments currently known as the Caltrans 37-mile demonstration project.

JOINT RESPONSIBILITIES

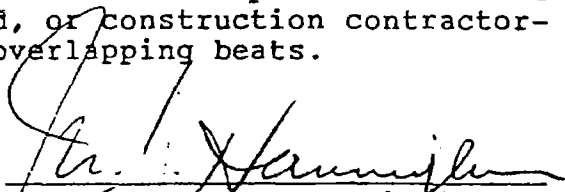
1. The CHP and Caltrans will develop a congestion relief master plan for Statewide implementation of FSPs on urban freeways and vehicular crossings. In urban areas where a Traffic Operations Center (TOC) has been jointly staffed, FSPs and other traffic management functions will be coordinated through the TOC. Service patrol operations on freeways that are not part of the congestion relief FSP master plan will be operated and dispatched by the CHP.
2. The CHP and Caltrans will coordinate the implementation of all proposed FSPs in accordance with the master plan as funding becomes available.
3. The CHP and Caltrans will cooperatively engage in one or more demonstration projects to determine the feasibility of contracting out FSP operations.

4. To ensure that all FSPs function efficiently, the CHP and Caltrans will coordinate all FSP operations where Caltrans-operated, CHP-operated, or construction contractor-operated service patrols have overlapping beats.



ROBERT K. BEST
Director of Transportation

3/7/90
Date



M. J. HANNIGAN, Commissioner
Department of California
Highway Patrol

2/28/90
Date

ATTACHMENT 3
REIMBURSABLE EXPENSES

TASK	CALIFORNIA HIGHWAY PATROL	CALIFORNIA DEPARTMENT OF TRANSPORTATION	TOTAL
CLERICAL	\$0	\$30 000	\$30 000
FIELD SUPERVISION	\$52 470	\$43 730	\$96 200
COMPLAINT INVESTIGATION	\$17 500	\$0	\$17 500
MISCELLANEOUS FIELD	\$91 875	\$48 125	\$140 000
ADMINISTRATION	\$8 720	\$13 080	\$21 800
BACKGROUND CHECKS	\$11 000	\$0	\$11 000
TOW VEHICLE INSPECTIONS	\$8 700	\$0	\$8 700
DISPATCH PERSONNEL	\$282 000	\$94 000	\$376 000
EVALUATION OF BEAT OPERATIONS	\$0	\$30 000	\$30 000
TOW OPERATOR SERVICE EVALUATION	\$45 000	\$30 000	\$75 000
PROGRAM EVALUATION (DATA COLLECTION)	\$21 250	\$63 750	\$85 000
TRAINING	\$35 200	\$17 600	\$52 800
TOTAL	\$573 715	\$370 285	\$944 000

ATTACHMENT 4
POLICY AND TECHNICAL COMMITTEE MEMBERSHIP

POLICY COMMITTEE

Robert D. Cashin
Director, South Bay
Los Angeles County Transportation Commission

Lee Denno, Assistant Chief
Southern Division
California Highway Patrol

Mike Howard, Captain
Office of Special Projects
California Highway Patrol

Dave Roper, Deputy Director Operations
California Department of Transportation

Steve Pang, Chief
Traffic Management
California Department of Transportation

TECHNICAL COMMITTEE

Renee Berlin, Project Manager
South Bay
Los Angeles County Transportation Commission

Diane Perrine, Project Manager
South Bay
Los Angeles County Transportation Commission

Chris Madigan, Lieutenant
Baldwin Park Area
California Highway Patrol

Shawn Watts, Lieutenant
Office of Special Projects
California Highway Patrol

Steve Pang, Chief
Traffic Management
California Department of Transportation

Ray Higa
Senior Transportation Engineer
Traffic Operations
California Department of Transportation

2-Tow Operators
(non-voting)
(to be determined)

being used to offset partially offset employee e current year. If this l be higher and would : current year to cover offset by the surplus.

Second, our review shows that current-year revenues from truck terminal inspections — these revenues are deposited in the MVA — will be much lower than the \$8 million estimated in the budget. Based on data from CHP, we estimate that revenues will be about \$2.8 million from inspection fees, a difference of \$5.2 million. Consequently, additional expenditure reductions will be necessary in order to balance the account in the current year.

MVA on Shaky Ground in Budget Year and There Are Increasing Future Demands on the Account

The MVA will not be balanced without additional expenditure reductions, fee increases, or funding shifts in 1992-93. Beyond the budget year, expenditures will exert increasing demands on the MVA.

Our review shows that, in the past, MVA expenditures have grown faster than revenues. One reason for the gap between revenues and expenditures is that revenues to the account grow with the increase in vehicle and driver populations, which generally are not sensitive to inflationary cost or workload increases. Additionally, MVA funds have been used to support an increasing number of activities, some of which may not be directly related to the regulation and enforcement of vehicle use and operations and the mitigation of their effects.

For 1992-93, the budget projects an MVA reserve of \$37 million at the end of the year. That amount is predicated on the following proposals to increase resources and to reduce expenditures:

- Extend statutorily the \$1 vehicle registration surcharge which is due to expire January 1, 1993 in order to generate about \$12.5 million in revenues in 1992-93.
- Raise \$3.7 million in revenues by administratively increasing from \$1 to \$2 the fee charged for including unpaid parking fines on driver license and vehicle registration records. This fee is deducted from parking fines collected for the courts. This could reduce general purpose revenues to local governments.
- Shift a portion (\$16 million) of the cost of operating inspection and (truck) weigh stations to the SHA.
- Achieve \$8 million in "unidentified savings" in 1992-93.

Our review shows that, without the proposed actions, the MVA will have a deficit at the end of 1992-93 of about \$3 million instead.

Our review further shows that, beyond the budget year, several program areas will place increasing demands on the MVA.

Workers' Compensation and Industrial Disability Retirement Expenditures Are Increasing Demands on MVA. As we pointed out elsewhere in this *Analysis*, the CHP has been experiencing increasing workers' compensation

ES	
1990-91	1991-92
5	\$1,035.9
.3	—
—	994.7
\$37.5	\$41.2
4.1%	4.0%
\$737.8	\$782.4
675.0	—
—	760.0
\$62.8	\$22.4
8.5%	2.9%

Avert a Deficit. To avoid poses to:

way Account (SHA) to the

aving \$10 million in "un-

is that the MVA will likely no assurance that the full e. This is because for 1991- ough the MVA have already) lower workload estimates. n additional \$10 million in how this will be achieved.

FUNDING OPTIONS FOR FREEWAY SERVICE PATROLS

	BCP	Flawed Caltrans	75 Pop. 25 Miles	50 Pop** 25 Miles 25 Cong.	50 Cong. 25 Pop. 25 Miles
3	2.1%	5.5%	4.74%	3.85%	2.96%
4	29	23.64	24.72	24.73	24.74
7	34	35.35	37.32	41.45	45.57
8	9.8	9.34	10.89	9.26	7.62
11	6.4	15.19	11.82	9.59	7.36
12	<u>18.4</u>	10.98	10.50	11.13	11.75

* June 8, 1992 version

** Senate Transportation ^{amendment} ~~version~~

FUNDING OPTIONS FOR FREEWAY SERVICE PATROLS

	BCP	Flawed Caltrans	75 Pop. 25 Miles	50 Pop** 25 Miles 25 Cong.	50 Cong. 25 Pop. 25 Miles
3	2.1%	5.5%	4.74%	3.85% 3.79	2.96%
4	29	23.64	24.72	24.73 24.23	24.74
7	34	35.35	37.32	41.45 40.63	45.57
8	9.8	9.34	10.89	9.26 9.35	7.62
11	6.4	15.19	11.82	6.59 9.94	7.36
12	18.4	10.98	10.50	11.13 12.06	11.75

* June 8, 1992 version

** Senate Transportation version

PRELIMINARY 1992-93 FSP ALLOCATIONS

DISTRICT	TOW TRUCKS	TELECOMM CONTRACTS		AVL/AVI EQUIPMENT		CHP SUPPORT		TOTALS
		STATEWIDE (1)	LOCAL	STATEWIDE (2)	LOCAL	INTERAGENCY AGREEMENT	SUPPORT EQUIPMENT	
3	126,650	(22,350)		(22,500)				126,650
4	1,726,350		304,650		79,500		33,000	2,143,500
7	2,031,000				63,000		16,500	2,110,500
8	589,050	(103,950)		(37,500)				589,050
11	382,500	(67,500)		(34,500)				382,500
12	1,097,350	(193,650)		(58,500)				1,097,350
32 (HQ TELECOMM)		387,450		153,000			66,000	606,450
51 (HQ TRAFFIC)							1,049,500	1,049,500
TOTALS	5,952,900	387,450	304,650	153,000	142,500	1,049,500	115,500	8,105,500

(1) = Parenthetical amounts equal district estimates to be allocated to HQ Telecommunications for a Statewide contract.
 (2) = One-time allocation for the purchase of communications consoles and AVL/AVI equipment.

reflects \$ 1.5 mil cost

STATE OF CALIFORNIA
STD 100
OFFICE MEMO

DATE 7-7-92

TO: LEE DETER

FROM: Wayne Henley, Traffic Operations

PHONE 4-6246

SUBJECT: FSP Winners and Losers with the Katz Legislation

Region	% of BCP	% of Legislation
Inland	10.01	9.37
Los Angeles	30.00	40.35
MTC	30.00	24.47
Orange Co	20.00	12.11
Sacramento	2.50	3.79
San Diego	7.49	9.92
Total	100.00	100.00

cc Borden

9.3
- 1.5 LHO

7.6
- .6 Telecom

7.0
- 1.1 CHP

5.9

OFFICE MEMO

STD 100 (REV. 12/85)

DATE

July 7, 1992

TO:

Lee Deter

ROOM NUMBER

FROM:

Wayne Henley
Traffic Operations

PHONE NUMBER

4-6246

SUBJECT:

FSP Winners and Losers with the Katz Legislations

Region	% of BCP (\$8396.000)	% of Legislation (\$8.500.000)	
8 Inland	10.01 840,460	9.37 796,450	- 44,000
7 Los Angeles	30.00 2,518,800	40.35 3,430,000	+ 910,950
4 MTC	30.00 2,518,800	24.47 2,080,000	- 438,800
2 Orange Co	20.00 1,680,000	12.11 1,039,200	- 651,000
3 Sacramento	2.50 210,000	3.79 322,000	+ 112,150
1 San Diego	7.49 629,000	9.92 843,200	+ 214,000
TOTAL	100.00	100.00	

There are approximately 91 PYs for Freeway Service Patrol in District 4 for toll bridge operations. Eighteen (18) of those are for the 37 mile extended tow service.

Lee 654-6823
654-2352

EXPENDITURES FOR FREEWAY SERVICE PATROLS
June 16, 1992

Governor's Budget Proposal

\$ 8,100,000	Vehicle contracts (to locals)
1,200,000	CHP Interagency agreement*
900,000	equipment and personnel Caltrans

\$10,200,000 Total (includes 11.4 PYs)

* Includes 10 cars and 15.5 PYs

Legislative Analyst Reduction Adopted

- \$ 1,500,000 From vehicle contracts

Caltrans Reimbursement from LACTC Carried Forward
from Current Year

- \$ 322,000

Conference Committee Budget Amount

= \$ 8,396,000

Bill currently appropriates \$8,500,000; this amount should be reduced.

also: 291K Caltrans Costs

PRELIMINARY 1992-93 FSP ALLOCATIONS

DISTRICT	TOW TRUCKS	TELECOMM CONTRACTS		AVL/AVI EQUIPMENT (2)		CHIP SUPPORT		TOTALS
		STATEWIDE (1)	LOCAL	STATEWIDE (1)	LOCAL	INTERAGENCY AGREEMENT	SUPPORT EQUIPMENT	
3	126,650	(22,350)		(22,500)				126,650
4	1,726,350		304,650		80,000		33,000	2,144,000
7	2,031,000				63,000		16,500	2,110,500
8	589,050	(103,950)		(37,500)				589,050
11	382,500	(67,500)		(34,500)				382,500
12	1,097,350	(193,650)		(58,500)				1,097,350
32 (HQ TELECOMM)		387,450		153,000			66,000	606,450
51 (HQ TRAFFIC)							1,049,500	1,049,500
TOTALS	5,952,900	387,450	304,650	153,000	143,000	1,049,500	115,500	8,106,000

(1) - Parenthetical amounts equal district estimates to be allocated to HQ Telecommunications for a Statewide contract.
 (2) - One-time allocation for the purchase of communications consoles and AVL/AVI equipment.

4/15/93

Instructions for FSP Spreadsheet

Pages 1 - 4 (Cells A1 thru U76) contain data pertaining to the Counties eligible for FSPs i.e. , population, accidents, registration, shoulder widths, etc.)

Data in this section can be adjusted. However, do not change any cells that contain formulas (Row 20, Row 67)

Page 5 (V1 thru AD44) contains formulas that can be manipulated by entering %s in the Funding Parameter column (AD) and/or the FSP funding amount (AD27)

By inserting various combinations of Percentages in the Funding Parameter column, the Funding % (Column Z), and the Funding Distribution (Column AA) will change. *Percents must be inserted in decimals — 50% = 0.5*

DO NOT CHANGE INFORMATION CONTAINED IN CELLS IN COLUMN Z OR COLUMN AA. THESE CONTAIN FORMULAS.

FSP FORMULA DATA

Authority	County	Lane Miles(1)	Population(2)	Congestion VHD	Congestion CDM	VHD/CDM	Urban Travel (MVM)	Total Travel (MVM)	Accidents (4)	Urban Freeway Accidents During Peak Hours
STA District 03	SACRAMENTO Sub total	566.7	1,099,100	1,984	39	51	3,091.30	3,570.20	2,383	1468
MTC	ALAMEDA	746.7	1,313,300	23,670	60	395	5,599.10	6,354.20	5,876	3690
MTC	CONTRA COSTA	463.3	896,900	9,150	55	166	3,190.10	3,226.80	2,734	1689
MTC	MARIN	196.4	237,000	4,860	19	256	1,161.90	1,161.90	817	526
MTC	NAPA	15.6	114,800				62.50	97.70	46	14
MTC	SAN FRANCISCO	135.2	728,700	7,810	25	312	1,110.80	1,110.80	2,021	826
MTC	SAN MATEO	475.3	670,100	1,260	19	66	3,282.90	3,417.90	2,023	1226
MTC	SANTA CLARA	697.0	1,531,800	10,440	50	209	4,813.40	5,040.20	4,499	3020
MTC	SOLANO	281.4	364,700				1,362.50	2,086.40	764	367
MTC	SONOMA	119.2	407,200	540	3	180	684.30	891.90	703	414
District 04	Sub Total	3,130.1	6,204,500	57,730	231	1,584	21,267.50	23,387.80	19,483	11772
SCCRTC/D-4	SANTA CRUZ Sub Total	87.1	231,600	1370	6	228	476.90	516.60	432	257
FRESNO COG District 06	FRESNO Sub Total	176.6	713,700	257	10	26	638.60	1,364.00	412	241
LACTC District 07	LOS ANGELES Sub Total	3,356.4	9,087,400	139,006	564	246	29,349.60	30,955.90	31,741	14351
VEN/SCAG District 07	VENTURA Sub Total	350.0	686,900				1,801.00	2,157.90	1,090	540

FSP FORMULA DATA

Authority	County	Lane Miles(1)	Population(2)	Congestion VHD	Congestion CDM	VHD/CDM	Urban		Urban Freeway	
							Travel (MVM)	Travel (MVM)	Accidents (4)	Accidents During Peak Hours
RIVCT/SCAG	RIVERSIDE									
District 08	Sub Total	551.7	1,289,700	8,615	63	137	3,231.00	5,618.90	2,519	1277
SBCTC/SCAG	SAN BERNARDIN									
District 08	Sub Total	704.8	1,530,600	5,930	46	127	4,052.70	6,497.40	2,973	1545
SANDAG	SAN DIEGO									
District 11	Sub Total	1,517.0	2,602,200	9,174	32	287	9,676.50	10,944.10	6,121	
OCTA	ORANGE									
District 12	Sub Total	1,099.8	2,512,200	44,913	189	238	9,285.40	9,709.90	8,539	4797
	TOTAL	11,540.2	25,957,900	268,879	1,180	2,924	82,871	94,722.70	75,693.00	36,248.00
<p>Note: (1) 1992 Route Segement Report, June 1992, Caltrans, UFLM as of 6/15/92 (2) *Report 92 E-1*, May 1992, DOF DRU, population as of June 1992 (3) *1991 HICOMP REPORT*, Caltrans, July 1992 (4) *1991 accident data on California state highways (road miles, travel, accidents, accident rates), Caltrans, MVM - Million Vehicle Miles Traveled - Only on Urban Freeways. (5) Estimated Fee Paid Vehicle Registrations by County, 1991</p>										

FSP FORMULA DATA

Authority	County	DMV Reg. (5)	Shoulder <8 ft Left Inside (Miles)	Shoulder <8 ft Right Inside (Miles)	Shoulder <8 ft Left Outside (Miles)	Shoulder <8 ft Right Outside (Miles)	Shoulder <8 ft Total Inside (Miles)	Shoulder <8 ft Total Outside (Miles)	Shoulder <8 ft Total (Miles)
STA District 03	SACRAMENTO Sub total	922,829	50.84	49.94	6.39	7.39	100.78	13.78	108.17
MTC	ALAMEDA	1,020,258	54.16	54.36	15.9	15.18	108.52	31.08	123.7
MTC	CONTRA COSTA	719,315	61.84	62	6.67	2.39	123.84	9.06	126.23
MTC	MARIN	219,267	23.14	24.31	4.19	4.44	47.45	8.63	51.89
MTC	NAPA	108,567	3.77	2.95	0.03	0.02	6.72	0.05	6.74
MTC	SAN FRANCISCO	451,740	22.3	22.05	18.22	18.05	44.35	36.27	62.4
MTC	SAN MATEO	674,324	34.52	34.55	5.91	6.12	69.07	12.03	75.19
MTC	SANTA CLARA	1,288,682	49.9	50.55	3.11	2.96	100.45	6.07	103.41
MTC	SOLANO	285,642	29.61	31.85	2.78	2.25	61.46	5.03	63.71
MTC	SONOMA	381,494	30.44	30.44	1.28	1.37	60.88	2.65	62.25
District 04	Sub Total	5,149,289	309.68	313.06	58.09	52.78	622.74	110.87	675.52
SCORTC/D-4	SANTA CRUZ Sub Total	209,668	20.59	20.59	0.85	0.6	41.18	1.45	41.78
FRESNO COG District 06	FRESNO Sub Total	534,571	27.62	27.56	1.05	1.05	55.18	2.1	56.23
LACTC District 07	LOS ANGELES Sub Total	6,376,463	161.91	181.89	43.74	44.58	343.8	88.32	388.38
VEN/SCAG District 07	VENTURA Sub Total	575,702	38.73	40.6	1.99	1.91	79.33	3.9	81.24

FSP FORMULA DATA

Authority	County	DMV Reg. (5)	Percent Shoulder <8 ft Left Inside	Percent Shoulder <8 ft Right Inside	Percent Shoulder <8 ft Left Outside	Percent Shoulder <8 ft Right Outside	Shoulder <8 ft Total Inside (Miles)	Shoulder <8 ft Total Outside (Miles)	Shoulder <8 ft Total (Miles)
RIVCTO/SCAG District 08	RIVERSIDE Sub Total	955,572	46.17	44.68	1.27	1.45	90.85	2.72	92.3
SBCTO/SCAG District 08	SAN BERNARDINO Sub Total	1,140,011	62.33	61.02	3.78	3.55	123.35	7.33	126.9
SANDAG District 11	SAN DIEGO Sub Total	1,947,939	49.92	53.8	10.55	10.64	103.72	21.19	114.36
OCTA District 12	ORANGE Sub Total	2,006,366	61.59	64.56	6.11	7.06	126.15	13.17	133.21
	TOTAL	19,818,410.0	829.38	857.70	133.82	131.01	1,687.08	264.83	1,818.09

FSP FORMULA DATA

Authority	County	Funding %	Funding Distribution	Funding Parameters	Funding Parameter %
STA	Sacramento	3.89%	\$389,007.83	Lane Miles Population Congestion VHD Congestion CDM	
MTC	Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma MTC	5.93% 4.25% 1.43% 0.06% 1.81% 3.67% 7.07% 1.33% 0.98% 26.53%	\$592,812.20 \$425,453.38 \$142,659.08 \$5,702.08 \$180,957.55 \$367,186.88 \$706,991.68 \$132,830.06 \$98,393.91 \$2,652,986.83	VHD/CDM Urban Travel (MVM) Total Travel (MVM) Accidents Accidents (Peak Hour) DMV Registration Shoulder < 8 ft (LI) Shoulder < 8 ft (RI) Shoulder < 8 ft (LO) Shoulder < 8 ft (TI) Shoulder < 8 ft (TO) Shoulder < 8 ft (Total)	50% 50%
SCCRTC	Santa Cruz	0.64%	\$64,224.04		
FRESNO COG	Fresno	0.72%	\$71,773.21	TOTAL =	100%
LACTC	Los Angeles	37.50%	\$3,750,368.58		
VEN/SCAG	Ventura	1.83%	\$183,150.39	FSP Funding =	\$10,000,000
RIVCTC/SCAG	Riverside	3.71%	\$371,090.36		
SBCTC/SCAG	San Bernardino	4.58%	\$457,635.27		
SANDAG	San Diego	5.84%	\$583,832.61		
OCTA	Orange	12.22%	\$1,221,927.23		
	TOTAL =	97.46%	\$9,745,996.34		

Meeting Minutes
Freeway Service Patrol
Evaluation Committee
April, 7, 1993

Attendees: Barry Loo Randy Hall (am)
 Jim McCrank (am) Stephen (PATH)
 Diane Perrine Dan (Grad. Student; pm)
 Michelle Morris Joe Palen
 Shawn Watts Peter Hsu
 Randy Ronning Dave Driscoll

The committee members tried to nominate a chairperson. Randy Ronning volunteered by default due to declinations of other nominees.

The objective of the report was discussed. The committee agreed to limit the scope to 4 basic components. They are:

1. **Develop criteria** that will be used to evaluate the FSP program
2. **Submit a report** to the Legislature that uses that criteria to evaluate the program's effectiveness.
3. **Review the local expenditures.** ("Review", for this report, will only require the development of a spreadsheet which clearly depicts the State Highway Account dollars and the local match dollars for each participating region. A more detailed analysis of the funding issues will be included in the Funding Formula Report which is also due to the Legislature, supposedly on June 30, 1993.)*
4. **Prepare recommendations.** (Although the Bill did not specifically require recommendations, the committee felt that if there were issues, problems or ideas that arose from this effort, the report would be the ideal mechanism to highlight them.)

* See Note at the very end of the minutes.

The committee then discussed the criteria that could be used to evaluate the program. The criteria was narrowed to the following three "major" and two "sub" categories:

1. **Delay savings** - this criteria will also allow for the simulated calculation of Air Quality improvements and Fuel Savings.
2. **Public perception.**
3. **Safety**

Due to time limitations, the committee focused on the Delay Savings category and discussed the minimum data collection needs of all FSP operations. The "initial" categories of data needs were developed as follows:

Minimum data needs for an FSP evaluation are:

- Date/Day of incident (might need time of incident as well, depending upon how well simulation of aggregate four-hour volumes compute to actual delays.)
- # of AM and PM FSP assists (may need assists per specific hour, depending upon the previous concern. Also "mid-day" for some regions)
- Type of assist (this includes flat tire, electrical or mechanical problem, out of gas , other, etc.)*
- Location of assist (rt. shoulder, lt. shoulder, in-lane, ramp, gore)**
- FSP & rotation tow truck response times (need this to calculate the difference in time it takes to arrive at the scene and begin removal of incident.)
- Volumes for each FSP beat. (volumes may need to be hourly for reasons previously stated.)

* Next meeting will discuss which assists are absolutely necessary to record and which assists might be included in the "others" category.

** Next meeting will discuss which locations are absolutely necessary to record, specifically the areas of ramp and gore.

PATH is currently preparing a Summary Report for the I-880 FSP study. According to Joe Palen, the pre-study data collection effort has resulted in a 2 Gigabyte data base. Those reviewing the electronic data are reasonably assured that the data is sufficiently accurate and reliable to analyze. The post-study data collection effort is scheduled for September '93.

The committee members were requested to review the minimum data needs and submit comments to Joe Palen prior to May 4, 1993. This will allow PATH researches to evaluate Caltrans' needs and, perhaps, include reasonable and attainable data into their analysis, and eventually, their simulation formula. The committee is free to suggest whatever "input" they feel is important. The next meeting will include a discussion of this "want" list with the researchers present to question and critique. This input will also be used by PATH in their development of their Summary Report.

Diane Perrine indicated that she is budgeting some 1993/94 dollars for another study; one in which the methodology will provide more conclusive results. However, there may be a concern by her supervisors if she requests to halt existing FSP operations to obtain pre-study data. There may be opportunities to do a pre-study data collection on some new FSP beat locations, but these beats are perhaps marginally beneficial, in terms of delay savings. She will report back on her alternatives and recommendations at the next meeting.

Randy Hall suggested that a "no shoulder" FSP study be performed. If not in L.A., perhaps another beat in southern California which has not yet begun, but will begin after the 1993/94 Budget is passed. This 2nd study

will 1) calculate delay savings using a new data set, and 2) validate the methodology and formula used to derive the delay savings from the I-880 FSP study in District 4.

Diane and Peter talked about the JHK FSP evaluation in L.A.. There is very little confidence in JHK's results, as published. Apparently, incidents with a duration of less than 5-minutes were discarded from evaluation. This seemed very short-sighted and probably skewed, negatively, the results to a marginal cost/benefit. Peter presented his preliminary analysis of the D-7/LAMTA FSP program using the FHWA's delay savings formula. There was discussion over values used, assumptions made, and general methods of calculations. The committee was not unanimously in support of the method, but Joe Palen suggested we run it by the PATH researchers for comments. Diane is interested in a more comprehensive review of the data that has been collected in L.A. so that she can present the County's FSP program results to her "funding approval" board and continue augmentations, or at least operations.


There was some discussion about the underestimation of FSP benefits. For example, according to Graduate Student (Dan), there were several times when the Tach-car drivers observed an incident in which an FSP driver could have assisted but a rotation tow truck never even responded to assist. Either the driver got the car going on his own, or another motorist assisted, or something else happened, but for those cases, there is no data to determine a difference in response times because there was no response by a rotation tow truck. PATH will assess these cases and make recommendations on how to include this data into their analysis.

Finally, the committee discussed time frame and report scheduling. It became apparent that there isn't sufficient time to conduct a separate So.Cal study and obtain the results by March of 1994. Therefore, it was agreed that the order of report preparation and additional studies would be in this order:

- 1) Complete I-880 FSP Evaluation in Oakland.
- 2) Use the empirical formula from the Oakland study and extrapolate the delay savings to all other FSP beats in the State to calculate a statewide FSP program benefit/cost.
- 3) Perform a follow-up study to validate the assumptions made in #2. Prepare secondary report to the Legislature if validation results were poor.

Next Meeting: May 11, 1993 in L.A.; Diane and Peter to coordinate room and location reservations.

Note: A recent conversation with Caltran's Legislative Office confirmed that there is no report due to the Legislature. Apparently, another Bill was passed that eliminated some reports and postponed others. With this in mind, the committee may wish to reconsider the prioritization of report preparation at the next meeting.


Randall Ronning
FSP Evaluation Committee Chairperson

**Freeway Service Patrol
Statewide Meeting
January 6, 1993**

MEETING MINUTES

A brief overview of all Freeway Service Patrol (FSP) programs was given by a representative of each region. FSP's are currently active in the Sacramento area, the Bay Area, Los Angeles County and Orange County. Areas where FSP's will soon be operational are Fresno, San Diego, Riverside County and Ventura County.

Due to afternoon conflicts, Renee Berlin requested that the Statewide FSP CAD Interface topic be discussed first.

The Bay Area FSP program includes a state-of-the-art telecommunications system. The trucks will be equipped with Global Positioning Satellite (GPS) - Automatic Vehicle Location (AVL) devices; Mobile Data Terminals (MDT) and two way mobile radios. Caltrans, the California Highway Patrol (CHP) and the Metropolitan Transportation Commission (MTC) have identified the need to integrate the FSP dispatch operations with the other CHP - CAD functions. This requires some changes in the CAD software developed by Level II, a company under contract with the CHP to install CAD workstations with software at many of the CHP communication centers throughout the state. There is concern in Los Angeles, and elsewhere, that the costs associated with software changes to the Level II CAD are non-competitive. The software developed by Level II is proprietary which inhibits changes or modifications performed by others. This issue has been discussed at length by several representatives from Caltrans, CHP and MTC at previously held Bay Area meetings. Caltrans has approved the expenditure of \$259,000 to modify the software and allow FSP dispatch operations to be integrated with the Level II CHP-CAD functions in the Bay Area. Site license rights and transportability costs of the CAD system are still being negotiated. Renee Berlin offered to chair a committee that would identify alternatives and make recommendations to resolve this issue. If you did not sign up to be a member of that committee at the meeting, please call her at (213) 244-6863.

The 1992/93 funding allocations were discussed next. A spreadsheet was attached to the Agenda that identified each region's first round allocation and second round available funding. Districts 3, 4, 7 (LACTC), 11 and 12 have received ample (more than 25%) matching funds from the local agency and will automatically receive their pro-rata portion of the unappropriated funds. Districts 6, 7 (Ventura County) and 8 will be requested to have their local agency re-apply for their portion of the unappropriated funds by January 29, 1993. Any left-over-funds will then be distributed, again, to the participating regions on a pro-rata basis.

Caltrans is pursuing a 1993/94 Budget Change Proposal (BCP) to augment the FSP program statewide. Caltrans is requesting an additional \$5,226,800 in contract dollars. A portion of these funds will be used to reimburse the CHP for their personnel needs. These funds must be matched with 25% local funds, similar to Katz's AB 3346.

These funds do not become available until the Governor signs the budget. However, there seemed to be a consensus at this meeting to send out the applications in March and allow the region participants to coordinate efforts early on. Caltrans will honor this request.

The Cooperative Agreement process was discussed next. Since most of the regions FSP's did not, or will not begin in time to expend all of the 1992/93 allocated funds, it is imperative that all Cooperative Agreements be written with an expiration date beyond June 30, 1993. It is important to begin this amendment process as soon as possible to avoid unexpected delays. A safe expiration date of June 30, 1994 is recommended.

There was also discussion of the payment processes outlined in the Cooperative Agreement. Some Districts negotiated lump sum deposits with their local agency; others have quarterly payments payable by invoice receipts. Pursuant to the meeting, Randy Ronning discussed this issue with Caltrans HQ Legal staff. There is no State law which prohibits the lump sum transfer of funds to a local agency. However, it is not Caltrans' practice to execute lump sum transfer agreements but for this program, justification to do so will be prepared by Caltrans HQ staff if requested to do so internally. Districts will be informed as soon as this issue is resolved.

AB 3346 requires two (2) separate reports to the Legislature. A review of the funding formula is due on June 30, 1993 and an evaluation of the FSP program benefits is due on July 1, 1994. The evaluation report must be coordinated with the Emergency Roadside Assistance Advisory Committee (ERAAC) established by AB 123. Wes Wells (MTC) is a member of that committee and agreed to keep attenders of this meeting informed of important meeting dates and issues. Attached is a brief overview of the ERAAC charter.

Both reports are to be prepared by Caltrans in cooperation with the CHP and participating local agencies. Due to the number of attenders at this meeting, it was decided that it would not be in the best interest to select committee members at that time. There will be two (2) separate committees formed to assist in the preparation of these reports; a Funding Formula Review committee and an FSP Evaluation committee.

By receipt of these minutes, if you are interested in being a member of one or both committees, please contact Randy Ronning at (916) 654-7312 - CALNET 454-7312, by January 29, 1993. All meeting attenders will be informed on committee members. Note: since these members will be responsible for producing a report, the committee size may be limited. However, that does not mean that all attenders of the January 6th meeting cannot participate. In fact, all attenders will be sent drafts for review and comment as various report milestones are reached.

A brief overview of the LA FSP evaluation was presented by Diane Perrine. A draft interim report was made available in the Fall of 1992 and the final report will be released in early 1993. JHK & Associates were the consultants who prepared the study.

Joe Palen discussed the on-going FSP evaluation in the Bay Area. The methodology is data intensive which should allow the researchers to quantify congestion relief benefits in terms of vehicle hours of delay savings. The study will develop a means to estimate delay savings in other corridors providing certain data is available.

Next, a statewide management reporting system was discussed. It was proposed that some minimum amount of data needs to be collected and shared with all program managers. The FSP Evaluation Committee will make recommendations on minimum data needs.

FSP Guidelines are under development with personnel from Caltrans and California Highway Patrol Headquarters staff. Attached is an initial draft of the Table of Contents. Representatives from all participating agencies, Caltrans districts, and CHP divisions will have an opportunity to review and comment on the guidelines throughout the course of their development.

Bill Cahill brought up the issue of FCC frequency needs. The State of California, acting through the Business, Transportation and Housing (BT&H) Agency (CHP and Caltrans being departments within BT&H) in coordination with the participating local agencies, could apply for an FCC frequency license to manage and operate the FSP program. Mr. Cahill mentioned that he initiated a request for a license to cover the Bay Area program but indicated that other regions will probably want to do the same thing to avoid paying telecommunications cost for voice and data transmissions. He thought that this issue may warrant a unified, statewide approach. Randy Ronning will inform Caltrans Telecommunications personnel and request a CHP/Caltrans telecommunications meeting be set up to begin discussions and set program direction.

Final Note! If you would like to participate in either the "FSP Formula Review" committee or the "FSP Evaluation" committee, please contact Randy at (916) 654-7312 or Calnet 464-7312 by January 29, 1993.

DISTRICT	INITIAL STATE FUNDING	INITIAL FUNDING %	FINAL FUNDING %	AVAILABLE UNAPPROP. FUNDS	TOTAL STATE FUNDS	LOCAL MATCHING FUNDS	TOTAL LOCAL FUNDS
3	\$207,400	3.04%	3.62%	\$36,000	\$243,400	\$60,900	\$361,500
4	\$1,465,300	21.49%	25.57%	\$254,700	\$1,720,000	\$430,000	\$605,000
6	\$103,200	1.51%	1.80%	\$17,900	\$121,100	\$30,300	\$25,800
7 (LACTO)	\$2,318,500	34.01%	40.46%	\$402,900	\$2,721,400	\$680,400	\$14,784,200
7 (VENTURA)	\$121,200	1.78%	2.11%	\$21,100	\$142,300	\$35,600	\$30,300
8	\$268,400	3.94%	4.68%	\$46,700	\$315,100	\$78,800	\$67,100
11	\$542,200	7.95%	9.46%	\$94,200	\$636,400	\$159,100	\$190,000
12	\$704,400	10.33%	12.29%	\$122,400	\$826,800	\$206,700	\$295,000
Allocated Funds	\$5,730,600	84.05%	100.00%	\$995,900	\$6,726,500	\$1,681,800	\$16,358,900
Unapprop. Funds	\$828,000						
2% Administration	\$167,900						
District Allocation	\$6,726,500						
CHP Software	\$259,000						
Total Allocation	\$6,985,500						

Note: Unapprop. Funds + 2 % Admin. = \$995,900
 \$6,726,500 = \$8,396,000 - \$1,049,500 - \$361,000 - \$259,000

NEED 25 % MATCH FOR UNAPPROPRIATED FUNDS

DISTRICT	INITIAL STATE FUNDING	INITIAL FUNDING %	ALLOCATED PYS	FINAL FUNDING %	ROUNDED		FINAL PYS
					5.70 PY by %	MINIMUM STANDARD	
3	\$207,400	3.04%	0.10	3.62%	0.20	0.50	0.50
4	\$1,465,300	21.49%	0.90	25.57%	1.50		1.20
6	\$103,200	1.51%	0.10	1.80%	0.10	0.50	0.50
7 (LACTC)	\$2,318,500	34.01%	1.40	40.46%	2.30		1.90
7 (VENTURA)	\$121,200	1.78%	0.00	2.11%	0.10	0.00	
8	\$268,400	3.94%	0.20	4.68%	0.30	0.50	0.50
11	\$542,200	7.95%	0.30	9.46%	0.50	0.50	0.50
12	\$704,400	10.33%	0.40	12.29%	0.70		0.60
Allocated Funds	\$5,730,600	84.05%	3.40	100.00%	5.70	2.00	5.70
Unapprop. Funds	\$828,000			78.32%		3.70	
2% Administration	\$167,900						
District Allocation	\$6,726,500						
CHP Software	\$259,000						
Total Allocation	\$6,985,500						

Note: Unapprop. Funds + 2 % Admin. = \$995,900
\$6,726,500 = \$8,396,000 - \$1,049,500 - \$361,000 - \$259,000

NEED 25 % MATCH FOR UNAPPROPRIATED FUNDS

**CALIFORNIA HIGHWAY PATROL PERSONNEL (PYs)
ASSIGNED TO FREEWAY SERVICE PATROL (FSP)**

STATEWIDE FSP FUNDED BY CALTRANS

1.5 Sergeants
7.5 Traffic Officers
6.5 Communications
Operators

DIVISION	STAFFING		
	<u>Sgt.</u>	<u>T.O.</u>	<u>CO II</u>
Valley		0.5	0.5
Golden Gate	1.0	3.0	2.0
Southern	0.5	0.5	1.0
Inland		1.0	1.0
Border (San Diego)		0.5	1.0
Border (Orange Co.)		2.0	1.0
Total	<u>1.5</u>	<u>7.5</u>	<u>6.5</u>

Caltrans is providing \$500,000 in additional funds for FSP expansion in the 93/94 fiscal year. This amount will finance an additional 5.0 Traffic Officer and 3.5 Communications Operator PYs. Assignment of these positions has not been finalized, but every effort will be made to eliminate half time positions.

LOS ANGELES FSP FUNDED BY LACTC

	<u>Sgt.</u>	<u>T.O.</u>	<u>CO II</u>
Southern	0.5	4.0	2.0

LACTC has agreed to fund the following positions as part of the FSP expansion in Los Angeles County for the 93/94 fiscal year:

0.5 Sergeant
4.0 Traffic Officers
2.0 Communications Operators
1.0 Staff Services Analyst

tam 1/14/93

OVERVIEW

The Emergency Roadside Assistance Advisory Committee (ERAAC)

The ERAAC is established and is comprised by the appointees from the following government entities:

- The Commissioner of the California Highway Patrol - two members.
 - One person representing law enforcement who will act as the ERAAC Chairperson.
 - One person who will be the Chairperson of the California Service Authority for Freeway Emergencies (SAFE) Committee.
- The Governor - six members.
 - Four people will be from the general public.
 - One person will be representing the towing industry.
 - One person will be representing the highway service organizations.
- The Speaker of the Assembly - one member.
- The Senate Committee on Rules - one member.

The Scope of the Committee

Recommendations of Training Guidelines/Report to the Commissioner

The purpose of the ERAAC will be to recommend standards of training for tow truck drivers and telephone dispatchers of emergency roadside assistance. These recommendations will be submitted in a report to the Commissioner not later than July 1, 1994.

They will include, but not be limited to:

- Call evaluation.
- Courtesy.
- Dealing with panic.
- Special populations, such as the young, the elderly, and handicapped persons.
- Evaluation of motorist safety.
- Use of the "911" emergency telephone number.

The committee will also recommend guidelines for the enhancement of motorist safety, setting forth procedures for telephone dispatchers, tow truck drivers, and highway service organizations that reimburse service recipients for emergency roadside assistance.

The guidelines shall include, but not be limited to, all of the following:

- Enumeration of the order of response priority for dispatching emergency roadside assistance to various types of roadside emergencies requiring either towing service or emergency road service.
- Time frame response guidelines for highway service organization for responding to various categories of assistance requests, including those emanating from freeways, rural areas, and unsafe areas.
- A process for highway service organizations to establish a series of safe "pickup points" in appropriate locations, such as parking lots and structures. The process shall include soliciting the recommendations of local law enforcement agencies.
- A requirement that, when giving instructions to motorists, the safety of the motorist shall be of primary consideration.
- Guidelines for emergency roadside assistance services for which reimbursement is provided.

Investigative Services Section will provide the logistical staff support for the Committee.

FREEWAY SERVICE PATROL GUIDELINES

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DRAFT 1-20-93

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 - A. CHP/Caltrans Training Package
 - B. Training coordination & FSP driver background check (Investigative Services Section-CHP)
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 - A. Dispatch
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Appendices:

AB 3346 - Appropriate Streets and Highways Code Sections
Statewide Motorist Assist Form
Generic Cooperative Agreement and Memorandum of Understanding
Typical Tow Truck Contract - Scope of work and services

**1992/93
FREEWAY SERVICE PATROL ACT
FUNDING APPLICATION INSTRUCTIONS**

**California Department of Transportation (Caltrans)
Division of Traffic Operations
1120 N Street
Sacramento, CA 95814**

September 1992

TABLE OF CONTENTS

SECTION I	Funding Application Submittal Requirements
SECTION II	Program Administration and Operation
SECTION III	Funding Application
SECTION IV	Application Instructions
APPENDIX I	Assembly Bill 3346 - Freeway Service Patrol Act

SECTION I

Funding Application Submittal Requirements

The purpose of this package is to provide information and instructions to California local government entities applying for Freeway Service Patrol (FSP) funding.

IMPORTANT DATES TO NOTE ARE AS FOLLOWS:

1. Assembly Bill No. 3346 - The Freeway Service Patrol Act - Enacted September 29, 1992
2. Application deadline FSP Funding (Three months after enactment) December 29, 1992
3. Application Deadline for Unappropriated Funds (One month after initial deadline) January 29, 1993
4. Sunset Date for Freeway Service Patrol Act June 30, 1996

ONE ORIGINAL AND ONE COPY OF THE FSP FUNDING APPLICATION, ALONG WITH COPIES OF THE MEMORANDUM OF UNDERSTANDING AND THE COOPERATIVE AGREEMENT, MUST BE RECEIVED NO LATER THAN DECEMBER 29, 1992.

Deliver applications to the Caltrans District Office.

Section II

Program Administration and Operation

The Freeway Service Patrol Act - Assembly Bill No. 3346 - appropriated \$8.396 million to fund Freeway Service Patrols throughout the state. Any public organization established as a public transportation planning entity or authorized to impose a transaction and use tax for transportation purposes can apply for funding. The funding for a freeway service patrol in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by Caltrans pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program.

Regional or local entities must match State funds with an amount not less than 25 percent of the funding provided by the State Highway Account. Applications must be received within three months of the enactment date. If a regional or local entity that qualifies for funding does not complete an application within the three month period, the excess funds will be distributed on a pro-rata basis to other qualifying entities that reapply within a one month period, and can match, at 25%, their pro-rata share of the excess funds.

not necessary

A Memorandum of Understanding (MOU) between Caltrans, the California Highway Patrol, and the local entity must be signed by all parties within each region. A Cooperative Agreement must be executed to transfer dollars between Caltrans and a local entity. Both documents must be submitted with the FSP funding application.

The MOU must be executed, but the Cooperative Agreement can be a final draft.

Due to the two-year FSP contracts, funding obligation by Caltrans is for two consecutive fiscal years. Future applications will not be accepted until 7/1/94.

SECTION III

Freeway Service Patrol Funding Form (See Section IV for application instructions)

1. Local Entity and Address: _____

2. Project Contact Persons:

Lead Person:

Name: _____
Phone: _____
Title: _____

Back up person:

Name: _____
Phone: _____
Title: _____

3. Initial State Funding Available:** \$ _____/year

4. Line 3 x 0.25: (Total local match requirement) \$ _____/year

5. Total Local Matching Funds: \$ _____/year

6. If line 5 is greater than line 4, go to line 8.

7. If line 5 is less than line 4, multiply line 5 by 4.
(This now becomes your new State funding) \$ _____/year

* * Funding obligation by Caltrans is for two consecutive fiscal years. Future applications will not be accepted until 7/1/94.

-
-
8. Is your funding in terms of dollars (hard match), people and services (soft match), or a combination? Explain.

 9. If Service Authority for Freeway Emergency (SAFE) funds are being used for any of the matching funds, identify the amount.

 10. Will you or are you interested in evaluating the FSP program with the CHP and Caltrans? If so, please explain.

 11. Please submit the Memorandum of Understanding and Cooperative Agreement as specified in Section II.

Signature

Date

Printed Name

SECTION IV

Application Instructions

NOTE: This section is a guide for the completion of the formal application in Section III.

1. Local Entity & Address.

Name of agency:
Department:
Address:
City and Zip Code:

2. Project Lead and Backup Contact Persons, Titles, and Phone Numbers.

Please indicate the lead and back up contact persons for the FSP Program within your agency and their telephone numbers.

3. Initial State Funding Available.

Funding is based on the given formula in Section II. Due to the two-year FSP contracts, funding application will be for two years. Future applications will not be accepted until 7/1/94.

4. Line 3 x 0.25 (Total local match requirement).

As stated in Section II, all local entities must match State funds with 25% of the the funding provided by the State Highway Account.

5. Total Local Matching Funds.

Indicate your total local matching amount.

6. If line 5 is greater than line 4, go to line 8.

If your total local matching fund (line 5) is greater than or equal to the 25% local matching fund requirement (line 4), go to line 8.

- 7. If line 5 is less than line 4, multiply line 5 by 4.**

This only applies to those local entities that cannot match the initial state allocation. In determining your state funding, we will use your local match as the basis for our state allocation. This means if the initial state funding is \$100,000, and you can only match state funds with \$15,000, the State funding will become \$60,000.

- 8. Is your funding in terms of dollars (hard match), people and services (soft match), or a combination? Explain.**

AB 3346, page 5, lines 30-32, requires that no state funds to the local entity shall be used for administrative purposes. If you plan to match state funds with person years (PYs), please attach to the application the classification of the people working on the project. An auditor will be verifying the validity of all expenditures.

- 9. If Service Authority for Freeway Emergency (SAFE) funds are being used for any of the matching funds, identify the amount.**

List the amount of SAFE funds that are being used for any of the matching funds.

- 10. Will you or are you interested in evaluating your FSP program with the CHP and Caltrans? If so, please explain.**

AB 3346, page 5, lines 14-27, states that the Department of Transportation along with the local entities and the CHP shall develop criteria to be used to evaluate the program, and submit a report to the Legislature by July 1, 1994.

FSP Funding Amount

FSP FUNDING AMOUNT

INITIAL

AUTHORITY	STATE FUNDING	LOCAL MATCH
RIVCTC/SCAG District 8	\$268,400	\$67,100
SBCTC/SCAG District 8	\$297,200	\$74,300
LACTC District 7	\$2,318,500	\$579,625
MTC District 4	\$1,465,300	\$366,325
OCTC/SCAG District 12	\$704,400	\$176,100
SACOG District 3	\$207,400	\$51,850
SANDAG District 11	\$542,200	\$135,550
FRESNO COG District 6	\$103,200	\$25,800
VEN/SCAG District 7	\$121,200	\$30,300
OTHERS	\$790,300	\$197,575
TOTAL	\$6,818,100	\$1,704,525

Description: Support, Dept of Transportation

Fund/Account: Highway Account, State, STF

Governor's Request	Assembly Action	Senate Action	Difference Between The Houses
1,087,879,000	1,086,079,000	1,080,097,524	5,981,476

Explanation of Changes/Differences

- 1 Senate reduced travel expenses by 11,549,000 (8,361,476 in this item and 3,187,524 payable from Item 2660-001-890).

Difference Assembly +8,361,476

- 2 Assembly reduced by 254,000 to correct for overbudgeting of maintenance inventory staffing.

Difference Senate +254,000

- 3 Senate reduced by 604,000 to correct for overbudgeting of graffiti removal work along state highways.

Difference Assembly +604,000

- 4 Senate augmented by 2,730,000, per DOF request, to provide for highway safety measures to compensate for extreme dust storm and fog conditions.

Difference Senate +2,730,000

Language Changes

- 5 Assembly added language to prohibit the Department of Transportation from expending 8,396,000 appropriated for Freeway Service Patrols until enabling legislation is signed into law.
- 6 Senate added language requiring 500,000 in this item to be spent for a management audit of the Department of Transportation pursuant to SCR 72 of the 1991-92 session.

L.A. Transportation Pilot Program May Go Statewide

by Jaci Duncan

A Los Angeles transportation program that provides almost instant relief to disabled vehicles stalled on congested highways may soon be implemented in urban areas throughout the state.

At a cost of \$8.5 million to taxpayers for the first year of implementation, the service would be provided free of charge to motorists in an attempt to alleviate traffic congestion on the state's urban highways.

"The roving service patrols can reduce congestion, improve air quality and generally make people's lives easier by reducing headaches caused by accidents and breakdowns on freeways," said Assemblyman Richard Katz (D-San Fernando), who authored the bill to begin the program.

AB 3346 proposes to use \$8.5 million from the State Highway Account to partially fund a roving tow-truck service for congested urban freeways during rush hour. It would be called the Freeway Service Patrol Program.

The idea of the bill is for the roving tow-trucks to assist disabled vehicles by either making small repairs, providing gasoline or towing the vehicle from the highway to eliminate traffic congestion. The service would be free of charge to motorists and funded by state and local entities.

The project would be coordinated between the California Department of Transportation (Caltrans), local transportation groups and the California Highway Patrol. Local entities would be required to contribute 25 percent of the total cost of the program.

To fund the bulk of the program, the state would use money from its State Highway Account, a \$2 billion sum that is used for

various transportation projects throughout the state, including improvements, maintenance, safety and enhancement projects.

Caltrans supports the concept of freeway service patrols because it helps relieve traffic congestion, according to Jim Drago, press secretary for Caltrans, which has not taken a position on the bill.

"The patrols help to increase the efficiency of the system by keeping traffic flowing," said Drago, spokesman for Caltrans.

The original form of AB 3346 did not include the Freeway Service Patrol Program, rather it continued a \$1 fee included in motor vehicle registration to enhance the California Highway Patrol.

Assemblyman Katz recently amended his bill to include the start-up program of a tow-truck service to help disabled vehicles of urban highways.

The patrol service would be implemented in metro areas, including Los Angeles, the San Francisco Bay area, San Diego, Sacramento, Orange County and the San Bernardino-Riverside area.

Currently such a freeway service is in operation in Los Angeles, called the Metro Freeway Service Patrol, with tow-trucks providing motorist services free of charge. The program is funded by the Los Angeles County Transportation Commission, the California Highway Patrol and the Department of State Transportation.

The Automobile Club of Southern California (AAA), which supports the bill, called the Los Angeles program "very effective" in relieving traffic congestion in the south area.

"We've been hearing from our members... (continued on page 8)

Capital Weekly 6/23/92

Transportation Program, continued from page one

that traffic is moving more quickly. We like the concept and it's an effective use of money," said David Scharlach, legislative advocate for AAA, which boasts a membership of 3.7 million Californians.

Although AAA and the transportation entities involved in the Los Angeles pilot project proclaim it a success at relieving traffic congestion, there has not yet been a formal evaluation of the program, according to the bill analysis by the Senate Transportation Committee.

"Clearly, motorists like the towing, simple mechanical and free fuel services. What is not clear is how the program has fared with its other goals of decreasing congestion and improving air quality," the analysis states.

With little debate, the bill passed the Senate Transportation Committee last week with a 6-2 vote.

Senator Daniel Boatwright (D-East Bay), who voted against the bill, said the state should spend its limited money on more important state needs.

"I can't vote for this bill. How can we let \$8 million go for free highway services when this state is bleeding. It's a good program, don't get me wrong, but this sends the wrong message to the public," said Boatwright.

But Assemblyman Katz responded that his bill will send a good message to Californians.

"This is a cost-effective way to use taxpayers' money that improves their life and makes their commute easier," said Katz.



June 22, 1992



25 January 1993

Assemblyman Richard Katz
State Capitol
Sacramento, CA 95814

Re: Freeway Service Patrol

Dear Assemblyman Katz,

I am writing to express concerns about the implementation of your Assembly Bill 3346 (Chapter 1109, 1992). As you recall, this agency participated in meetings and hearings regarding this bill, paying particular interest in the formula used to allocate funding to participating local entities. During these discussions, it was noted that some of the local entities which would be participating were multi-county in nature, while others were single-county in nature. Because the formula used freeway miles and population as factors for the allocation of funds, concern was expressed that multi-county agencies could receive funding for freeway miles and population in counties within their boundaries but wherein no freeway service patrol services would be provided. Language was added to AB 3346 to address this concern, noting only *urban* freeway miles would be counted in *participating areas*.

Caltrans, the implementing agency for AB 3346, has distributed FSP funding using the mandated formula, but has provided freeway miles and population credit for the bay area's MTC which includes credits for counties within MTC's boundaries but wherein no freeway service patrol services are provided. In numerous discussions, Caltrans staff agrees that my concerns are valid, but they are unwilling to modify their allocations. In a recent statewide FSP meeting, this issue was brought up and Caltrans again refused to modify their application of the formula. MTC staff stated that their FSP routes are impacted by those non-FSP counties, and therefore they should receive the credit. While this may be true, every single FSP entity can legitimately make the same argument and should therefore also receive credit for those surrounding non-FSP counties. Unfortunately, this is not how the allocation formula was designed. MTC staff also noted that they could simply extend a few existing FSP beats so that they "touched" other counties. This approach is plainly a pretense, and would not be a meaningful provision of FSP services in those counties.

Quite simply, Caltrans is not applying the allocation formula in AB 3346 as it was intended, nor are they applying the formula fairly. FSP funding should only be allocated to entities based on credits for freeway miles and population in those counties wherein FSP services are substantially provided.

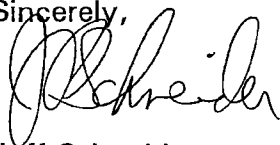
25 January 1993
Freeway Service Patrol
Page 2

I am perplexed by the admission by Caltrans staff that my concerns are valid coupled with their refusal to address the issue. It should also be noted that in addition to the almost \$500,000 extra FSP funds the bay area receives due to this application of the allocation formula, Caltrans is also providing approximately \$250,000 in FSP funds "off the top" to the bay area for a computer aided dispatch interface. Additionally, the bay area has approximately two dozen full-time Caltrans positions providing FSP-like services on the approaches to and from numerous bridges, the cost of which is not included in any FSP formulas.

While it appears impossible to modify the allocation of FSP funding made in fiscal year 1992-93, there is no reason not to correct this problem in the fiscal year 1993-94 allocations. Could you please investigate this inappropriate application of your AB 3346 funding formula, and convince Caltrans staff to apply the formula in 1993-94 as it was intended.

Thank you for your assistance in this effort. If you have any questions or desire additional information, please call me at 323-0850.

Sincerely,



Jeff Schneider
Executive Director

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001

(916) 654-2808
FAX (916) 654-6608
TDD (916) 654-4014



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CAPITAL

December 2, 1992

The Honorable Richard Katz
Member of the Assembly
State Capitol, Room 3146
Sacramento, CA 95814

Dear Mr. Katz:

The California Department of Transportation is aware of the enactment of Assembly Bill 3346 authorizing freeway service patrols on congested urban freeways, and would like to thank you for authoring this legislation. The Department will submit reports to the Legislature on or before their specified due dates. The Department will also work closely with the California Highway Patrol and local agencies in the development of this program.

If you have any questions or comments, please contact me at (916) 654-2808.

Sincerely,

Howard Posner

for WARREN D. WEBER
Assistant Director
Legislative and Local
Government Affairs



KR
FYI

November 20, 1992

MEMO TO: PLANNING AND MOBILITY IMPROVEMENT COMMITTEE - 12/2 MEETING

FROM: NEIL PETERSON

SUBJECT: METRO CALL BOX AND METRO FREEWAY SERVICE PATROL DMV MAILING INSERT

ISSUE

Due to the omission of shipping charges for the Metro Call Box and Metro Freeway Service Patrol (FSP) Department of Motor Vehicles (DMV) mailing insert; the Purchase Order with the initial lowest bidder was canceled and a new Purchase Order needs to be signed with the new lowest bidder. The Metro Call Box and Metro FSP DMV mailing insert is a bilingual public information flyer that will be distributed to seven million Los Angeles County motorists in DMV registration renewal envelopes.

RECOMMENDATION

Authorize the Executive Director to sign a Purchase Order with the new lowest bidder, Anderson Lithograph, in an amount not to exceed \$49,410 for the printing and delivery to the DMV of seven million Metro Call Box and Metro FSP mailing inserts.

RELATIONSHIP TO 30-YEAR TRANSPORTATION PLAN

The mutual goals of the Metro Call Box System and Metro FSP are to reduce traffic congestion caused by nonrecurrent incidents and to aid stranded motorists. These goals are consistent with the 30-Year Transportation Plan's goals of improved mobility and safety for Los Angeles County motorists. Full financing for the Metro Call Box System and Metro FSP is included in the 30-Year Transportation Plan.

BUDGET IMPACT

Sufficient Service Authority for Freeway Emergencies (SAFE) funds are available to finance the recommended Purchase Order for the printing and delivery to the DMV of the Metro Call Box and Metro FSP DMV mailing insert.

The SAFE is financed by a \$1 per year surcharge on each motor vehicle registered in Los Angeles County. Approximately \$6



Los Angeles County
Transportation
Commission
818 West Seventh Street
Suite 1100
Los Angeles, CA 90017
Tel 213 623-1194

Leading the Way to Greater Mobility

00077

METRO CALL BOX AND METRO FSP DMV MAILING INSERT
November 20, 1992
Page 2

million is collected annually for the installation, operation, and maintenance of the Metro Call Box System. Funds received by the SAFE are required by law to be used for a system of motorist aid call boxes and for a public information program to ensure that motorists understand what call boxes are and how the call boxes are to be used.

BACKGROUND

In August 1992 staff recommended that the Commission authorize the Executive Director to sign a Purchase Order with Crown Litho II in an amount not to exceed \$49,475 for the printing and delivery to the DMV of seven million Metro Call Box and Metro FSP mailing inserts. The staff recommendation was brought to the Commission for action to raise awareness within the Commission about this highly visible marketing campaign and because the total amount of the Purchase Order was very close to the top range of the executive Director's signature authority. The Commission, at its August 26, 1992 meeting, approved the staff recommendation.

In the process of formalizing the Purchase Order with the printer, staff came to realize that Crown Litho II's bid did not include shipping charges of \$1,540. Since the additional shipping costs would result in Crown Litho II's total charges for this project to exceed the approved amount and the bids of other printers, the purchase order with Crown Litho II was cancelled and the Metro Call Box and Metro FSP DMV mailing insert was re-bid. New bids have now been received from three qualified printers: Anderson Lithograph, Crown Litho II, and George Rice and Sons. The lowest bid is Anderson Lithograph at \$49,410 with a per unit cost of less than one cent per insert.

BACKGROUND - METRO CALL BOX AND METRO FSP PROGRAMS

The LACTC was designated as the Los Angeles County SAFE in 1988. As the SAFE, the Commission is responsible for providing an efficient system of freeway call boxes throughout the County. The SAFE is now completing the upgrade and expansion of the original hard-wire call box system installed by the County of Los Angeles. The new and expanded Metro Call Box System features about 4,500 solar-powered cellular call boxes on 691 freeway and highway miles in Los Angeles County.

The Metro FSP is a contracted fleet of tow trucks which continuously patrol designated Los Angeles County freeway segments during peak commute periods. Metro FSP drivers provide "quick fix" items such as changing a flat tire, refilling a radiator, taping a hose, and providing one gallon of gasoline.

00078

METRO CALL BOX AND METRO FSP DMV MAILING INSERT

November 20, 1992

Page 3

The Metro FSP is jointly administered by the LACTC, California Department of Transportation (Caltrans), and the California Highway Patrol (CHP) and began service on July 1, 1991. Both Metro Call Box and Metro FSP services are provided free of charge to the motoring public.

METRO CALL BOX AND METRO FSP DMV MAILING INSERT

The Metro Call Box and Metro FSP DMV mailing insert is a bilingual public information flyer that will inform seven million Los Angeles County motorists about the safety and congestion benefits they are receiving from their tax dollars (Attachment A). Moreover, this mailing insert will inform Los Angeles County motorists of how to better use the county's two premier motorists aid services -- the new and expanded Metro Call Box System and the overwhelmingly popular Metro FSP.

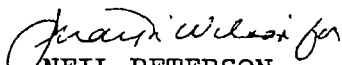
The DMV has agreed to allow the LACTC to use its Los Angeles County DMV vehicle registration mailing free of charge for the next calendar year to distribute the insert. The bulk of the inserts will be mailed to motorists from Sacramento with their automobile owners' registration renewal forms. The balance will be distributed to all Los Angeles County DMV offices for walk-in registrations.

A public information campaign is needed for the Metro FSP because surveys have shown that a majority of motorists are still unaware of the Metro FSP program. This lack of awareness causes delays in assisting stranded motorists and removing stalled vehicles from the freeway. A Metro Call Box public information campaign is essential to introduce motorists to the new system and inform drivers how to better use the new solar-powered cellular Metro Call Boxes.

Failure to approve this item will result in a lost opportunity to cost-effectively reach an audience of seven million Los Angeles County vehicle owners. To reach this target market through other means would require more expensive marketing strategies to increase customer awareness.

PREPARED BY: TIM BAMRICK
 Marketing
 Project Manager

STEPHEN FINNEGAN
SAFE
Project Manager


NEIL PETERSON
Executive Director

INSERT/SF-2(SAFE)

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00080

**ANNOUNCING TWO NEW, FREE MOTORIST SERVICES
TO REDUCE TRAFFIC JAMS IN LOS ANGELES COUNTY:**

**THE METRO FREEWAY
SERVICE PATROL**



The Metro Freeway Service Patrol:

- A special team of tow truck drivers patrolling specific sections of Los Angeles freeways
- Offers quick fix repairs (e.g., changing a tire) and towing off the freeway to designated drop locations
- Operates during morning and evening rush hours Monday through Friday

• Paid for by Proposition C funds, the half-cent sales tax approved by Los Angeles County voters in November, 1990

METRO CALL BOXES!



The new and improved Metro Call Box System:

- Uses cellular and solar technology to make the call boxes more reliable, safe, and easy to use
- Provides bilingual California Highway Patrol operators to answer calls
- Replaces all 3,500 existing call boxes; adds approximately 400 new ones
- Paid for by Los Angeles County vehicle registration fees



Step 1
Lift phone



Step 2
Press red button



Step 3
Speak clearly to operator



Step 4
Replace phone and close door when finished

Español al reverso



Both services are cooperative efforts of the Los Angeles County Transportation Commission, California State Department of Transportation, and the California Highway Patrol.

ANUNCIAMOS DOS NUEVOS SERVICIOS GRATIS PARA LOS AUTOMOVILISTAS CON EL FIN DE REDUCIR LOS EMBOTELLAMIENTOS DE TRAFICO EN EL CONDADO DE LOS ANGELES:

LA PATRULLA DE SERVICIO DE AUTOPISTAS



La Patrulla de Servicio de Autopistas:

- Un equipo especial de conductores de camiones de remolque que patrullan secciones especificas de las autopistas de Los Angeles
- Ofrece un servicio de reparaciones rapidas (por ej., cambio de una llanta) y de remolque desde la autopista a un lugar de remolque designado.
- Opera durante las horas pico de la mañana y de la tarde, de lunes a viernes
- Es un servicio pagado por los fondos de la Proposicion C, el impuesto sobre la venta de medio centavo aprobado por los votantes del Condado de Los Angeles en noviembre de 1990

CASILLAS TELEFONICAS PARA CASOS DE URGENCIA!

El nuevo y mejorado Sistema de Casillas Telefonicas para casos de Urgencia:

- Utiliza la tecnologia celular y solar para que las casillas telefonicas sean mas confiables, seguras y faciles de usar
- Emplea a operadores telefonicos bilingues de la Patrulla de Caminos de California para contestar las llamadas
- Reemplaza todas las 3,500 casillas telefonicas existentes; anade aproximadamente 400 nuevas
- Es un servicio pagado por las cuotas de registro de vehiculos del Condado de Los Angeles



Paso 1
Levante el auricular



Paso 2
Oprima el boton rojo



Paso 3
Hable claramente al operador



Paso 4
Cuelgue el auricular y cierre la puerta de la casilla cuando termine

English on the other side



Amos servicios son esfuerzos conjuntos de la Comision de Transporte del Condado de Los Angeles, del Departamento de Transporte del Estado de California y de la Patrulla de Caminos de California.

00084

METRO CALL BOX AND
METRO FSP DMV MAILING INSERT

LIST OF BIDDERS

LOWEST BID:

Anderson Lithograph
3217 South Garfield Avenue
Los Angeles, CA 90040-3219
Contact: Wendy Shnidan

OTHER BIDS (in alphabetical order):

Crown Litho II
5454 East Pomona Boulevard
Los Angeles, CA 90022
Contact: Frankie Vasquez

George Rice and Sons
2001 North Soto Street
Los Angeles, CA 90032
Contact: Angelo Gullotti

00083

DEPARTMENT OF TRANSPORTATION

1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
(916)654-2352
TDD (916) 654-4014
FAX (916) 653-3055



October 2, 1992

Mr. Michael McGovern
Counsel for Legislative and Regulatory Affairs
Towing and Recovery Association of America
P.O. Box 916430
Longwood, FL 32191-6430

Dear Mr. McGovern:

I have been asked to respond to your letter dated September 4, 1992, to Governor Pete Wilson regarding Freeway Service Patrols (FSPs) and the Automobile Club of Southern California (ACSC).

A FSP contract is awarded based on proposals submitted by tow service firms. The Request for Proposal process takes into consideration the following criteria: understanding of work; experience in tow operations; Disadvantaged Business Enterprise certification; cost per hour for the service, and references. This criteria establishes an even playing field for all towing firms competing for FSP beats.

Currently, the ACSC patrols 2 out of 24 beats in the Los Angeles County. Orange, San Diego, and Los Angeles counties are adding 21 new beats in the fiscal year 92/93. The ACSC may be awarded 5 of those beats and has submitted proposals for 3 other beats. In this competitive marketplace, the auto club may patrol, at best, just over 22 percent of the FSPs in Southern California.

Thank you for your interest in this matter. If you have any further questions, please contact Mr. Wayne Henley, of my staff, at (916) 654-6246.

Sincerely,

Original Signed by

JAMES B. BORDEN, Chief
Division of Traffic Operations

cc: Senator Quentin Kopp, Senate Transportation Committee
Assemblyman Richard Katz, Assembly Transportation Committee
Commissioner Maurice J. Hannigan, California Highway Patrol
President Guy Gugliotta, California Tow Truck Association
Mr. Dan Lungren, California Attorney General
Mr. Wayne Henley, Department of Transportation

Warren Weber

DEPARTMENT OF TRANSPORTATION
DIVISION OF LABOR RELATIONS, SAFETY AND TRAINING
1120 N STREET, P. O. BOX 942874
SACRAMENTO, CA 94274-0001



TDD (916) 654-4014

September 30, 1992

Mr. Ron Glick
Senior Business Representative
International Union of
Operating Engineers
930 Alhambra Boulevard, Suite 150
Sacramento, California 95816

Dear Mr. Glick:

This will confirm our discussions relative to the recently enacted Freeway Service Patrol legislation (AB3346) and how Caltrans operations will be affected. In light of the provisions of the legislation, Caltrans' area of responsibility shall continue to be that area patrolled as of January 1, 1992. We have discussed and reached consensus relative to the continuing services which will be provided by Caltrans personnel on the east side of the bay.

We have agreed that during the morning peak hours from 0600 to 1000 and during the evening peak hours from 1500 to 1900, Caltrans personnel and equipment in the East Bay will be concentrated in the area of I-580 designated in Alternative #2 as it was presented to you during our meeting in Mr. Deter's office on Monday, September 28, 1992 (I-80 to Powell Street, the "Maze" area and I-580 to Broadway). During the remainder of the working hours for each day, Caltrans employees will continue to provide services along the entire stretch of roadway as has been covered since January 1, 1992. Employees will continue to report to their present worksite locations.

We have further agreed that if the section of I-880 demolished as a consequence of the Loma Prieta earthquake is replaced in the future, the Department will meet with the union concerning staffing requirements for tow and/or freeway patrol services on that roadway.

Mr. Ron Glick
September 30, 1992
Page 2

We both understand that if legislation or other circumstance require a change from the operations detailed above, the parties are subject to the Dills Act requirements and/or relevant provisions of the MOU between the parties.

In light of the agreement we have reached, it is my understanding that IUOE has withdrawn its Request for Review before the State Personnel Board regarding contracts which are to be let for Freeway Service patrols.

If I have properly captured the terms of our agreement in this matter, please indicate your agreement below and return a signed copy to me. Thank you for your cooperation.

Sincerely,



STEPHEN J. BOOTH
Office of Labor Relations

The foregoing correctly states our understanding.



RON GLICK
IUOE Crafts Maintenance Division

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Sacramento, CA 95814
(916) 445-7278

Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ
Chairman

September 14, 1992

Mr. Lawrence Dahms, Executor Director
Metropolitan Transportation Commission
101 - 8th Street
Oakland, CA 94607

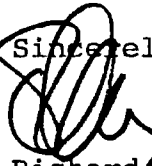
Dear Mr. Dahms:

I have learned that there is an intention by the working committee setting up the freeway service patrol (FSP) in the Bay Area to award bids which would set up overlapping service between Caltrans workers and the new contract FSP providers. This appears to be duplicative, burdensome, costly, and inconsistent with the intent of language in AB 3346, which states that no FSP shall supplant Caltrans service which existed as of January of this year.

Surely the people working on the bids must have been aware of this provision in AB 3346 during the bid preparation and revision process?

I am concerned that if the bids are awarded in their current form, legislative intent will not be met. Please let me know how you intend to respond to this problem.

Sincerely,



Richard Katz, Chairman
Assembly Transportation Committee

RK:kra

cc: Del Pierce, BT&H Agency
Commissioner Maury Hannigan, CHP
James van Loben Sels, Caltrans
Ron Glick, Operating Engineers
Bob Jacobs, Caltrans



Printed on Recycled Paper



Automobile Club of Southern California

1225 EIGHTH STREET, SUITE 375 • SACRAMENTO, CALIFORNIA 95814

September 8, 1992

GOVERNMENT AFFAIRS

Honorable Pete Wilson
Governor, State of California
State Capitol
Sacramento, CA 95814

Dear Governor Wilson:

Re: AB 3346 (Katz)
Freeway Service Patrol Act
SUPPORT

The Automobile Club of Southern California is pleased to advise you of our support for Assembly Bill 3346 by Assembly Member Katz. This measure establishes the groundwork for the expansion of the Freeway Service Patrol which has proven so successful in the Los Angeles area. We believe it appropriate that local entities wishing to participate in the program must first demonstrate a need for congestion relief. We further support the concept of shared cost between local and state government. The use of State Highway Account money for this purpose is consistent with Proposition 111 and with the protections afforded by Article XIX of the state constitution.

Among other things, this bill will also continue the \$1 surcharge on annual motor vehicle registration fees. This money is deposited in the Motor Vehicle Account for the purpose of maintaining the field strength of the California Highway Patrol. We believe that the continuation of this fee is in the best interest of all motorists. We hope that you will sign AB 3346 into law. Thank you for your consideration.

Very truly yours,

DAVID A. SCHARLACH
Legislative Counsel

DAS:mib

cc: Honorable Richard Katz

TOWING AND RECOVERY ASSOCIATION
OF AMERICA, INC.

Administration:
Post Office Box 916430
Longwood, FL 32791-6430
(407) 260-0088

SEP 9 1992
Assembly Transportation Committee

Government Affairs:
1924 N Street, N.W.
Washington, D.C. 20036
(800) 327-8542

September 4, 1992

COPY

Honorable Pete Wilson
Governor, State of California
State Capital
Sacramento, California 95814

Re: Freeway Service Patrols and the Automobile Club of Southern California

Dear Governor Wilson:

As the national trade organization for the automotive towing industry, we applaud Caltrans, the California Highway Patrol, and the regional transportation authorities in California for their decisions to utilize private-sector towing businesses in the implementation of Freeway Service Patrols (FSPs).

There is, however, one feature of the California freeway service patrols that has raised considerable concern among businesspersons in the private automotive towing industry, that is the advent of the Automobile Club of Southern California as successful bidders for freeway service patrol beats. Independent towing business owners--as well as some auto club members--believe that allowing auto clubs to bid on, and receive, freeway service patrol contracts to patrol designated freeways providing free service to motorists represents a conflict of interest and creates a near-monopoly situation.

It is my understanding that the Automobile Club of Southern California has received contracts for two of the beats in Los Angeles County, they were the successful bidders for three of the five beats in Orange County, and they have been awarded both of the two available freeway beats in San Diego County. Consequently, in Orange and San Diego Counties the auto club has contracts for over 70% of the freeway service patrol beats.

The independent towing businessperson in California invites a competitive marketplace, but only when the competition is on an even playing field. That is certainly not the case with the Freeway Service Patrols and the Automobile Club of Southern California.

Even without the freeway service patrol contracts, the Automobile Club of Southern California is obviously a dominant factor in the business field of emergency road service in Southern California. To add the freeway service patrols to the market share of automotive road

service currently controlled by the Automobile Club in southern California raises questions concerning unfair monopolies and trade practices under state and federal law.

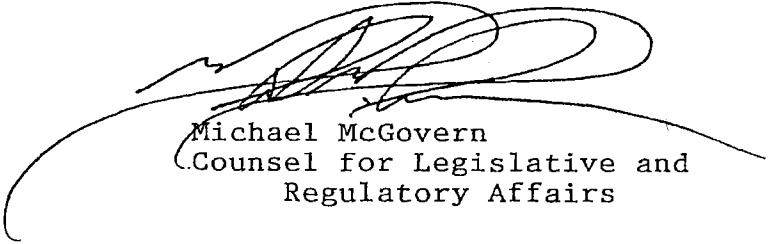
Furthermore, and perhaps most disturbingly, the Auto Club's freeway service patrol contracts seems to infringe on the rights of the auto club's members, as well as the contractual rights of its normal road service/towing providers in the agreements that they have with the Auto Club. A substantial number of the motorists on the southern California freeways are already members of the Auto Club and have paid dues to the club so that they may receive free emergency road service. In those beats where the Auto Club has a FSP contract, they are paid for their services on an hourly basis directly by Caltrans or the regional transportation commission. If the Auto Club services one of its own members, is it not receiving *double compensation* for that service: once from the membership dues and once from the FSP contract?

Also, consider the plight of the Auto Club road service contractor. Prior to the advent of the FSP contracts, he or she was paid by the Auto Club to provide road service to Auto Club members needing emergency service on the freeway. Now, in areas with FSPs, that auto club contractor has not only lost the revenue formerly received for that freeway work, but in many cases he has lost it to the very company on whose behalf he has a contract to perform the emergency road service--the Auto Club of Southern California!

On behalf of the private automotive towing businesses throughout California, I urge you to carefully consider the adverse impact that the issuance of FSP contracts to automobile clubs has upon the private sector automotive towing industry, as well as the motoring public. Specifically, we respectfully request that you issue an Executive Order which would prohibit the issuance of any future FSP contracts to automobile clubs or other non-profit entities.

Thank you for your prompt consideration of this important matter.

Sincerely yours,



Michael McGovern
Counsel for Legislative and
Regulatory Affairs

cc: Senator Quentin Kopp, Senate Transportation Cmte.
Assemblyman Richard Katz, Assembly Transportation Cmte.
Dan Lungren, California Attorney General
M.J. Hannigan, CHP Commissioner
James VanLobenseles, Caltrans
Rich Chappel, Executive Director, California Tow Truck Association
Guy Gugliotta, President, California Tow Truck Association

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COMMITTEE SECRETARY
Alice Livingston

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Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ
Chairman

September 3, 1992

Honorable Pete Wilson, Governor
State of California
State Capitol
Sacramento, CA 95814

Dear Governor Wilson:

The Legislature has passed to you my AB 3346, which extends the sunset on vehicle registration fees and enacts a statewide freeway service patrol program. I am requesting that you sign this measure.

The bill has two parts:

1) AB 3346 extends by two years the sunset on a \$1 annual vehicle registration surcharge, dedicated to maintaining uniformed field strength at the CHP. Your 1992-93 budget for next year assumes this fee is continued; without it there will be a deficit in the Motor Vehicle Account. The fee will raise \$12.5 million in 1992-93, and \$25 million in 1993-94. These provisions are supported by the CHP, the California Association of Highway Patrolmen and the Teamsters.

2) AB 3346 creates a statewide Freeway Service Patrol program. Your 1992-93 budget included \$10.2 million in State Highway Account money for Caltrans to begin operation of statewide freeway service patrols, but the budget included no local match requirements or other standards. I worked closely with Caltrans and the CHP, as well as local entities, in drafting a measure to provide a freeway service patrol program framework.

Honorable Pete Wilson
September 3, 1992
Page 2

AB 3346 establishes the following standards for the freeway service patrols:

-- a local role in governance, through a Memorandum Of Understanding, to ensure that local entities are involved with the actual governance of the FSP programs.

-- funding allocations based on a formula reflecting real measures of need.

--local entities must match, at 25%, state funds.

This legislation is necessary for both elements -- the registration fee and the freeway service patrol program. It is broadly supported by the California Highway Patrol, the Teamsters, the Los Angeles County Transportation Commission, the Orange County Transportation Authority, and the Automobile Club of Southern California. Once again, I seek your signature on this vital measure.

Sincerely,



RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

DISTRICT OFFICE
1801 NORTH CALIFORNIA BLVD.
SUITE 103
WALNUT CREEK, CA 94596
(510) 932-2537

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-8528

Assembly California Legislature

WILLIAM P. BAKER
ASSEMBLYMAN, FIFTEENTH DISTRICT

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COMMISSION ON STATE
FINANCE
SELECT COMMITTEE ON CHILDREN
AND YOUTH SERVICES

RF 4/17
KR
+

September 1, 1992

The Honorable Pete Wilson
Governor
State Capitol
Sacramento, CA



Re: AB 3346 (Katz)

Dear Pete:

I am writing in support of AB 3346 by Assemblyman Katz, although I was listed as a "no" vote. This bill continues the \$1 annual vehicle registration surcharge, dedicated to maintaining uniformed field strength at the CHP. In addition, it authorizes operation of statewide freeway service patrols.

AB 3346 establishes standards for the freeway service patrols, including:

-- a local role in governance, through an MOU, to ensure that local entities are involved with the actual governance of the FSP programs.

-- funding allocations based on a formula reflecting real measures of need.

-- local entities must match, at 25%, state funds.

We need this oversight on the freeway service patrol system. CHP needs the continuation of the motor vehicle fee (or there will be a \$12.5 million hole in the Motor Vehicle Account next year).

When the call was lifted on AB 3346 I was in your office with Pat Nolan discussing education with you and unable to change my vote to "aye". I believe the motorists are satisfied with expanded highway patrol services and the increasing number of emergency call boxes.

I sincerely request your signature on Assemblyman Katz's bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

William P. Baker
Assemblyman, 15th District



Neil Peterson
Executive Director

September 1, 1992

The Honorable Pete Wilson
Governor
State of California
State Capitol
Sacramento, CA 958145


Dear Governor Wilson:

On behalf of the Los Angeles County Transportation Commission (LACTC) I urge you to sign into law AB 3346 (Katz), a bill to establish freeway service patrols throughout the state.

As you may know, the LACTC has been administering a freeway service patrol program in Los Angeles County for over a year. This program, developed in cooperation with Caltrans and the California Highway Patrol, is a complete success and well appreciated by motorists throughout the County. We receive an average of one new thank you letter a day regarding the freeway service patrol. I have attached a few samples of letters we have received from the public.

The Commission supports AB 3346 and urges you to approve the measure when it reaches your desk for signature.

Sincerely,


NEIL PETERSON *com*
Executive Director

NP:CAM

[b:gov.wil]

cc: Assemblyman Richard Katz

Attachments



Los Angeles County
Transportation
Commission

818 West Seventh Street
Suite 1100
Los Angeles, CA 90017
Tel 213 623-1194

Leading the Way to Greater Mobility

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C. David Dickerson
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Christopher Zirkle
Principal Deputies

State Capitol, Suite 3021
Sacramento, CA 95814-4996
(916) 445-3057
Telecopier: (916) 324-6311

Legislative Counsel of California

BION M. GREGORY

Sacramento, California
August 31, 1992

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Paul Antilla
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Belinda Whitsett
Debra J. Zidich
Jack G. Zorman

Deputies

Honorable Richard Katz
3146 State Capitol

Vehicles: Freeway Service Patrols - #28880

Dear Mr. Katz:

Pursuant to your request we have prepared the enclosed amendments relating to the above-named subject. In this connection we call your attention to the possibility that the effect of this enactment might be limited or nullified by reason of the following:

(1) The subject matter of the bill may not come within the scope of the Governor's proclamations, dated November 28, 1990, February 15, 1991, December 10, 1991, March 26, 1992, April 27, 1992, May 11, 1992, and July 6, 1992, all covering the 1991-92 First Extraordinary Session, and could be considered invalid by the courts (see Martin v. Riley, 20 Cal. 2d 28, 39).

In the interest of time, we have not attempted to analyze the question to determine the extent to which this may present a problem; however, we feel obligated to alert you to the existence of any possible problem for such consideration and action as you may desire.

(2) The bill as introduced related to a subject different from the subject of these amendments.


Accordingly, a point of order could be raised with respect to the germaneness of these amendments since they relate to a subject different from that of the original bill in violation of one or more of the rules regarding germaneness of amendments (see Joint Rule 9, Assembly Rule 92, and Senate Rule 38.5).

Honorable Richard Katz - p. 2 - #28880

However, in the final analysis, the issue of germaneness must be resolved in the house considering the measure.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By 
Gwynnae L. Byrd
Deputy Legislative Counsel

DF26a
GLB:mv

225079

4433 Fairway Drive
Lakewood, Ca. 90712
August 24, 1992

Dianne Perrine
Los Angeles County Transportation Commission
818 W. 7th Street # 1100
Los Angeles, Ca. 90099-3269

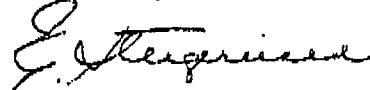
Dear Ms. Perrine:

I recently (8-11) had occasion to need the Metro Freeway Service Patrol. Until that day I had never even heard of this service, but I want you to know this is one of the best ways I have ever seen my tax dollars spent.

My problem was at 4 P.M. on the Hollywood Freeway and the driver of the patrol truck was named Carlos. He was outstandingly helpful, although I had already contacted the Mercedes Roadside Service. He refused to take any money, although he certainly deserved it, and did everything possible to be of assistance.

I seldom use the freeways during peak hours but I hope this service will continue.

Yours truly,



Eileen Steigerwald

Dear Mr. Perrine

Set #2

The Cal-Trans freeway service recently pulled our car off an embankment from which we were hanging. I'm a working mother of a two-income family, and we use every penny for food and shelter alone. The truck that hit us never stopped, any bills amassed as result of the accident will be our responsibility entirely. Your service was there to help within seconds. The mud from the embankment prevented us from going over the side. Damage was minimal, and we were able to drive off thirty minutes after the time of impact.

A questionnaire hardly seems thanks enough. Your service is very appreciated and necessary, not only by the commuters who are kept moving, but by those of us who can't afford \$200 for towing. Two things kept the day from being a major upheaval in my life:

- 1) The mud embankment was more merciful to run into than a brick wall.

- 2) The tow service helped us off the freeway so quickly.

Cal-Trans is responsible for these two redeeming factors. This incident could have threatened my life, or at least been very expensive. To ensure a system like this would not go under, is there a way to set up additional funding from voluntary donations given by grateful motorists such as myself? Everyone is aware of cutbacks, etc. This service should always be kept operational.

Thanks again,

Happy motorist
Cathy O'Neal

July 31, 1992
Diane Perrine
Page Two

no one would ever challenge or criticize the incumbents. There would be no need.

Thanks again for assistance quickly and safely rendered.

Sincerely;

A handwritten signature in black ink, appearing to read "Steve Bowers". The signature is written in a cursive style with a long horizontal flourish at the end.

Steve Bowers, Esq.



File

CALIFORNIA TEAMSTERS PUBLIC AFFAIRS COUNCIL

1400 K STREET, SUITE 302 • SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 446-0291

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LEGISLATIVE REPRESENTATIVE

GERALD P. O'HARA
1400 K STREET, SUITE 302
SACRAMENTO, CALIFORNIA 95814

July 20, 1992

TO: All Members of the Senate
FROM: Gerald O'Hara
SUBJECT: AB 3346 (Katz) - Vehicles:
fees: California Highway Patrol

The Teamsters strongly support AB 3346 by Assembly Member Richard Katz.

AB 3346 would ensure that the California Highway Patrol permanently receives the necessary funding for maintaining their uniformed field strength.

We believe that highway safety is a very important concern for all of the motoring public and the California Highway Patrol deserves sufficient personnel to enforce safety on our roads and highways.

I urge your "Aye" vote on this good bill.



OF AMERICA

I N T E R O F F I C E M E M O R A N D U M

Date: 16-Jul-1992 01:24pm PDT
From: KATE RILEY
RILEY_KA
Dept: ATRN
Tel No: 5-7278

TO: Richard Katz
TO: John Stevens
TO: DAN EATON

(KATZ_RI)
(STEVENS_JO)
(EATON_DA)

CC: Remote Addressee

(BELL_RU AT A1 AT AD39)

Subject: AB 3346 -- Status

This bill, the Freeway Service Patrol bill, is on third reading in the Senate.

I've asked Kopp to be floor jockey. Senator Bergeson was my first choice, but she is out for a bit with (minor) surgery.

Kopp's staff says they will have a short house tomorrow; since the bill is a 2/3 vote urgency bill, they reco we wait til next week.

I've called Karen Morgan in Gov's Office to get a letter from the Gov. requesting the bill from the Leg. This is necessary to move the bill ahead of the budget. A department must request the Gov. to write the letter (is this too confusing?).

Del Pierce is concerned with the "supplant" language we took for the operating engineers. I'm trying to soothe his ruffles. There may be a chance that we have to do amendments to ensure that there is no problem from Agency.



CALIFORNIA TEAMSTERS PUBLIC AFFAIRS COUNCIL

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KK

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LOS ANGELES

LEGISLATIVE REPRESENTATIVE

GERALD P. O'HARA
1400 K STREET, SUITE 302
SACRAMENTO, CALIFORNIA 95814

July 7, 1992

TO: All Members of the Senate Appropriations Committee

FROM: Gerald O'Hara

SUBJECT: AB 3346 (Katz) - Vehicles:
fees: California Highway Patrol

The Teamsters strongly support AB 3346 by Assembly Member Richard Katz.

AB 3346 would ensure that the California Highway Patrol permanently receives the necessary funding for maintaining their uniformed field strength.

We believe that highway safety is a very important concern for all of the motoring public and the California Highway Patrol deserves sufficient personnel to enforce safety on our roads and highways.

I urge your "Aye" vote on this good bill.





ORANGE COUNTY
TRANSPORTATION
AUTHORITY

VR

RECEIVED

JUL 6 1992

Assembly Transportation Committee

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The Honorable Richard Katz
Attention: Kate Riley
Assembly Transportation Committee
3132 State Capitol
Sacramento, CA 95814

Dear Assemblyman Katz:

RE: AB 3346

I am pleased to advise you that the Orange County Transportation Authority Board of Directors has voted to support Assembly Bill 3346.

Further, we appreciate the efforts of your staff to incorporate amendments that are of interest to our agency.

OCTA looks forward to the eventual enactment into law of AB 3346 so that Orange County drivers will have an improved travel environment, and perhaps even an improved air quality environment.

Sincerely,

Stan Oftelie
Chief Executive Officer

AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

Service Authority for
Abandoned Vehicles



Automobile Club of Southern California

1225 EIGHTH STREET, SUITE 375 • SACRAMENTO, CALIFORNIA 95814

GOVERNMENT AFFAIRS

June 23, 1992

Honorable Richard Katz
California State Assembly
State Capitol, Room 3146
P. O. Box 942849
Sacramento, CA 94249-0001

Dear Assembly Member Katz:

Re: Assembly Bill 3346
Freeway Service Patrol Act
SUPPORT

This measure establishes the ground work for the statewide extension of the Freeway Service Patrol that has demonstrated its effectiveness in the Los Angeles area. We believe it appropriate that local entities wishing to participate in the program must first demonstrate a need for congestion relief. We further support the concept of the cost share of 25/75 percent local to state funding. The use of State Highway Account money is consistent with Proposition 111 and Article XIX protections in this regard.

We note that the Emergency Roadside Assistance Advisory Committee established by your bill, AB 123, is due to report to the Legislature the day following the evaluation called for pursuant to this measure. It is suggested that the criteria developed pursuant to this act consider and make reference to the findings of the ERAAC committee.

Very truly yours,

DAVID A. SCHARLACH
Legislative Counsel

DAS:mib

cc: Alice Bisno



COUNTY OF SACRAMENTO

1100 K STREET, SUITE 301
SACRAMENTO, CALIFORNIA 95814-3941
(916) 440-6509
(916) 440-6865 (FAX)

BAXTER C. CULVER
Legislative Advocate

June 11, 1992

DONNA BUTLER
Legislative Assistant

The Honorable Quentin Kopp
Chair, Senate Transportation Committee
Room 2057, State Capitol
Sacramento, California 95814

Subject: AB 3346 (Katz) - Oppose as amended

Dear Senator Kopp:

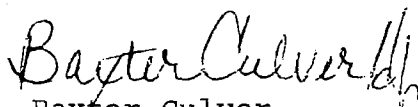
AB 3346 is scheduled to be heard in the Senate Transportation Committee on Tuesday, June 16, 1992. The purpose of the bill is to implement a freeway service patrol system on congested urban freeways throughout the state, involving a cooperative effort between state and local agencies. Of some \$8.5 million, \$6 million goes to local entities.

Over the past few months our Sacramento Transportation Authority has entered into a Memorandum of Understanding with Caltrans and the CHP, and has also executed a Cooperative Agreement with Caltrans for the transfer of the new funds. Proposals from private tow firms were received this week for our first two beats, and we are ready to make an award as soon as state funding is approved.

Proposed amendments to AB 3346 change the funding formula to Sacramento County's detriment, and jeopardize our ability to go forward with our program. We believe it would be preferable to have this programs in as many counties as possible, rather than to concentrate it in only a handful.

Your consideration of our position will be appreciated.

Sincerely,


Baxter Culver
Legislative Advocate

cc: County Executive
Members, Senate Transportation Committee
Assemblyman Katz

File



9 June 1992

Honorable Richard Katz
State Capitol
Room 3146
Sacramento, CA 95814

Ref: AB 3346 - Freeway Service Patrol Amendments

Dear Assemblyman Katz,

I am writing to thank you for your efforts to bring the Freeway Service Patrol funding and legislation into being. Ms. Kate Riley has been very helpful in meeting with the involved state and local agencies to come to an agreement on the details of the new legislation.

As both the local transportation authority and the Congestion Management Agency for Sacramento County, the Sacramento Transportation Authority has been attacking congestion and other transportation problems for five years. The Freeway Service Patrol will be the first concerted effort in Sacramento County to attack the problem of non-recurrent congestion which robs Sacramentans of over one half millions hours each year.

In the past months, the STA has entered into a Memorandum of Understanding with Caltrans and the CHP, and has also executed a Cooperative Agreement with Caltrans for the transfer of the new FSP funds. Proposals from private tow firms were received yesterday for our first two beats, and we are ready to make an award as soon as we are comfortable that the state funding we have relied upon becomes more a reality.

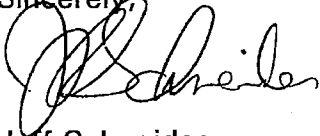
The formula to be used for allocating FSP funds which had been agreed upon by the local entities at a meeting with Ms. Riley and in subsequent coordinating conversations was based 75 percent on population and 25 percent on urban freeway miles. If, as anticipated, \$6 million is allocated among localities, Sacramento would receive approximately \$285,000 using this formula. If we reduce our FSP level of service by lengthening our beats to eight or nine miles (over three times longer than those of Los Angeles), and if we limit service hours to four hours daily (half that of Los Angeles), we might be able to fund FSP on our two most congested beats with \$285,000 plus our local match.

9 June 1992
Page 2

Unfortunately, we learned yesterday that there may be a proposal brought forward at the Senate Transportation Committee hearing on June 16 to modify the allocation formula. Given the small amount Sacramento will receive and the diminished service level described above, if an alteration is made to the allocation formula which reduces Sacramento's portion, the operation of an FSP program in Sacramento County will not be viable.

I will attend the Senate Transportation Committee hearing on June 16 and will be prepared to testify. In that hearing and beyond I hope that you will continue to support the allocation formula agreed upon in prior meetings.

Sincerely,



Jeff Schneider
Acting Executive Director

cc: Senator Pat Johnston
Senator Leroy Greene
Senator Tim Leslie

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KR

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Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ
Chairman

June 5, 1992

Honorable David Roberti, Chairman
Senate Rules Committee
State Capitol
Sacramento, CA 95814

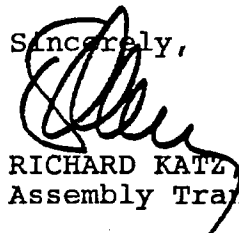
Dear Senator Roberti:

I am requesting that the Senate Rules Committee approve the inclusion of an urgency clause in amendments to my AB 3346. The urgency clause is necessary because the amendments seek to authorize a statewide freeway service patrol called for in the Governor's 1992-93 budget. The Conference Committee has adopted language making the allocation of funds for this program contingent on enactment of enabling legislation. This bill will enable the program.

Because many local agencies are counting on authorization to begin this program, the legislation needs to have an urgency clause.

I look forward to your positive action on this request.

Sincerely,



RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

Enclosures

Constituent

To: KR
CC: LLR
From: LM
Date: 6/5/92
Re: Tow truck driver certification

Caller: Ken Spiker Jr.
Ken Spiker & Associates
14156 Magnolia #102
Sherman Oaks, CA 91423
(818) 990-6145

*Steve
L will call*

Mr. Spiker is a representative for the OPG, the official tow truck service for the city of L.A., specifically L.A.P.D. According to Mr. Spiker the city of L.A. has an extensive certification process to be contracted for the service.

According to the freeway tow truck driver service a special certification must be received from the CHP. Mr. Spiker has been asked, by the Police Commission, if the L.A. City certification will allow them to provide the service on the freeway system or will they need to be double certified. Apparently, they are used by the LAPD to provide the service on the freeway as well as the city streets.

6/9/92

TO: Kate Reilly
FR: Wes Wells
Re: Response to Meeting of June 4, 1992

DRAFT
FOR REVIEW
PURPOSES ONLY

At our meeting last Thursday you asked for two things: the application of several different allocation formulas to be run by Wayne Henley, and recommendations from us on how allocations should be made "off the top" for Caltrans and CHP PYs.

THE ALLOCATION FORMULAS

We received the results of Caltran's new formula runs, and as I indicated, MTC is neutral on various formula options. The results of the new runs confirm this position as there is little difference in terms of the Bay Area shares. However, it appears your revision to the bill dropped reference to a study that would look into the issue of allocation in greater depth. We would support such a study, primarily to assure that the funds are being directed to the areas of greatest need.

In terms of Caltran's most recent allocation runs, we still have some problems:

- a) Urban lane miles should be calculated for Sonoma county as we have plans for a beat in the Santa Rosa area in Phase IV; Santa Cruz could also be added since plans also call for a beat there as well.
- b) The registered vehicles/urban lane mile is improperly calculated and the values do not correspond with the latest data available for registered vehicles. (Urban lane miles should be divided into registered vehicles and for multiple county districts, the numerator and denominator should be added before dividing.)
- c) The urban lane miles Caltrans uses in the formula do not match the route segment data we have for Bay Area counties:

<u>County</u>	<u>MTC Route Segment Data</u>	<u>Data Used in Caltrans Allocation</u>
Alameda	982.8	744.0
Contra Costa	477.7	449.0
Marin	220.0	188.0
San Francisco	211.0	130.0
San Mateo	717.3	475.0
Santa Clara	842.1	586.0
Solano	179.8	184.0
Sonoma	327.0	?

WHAT TO TAKE OFF THE TOP

On the issue of what to take off the top, initial efforts by Caltrans in the BCP were to estimate 5.7 PYs for Caltran's personnel, but no dollars were set aside to cover these staff. Equipment costs were estimated at \$343,500. CHP PYs were not given in the data we have, but a dollar figure of \$1,165,000 was given as the amount necessary to fund the CHP staff as provided in the Caltrans/CHP agreement.

We would recommend that the above estimates should not be used, for the following reasons:

- Caltrans PYs were estimated based on one PY for every 35 miles of FSP. This figure is suspect, and PYs can't be allocated on this basis since the allocations made by Caltrans in the BCP are no longer relevant.
- Costs for equipment appear unreasonably low, and with local involvement, different equipment and configurations will be required depending on terrain, distances, etc.
- Caltrans used a formula to determine the cost for tow services based on the following formula: 200 FSP miles/2.3 miles per truck, with an average cost per truck of \$93,600. This yielded 87 trucks X \$93,600 = \$8,143,200. The leg analyst changed the 2.3 factor to 2.6 which would lower the total cost estimate to \$7,207,200. However, our experience with tow bids shows Caltran's estimates to be unrealistic for a number of reasons: trucks can and should vary significantly per beat depending on a number of characteristics (LA has beats with 5 trucks while MTC has many beats with only 2 trucks); Caltran's assumed an average cost per hour of \$45 while our bids average about \$10 above that estimate; Caltran's assumed 8 hours of coverage per day, but our beats vary considerably (some beats have only 6 hours of coverage per day, but others run all day and some have service on weekends).

Based on the problems discussed above, we would recommend you consider an option where:

- a) No dollars are taken off the top for communication equipment.
- b) Our preference would be nothing off the top for PYs. However, if funds are to be provided, then provide PYs for Caltrans and CHP based on the only real estimate that can be made from an actual operating program- the LACTC FSP. We strongly recommend capping this amount at no more than \$1

million. If off the top allocations go much beyond this, most programs that have already designed their FSP service and issued RFPs, will have to cut back their programs severely. As an example, the Bay Area anticipated \$2.4 million from the BCP and \$500,000 from local funds. With the current formula we can anticipate 24.72% of \$8.5 million or \$2.1 million, or a reduction of \$300,000. If an additional million is taken of the top, our anticipated share would shrink to \$1.85 million, or a reduction of \$550,000. A possible scenario of this second option would be 1.7 PYs for Caltrans and 4 PYs for CHP or a total of 5.7 PYs. If these estimates were factored to the formula shares for the other districts it would yield the following results:

LA-	5.7	-	37.32%
MTC-	3.8	-	24.72%
Sacto-	.7	-	4.74%
Dis 8-	1.7	-	10.89%
SD-	1.8	-	11.82%
OCTA-	<u>1.6</u>	-	10.5%
15.3 PYs X (assume \$70k/PY) = \$1,071,000			

We hope you find the above recommendations useful. Our overriding concern at this point is to preserve as much of our planned FSP service as possible and to get the funds as soon as possible. We've selected our ten top contractors and are currently evaluating the four proposers for the communications equipment. We cannot award these contracts until the state funding is guaranteed. These actions must take place at least 45 days prior to commencement of service.

As a concluding thought, if any of the above districts decides not to participate, we would assume their formula allocations of both dollars and PYs would be reallocated to those districts with programs.

cc: McCrank, Caltrans Dis. #4; Cahill, CHP Golden Gate Division; Henley, Caltrans Traffic Ops Sacramento; Murphy, OCTA; Berlin, LACTC

TO: INTERESTED PARTIES

JUNE 2, 1992

FROM: KATE RILEY

RE: FREEWAY SERVICE PATROLS LEGISLATION

Assembly member Katz has reviewed the issues raised at our May 21 meeting, and below I have outlined his responses. I will draft revisions to the amendments to reflect these changes, and several minor technical changes as well, and fax them to you when available.

If you have concerns about the changes outlined below, please call me ASAP at 916-445-7278. Thanks!

- 1) Formula: Add "urban" to existing formula.
- 2) Unused funds: If a county doesn't participate w/in a specified time period after passage of the bill, its funds are allocated proportionately to other participating counties.
- 3) Katz is opposed to a basic unmatched program run by state agencies.
- 4) Local match may be in-kind; but locals must match to all state resources directed to the county, not just money for tow truck contracts. Caltrans to report annually to Legislature on local match, to ensure that match expenditures are related to program.
- 5) Administrative cap is to be 2%, and is to apply to administrative overhead, as defined.
- 6) Extend sunset to '96.
- 7) Change fees for tow truck drivers per CHP request.
- 8) LACTC language to integrate existing programs.
- 9) Add locals to management of program, per discussion at meeting.

May 28, 1992

Honorable John Vasconcellos, Chairman
Assembly Ways & Means Committee
State Capitol
Sacramento, CA 95814

Dear John:

I am writing this letter to request that the Budget Conference Committee re-open item number 2660-001-042 (page 58 in the Conference Agenda). This item, for support for the Department of Transportation, includes an appropriation for \$8,396,000 from the State Highway Account to Caltrans for a statewide freeway service patrol system.

Currently, the Conference Committee has adopted the Assembly version of the budget, which appropriates the funds with language preventing expenditure until enabling legislation is signed into law.

I have been negotiating with Caltrans, the California Highway Patrol, and local transportation agencies, to develop legislation to direct the formation of the statewide program. These negotiations are moving along and I anticipate a bill being sent to the Governor.

However, I am concerned that the Governor could strike the language in the budget, and spend the money absent enabling and directing legislation.

For that reason, I am requesting that the Conference Committee strike the \$8,396,000 appropriation for freeway service patrols in this item. The Legislature can then send the Governor a bill with policy direction, and the appropriation.

I look forward to your positive response to this request, and will be happy to answer any questions you have regarding it.

Sincerely,

RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

cc: Senator Alfred Alquist
Mr. James van Loben Sels, Director, Caltrans
Commissioner M. J. Hannigan, CHP

TO: BK/JS

MAY 26, 1992

FROM: KR

RE: FREEWAY SERVICE PATROLS

*Free
FSP do
F.T.*

1) Budget Status The Conference Committee adopted the Assembly version of language for this issue (i.e., Caltrans can't spend the FSP money w/o a policy bill). Of course, the Gov. can blue-pencil this language... It may be appropriate to request the Conference Committee to remove the appropriation entirely, and carry the appropriation only in the policy bill. I think this can still be done.

2) Logistics We are planning to add the FSP amendments, appropriation, and an urgency clause to AB 3346, just assigned to Senate Trans. That bill now carries only the extension of the CHP \$1 surcharge (at Gov. and CHP request). (FYI -- We got a cover letter on the amendments from Counsel saying that funding an FSP with Article 19 monies might not be constitutional...).

3) Timing is still a problem, obviously. Many locals have sent out RFPs, assuming a July 1 start date. Of course, if the budget is delayed, they are in trouble nonetheless.

4) Proposed Amendments I met with Caltrans, CHP, and key locals (including LA) about our proposed draft FSP language. I've outlined the areas of contention, where we need your direction, below. Please advise.

A) How is the money allocated?

FORMULA (1) Caltrans has a proposed allocation scheme from its BCP. At the meeting, some suggested letting Caltrans' BCP govern allocation for the first year, and have an advisory group come up with a formula for following years. The amendments we have proposed send money out based on a formula based on population and freeway lane miles(2). At the meeting we discussed revising the bill formula based on urban freeway lane miles(3). Below I've outlined the percentage of state funds under each of these three scenarios which would be received by the major counties.

	Caltrans (1)	Amendments (2)	Amendments plus "urban" (3)
LA	26.0	29.17	35.32
Sacto	1.5	3.75	5.5
MTC	26.4	21.11	23.64
San Diego	4.7	9.3	15.19

Handwritten circled notes around the table, with an arrow pointing to the 'Amendments plus "urban" (3)' column and the text 'No one' written below.

You'll see there are winners and losers each way.... Which do you prefer:

- a) Caltrans
- b) Caltrans for first year with formula later
- c) Amendments -- current version
- d) Amendments plus "urban" restriction.

ADMINISTRATIVE PROPOSALS ON FORMULA CHP has proposed language which would limit eligibility to counties which have congestion, as identified in the statewide highway congestion monitoring program, with funding based on the # of freeway miles of congestion, duration of congestion, magnitude of congestion, number of accidents, and the amount of non-standard and absent shoulders (which lead to increased congestion). This might be a good basis for a future formula...pretty complicated for our current situation. Caltrans is still requesting that there be a basic state-funded option for the program, where funding is based on need, with no local match. I recommend against this option.



STATEWIDE VERSUS LOCAL COSTS/ADMINISTRATIVE CAP The budget includes \$8,396,000 for the FSP program; Caltrans' BCP directs \$1,705,450 to Caltrans and CHP for their costs (20%). Your bill has a 2% administrative cap. CHP says its share of the LA program is 10%. LACTC wants the administrative cap reduced to 1%.... The questions: (1) Are all state costs administrative? CHP uses its money for oversight: i.e., to make sure drivers meet standards, to keep an eye on the tow truck companies, etc. (2) Is a 2% cap realistic? (3) Is Caltrans proposing too large an amount of money to state operations? What are your thoughts here? One possibility would be to add language revising the cap. of the amount appropriated to state agencies, no more than 2% shall go to administrative overhead...defined in some way...

try to make else -

LOCAL MATCH ISSUES Our language requires a 25% local match for participating counties. (1) What if a county cannot come up with the 25% local match? Or if it chooses not to participate? I suggest we amend our bill to provide locals with a limited amount of time after the bill is passed to opt in, and if they don't, the money gets allocated to other participating counties. (2) Is the match to local grant funds only? No If not, do locals have to match state support costs (i.e., Caltrans and CHP costs for providing service to the local area)? I recommend that the match be only to the amount which is received by the locals. (3) We need to clarify that the match can be for in-kind services. We may want to require a periodic audit, to ensure that people are not charging ridiculous items to bolster a 25% match.

Annual report to leg by C/T on local match

- (B) Other amendments -- FYI
- (1) Extend sunset to '96 (to allow two contract periods for locals)
- (2) Change fee for tow truck drivers per CHP request.

- (3) Integrate existing programs into new program (language from LACTC -- looks ok)
- (4) Add locals to management of program (specify that they participate in management, as well as be party to MOU). Administration may not like this...

I N T E R O F F I C E M E M O R A N D U M

Date: 15-May-1992 02:05pm PDT
From: David Panush
PANUSH_DA@A1@SENATE
Dept: SS1300
Tel No:

TO: Teri Burns
TO: KATE RILEY

(BURNS_TE@A1@SENATE)
(RILEY_KA AT A1 AT ACOM1)

Subject: Freeway Service Patrols

Attn: Kate:

Re: the language referenced on pg 58 #5, Conference adopted the Assembly version -- so I think we're OK. Anything else needed here?

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P. O. Box 942898
Sacramento, CA 94298-0001
(916) 657-7249

May 12, 1992

File No.: 12.A9525.A7786.7770R



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MAY 18 1992

Assembly Transportation Committee

The Honorable Richard Katz
California State Assembly
State Capitol, Room 3146
Sacramento, CA 95814

Dear Mr. Katz:

I would like to take this opportunity to thank you for authoring AB 3346, which extends the sunset provision to January 1, 1995, for the \$1.00 registration fee and \$1.00 off-highway vehicle fee on behalf of the Department.

As you know, the continuation of this source of revenue is critical to the operations of the California Highway Patrol. We have been dependent upon this funding since 1981. Loss of this financial support would cause a severe cutback in the number of uniformed officers patrolling our highways.

Once again, thank you and if I or my staff can provide further assistance regarding this or any other matter, please feel free to call me or Lieutenant Steve Lykins at 657-7249.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. R. Jones".

A. R. JONES, Captain
Special Representative



PK → file

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1400 K STREET, SUITE 302 • SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 446-029

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LEGISLATIVE REPRESENTATIVE

GERALD P. O'HARA
1400 K STREET, SUITE 302
SACRAMENTO, CALIFORNIA 95814

April 29, 1992

TO: All Members of the Assembly Ways and Means Committee

FROM: Gerald O'Hara

SUBJECT: AB 3346 (Katz) - Vehicles:
fees: California Highway Patrol

The Teamsters strongly support AB 3346 by Assembly Member Richard Katz.

AB 3346 would ensure that the California Highway Patrol permanently receives the necessary funding for maintaining their uniformed field strength.

We believe that highway safety is a very important concern for all of the motoring public and the California Highway Patrol deserves sufficient personnel to enforce safety on our roads and highways.

I urge your "Aye" vote on this good bill.



16

Memorandum

TO: KATE RILEY
Senior Consultant
Assembly Transportation Committee

Date : April 27, 1992

FROM: Department of Transportation
Division of Traffic Operations

SUBJECT: Freeway Service Patrol

I'm sorry I took so long in getting back to you,. Defining a Tier I or basic freeway service patrol is not easy. It costs about \$6,250 to patrol a mile of freeway one hour each working day for a year. The \$6,250 includes the contract costs, communications costs, public awareness and the costs of Caltrans and the Highway Patrol. To approximate a basic level of service I looked at the current budget change proposal and at freeways where congestion lasts for at least two hours. Pinpointing locations where we have no shoulders or where we have high concentrations of incidents was more than I could do last week.

The Tier I freeway service patrol should be on freeways that are congested two or more hours at a time, have no shoulders or experience exceptional incident patterns. Tier I freeway service patrol should funded out of the state highway account. Below is a first cut at the amount of funds necessary to fund a Tier I patrol.

Region	Amount
Sacramento	\$250,000
San Francisco Bay Area	4,400,000
Los Angeles	4,700,000
Inland Empire	1,000,000
San Diego	750,000
Orange County	<u>3,700,000</u>
Total	\$14,800,000

To help with the freeway service patrol as described in the current BCP the Orange County Transportation Authority will be contributing \$250,00 and the Metropolitan Transportation Commission (SAFE) will be contributing \$500,000.



WAYNE J. HENLEY, Chief
Office of Traffic Operational Systems

CC Borden

1 Cars
15.5 PYs
10 Cars

FSP - BCP (PROJECTED BUDGET 1992/93)

DIVISION	CENTERLINE MILES	CONTRACT DOLLARS	CHP-PYs			CHP CONSOLES
			CT-PYs	SGT.	T.O. C.O.	
VALLEY	5	187,200	0.2	0.5	0.5	2
GOLDEN GATE	60	2,480,400	2.0	1.0	3.0	26
SOUTHERN	60	2,480,400	1.0	0.5	0.5	26
INLAND	20	842,400	0.6	1.0	1.0	9
BORDER (SAN DIEGO)	15	561,600	1.0	0.5	1.0	7
BORDER (ORANGE CO.)	40	1,591,200	1.5	2.0	1.0	17
TOTAL	200	8,143,200	6.3	1.5	7.5	87

↓ Add 10 patrol vehicles

California Highway Patrol reimbursement amount is \$1,165,000. ← THATS FINE IS WITH
Total new State-funded FSP program is \$9,308,200.
10 PATROL VEHICLES. IF YOU
BAKE OUT \$115,000*, YOU
GET 1.049 mil.

These figures are estimates only and are subject to change.
2/14/92

*If Dispatch enables

DISTRICT	NO. VEH'S	AVL MOBILE COST	AVL CONSOLE COST - CT	AVL CONSOLE COST - CHP	TOTAL AVL MOBILE & CONSOLE
	3	\$6,000	\$16,500	\$16,500	
	4	\$63,000	\$16,500	\$33,000	
	7	\$63,000	\$0	\$16,500	
	8	\$21,000	\$16,500	\$16,500	
	11	\$18,000	\$16,500	\$16,500	
	12	\$42,000	\$16,500	\$16,500	
TOTAL	71	\$213,000	\$82,500	\$115,500	\$411,000
DIST 7 AVL		\$63,000	\$0	\$16,500	\$79,500
HQ AVL TOTAL		\$150,000	\$82,500	\$99,000	\$331,500

orig. 213,000
 change
 orig. 213,000
 change
 (Dist 7 will purchase) (CHP console) via Randy Kowling
 For 7 consoles
 343,500
 orig 213,000
 change
 261,000

**FREEWAY SERVICE PATROLS STATEWIDE ENABLING LEGISLATION
DRAFT APRIL 23, 1992 ALLOCATION FORMULA**

AUTHORITY	COUNTY	LANE MILES	POPULATION	FUNDING %	SUB-TOTALS	
INLAND	RIVERSIDE	551	1,225,000	4.13	INLAND=	9.11
INLAND	SAN BERNARDINO	872	1,471,300	4.98		
LA	LOS ANGELES	3451	8,988,800	29.17	LA=	29.17
MTC	ALAMEDA	744	1,298,000	4.67		
MTC	CONTRA COSTA	449	819,300	2.92		
MTC	MARIN	188	299,500	0.95		
MTC	NAPA	16	112,700	0.31		
MTC	SAN FRANCISCO	130	726,700	2.07		
MTC	SAN MATEO	475	857,300	2.56		
MTC	SANTA CLARA	614	1,513,100	4.97		
MTC	SOLANO	280	352,300	1.42		
MTC	SONOMA	119	396,800	1.22	MTC=	21.11
ORANGE	ORANGE	1072	2,453,300	8.21	ORANGE=	8.21
SAC	SACRAMENTO	560	1,088,800	3.75	SAC=	3.75
SD	SAN DIEGO	1509	2,548,700	9.30	SD=	9.3
VEN	VENTURA	348	677,900	2.37	VEN=	2.37
N/A	BUTTE	34	186,700	0.53		
"	EL DORADO	37	130,800	0.40		
"	FRESNO	177	686,800	2.06		
"	HUMBOLDT	58	121,000	0.41		
"	IMPERIAL	20	112,300	0.32		
"	KERN	182	559,900	1.75		
"	KINGS	15	104,400	0.29		
"	MADERA	18	92,900	0.27		
"	MENDOCINO	18	81,800	0.24		
"	MERCED	34	184,000	0.53		
"	MONTEREY	97	362,800	1.10		
"	NEVADA	18	80,900	0.24		
"	PLACER	77	179,200	0.60		
"	SAN JUAQIN	162	490,000	1.54		
"	SAN LUIS OBISPO	124	221,300	0.79		
"	SANTA BARBARA	145	376,600	1.22		
"	SANTA CRUZ	87	232,500	0.75		
"	SHASTA	108	151,800	0.59		
"	SISKIYOU	18	44,200	0.15		
"	STANISLAUS	107	383,800	1.17		
"	SUTTER	6	66,100	0.18		
"	TEHAMA	18	50,900	0.18		
"	TULARE	77	319,600	0.95		
"	YOLO	93	145,000	0.54		
"	YUBA	28	59,400	0.20	OTHERS=	16.98
TOTALS		12,936	29,960,600	100		100.00

* FUNDING % = ((COUNTY LANE MILES/TOTAL LANE MILES X .25) +
(COUNTY POPULATION/TOTAL POPULATION X .75)) X 100



ask
Committee
for
approval
copy

April 23, 1992

MEMO TO: TECHNICAL ADVISORY COMMITTEE - 5/6/92
PLANNING AND MOBILITY IMPROVEMENT COMMITTEE - 5/13/92
MEETING

FROM: NEIL PETERSON

SUBJECT: METRO FREEWAY SERVICE PATROL SIX MONTH EVALUATION

ISSUE

This information item provides an interim report on Metro Freeway Service Patrol activities since full service was initiated in September 1991. Estimates of congestion savings and air quality improvement will be provided in the annual evaluation scheduled for Commission review in September, 1992.

RELATIONSHIP TO THE THIRTY YEAR PLAN

The Metro Freeway Service Patrol is identified for ongoing funding in the highway component of the Thirty Year plan.

BUDGET IMPACT

The Metro FSP operation is currently funded with Proposition C Interest funds. This report documents how these funds are being spent.

BACKGROUND

At its December 12, 1990 meeting the Planning and Mobility Committee directed staff to take steps necessary to initiate a Freeway Service Patrol using Proposition C funds. In March of 1991 the Commission formally approved the staff's implementation plans. The first of three stages of service began on July 1, 1991 using Proposition C Interest funds. The attached stand-alone report provides a snapshot view of the program's service characteristics and ongoing efforts to estimate its benefits and improve the cost-effectiveness of the service. The program's annual report, scheduled for Commission review in September, will provide more in-depth analysis of the program's congestion and air quality benefits.

Neil Peterson
NEIL PETERSON
Executive Director

NP:DP:me
dpl:\m&tc.6m0

000182



Los Angeles County
Transportation
Commission
818 West Seventh Street
Suite 1100
Los Angeles, CA 90017
Tel 213 623-1194

Leading the Way to Greater Mobility

State of California

Business, Transportation and Housing Agency

Memorandum

To: DISTRICT DIRECTORS
Districts 3, 4, 7, 8, 11, 12

Date: April 15, 1992

File No:

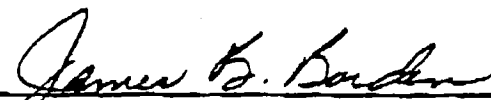
From: DEPARTMENT OF TRANSPORTATION
Division of Traffic Operations


APR 21 1992
APR 21 1992

Subject: Freeway Service Patrol Funding

As most of you know, the State Assembly and Senate budget committees adopted the Legislative Analyst's recommendation to reduce the Freeway Service Patrol (FSP) budget proposal by \$1,546,000. This reflects a reduction of \$1,498,000 in contract funds and a reduction of \$48,000 in equipment for Automated Vehicle Identifications/Location (AVI/AVL). In addition, the committees adopted budget control language requiring enabling legislation before any State funding can be expended. We are currently working with Assemblyman Katz' office to get the required legislation enacted prior to July 1, 1992. It's very important that your efforts to get cooperative agreements and contracts ready be continued, and I understand that all of you are moving ahead to make this happen. However, I want to make sure everyone is aware that no contracts can be awarded committing the expenditure of State funds until legislation is enacted. Cooperative Agreements should contain language requiring legislative authorization before FSP contracts are awarded.

We have also estimated the funding needed for telecommunications service contracts. For districts negotiating with local agencies to obtain telecommunications services locally, the funds will be allocated to the District (once legislation has been chaptered). For districts using the statewide telecommunications contract, the funds will be allocated to Headquarters Telecommunications, who will be administering the contract. Any unused funds will be transferred to districts for additional FSP services. The attachment provides a breakdown of preliminary operating expense allocations for FSP. If you have any questions, please contact Mr. Wayne Henley at CALNET 464-6246.


JAMES B. BORDEN, Chief
Division of Traffic Operations


W. J. EVANS, Chief
Division of Budgets

Attachment

- | | | | |
|--------------|----------------|----------------|-----------------|
| cc: JAllison | AColon - 3 | JMurdock - 7 | KAllen - 11 |
| GAdams | AHansen - 4 | MMcManus - 8 | JHecker - 12 |
| WHenley | MGlass - 4 | DGingerich - 8 | CGruzynski - 12 |
| JNicolas - 3 | CO'Connell - 7 | SHarvey - 11 | |

PRELIMINARY 1992-93 FSP ALLOCATIONS

DISTRICT	TOW TRUCKS	TELECOMM CONTRACTS		AVL/AVI EQUIPMENT (2)		CHP SUPPORT		TOTALS
		STATEWIDE (1)	LOCAL	STATEWIDE (1)	LOCAL	INTERAGENCY AGREEMENT	SUPPORT EQUIPMENT	
3	126,650	(22,350)		(22,500)				126,650
4	1,726,350	304,650			80,000		33,000	2,144,000
7	2,031,000				63,000		16,500	2,110,500
8	589,050	(103,950)		(37,500)				589,050
11	382,500	(67,500)		(34,500)				382,500
12	1,097,350	(193,650)		(58,500)				1,097,350
32 (HQ TELECOMM)		387,450		153,000			66,000	606,450
51 (HQ TRAFFIC)							1,049,500	1,049,500
TOTALS	5,952,900	387,450	304,650	153,000	143,000	1,049,500	115,500	8,106,000

(1) - Parenthetical amounts equal district estimates to be allocated to HQ Telecommunications for a Statewide contract.
 (2) - One-time allocation for the purchase of communications consoles and AVL/AVI equipment.

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Assembly California Legislature

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ADDRESS
State Capitol
Sacramento, CA 95814
(916) 445-7278

March 10, 1992

Honorable Pete Wilson, Governor
State of California
State Capitol
Sacramento, CA 95814

Dear Governor Wilson:

I am profoundly disturbed by the general thrust of your proposed transportation budget for 1992-1993. Specifically, draws on the State Highway Account for the California Highway Patrol's commercial truck inspection program, for establishment of statewide freeway service patrols, for rail bond debt service, and for transfers to keep the Motor Vehicle Account whole, total \$137 million between this year and budget year. This is particularly troublesome given the motor vehicle fee increases approved just last year by the Legislature which raised \$73 million in the current year.

One hundred thirty-seven million dollars represents 14% of the revenues raised by the voter-approved increase in the state gas tax this year. Such diversions of gas tax revenues could jeopardize the entire Transportation Blueprint.

I am also concerned by your budget change proposal (BCP) to expand the freeway service patrols authorized by my AB 123. The Los Angeles area service patrols currently operating are funded by locally raised transportation funds (Propositions A and C). Your proposal would provide this service in other areas with state funds and without any requirement for local matching funds. Los Angeles uses its own resources, while your BCP proposes that state pay the bill elsewhere.

Governor Pete Wilson
March 10, 1992
Page 2

I urge you to reconsider your BCP in the light of these issues.

I look forward to your comments on these matters.

Sincerely,



RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

cc: Los Angeles Assembly Delegation
Mr. Carl Covitz, B,T&H Agency
Mr. James van Loben Sels, Caltrans
Mr. M. J. Hannigan, CHP
Mr. Neil Peterson, LACTC

File



CALIFORNIA TEAMSTERS PUBLIC AFFAIRS COUNCIL

1400 K STREET, SUITE 302 • SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 446-029

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LEGISLATIVE REPRESENTATIVE

GERALD P. O'HARA
1400 K STREET, SUITE 302
SACRAMENTO, CALIFORNIA 95814

March 10, 1992

TO: All Members of the Assembly Transportation Committee

FROM: Gerald O'Hara

SUBJECT: AB 3346 (Katz) - Vehicles:
fees: California Highway Patrol

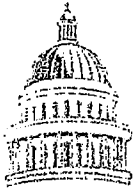
The Teamsters strongly support AB 3346 by Assembly Member Richard Katz.

AB 3346 would ensure that the California Highway Patrol permanently receives the necessary funding for maintaining their uniformed field strength.

We believe that highway safety is a very important concern for all of the motoring public and the California Highway Patrol deserves sufficient personnel to enforce safety on our roads and highways.

I urge your "Aye" vote on this good bill.





Aaron Read
& Associates

js

LEGISLATIVE AND
GOVERNMENTAL REPRESENTATION

March 5, 1992

Honorable Richard Katz
State Assembly
State Capitol, Room 3146
Sacramento, California 95814

Dear Assembly Member *Richard* Katz:

On behalf of my client, the California Association of Highway Patrolmen (CAHP), I am pleased to inform you of our support of your AB 3346 as introduced February 21, 1992.

We appreciate your interest and concern in introducing this measure. We look forward to assisting in its passage.

Best regards,

Aaron
Aaron Read
Legislative Advocate

942875
P.O. Box ~~942875~~
Sacramento
~~94273-2001~~
94274-2875
(916) 654-4666
Fax (916) 653-2137

Alcoholic Beverage Control
Banking
Corporations
California Highway Patrol
California Housing Finance Agency

YH
see me
re letter to
William

STATE OF CALIFORNIA



RECEIVED

MAR 4 1992

Assembly Transportation Committee
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Housing & Community Development
Motor Vehicles
Real Estate
Savings and Loan
Transportation
Teale Data Center
Office of Real Estate Appraisers
Office of Small Business Advocate
Office of Traffic Safety

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

February 28, 1992

CARL D. COVITZ
Secretary

The Honorable Richard Katz, Chairman
Assembly Transportation Committee
State Capitol, Room 3146
Sacramento, CA 95814

Dear Mr. Katz:

Richard

This is in response to your request, dated January 21, 1992, for information regarding the possible implementation of a new form of Freeway Service Patrol (FSP) program authorized by your Assembly Bill (AB) 123 of the 1991 Legislative Session.

In Fiscal Year (FY) 1991-92 there were no new State-funded FSP programs implemented by the State. There was, however, a FSP in Los Angeles County implemented by the Los Angeles County Transportation Commission (LACTC). The LACTC requested the Department of Transportation (Department) and the Department of the California Highway Patrol (CHP) to participate in the FSP program in Los Angeles County which parallels activities described in your AB 123. This program is funded from local Proposition C.

In FY 1991-92, the Department will receive approximately \$393,000 and the CHP will receive approximately \$495,000 in reimbursement funding from the LACTC for their efforts toward the Los Angeles County FSP. Approval for the Department and CHP to participate in the LACTC-funded FSP, and receive and expend LACTC's funds in FY 1991-92, was obtained through a Section 28 application which was transmitted by the Department of Finance (DOF) to the Legislature on August 19, 1991 and approved by DOF on September 19, 1991.

To ensure public safety, the LACTC-funded FSP operators and their employers receive special training and certification by the CHP and the Department. The CHP also performs all necessary driver's license and background checks on all FSP operators. California Vehicle Code Section 2432.3(b)(1), as amended by your AB 123, authorizes the CHP to

The Honorable Richard Katz
February 28, 1992
Page 2

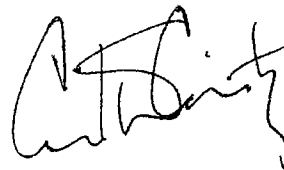
verify the criminal history of individuals involved in FSPs, pursuant to an agreement or contract with a public transportation planning entity. The FSP tow service operator contracts are administered directly by the LACTC. The Department and CHP are jointly responsible for all necessary daily field project supervision, program management, and oversight of the contractor's services.

Based on the continuing success of the LACTC-funded FSP in Los Angeles County and other State-funded FSP operations in other areas of the State, in FY 1992-93 the Department in conjunction with the CHP, is proposing to implement, through the Budget Change Proposal process, a basic FSP program in major metropolitan cities. The proposed FSP program will be similar to the FSP currently used in Los Angeles County and will parallel activities described in your AB 123. The proposed FSP will encourage the "cooperative" efforts of the Department, CHP, and local transportation agencies. The proposal to implement the FSP includes: \$8,143,200 to contract with local tow service operators; \$1,165,000 to support CHP efforts; and 11.4 Person Years (PYs) for support and administration of the program. The proposed FSP will be funded with State Highway Account dollars. The Department and CHP are pursuing additional participation from local transportation agencies to expand FSP efforts in their respective jurisdictions beyond the basic levels proposed.

by
P
C
\$

Since your enabling legislation has allowed us to move on this important congestion relief program, I know I can count on your continued support in freeway service patrol operations. If I can provide any additional information or clarify any issues relating to freeway service patrols, please do not hesitate to contact me.

Sincerely,



CARL D. COVITZ

CHP

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- ve Clute
- ...n Costa
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State Capitol
Sacramento, CA 95814
(916) 445-7278

Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ

Chairman

January 21, 1992

Mr. Carl Covitz, Secretary
Business, Transportation
and Housing Agency
1120 N Street
Sacramento, CA 95814

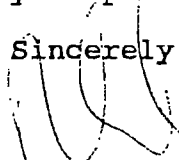
Dear Mr. Covitz:

It is my understanding that there may be an effort to implement a new form of the freeway service patrol program authorized by my AB 123 during the current fiscal year. We naturally support the broad outlines of such a program. However, we are concerned about the fiscal impact of such a current year implementation.

For this reason, prior to any implementation, I would appreciate from your office a description of the implementation program, a discussion of the statutory and budget authority under which the program is being implemented in the current year, and a discussion of the sources and amounts of funds being used for the program.

I look forward to your timely response to this letter.

Sincerely,



RICHARD KATZ, Chairman
Assembly Transportation Committee

RK:kra

cc: Commissioner M. J. Hannigan
Director James van Loben Sels, Caltrans



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To Commet
1/14

file AB 3346

Assembly California Legislature

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Alice Livingston

ADDRESS
State Capitol
Sacramento, CA 95814
(916) 445-7278

14 January 1992

To: Bion Gregory
Legislative Counsel

From: Richard Katz

Re: Bill Draft (Vehicle Registration Surcharge)

Contact Person: Kate Riley at 5-7278.

Please draft a bill to reflect the attached language. Please make the bill unjacketed.

LEGISLATIVE PROPOSAL PREPARED BY THE
CALIFORNIA HIGHWAY PATROL

This proposal would delete the sunset clause for those sections of the law which authorize the collection of specific assessments that provide financial benefit to the California Highway Patrol (CHP).

BACKGROUND

Current law authorizes two assessments to generate maintenance funds for the CHP. The source of one assessment is a one dollar (\$1) fee paid for car registration/renewal. The other one dollar (\$1) assessment is derived from the issuance/renewal of identification of off-highway vehicles. The authority became effective in 1981 and 1985, respectively, and the sunset date has been extended several times. In the interim, the Department has become dependent on those funds, particularly to offset the cost of maintaining the CHP uniform strength. Consequently, if the funds are not available, the Department would be forced to address some very serious fiscal ramifications.

COST

According to current Department of Motor Vehicles' (DMV) projections, the registration fee generates approximately \$25 million per year and the off-highway vehicle fee about \$160,000 in annual revenue.

JUSTIFICATION

Since these fees do not place an unreasonable burden on California's motoring public, and the continuation of the funding would ensure an adequate level of financial support for services provided to the general public, repeal of these sunseting dates is crucial to CHP's operations.

PROPOSED BILL LANGUAGE

An act to amend Sections 9250.8, 9250.9 and 38225 of the Vehicle Code relating to vehicle fees.

The people of the State of California do enact as follows:

SECTION 1. Section 9250.8 of the Vehicle Code is amended to read:

9250.8 (a) In addition to any other fees specified in this code and the Revenue and Taxation Code, a fee of one dollar (\$1) shall be paid at the time of registration or renewal of registration of every vehicle subject to registration under this code beginning January 1, 1986, except those vehicles that are expressly exempted under this code from the payment of registration fees.

~~(b) This section shall remain in effect until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is chaptered on or before January 1, 1993, deletes or extends that date.~~

SECTION 2. Section 9250.9 of the Vehicle Code is amended to read:

9250.9 (a) All fees received by the department pursuant to Section 9250.8 shall be deposited in the Motor Vehicle Account in the State Transportation Fund. The money deposited in the account pursuant to this section shall be available, upon appropriation by the Legislature, for expenditure to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.

~~(b) This section shall remain in effect until June 1, 1993, and as of that date is repealed, unless a later enacted statute, which is chaptered on or before June 1, 1993, deletes or extends that date.~~

SECTION 3. Section 38225 of the Vehicle Code, as amended by Section 3 of Chapter 954, Statutes of 1990, is amended to read:

38225 (a) A service fee of nine dollars (\$9) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicle subject to identification, except as expressly exempted under this division.

(b) In addition to the service fees specified in subdivision (a), a fee of one dollar (\$1) shall be paid at the time of issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division. The department shall deposit the fee received under this subdivision in the Motor Vehicle Account in the State Transportation Fund.

~~(b) (c) This section shall become operative on January 1, 1993.~~

January 10, 1992

MICROFILMED
COPY IN RMW

L.A.C.T.C.

Ms. Diane Perrine
Los Angeles County
Transportation Commission
818 W 7th st #1100
Los Angeles, California 90099-3269

1992 JAN 16 PM 12:38
204604

Dear Ms. Perrine:

I felt compelled to write a few lines along with my completed Freeway Service Patrol Survey.
THREE CHEERS FOR THE FREEWAY SERVICE PATROL!!!

Yesterday I was the victim of bad fuel in my motorcycle which left me stranded on the center divider of the 405 Freeway just before Century Blvd.

I fiddled and tried to get it running again, but it became obvious there was a problem with the fuel flow - I had just gassed up, but I'm no mechanic.

I took my helmet off, hoping someone from the office would pass by and recognize me or someone would see that I was a normal person stuck in the center of the freeway in need of help. What luck, someone did stop at the emergency phone across the freeway after a while and placed a call on my behalf.

The Highway Patrol arrived without delay! The tow truck arrived! A second tow truck arrived! - And all in a matter of minutes. Everyone was so professional and extremely safety conscious.

I was amazed, I was so excited it didn't even bother me much that I had broken down. They towed me off the freeway. The truck driver insisted he stay with me until I was able to call for help and even offered to wait with me until help came. It wasn't the best of areas, but I told him I would be ok - besides there might be someone on the freeway in distress.

Western Region
12541 Beatrice Street
P.O. Box 66916
Los Angeles, California 90066

Telephone
(213) 574-7300
Fax: (213) 822-3157

Letter to the Freeway Service Patrol
January 10, 1992
Page 2

I have seen the tow trucks on the freeways and marveled at how well the system works, but I had no idea it was of no additional charge nor that I would ever have need of their services. I would have paid plenty for help last night. For once I felt my tax dollars were really working for me personally. I feel safer traveling the Los Angeles Freeway System today knowing that help is out there if I need it.

One and half years ago I was involved in an accident. Someone decided he'd rather drive in my lane than his own and forced me to drop my bike on the 405. Needless to say the experience was a nightmare. The motorcycle police stopped just long enough to yell at me to get my bike out of the traffic lanes and took off. I was injured and the bike was heavy and disabled. Luckily some people pulled over and helped move the bike. The emergency phones in both directions were out of service. It wasn't until my motorcycle instructor coincidentally rode by more than an hour later and called for help, that help finally came.

My thanks again - to the gentlemen that came to my rescue last night... the man in the red pick-up who placed the call, the Highway Patrol officer who was quick to respond, and my knights in shining armor - the Freeway Service Truck Drivers!!!!

With my sincerest appreciation,



Sylvia Schumann

LOS ANGELES UNIFIED SCHOOL DISTRICT

Banning Carson Community Adult School

1527 LAKME AVENUE, WILMINGTON, CALIFORNIA 90744

TELEPHONE: (213) 549-7880

LETTERS TO
LORRE DRIVER
I.D.

2-137

Superintendent of Schools

STEVE BARBA
Principal

L.A.C.T.C.

1992 JAN 13 PM 2:24

MICROFILMED
COPY IN RMC

January 6, 1992

Diane Perrine
Los Angeles County Transportation Commission
818 W. 7th Street #1100
Los Angeles, CA 90099-3269

Dear Ms. Perrine:

I would like to extend my gratitude to you for the services provided by the Freeway Service Patrol. On Friday December 13 one of our employees was stranded on the freeway with a car problem and luckily the freeway service patrol stopped and rendered assistance to him. Minor repairs was made to his vehicle and he was sent on his way to work, he arrived a little late, nevertheless he arrived to work - thanks to the freeway service patrol. I commend the Los Angeles County Transportation Commission, Caltrans and the California Highway patrol for the excellent service.

I sincerely hope that they extend this service to weekends also.

Respectfully,



Steve Barba
Principal

SB:es



#40

LP

December 2, 1991

MEMO TO: PLANNING AND MOBILITY IMPROVEMENT COMMITTEE - 12/11/91
MEETING

FROM: NEIL PETERSON

SUBJECT: METRO FREEWAY SERVICE PATROL MONTHLY STATUS REPORT -
INFORMATION ITEM

ISSUE

This report summarizes currently available information regarding the Metro Freeway Service Patrol (FSP) program. Since it is an information item, there is no recommendation or budget impact. Since September, 1991 the information contained in the monthly status report has remained constant. We are recommending that a quarterly report be submitted in lieu of the monthly report unless there is a significant item of information to be brought forward.

SERVICE LEVELS

As of November 22, 1991, the Metro FSP assisted 54,351 motorists. The average number of assists remains about 700 per day. Each truck continues to provide approximately eight assists each day or about one assist every hour (see Attachment A).

The Metro FSP provides about one-third more assists during the evening peak period than in the morning peak period. Motorist fatigue, warmer temperatures, and the fact that the evening peak period usually experiences heavier congestion than the morning peak period could all be contributing factors to the higher afternoon assist totals.

MOTORIST SURVEY RESULTS

There have been no significant changes since last month's report. The Metro FSP continues to receive an excellent service rating. Currently, 93 percent of motorists receiving Metro FSP assistance rated the program as excellent; seven percent of the motorists rated the program as good.

A primary goal of the Metro FSP is to reduce congestion by removing disabled vehicles as quickly as possible. The continuous patrolling of freeways is a key element in reducing



PLANNING AND MOBILITY IMPROVEMENT COMMITTEE - 12/11/91 MEETING
METRO FREEWAY SERVICE PATROL MONTHLY STATUS REPORT

Page 2

tow truck response time. Currently, 53 percent of surveyed motorists state that they were assisted in five minutes or less and 78 percent of motorists state that they were assisted in 10 minutes or less. About ten percent of motorists receiving assistance return Metro FSP surveys to the Commission.

DRIVERS' LOG

The "Motorist Assist Form," completed by all Metro FSP drivers, continues to show that a majority of the disabled vehicles (77 percent) were found on the right shoulder, nine percent in freeway lanes, and six percent on the left shoulder.

Metro FSP Drivers continue to encounter disabled vehicles about 94 percent of the time. About one-fourth of disabled vehicles had mechanical problems, 14 percent had either over heated or had a flat tire, and 12 percent had run out of gas or had electrical problems. Six percent of the disabled vehicles assisted by the Metro FSP were involved in minor accidents.

Of all the disabled vehicles, over 70 percent did not require towing. Only 26 percent were actually towed to CHP designated drop locations.


OTHER ISSUES


Staff is preparing to advertise a Request for Bid to establish a back-up list of contractors for each beat. Several contractors will be selected to be placed on a stand-by basis in case any contractor can no longer meet his/her Metro FSP obligations.

In cooperation with Caltrans and the CHP, staff is starting to re-evaluate the existing beat lengths and vehicle deployment for the AM and PM peaks.

PREPARED BY: STEPHEN FINNEGAN
 Graduate Intern
 South Bay

RENEE BERLIN
Project Manager
South Bay


ROBERT D. CASHIN
Director, South Bay


NEIL PETERSON
Executive Director



METRO FREEWAY SERVICE PATROL



METRO FSP SERVICE RECORD

	<u>MORNING</u> <u>SHIFT</u>	<u>EVENING</u> <u>SHIFT</u>	<u>TOTAL</u>
WEEK OF NOVEMBER 18th			
11/18 - Monday	320	355	675
11/19 - Tuesday	326	379	705
11/20 - Wednesday	307	424	731
11/21 - Thursday	336	399	735
11/22 - Friday	310	406	716
WEEKLY TOTAL			3,562

SUMMARY STATISTICS

SERVICE TOTALS	23,729	30,622	54,351
AVERAGE DAILY ASSISTS *	310	395	704
AVERAGE DAILY ASSISTS PER TRUCK *	3.5	4.5	8.0
AVERAGE COST PER ASSIST *	\$51	\$40	\$45

NOTES

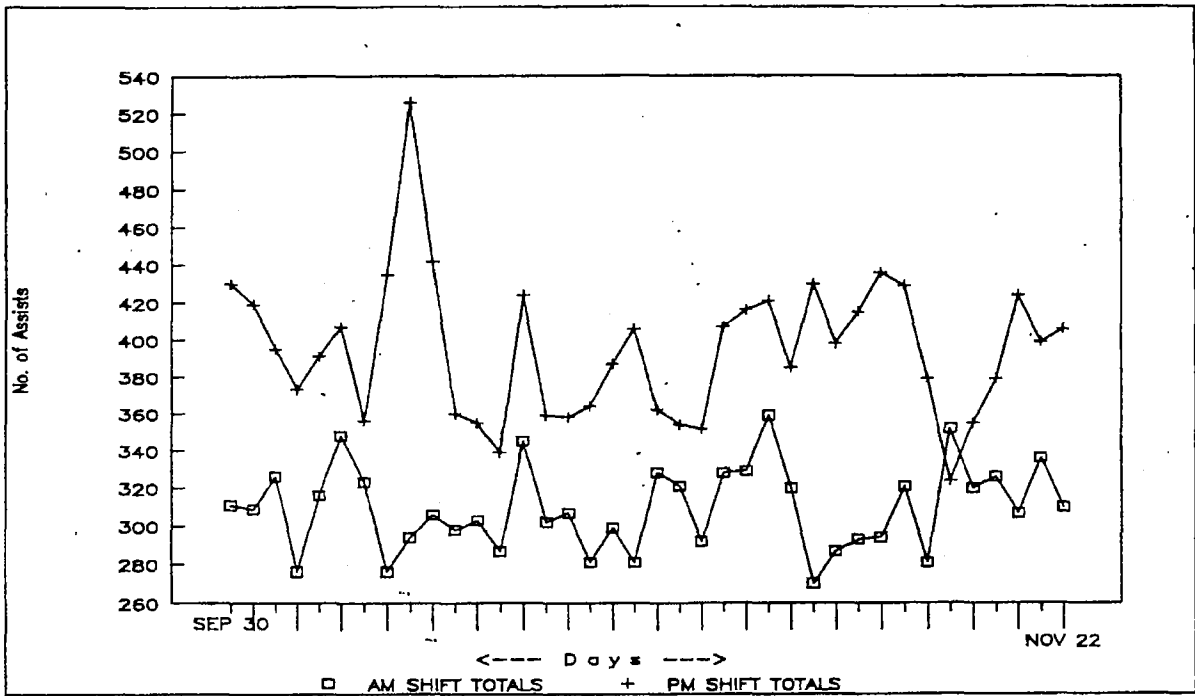
- * Averages are calculated using data collected since September 30, 1991. This date was chosen because all stages were operating and past their initial shakedown periods.
- ** As part of ongoing evaluation, the appropriate number of trucks per beat will be identified.



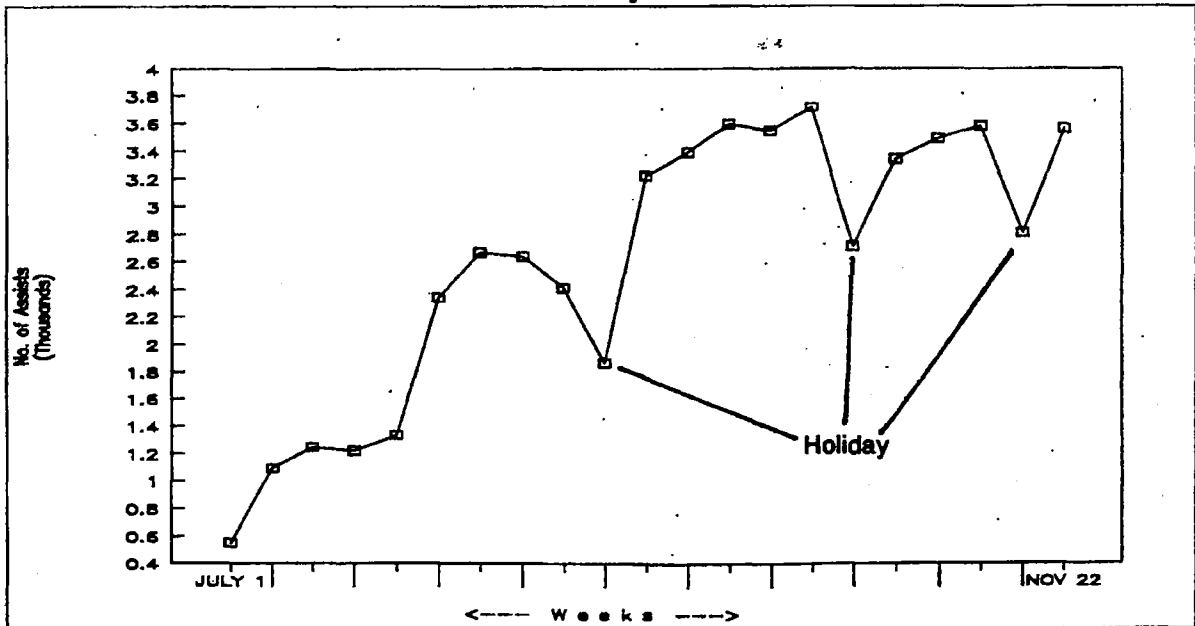
METRO FREEWAY SERVICE PATROL



AM & PM Assists



Total Weekly Assists

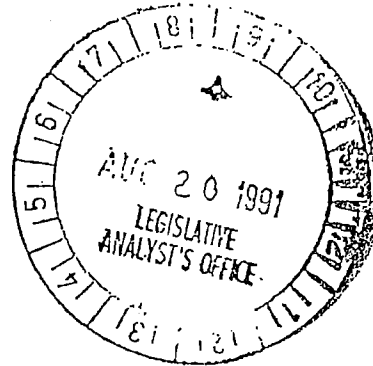


DEPARTMENT OF FINANCE

OFFICE OF THE DIRECTOR
 STATE CAPITOL, ROOM 1145
 SACRAMENTO, CA 95814-4998



AUG 19 1991



Honorable Alfred E. Alquist, Chairperson
 Joint Legislative Budget Committee

Honorable Alfred E. Alquist, Chairperson (2)
 Senate Committee on Budget and Fiscal Review

Honorable Robert Presley, Chairperson
 Senate Appropriations Committee

Honorable John Vasconcellos, Chairperson
 Assembly Ways and Means Committee

SECTION 28.00 APPLICATION FOR FREEWAY SERVICE PATROL REIMBURSEMENTS FOR THE
 DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA HIGHWAY PATROL

Pursuant to the provisions of Section 28.00, Budget Act of 1991, the following report is respectfully submitted.

The Department of Finance has received the attached Section 28.00 Applications from the Departments of Transportation (Caltrans) and California Highway Patrol (CHP) for the purpose of receiving additional reimbursements and expenditures of \$888,000 (\$393,000 for Caltrans and \$495,000 for CHP) in fiscal year 1991-92.

In cooperation with the Los Angeles Transportation Commission (LACTC), Caltrans and the CHP will participate in a joint freeway service patrol (FSP) program in Southern California. The FSP program is aimed at reducing traffic congestion by removing stranded or disabled vehicles from the freeway system during peak traffic hours. This will be implemented through the rapid deployment of tow truck operators to clear away the disabled vehicles on Los Angeles County freeways. In addition to reducing traffic delays, reduced air pollution from auto emissions is anticipated from the reduction in idling vehicles.

Caltrans and CHP will cooperate in this pilot program. Caltrans will be responsible for dispatching FSP vehicles and administering the contract between CHP, LACTC and Caltrans. Caltrans will also collect the data necessary for evaluating the pilot program's benefits in order to determine whether the program has the viability to continue on a permanent basis. To achieve these tasks, Caltrans requests authorization to administratively establish 6.0 staff positions. Under the agreement, CHP will dispatch vehicles, perform background checks on FSP program operators, and investigate complaints from the public regarding operator conduct and operations. CHP requests authorization to administratively establish 4.5 uniformed and 4.0 non-uniformed positions at its Los Angeles Communications Center to monitor highway and dispatch freeway service patrols.

We concur with the necessity of this change to the approved budget and will be approving the Section 28.00 Application not sooner than 30 days from the above date.

If you have any questions or need additional information regarding this matter, please call David Cabrera, Principal Program Budget Analyst, at 322-2263.

THOMAS W. HAYES
Director of Finance

By

Original Signed by
LaFenus Stancell

LaFENUS STANCELL
Assistant Director

cc: Honorable Frank Hill, Vice Chairperson, Senate Committee on Budget and
Fiscal Review
Honorable William Baker, Vice Chairperson, Assembly Ways and Means Committee
Honorable Alan Robbins, Chairperson, Senate Budget and Fiscal Review
Subcommittee No. 4
Honorable John Vasconcellos, Chairperson, Assembly Ways and Means
Subcommittee No. 6
Ms. Elizabeth G. Hill, Legislative Analyst (3)
Mr. Del Pierce, Interim Director, Department of Transportation
Mr. Bill Evans, Chief of Division of Budgets, Department of Transportation
Mr. M. J. Hannigan, Commissioner, California Highway Patrol
Ms. S. Wellington, Budget Officer, California Highway Patrol

is from Department of Finance

Received: 10-3-91
Due to Finance: 10-9-91
Analyst: DPritchard

BCP #006 - Congestion Relief Strategies

Question #5

Has Caltrans coordinated with the CHP regarding the Interagency Agreement for FSP (\$1.16 million)? Please provide a draft agreement for us to review.

Response

An "Interagency Agreement" to provide Reimbursement to CHP from Caltrans for CHP's efforts in the Statewide implementation of FSPs has not yet been developed. However, the contract dollar amount reflected in the BCP (\$1.165 million) for the CHP's efforts were provided to Caltrans by the CHP and is broken out as follows:

State Traffic Sergeant (3 Half-Time)

893.6 Hrs Annually x 3 x Reimbursable Hrly Rate \$ 131,413
(\$49.02)

State Traffic Officer (7.5 Full-Time)

1787.1 Hrs Annually x 7.5 x Reimb. Hrly Rate \$ 540,151
(\$40.30)

Communications Operator II (6.5 Full-Time)

1787.1 Hrs Annually x 6.5 x Reimb. Hrly Rate \$ 307,480
(\$26.47)

Vehicle Operations

20,000 Miles x 7.5 Traffic Ofcrs x .36 Cents Per Mile \$ 54,000
7,500 Miles x 3 Sgts (1/2-Time) x 36 Cents Per Mile \$ 8,100

Radio Consoles

7 Consoles x \$16,500 \$ 115,500

Equipment

2 PCs x \$4,178 \$ 8,356

TOTAL CHP COSTS \$1,165,000

CONGESTION RELIEF STRATEGIES

Comments as of 1-8-92

ATTACHMENT
BCP 006
Page 1 of 23

FREEWAY SERVICE PATROLS

Permanent:	11.4 PYs
	\$30,000 Cash Overtime
	\$9,308,200 Consultant Contracts
One-Time:	\$343,500 Equipment

Description of Activity

Freeway Service Patrols (FSP), operated in conjunction with the Department of the California Highway Patrol (CHP) and local transportation agencies, alleviate traffic congestion by providing a "roving" tow service to remove vehicles stranded or disabled on urban freeways during peak commute hours. Removing disabled vehicles promptly reduces non-recurrent congestion. It is also anticipated that this program will help to reduce auto emissions caused by vehicles idling in commute traffic.

The freeway service patrol program is a highly visible congestion relief strategy which has been used successfully over the past few years with State owned and operated tow trucks on San Francisco Bay Area bridge approaches. There are currently 37 miles being covered through State-funded FSPs in the San Francisco area. These patrols do everything from provide gasoline to removing disabled or stranded vehicles.

42

27

Historical data indicate it takes an average of 20 minutes from the time an incident is discovered and verified by a CHP unit until a response can be requested. It then takes approximately another 22 minutes before a service vehicle arrives and clears the incident from the freeway. On the Bay Bridge, for example, with the roving patrol, the average response time is seven minutes until a patrol vehicle is at the incident. This is a savings of 15 minutes per incident.

In Fiscal Year 1992-93, the Department proposes to implement FSPs statewide. The State-funded patrols will cover a total of 237 miles. Locally-funded patrols currently cover 203 miles. The Department and the CHP are pursuing additional participation from local transportation agencies to expand FSP efforts in their respective jurisdictions.

LACTC

Based on 440 combined state and local miles, historical data indicate approximately 516 incidents a day will be responded to, with an anticipated savings of 15 minutes per incident. This is estimated to save California motorists \$232,269 in congestion costs per day.

ATTACHMENT
BCP 006
Page 2 of 23

Identification of Activities *Caltrans*

- When necessary, the Department will dispatch FSP vehicles in response to incidents reported to or observed by the Traffic Operation Center and shall record the information on the computer aided dispatch system.
- The Department shall collect, analyze, and furnish all information required to evaluate the FSPs' effectiveness in reducing congestion, accidents, and improving air quality.
- Within 20 calendar days of receipt, the Department shall review all contractors' invoices and certify accuracy of the invoice.

Joint Responsibilities *MOM*

- The Department and the CHP are jointly responsible for all necessary daily field project supervision, program management, and oversight of the contractors' services.
- The Department and the CHP shall provide joint training to all FSP contractors and operators. FSP contractors and operators will be trained prior to initiation of service with updates on an as-needed basis.
- The Department and the CHP shall participate in FSP policy and technical committees which will guide program development, implementation, operation, and evaluation.
- The Department and the CHP shall develop and implement service contracts for the operation of FSPs.
- The Department and the CHP shall develop an FSP service reporting and verification system.

Quantification

Consultant Contracts; \$9,308,200

Based on existing contracts for FSPs in Los Angeles County, one vehicle for every 2.3 centerline miles covered will be required to provide service on 440 centerline miles of congested urban freeway. A centerline mile is the entire length of the freeway segment, in both directions. Based on existing contracts, the average cost for a contracted-out FSP is \$45.00 per hour, per truck. Newly implemented FSPs will operate eight hours a day (four in the morning and four in the evening), five days a week, 52 weeks a year.

CONGESTION RELIEF STRATEGIES

ATTACHMENT
BCF 006
Page 3 of 23

Quantification (Cont'd)

RATE PER TRUCK

8 Hour Shift x 5 Days x 52 Weeks x \$45.00 = \$93,600*
 Day Week Year Hour Per Vehicle

* Cost per vehicle includes all maintenance, fuel, supplies, etc.

NUMBER OF NEW STATE-FUNDED MILES COVERED

237 Centerline Miles Covered 37 Existing Centerline Miles Covered 200 New Centerline Miles Covered

NUMBER OF STATE-FUNDED CONTRACT TRUCKS NEEDED

200 New Centerline Miles - 87 FSP Vehicles Needed
 2.3 Miles Per Vehicle

STATE-FUNDED CONSULTANT CONTRACT DOLLARS NEEDED

87 Vehicles X \$93,600 Per Vehicle Per Year = \$8,143,200

PY Need

(11.4 PYs)

Based on existing FSP staffing levels, 1 PY is required for every 35 miles covered. Staff will be responsible for communicating with FSP field units and CHP personnel; monitoring status display boards; compiling statistical data; and auditing monthly invoices for accuracy.

200 New State-funded Centerline Miles Covered - (5.7 PYs)
 35 Miles Per PY

CONGESTION RELIEF STRATEGIES

ATTACHMENT
BCF 006
Page 4 of 23

Operating Expenses:

\$343,500

Operational expenses include communications based consoles that allow district staff to communicate with FSP units and the CHP personnel. In addition, Automatic Vehicle Location (AVL)/ Automatic Vehicle Identification (AVI) equipment is needed for each FSP vehicle. This will enable district staff to identify the current location of each FSP vehicle and project anticipated time of arrival to the incident.

5 Comm Consoles @ \$16,500 ea = \$ 82,500
87 AVL/AVI Equipment @ \$3,000 = 261,000
TOTAL EQUIPMENT = \$343,500

FSP SUMMARY:

STATE-FUNDED:

District	91-92 Centerline Miles Covered	92-93 Centerline Miles Covered	Increase	Statewide Contract Need	PY Need
3	0	5	+5	\$187,200	0.2
4	37 ^{1/}	97	+60	\$2,480,400	1.7
7	0	60	+60	\$2,480,400	1.7
8	0	20	+20	\$842,400	0.6
11	0	15	+15	\$561,600	0.4
12	0	40	+40	\$1,591,200	1.1
	37	237	+200	\$8,143,200	5.7

California Highway Patrol
Interagency Agreement

(\$1,165,000^{2/})

TOTAL NEW STATE-FUNDED FSPs 200 (\$9,308,200) 5.7

TOTAL LOCALLY-FUNDED^{3/} FSPs
LACTC - District 7 203 _____ 5.7
(Reimbursed Work)

TOTAL STATEWIDE FSP NEEDS *SHA* → (\$9,308,200) + (11.4)

1/ Current FSPs in District 4 (bridge approaches) are state-owned, state-operated tow vehicles.

2/ Contract dollars are needed for Interagency Agreement with California Highway Patrol for their effort in the FSP program.

3/ The Department and the CHP are pursuing additional participation from local transportation agencies to expand FSP efforts in their respective jurisdictions.

The documents following this page were
photocopied from the files of the

Department of Transportation.

ENROLLED BILL REPORT

7/16/92

Business, Transportation & Housing Agency

DEPARTMENT	AUTHOR	BILL NUMBER
Transportation	Katz	AB 3346
SUBJECT		
Freeway Service Patrols		

SUMMARY: Appropriates \$8.4 million for a statewide system of freeway service patrols.

ANALYSIS:

A. Policy:

Under existing law, the Department is responsible for the operation of State highways. Under this authority, the Department provides emergency tow services on the Bay Bridge and its approaches.

This bill would appropriate \$8.4 million from the State Highway Account (SHA) to be allocated statewide on a formula basis to regional and local agencies to provide freeway service patrols (FSPs) on State highways. The allocation formula would be based on population, urban freeway miles and traffic congestion. (A Department report to the Legislature is required by June 30, 1993 recommending possible revisions to the formula.) Participating agencies would be required to provide a 25 percent match of money and/or services. The program would be managed by Caltrans, the CHP and participating agencies. Services provided under the program would be integrated with existing Caltrans services and those employees providing the Caltrans service could not be supplanted by FSP personnel. Overhead costs would be limited to 2 percent of program costs.

The bill requires a report by Caltrans to the Legislature on July 1, 1994 evaluating the program's operation. Additionally, it extends by two years a vehicle registration surcharge which supports CHP staffing.

The FSP provisions of the bill are in response to a Department BCP asking for \$10 million for a FSP program. In contrast to this bill, the Department proposed to fund FSPs based solely on congestion and without regard to local match. (Any locality desiring a level of service higher than that available through Caltrans' program would have been free to supplement that program at its own expense.) At the author's insistence, the Department's BCP was stricken from the Budget so that this bill provides the only means of funding an FSP program. Presumably, this was done to assure that Los Angeles County achieve a substantial degree of funding, as it would under the bill's formula.

B. Fiscal:

The SHA appropriation would cover Caltrans' program costs of approximately \$224,000 (including 5.7 PY).

SPONSOR: Author

^{HP}
RECOMMENDATION

SIGN

DEPARTMENT	DATE	AGENCY	DATE
W. Allen Weber	7/17/92		

ARGUMENTS PRO & CON:

Arguments in Support of the Bill:

1. The bill continues a critical source of funding for CHP staffing.
2. FSPs are a very effective way of reducing traffic congestion without having to finance expensive capital projects.
3. The bill is supported by the Orange County Transportation Authority, CHP, California Association of Highway Patrolmen and Teamsters Public Affairs Council.
4. There is no opposition to the bill and, prior to a Senate floor vote, the bill has received only two NO votes in the Legislature.

Arguments in Opposition to the Bill:

1. The bill includes inappropriate criteria for allocating FSP funds and prohibits the Department from providing FSP services in regions where no local match is available. However, the Department will have an opportunity to critique the funding formula in its 1993 report.
2. Depending on how administrative costs are calculated, the 2% cap may prove inadequate to cover the costs of both Caltrans and the CHP.
3. The author and the affected employee union assure that the "supplant" provision is meant only to protect existing jobs of Caltrans employees. However, this could be interpreted to deny the Department the discretion to deploy its forces as it chooses.

RECOMMENDATION:

The Department recommends SIGN because:

The bill provides the only vehicle for establishing and funding an FSP program and continues a critical source of funding for maintaining CHP field strength.

FOR FURTHER INFORMATION CONTACT WARREN WEBER (O) 654-2808
(H) 422-9223

Prepared By: HPosner/rr
654-2397

SUPPLEMENTAL ANALYSIS 7/10/92 *Business, Transportation & Housing Agency*

DEPARTMENT Transportation	AUTHOR Katz	BILL NO. AB 3346 AS AMENDED 6-26-92
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In regard to the freeway service patrol (FSP) portion of the bill, the amendment makes several mostly technical changes and adds a provision prohibiting the supplanting of any Caltrans tow services that were in place as of January 1, 1992.

The significance of this amendment is that when FSPs are established in the Bay Area by the Metropolitan Transportation Commission (MTC), they will have to work around the existing tow services provided by Caltrans on the Bay Bridge and its approaches. Both MTC and the union representing the Department's tow truck drivers interpret this provision as prohibiting the Department from redeploying these drivers in any manner whatsoever, even if conditions would otherwise dictate using them on routes or at times other than their current work assignments allow. MTC has offered language to clarify that the jobs of these drivers would be protected but that their deployment would be subject to the Department's discretion. Caltrans believes this to be an appropriate clarification. Nevertheless, the author rejected MTC's language at the request of the union.

Since the budget item appropriating funds for an FSP program has been deleted, the only means available for funding the program is the appropriation in this bill. Additionally, the bill contains the \$1 vehicle registration surcharge necessary to maintain CHP field strength. The Department therefore feels compelled to continue to recommend NEUTRAL SEEK AMENDMENTS.

Prepared by: HPosner/tr
654-2397

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE
<input type="checkbox"/> S	<input type="checkbox"/> O	<input type="checkbox"/> S	<input type="checkbox"/> O	Position Approved <input type="checkbox"/>
<input type="checkbox"/> SA	<input type="checkbox"/> OUA	<input type="checkbox"/> SA	<input checked="" type="checkbox"/> OUA	Position Disapproved <input type="checkbox"/>
<input type="checkbox"/> N	<input type="checkbox"/> NP	<input type="checkbox"/> N	<input type="checkbox"/> NP	Position Noted <input type="checkbox"/>
<input checked="" type="checkbox"/> NA	<input type="checkbox"/> NAR	<input checked="" type="checkbox"/> NA OK for DOT	<input type="checkbox"/> NAR	
	<input type="checkbox"/> DEFER		<input type="checkbox"/> DEFER	
DEPARTMENT DIRECTOR: <i>Warren Weber</i>	DATE: <i>9/10/92</i>	AGENCY SECRETARY: <i>Original Signed by Michael B. Dorais</i>	JUL 21 1992	BY: _____ DATE: _____

STATE OF CALIFORNIA DEPT. OF TRANSPORTATION
LEGISLATIVE BILL ANALYSIS ASSIGNMENT

1. UNIT RESPONDING	BILL NUMBER	BILL AUTHOR	AMENDED DATE
DOTP	AB3346	Katz	7/9/92

2. IMPACT OF BILL- HOW WILL IT AFFECT UNIT, DEPT. OTHER DEPTS?

The amendment would require that the Department in coordination with participating local agencies review the Freeway Service Patrol funding formula on or before June 30, 1993. It would require a report to the legislature by July 1, 1994. Would change DMV fee for renewal or duplicate tow truck driver certificate from \$2 to \$12. Would decrease the appropriation to the Department for the Program ~~\$104,000~~ and make minor changes that do not affect Caltrans.

DOES BILL REQUIRE A REPORT? Yes No
DIVISION RESPONSIBLE FOR REPORT: Caltrans, Division of Traffic Operations in cooperation with the participating local agencies and the Emergency Roadside Assistance Committee

3. GIVE DETAILED ESTIMATE OF \$ & PY
The Department would receive an appropriation of \$8,396,000 for this administering this program.

4. INTERESTED ORGANIZATIONS (INDICATE POSITION) RELATED BILLS
Tow Truck Operators groups and motor clubs such as AAA would support establishment of freeway patrols as it would provide contract employment opportunities.

CC:Traffic Operations, Budgets, Maintenance

5. RECOMMENDED DEPARTMENTAL POSITION AND REASONS
Support: A Freeway Service Patrol in traffic-congested areas could decrease incident delays on freeways.

6. DESCRIBE IF THE DESIRED RESULT COULD BE ACCOMPLISHED THROUGH OTHER MEANS. ADMIN REGS, CHANGE IN DEPT. POLICY, CURRENT BILLS IN PROCESS, ETC
Legislation is necessary to add this "Freeway Service Patrol Act" to state statutes.

7. PERSON PREPARING THIS REPORT L. Johnson DATE 7/30/92 PHONE 323-8819

APPROVED: *7/30/92* *10/2/92* *7/31/92* *8/5/92*

LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (REV. 2/92)

UNIT RESPONDING Division of Highways	BILL NUMBER AB 3346	BILL AUTHOR Katz	AMENDED DATE 7-9-92
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2 IMPACT OF BILL: (State existing law or practice and how bill will affect your unit or the Department).

The Division of Highways has no comment on this amendment.

DOES BILL REQUIRE A REPORT? YES _____ NO X IF YES, DESCRIBE BRIEFLY:

Division responsible for report:

3 GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

4 INTERESTED ORGANIZATIONS: (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past year)

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS.

Neutral.

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

7 PERSON PREPARING THIS REPORT: (Please Print.) DEAN ALEXANDER		DATE: 7-28-92	PHONE: 654-5156
APPROVED: <i>Alexander</i> 7/28/92	<i>Alonzo</i> 7-28-92	<i>Katz</i> 7/30	

G91 0068

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT
 LA 0024(Rev.2/92)

1. UNIT RESPONDING:	BILL NUMBER	BILL AUTHOR	AMENDED DATE
Traffic Operations	AB 3346	Assembly Member Katz	7/9/92

2. IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

This bill would enact the Freeway Service Patrol (FSP) Act to authorize implementation of a FSP program on traffic congested freeways throughout the State.

Does bill require a report? Yes No If yes describe briefly:

Caltrans' Division of Traffic Operations in cooperation with the California Highway Patrol (CHP), and local agencies shall review the funding formula and report recommendations to the Legislature before June 30, 1993. An evaluation must also be prepared in cooperation with CHP, local entities, and the Emergency Roadside Assistance Advisory Committee on the FSP program.

cc: Accounting
 Budgets
 Highways
 Legal
 Pers Management
 Trans Planning
 Districts 3, 4, 7,
 11 and 12

3. GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

The bill would appropriate \$8,396,000 from the State Highway Account to the Department of Transportation.

4. INTERESTED ORGANIZATIONS (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

CHP - Neutral
 Local Entities - Oppose if they cannot provide matching funds; support if they can.

5. RECOMMENDED DEPARTMENTAL POSITION AND REASONS

Neutral seek amendment

Recommended changes: 1) Remove strike on page 4, lines 26 through 28 except "significant." FSP is a congestion relief program. Funding should be provided only to those areas that are congested; 2) Page 5, line 30 "Administrative overhead purposes by State agency" should be defined.

6. DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

7. PERSON PREPARING THIS REPORT (Please print.) Laurie Guinness	DATE: 7/24/92	PHONE: 654-6112
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APPROVED:	PRLowden		
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MR Lowden

LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (Rev. 2/92)

UNIT RESPONDING <i>Labor Relations, Safety & Training</i>	BILL NUMBER <i>AB 3346</i>	BILL AUTHOR <i>Katz</i>	AMENDED DATE <i>7/9/92</i>
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2 IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

*Minor Changes Amend version - Changes do not
Alter this office's 6/27/92 analysis*

Does bill require a report? Yes No If yes, describe briefly:

Division responsible for report:

GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

4 INTERESTED ORGANIZATIONS (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

PERSON PREPARING THIS REPORT (Please print.) <i>Winnie Ramsey</i>	DATE <i>7/22/92</i>	PHONE <i>653-4579</i>
APPROVED: <i>A. D. [Signature]</i>		

LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (REV. 2/92)

UNIT RESPONDING Division of Highways	BILL NUMBER AB 3346	BILL AUTHOR Katz	AMENDED DATE 6-27-92
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2 IMPACT OF BILL: (State existing law or practice and how bill will affect your unit or the Department.).

This is the third amendment and the first time this Division has seen this bill.

The amendment makes various nonsubstantive changes to the Freeway Service Patrol portions of the bill. It also deletes a portion of the bill pertaining to service fees for off/highway motor vehicles.

DOES BILL REQUIRE A REPORT? YES X NO IF YES, DESCRIBE BRIEFLY:

The Department must report to the Legislature by June 30, 1994 on the system and must include a review of local expenditures.

Division responsible for report:

3 GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

Defer to the Division of Budgets.

4 INTERESTED ORGANIZATIONS: (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past year)

Cities, counties, local planning agencies, "Highway service organizations", motorists, CHP, Caltrans

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS.

Neutral.

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

Legislation is required.

7 PERSON PREPARING THIS REPORT: (Please Print.) Gary Stout DATE: 7/8/92 PHONE: 654-3437

APPROVED: GS 7-892	<i>Alexander</i> 7/8/92	<i>Quinn</i> 7/8/92	<i>Stout</i> 7/9		
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G91 0068

LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (Rev. 2/92)

UNIT RESPONDING	BILL NUMBER	BILL AUTHOR	AMENDED DATE
Office of Labor Relations	AB 3346	Katz	6/27/92

2 IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

The bill authorizes and funds implementation of Freeway Service Patrols on traffic-congested urban freeways throughout the State. The bill institutionalizes a pilot project currently operated by the Maintenance Branch of Caltrans District 4.

The latest amendments "grand-father" towing services provided by the department as of January 1, 1992.

Does bill require a report? Yes No If yes, describe briefly:

Division responsible for report:

GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

\$8,500,000 is authorized for the program. This will permit continuance of the current Caltrans pilot project and fund the 18.5 PY's allocated for the project through January 1, 1995.

4 INTERESTED ORGANIZATIONS (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

District 4 Maintenance favors the recent amendment protecting current employees and continuing services currently provided by the department.

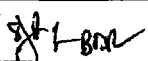
HQ Traffic Ops and the CHP were close to consumating an MOU with MTC (over)

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS

Recommend support for the bill with insistence that no existing Caltrans operations or employees be jeopardized. This is consistent with the wishes of the District and the union representing the employees. Any action resulting in discontinuing current operations using civil service employees will likely result in union generated litigation before the State Personnel Board and a demand to meet and confer over impact and/or Unfair Labor Charge before the Public Employee Relations Board.

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

N/A

PERSON PREPARING THIS REPORT (Please print.)	DATE	PHONE
Stephen J. Booth	7/10/92	653-4564
APPROVED: 		

4. (Continued)

to discontinue existing department-provided services and to establish personal services contracts for private vendors to assume responsibility for towing services.

The International Union of Operating Engineers has alleged transferring towing services to private vendors is illegal and opposes supplanting civil service positions with contract vendors. IUOE was instrumental in convincing the author to amend the bill to protect department operations.

Metropolitan Transportation Commission (MTC) has tried to obtain the funds provided in the bill to supplant Caltrans operations with contract vendors.

LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (Rev. 2/92)

1 UNIT RESPONDING: BUDGETS	BILL NUMBER AB 3346	BILL AUTHOR Katz	AMENDED DATE: June 26
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2 IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

This bill appropriates \$8,500,000 to Caltrans from the State Highway Account for implementation of a statewide FSP program.

This bill enacts the Freeway Service Patrol Act to authorize implementation of a freeway service patrol (FSP) system on congested urban freeways throughout the state, involving a cooperative effort between state and local agencies. The FSP will be operated pursuant to a MOU between CT, CHP and a regional or local entity. In addition, no state funding shall be released prior to the execution of the MOU.

This amendment: (1) adds language specifying that FSPs funded from this legislation can not replace existing emergency response towing services provided by Caltrans; (2) changes the ratio which determines FSP funding levels for the locals; (3) continues to limit administrative costs of state agencies to 2 percent of the state funds appropriated.

Does bill require a report? Yes No [] If yes, describe briefly: CT must submit a report to the Legislature on or before June 30, 1994. The report shall include information on the criteria developed to implement FSPs and shall also include a review of local expenditures.

Division responsible for report: Division of Traffic Operations

3 GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVING TO THE DEPARTMENT (Specify fund or account affected, if known.)

The appropriation identified in this bill would address the start-up costs for a statewide FSP program. BCP006 provides SHA funding at \$8,396,000.

4 INTERESTED ORGANIZATIONS (indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

ALL LOCAL TRANSPORTATION AGENCIES, TOW SERVICE ORGANIZATIONS.

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS

Neutral seeking amendments. Two percent of the state funds appropriated will not address the administrative costs associated with these activities. A minimum of 6% is needed for administrative costs associated with Caltran's activities. This **does not** include funding for the California Highway Patrol. An additional 14% is needed for CHP support.

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

cc: Accounting Hwys
 Legal Operations
 Planning

7 PERSON PREPARING THIS REPORT (Please print) DPritchard	DATE: 7-13-92	PHONE: 4-2155
APPROVED: <i>D. Pritchard</i> 7/13/92		

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT
 LA 0024(Rev.2/92)

UNIT RESPONDING:	BILL NUMBER	BILL AUTHOR	AMENDED DATE
Traffic Operations	AB 3346	Assembly Member Katz	6/26/92

2. IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

This bill would enact the Freeway Service Patrol (FSP) Act to authorize implementation of a FSP Program on traffic congested urban freeways throughout the State. Funding would be provided to Districts 3, 4, 7, 8, 11, and 12 from the State Highway Account. This Legislation will allocate FSP funds based upon population, urban freeway lane miles and congestion levels. Also, appropriations of funds requires a 25 percent local match. Local entities must apply to Caltrans for State funding within three months from the time the funds are appropriated to the Department. After three months, any local entity with the ability to match State funds can apply for the remaining State funds that might be available.

Does bill require a report? Yes No If yes describe briefly:

Caltrans Division of Traffic Operations in cooperation with the California Highway Patrol (CHP) and local agencies must prepare a report on the FSP program.

cc: Accounting
 Budgets
 Highways
 Legal
 Pers Management
 Trans Planning
 Districts 3, 4, 7, 11 and 12

Division responsible for report: Same as above.

3. GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

The bill would appropriate \$8,500,000 from the State Highway Account to the Department.

4. INTERESTED ORGANIZATIONS (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

CHP - Neutral
 Local Entities - Oppose if they cannot match 25 percent of the amount provided from the State Highway Account. Support, if they can match the 25 percent.

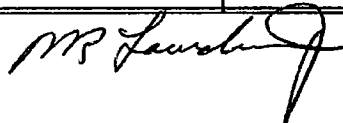
5. RECOMMENDED DEPARTMENTAL POSITION AND REASONS

Neutral with concerns. Implementing and funding FSPs through the BCP process (Caltrans' original plan) could provide seed money for local participation. The FSP program has significant positive impacts in reducing non-recurrent traffic congestion and should be continued and expanded regardless of local participation. Recommended changes: 1) Remove paragraph (d) page 4, lines 20 thru 22; 2) Remove "1990" on page 4 line 31, replace with "most recent."

6. DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

Streets & Highways Article 3, Section 92 - The Department may do any act necessary, convenient or proper for the construction improvement, maintenance or use of all highways which are under its jurisdiction, possession or control.

7. PERSON PREPARING THIS REPORT (Please print.) Laurie Lau	DATE: 7/14/92	PHONE: 4-6104
APPROVED: PRLowden		



LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

LA 0024 (Rev. 2/92)

1 UNIT RESPONDING: BUDGETS	BILL NUMBER AB 3346	BILL AUTHOR Katz	AMENDED DATE: June 8
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2 IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

This bill **appropriates \$8,500,000** to Caltrans from the State Highway Account for implementation of a statewide FSP program.

This bill enacts the Freeway Service Patrol Act to implement a freeway service patrol (FSP) system on congested urban freeways throughout the state, **involving a cooperative effort** between state and local agencies. The FSP will be operated pursuant to a MOU between CT, CHP and a regional or local entity. In addition, no state funding shall be released prior to the execution of the MOU.

In addition, this bill: (1) would require a minimum participation level of not less than 25 percent of the amount provided from the State Highway Account; (2) indicates that no local entity shall be penalized for having an existing freeway service patrol program; (3) sets forth the criteria in which FSPs are to be established; (4) indicates that regional or local entities must apply to CT for funding, and in determining the first year's funding, the regional or local entity does not apply to CT within three months of the enactment of this chapter, the funds are to be distributed on a pro-rata basis to other qualifying counties who are receiving funds; (5) specifies that CT, CHP, and local agencies are to develop criteria to be used to evaluate the FSP system; (6) specifies that no more than 2 percent of the state funds appropriated shall be used for administrative overhead by state agencies and that no state funds are to be used by local agencies.

Does bill require a report? **Yes [X]** No [] If yes, describe briefly: CT must submit a report to the Legislature on or before June 30, 1994. The report shall include information on the criteria developed to implement FSPs and shall also include a review of local expenditures.

Division responsible for report: Division of Traffic Operations

3 GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVING TO THE DEPARTMENT (Specify fund or account affected, if known.)

The appropriation identified in this bill would address the start-up costs for a statewide FSP program. BCP006 provides SHA funding at \$8,396,000.

4 INTERESTED ORGANIZATIONS (indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

ALL LOCAL TRANSPORTATION AGENCIES, *TOW SERVICE ORGANIZATIONS*

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS

Support. Conference Committee decision stipulated that separate legislation (other than the Budget Bill) must be enacted which authorizes the statewide FSP program.

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

cc: Accounting Hwys
 Legal Operations
 Planning

7 PERSON PREPARING THIS REPORT (Please print) DPritchard	DATE: 6-18-92	PHONE: 4-2155
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APPROVED: *[Signature]*
6/17/92

Tow Service Cost

8.1 - 1.5 6.6
- Contract
.9 Caltrans
12 CHP

102

Current Tow Service Cost

Tow Contracts 5952900

Communications 692100

AVL 295500 - Automated Vehicle Locator

CHP 1165000 Vehicles, Pys -


Caltrans Pys 224000 - 5.7 Pys

Subtotal 8329500

Indirect OE 66500

Total Cost 8396000

LEGISLATIVE ANALYSIS 6/24/92 *Business, Transportation & Housing Agency*

DEPARTMENT Transportation	AUTHOR Katz	BILL NO. AB 3346
SPONSOR Author	RELATED BILLS	AMENDED DATE 6-8-92
SUBJECT 		

SUMMARY: Appropriates \$8.5 million for the creation of freeway service patrols.

ANALYSIS:

A. Policy:

Under existing law, the Department is responsible for the operation of State highways. Under this authority, the Department provides emergency tow services on the Bay Bridge and its approaches.

This bill would appropriate \$8.5 million from the State Highway Account (SHA) to be allocated statewide on a formula basis to regional and local agencies to provide freeway service patrols (FSPs) on State highways. The allocation formula would be based on population, urban freeway miles and traffic congestion. Participating agencies would be required to provide a 25 percent match of money and/or services. The program would be managed by Caltrans, the CHP and participating agencies. Overhead costs would be limited to 2 percent of program costs.

The bill requires a report by Caltrans to the Legislature on September 1, 1994 on the program's operation. Additionally, it extends by two years a vehicle registration surcharge which supports CHP staffing.

The FSP provisions of the bill are in response to a Department BCP asking for \$10 million for a FSP program. In contrast to this bill, the Department proposed to fund FSPs based solely on congestion and without regard to local match. (Any locality desiring a level of service higher than that available through Caltrans' program would have been free to supplement that program at its own expense.) At the author's insistence, the Department's BCP was stricken from the Budget so that this bill provides the only means of funding an FSP program. Presumably, this was done to assure that Los Angeles County achieve a substantial degree of funding as it would under the bill's formula.

B. Fiscal:


The SHA appropriation includes approximately \$224,000 for Caltrans' program costs (including 5.7 PY).

DEPARTMENTS THAT MAY BE AFFECTED:

CHP

STATE MANDATE

GOVERNOR'S APPOINTMENT

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
<input type="checkbox"/> S	<input type="checkbox"/> O	<input type="checkbox"/> S	<input type="checkbox"/> O	Position Approved	<input checked="" type="checkbox"/>
<input type="checkbox"/> SA	<input type="checkbox"/> OUA	<input type="checkbox"/> SA	<input checked="" type="checkbox"/> OUA OK	Position Disapproved	<input type="checkbox"/>
<input type="checkbox"/> N	<input type="checkbox"/> NP	<input type="checkbox"/> N	<input type="checkbox"/> NP CALTRANS	Position Noted	<input type="checkbox"/>
<input checked="" type="checkbox"/> NA	<input type="checkbox"/> NAR	<input type="checkbox"/> NA	<input type="checkbox"/> NAR "N"		
<input type="checkbox"/>	<input type="checkbox"/> DEFER	<input type="checkbox"/>	<input type="checkbox"/> DEFER		
DEPARTMENT DIRECTOR 		DATE 6/25/92	AGENCY SECRETARY Original Signed by Michael B. Dorais	BY: KS	DATE 7/24

HISTORY: See Policy above.

ARGUMENTS PRO & CON:

Arguments in Support of the Bill

1. The bill continues a critical source of funding for CHP staffing.
2. FSPs are a very effective way of reducing traffic congestion without having to finance expensive capital projects.

Arguments in Opposition to the Bill:

The bill includes inappropriate criteria for allocating FSP funds and prohibits the Department from providing FSP services in regions where no local match is available.

SUPPORT AND OPPOSITION:

The CHP supports the vehicle registration fee provisions. Regional transportation planning agencies support the FSP provisions although agencies other than the Los Angeles County Metropolitan Transportation Agency would probably prefer Caltrans' allocation criteria.

RECOMMENDATION:

The Department recommends NEUTRAL SEEK AMENDMENTS because:

1. The bill implements a highly cost-effective program which was advocated by Caltrans through a BCP.
2. Efforts to ease congestion through tow services should be provided on any State highway where they would be beneficial, regardless of whether local match is provided. The bill should be provided to delete the match requirement.
3. The bill's allocation formula inappropriately includes factors such as population, which bears no relationship to service needs.

Prepared By : HPosner/tr
654-2397

FREEWAY SERVICE PATROL STATE FUNDING

LEGISLATIVE PROVISIONS

ADMINISTRATION PROPOSAL

MATCHING FUNDS

- The State has a fiduciary responsibility to maintain and operate the State Highway System.

***** NO MENTION

- Caltrans along with California Highway Patrol should identify a "basic" emergency roadside assistance program.

***** NO MENTION

- The basic program should be identified, including the geographic extent and hours of operation in the next budget cycle.

***** NO MENTION

- A matching program could be devised to allow local governments to participate in an enhanced emergency roadside assistance program over and above the basic program.

***** NO MENTION

- The match or participation rate of the locals in an expanded emergency roadside assistance program should be the same as capital programs. In other words, the local matching dollar should have the same leverage whether it is for an operating expense such as the emergency roadside assistance program or a capital project.

***** IN LEGISLATION

- "In kind" services should count as part of a match program.

***** IN LEGISLATION

INTEGRATION

- The 92/93 freeway service patrol budget change proposal would be integrated with existing emergency roadside assistance programs.

***** IN LEGISLATION

- State funding will be pursued to fund the remaining unfunded basic emergency roadside assistance program.

***** NO MENTION

- Local agencies would not be penalized for having taken the initiative to fund emergency roadside assistance programs.

***** IN LEGISLATION

- Existing State service patrol programs, with the exception of tow service patrols on toll bridges, tunnels and tubes, will be integrated with regional emergency roadside assistance programs jointly managed and administered by Caltrans, CHP and the local participating agency.

***** IN LEGISLATION

- Traffic Management Plan tow patrols will have the same look and feel of the basic patrol and be coordinated with the basic patrol. They will still be under the control of the resident engineer.

***** IN LEGISLATION

DUPLICATION OF EFFORT

- Memorandums of Understanding will be executed among all agencies contributing resources to the emergency roadside assistance program.

***** IN LEGISLATION

- The Memorandums of Understanding will be unique to each region.

***** IN LEGISLATION

EVALUATION

- Commonly agreed upon statewide evaluation procedures and criteria should be used.

***** IN LEGISLATION

- An annual evaluation and report to the legislature is a burdensome and unnecessary requirement. A single evaluation, 24 months after the program start, would be more appropriate.

***** IN LEGISLATION

- The ongoing program will be monitored by the participating agencies and adjustments will be made as necessary. Changes in the State funding level will go through the BCP process.

***** NO MENTION

FUNDING

- Contracts with tow companies should be for a minimum of three years. Anniversary dates should be staggered.

***** NO MENTION

- Local governments that elect to participate financially should be committed for the three year duration of the contracts within their jurisdiction.

***** NO MENTION

ADMINISTRATIVE and OPERATING COSTS

- Caltrans and the CHP will supervise and operate the program at no cost to local government.

***** NO MENTION

UNIFORM THEME

- The emergency roadside assistance vehicles will have similar appearance and field operating procedures statewide. Logos on the vehicles will reflect a true three way partnership: Local agency, CHP and Caltrans.

***** IN LEGISLATION

Freeway Service Patrol Allocations

Dist	Published Contract \$	BCP %	Proposed Contract \$	Legislation %	Winners (Losers)
3	126650	2.13	225615	3.79	98,965 0
4	1726350	29.00	1442388	24.23	(283,962) 0
7	2031000	34.12	2418663	40.63	387,663 0
8	589050	9.90	556596	9.35	(32,454) 0
11	382500	6.43	591718	9.94	209,218 0
12	1097350	18.43	717920	12.06	(379,430) 0
	5952900	100.00	5952900	100.00	(0) contract #

CNP + Communication Expenses -

Appropriate Formula -

102
 8-1 - 6.6 contracts -
 1-2 CNP
 1-9 contracts

San Diego Co -
 San Bernardino Co
 Riverside Co

23 - pop
 25 - Low Lane miles
 25 - congestion

State of California • Department of Transportation
LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT

1 UNIT RESPONDING	BILL NUMBER	BILL AUTHOR	AMENDED DATE
LEGAL	3346	Katz	4/1/92

2 IMPACT OF BILL (State existing law or practice and how bill will affect your unit or the Department.)

The main changes to Assembly Bill 3346, as amended on April 1, 1992 appears to be that language such as the "Department of Transportation" has been eliminated and in its place has been used the word, "Department". Such changes are merely form changes and not substance changes due to the fact that in the Code of Streets and Highways section 20, "Department" is defined as "The Department of Transportation of this state".

A substantive change to Assembly Bill 3346 appears under subsection (b), lines 17 through 18 on page 7. The language "\$35.00" has been deleted and "\$50.00" has been inserted. Such a change appears to be consistent with the language under subsection 2, page 2 of Assembly Bill 3346.

The most significant substantive change appears beginning on page 9, line 36 through page 10, line 29, deleting all of the language between those two cites. This deletion changed the service fee of \$9.00 paid to the Department for the issuance or renewal of identification of off-highway motor vehicles subject to identification and an additional \$1.00 fee being paid at the time of the issuance or renewal of identification of off-highway motor vehicles.

Does bill require a report? YES NO If YES, describe briefly:

Division responsible for report:

3 GIVE DETAILED ESTIMATE OF DOLLAR AND P.Y. COST/SAVINGS TO THE DEPARTMENT (Specify fund or account affected, if known.)

The main effect of the amendment dated April 1, 1992 is the service fee; namely, the \$9.00 fee paid to the Department for the issuance or renewal of the identification of off-highway motor vehicles in addition to the service fee of \$1.00 at the time of issuance or renewal of identification of off-highway motor vehicles. Under the amendment, there is no such limitation. Rather, the sum of \$8,500,000 would be appropriated from the State Highway Account and the State Transportation Fund to the Department.

4 INTERESTED ORGANIZATIONS (Indicate the position other departments or organizations may take on the bill and why. Also include related bills this year or past years.)

Unknown.

5 RECOMMENDED DEPARTMENTAL POSITION AND REASONS

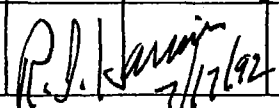
Assembly Bill 3346 as amended on April 1, 1992 would be supported by the Department of Transportation. The reason behind this support is the fact that the Department would receive the sum of \$8,500,000 from the State Highway Account and the State Transportation Fund without the limitations of a service fee of \$9.00 for the issuance or renewal of identification of off-highway motor vehicles. In addition, the service fee of \$1.00 has also been

limited. By eliminating these fees, the bill is thereby reducing the administration costs that would be put upon the Department. The administration costs would include the collection, processing, depositing, etc. of these fees as they were collected. Therefore, the administrative costs would be much greater than the actual fee collected by the Department. As such, it is in the interests of the Department to eliminate these administrative costs.

State of California - Department of Transportation
LEGISLATIVE BILL ANALYSIS REQUEST/ASSIGNMENT
Bill Number 3346 - Page 2

6 DESCRIBE IF THE DESIRED RESULTS OF THIS BILL COULD BE ACCOMPLISHED THROUGH OTHER MEANS: ADMINISTRATIVE REGULATIONS, CHANGE IN DEPARTMENT POLICY, ETC.

Unknown.

7 PERSON PREPARING THIS REPORT (Please print.)	DATE	PHONE
Lauren A. Machado, Attorney	7/16/92	654-2630
APPROVED:		

Allocation

June 15, 1992

Urban Areas

The following criteria should be considered in establishing and allocating the freeway service patrol resources:

- (a) Number of freeway miles of congestion (Peak)
- (b) Duration of congestion as measured in hours
- (c) Magnitude of congestion as measured in vehicle hours
- (d) Number of accidents
- (e) Non standard and absent shoulders

Criteria to be used in evaluation

SCOPE OF METRO FSP ANNUAL (SEPTEMBER) EVALUATION

The Metro FSP Annual Evaluation Study will address the effectiveness of the Metro FSP program and will include answers to the following questions:

1. What affect (i.e. change in peak period volumes, travel time, travel time variability) is the Metro FSP having on designated freeway segments and the freeway network?
2. What is the improvement in Metro FSP incident detection, response, and clearance time compared to traditional rotational tow services?
3. What affect is the Metro FSP having on vehicle emissions and fuel usage?
4. What is the Metro FSP program's benefit/cost ratio?
5. Is the Metro FSP program providing satisfactory levels of service to the motoring public?

The report will be presented for LACTC's Planning and Mobility Improvement Committee in September and available for public review in October.

METRO FREEWAY SERVICE PATROL
SIX MONTH INTERIM REPORT

EXECUTIVE SUMMARY

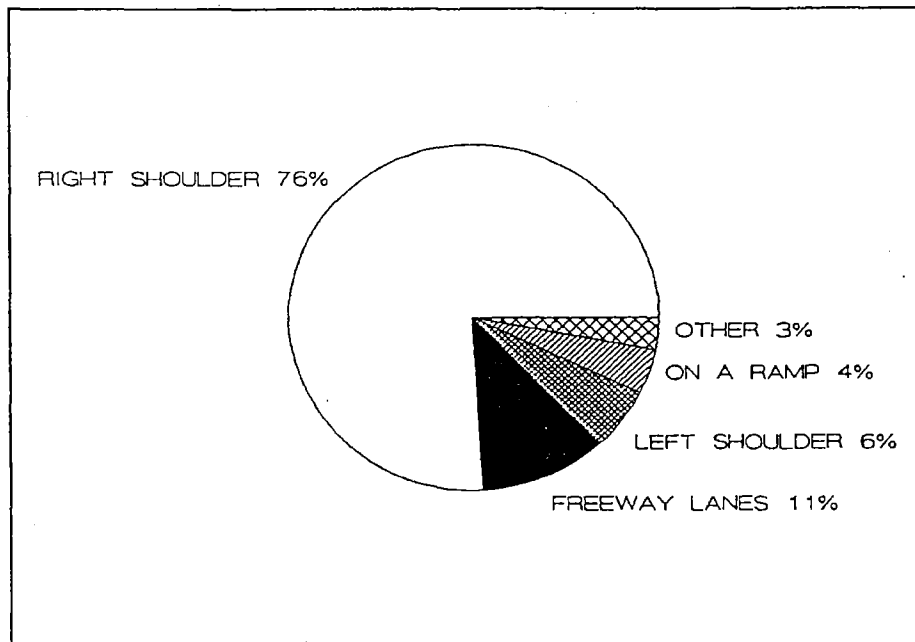
The Metro Freeway Service Patrol (FSP) currently covers half of the Los Angeles County Freeway network. As of mid-April, the service has helped almost 120,000 motorists. An annual evaluation study to be circulated in September will describe the congestion and air quality benefits of the program. As of April we have found that:

- An initial study indicates that 91 percent of all accidents or stalled vehicles receive assistance in 15 minutes or less.
- 137 jobs have been added to the Los Angeles economy as a result of the Metro FSP program.
- Only 30 percent of vehicles assisted required towing.
- Ongoing service adjustments may continue to increase the number of motorists receiving assistance.
- Motorists are not abusing the 1-gallon of free gas aspect of the service so there is no need to charge for gasoline.
- Ninety-two percent of surveyed motorists rate the service as excellent. Additionally, three-quarters of the motorists providing written comments about service improvements stated that either the service was great or needed to be expanded to other areas or longer hours.
- About 5 percent of all vehicles receiving assistance are large trucks. Although FSP cannot tow these vehicles, most of the time they can provide non-towing assistance.
- FSP vehicles should drive in the right hand lane since three-quarters of the incidents are located on the right shoulder.
- About 45 percent of surveyed motorists know about the FSP program.

SERVICE CHARACTERISTICS

Metro FSP drivers complete a "Motorist Assist Form" for every incident they service. Tabulation of over 50,000 Motorist Assist Forms shows that the vast majority (82 percent) of all disabled vehicles assisted by the Metro FSP were found on freeway shoulders -- 76 percent on the right shoulder and 6 percent on the left shoulder. Eleven percent of all disabled vehicles were found in freeway lanes and 4 percent on freeway on or off ramps (see Figure 3). This information suggests that Metro FSP tow vehicles should drive on the right side of the freeway to better allow for quick stops and to reduce tow truck lane changes.

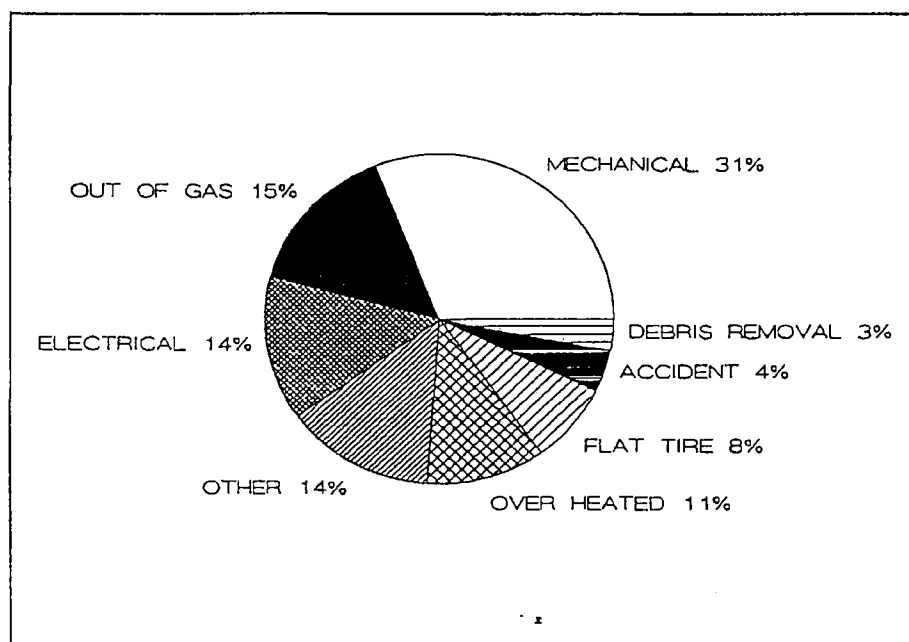
**FIGURE 3
METRO FREEWAY SERVICE PATROL
VEHICLE LOCATION**



SOURCE: Motorist Assist Forms completed by Metro FSP drivers between July 1, 1991 and March 23, 1992.

The Metro FSP helps stranded motorists in a variety of predicaments. About one-third of all disabled vehicles assisted by the Metro FSP had mechanical problems, 15 percent ran out of gas, 14 percent had electrical problems, and 11 percent had overheated. About four percent of the disabled vehicles were involved in minor accidents (see Figure 4).

FIGURE 4
METRO FREEWAY SERVICE PATROL
SERVICE TYPE

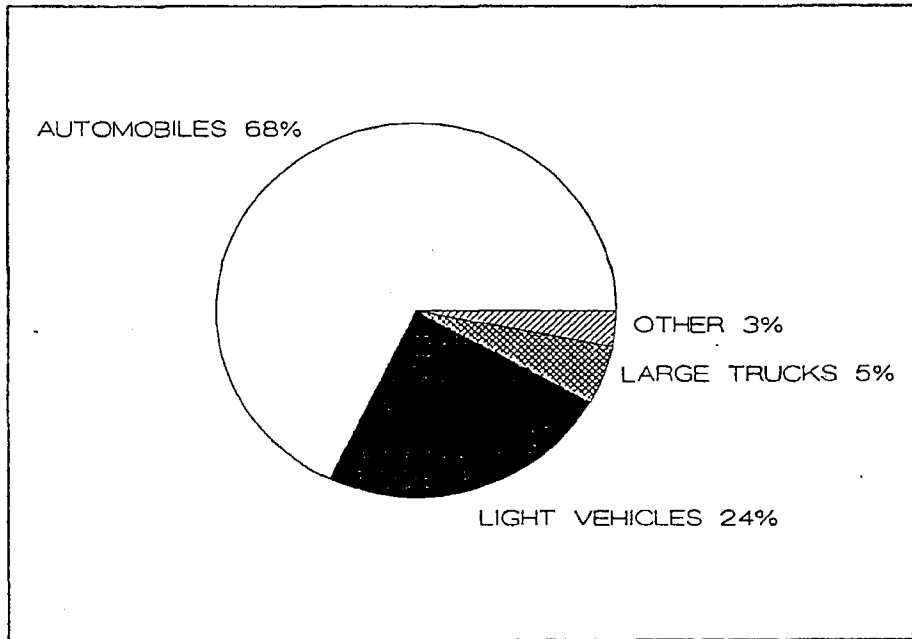


SOURCE: Motorist Assist Forms completed by Metro FSP drivers.

Metro FSP drivers are able to service and get moving the majority (about 70 percent) of vehicles they assist. About 30 percent of motorists aided by the Metro FSP require additional assistance and are towed off of the freeway where they are no longer a road hazard or a cause of gawker's blocks.

The Metro FSP is designed to aid motorists and clear freeways of automobiles and other light vehicles. Currently, 68 percent of all assisted vehicles are automobiles and 24 percent are light vehicles including vans, pickups, and other small trucks. About five percent of Metro FSP assisted vehicles are "big rigs" or other large vehicles (see Figure 5). Although big rigs were not originally intended to receive service, Motorist Assist Forms show that the Metro FSP is directly helping large trucks by refilling air brakes and providing diesel fuel.

**FIGURE 5
METRO FREEWAY SERVICE PATROL
TYPES OF VEHICLES ASSISTED**



SOURCE: Motorist Assist Forms completed by Metro FSP drivers.

SERVICE PERFORMANCE TOTALS

Each incident removed from freeway lanes or the view of passing motorists by the Metro FSP can contribute to improved traffic flow and reduced congestion. As of April 17, 1992, the Metro FSP assisted over 118,000 motorists.¹ The average number of daily assists is over 700 per day.² Recently, however, the Metro FSP has increased efficiency and is assisting more motorists. In fact, during the past two months the average number of Metro FSP assists has grown to over 750 per day and many recent daily totals have topped 800 assists. Since September 30, 1991, each Metro FSP truck has provided approximately eight assists per day or about one assist every hour. Since February 1, 1992, however, each Metro FSP truck has provided almost nine assists per day. The average cost per assist is about \$43 (see TABLE 1).

TABLE 1
METRO FREEWAY SERVICE PATROL
SUMMARY STATISTICS
(September 30, 1991 to April 17, 1992)

	MORNING SHIFT	EVENING SHIFT ³	TOTAL
SERVICE TOTALS	50,878	67,602	118,480
AVERAGE DAILY ASSISTS	304	406	710
AVERAGE DAILY ASSISTS PER TRUCK	3.6	4.8	8.3
AVERAGE COST PER ASSIST	\$51	\$38	\$43

SOURCE: Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system.
Average cost per assist estimate includes operating costs only.

¹ Assist totals reflect Mobile Data Terminal (MDT) data keyed in by Metro FSP drivers and tracked by the CHP's Computer Aided Dispatch (CAD) system.

² September 30, 1991 was selected as a base date because all stages were operating and past their initial shakedown periods.

³ The Metro Freeway Service Patrol offers slightly more Evening Shift hours than Morning Shift hours in some locations to better match the greater PM peak period demand.

*From
Lore A. King
Assemblyman
Katz's staff*

FREEWAY SERVICE PATROLS
STATEWIDE ENABLING LEGISLATION
DRAFT -- APRIL 23, 1992

Section One

Chapter 14.1 is added to the Streets and Highways Code, as follows:

Chapter 14.1 Freeway Service Patrols

2560. This chapter shall be known as and may be cited as the Freeway Service Patrol Act.

2561. The purpose of this chapter is to implement a freeway service patrol system on congested urban freeways throughout the state, involving a cooperative effort between state and local agencies.

2562. This chapter shall be repealed on January 1, 1995, unless another statute enacted before that date deletes this section.

*Division 2
Title 2*

2563. Freeway Service Patrol, as used in this chapter and in Article 3.3 and 3.5 of the Vehicle Code, means a program managed by the Department of the California Highway Patrol and the Department of Transportation, which provides emergency roadside assistance, as defined in Section 2436 of the Vehicle Code on a freeway in an urban area. The freeway service patrol shall be operated pursuant to a memorandum of understanding between the Patrol, Caltrans, and a regional or local entity as defined in Section 2430.1 of the Vehicle Code.

2564. Funding

- (a) This program shall be funded from the State Highway Account.
- (b) A local match of 25% of the funds provided from the State Highway Account shall be required. However, local participation may exceed the match requirement.
- (c) A freeway service patrol system developed pursuant to Chapter 488 of 1991 shall be eligible for funding under this section.
- (d) Funding for patrols shall be allocated based on a formula which weights 25 % based on the number of freeway lane miles in the area, and 75% based on the population in the area.
- (e) No state funding shall be released prior to the execution of the memorandum of understanding developed pursuant to Section 2563.

2565. In addition to the state logo for patrol trucks developed by the department, in cooperation with the Patrol and

participating regional and local entities, regional and local entities participating pursuant to Section 2563 may be permitted to place a logo on participating trucks.

2567. Tow truck drivers and employers participating in a freeway service patrol pursuant to this Chapter are subject to and must comply with the requirements of Article 3.3 of the Vehicle Code.

2568. The department, in cooperation with the Patrol and participating regional and local entities, shall evaluate the freeway service patrol system created by this chapter and report to the Legislature on or before June 30, 1994.

2569. No more than 2 percent of the state funds appropriated for this program shall be used for administrative purposes by state agencies. No state funds shall be used for administrative purposes by local agencies.

Section 2

Section 2430.7 of the Vehicle Code, as added by Chapter 488 of 1991 (AB 123), is amended to read:

Change Subdivision (b) as follows:

(b) On and after July 1, 1992, all tow truck drivers shall submit an application for the issuance of a tow truck driver certificate with the Department and pay an application fee equal to the actual costs of a criminal history check and issuance of the tow truck driver's certificate up to the amount of thirty five dollars (\$35) [fifty dollars]. Applicants for renewal of an expired tow truck driver certificate shall make application for issuance of a new tow truck driver certificate with the Department of Motor Vehicles and pay an application fee of [twelve dollars (\$12)] two dollars (\$2).

Section 3

Section 2436 of the Vehicle Code, as added by Chapter 488 of 1991 (AB 123), is amended to read:

2436. For the purposes of this article and article 3.3, and Chapter 14.1 of the Streets and Highways Code:

Section 4

Eight and one-half million dollars (\$8,500,000) is appropriated from the State Highway Account for the purposes of Chapter 14.1 of the Streets and Highways Code. [From 1992-93 fiscal year funds].

Section 5

In order to ensure that freeway service patrol funds are available at the beginning of the 1992-93 fiscal year, it is necessary that

this act become effective immediately.

Questions and Comments

Freeway Service Patrols
Statewide Enabling Legislation
Draft April 23, 1992

The way this is written it ignores the State's responsibility to operate its facility. The basic maintenance and operation of State facility should not have to rely on any local government deciding to make a funding decision.

2563. Articles in the Vehicle Code should be prefaced by Division and Chapter to avoid ambiguities.

2563. The "Patrol" should be spelled out California Highway Patrol throughout the legislation.

2564. (a) The 25% match is going to cause problems in some regions, most noticeably San Diego, Sacramento and Riverside and San Bernardino Counties. How do we deal with the transition? A good suggestion is to go ahead with the funding amounts in the BCP with the proviso that the locals would have to begin matching by July 1, 1995 or lose the service patrol to a locality that would. This allows the first contracts to run the preferred three years and allows the locals enough time to develop the revenue to fund their match. In any case, local funding commitments should be for the duration of the FSP contracts.

2564. (d) The allocation formula does not take into account congestion. Population is not a good stand in for congestion. Lane miles, if anything ameliorate the problem. Lane miles of congestion, centerline miles of congestion, miles of reduced shoulders, number of accidents, aggregate congestion, vehicle miles of travel or traffic volumes would make more sense.

2564. (d) We need to tighten up the eligibility. Do we mean Redding would qualify for some of the patrol money? I suggest that only counties showing freeway congestion in the "Statewide Highway Congestion Monitoring Program 1991 HICOMP Report" qualify. That would eliminate a lot of marginal operations.

2565. The logo should be approved by both the California Highway Patrol and Caltrans. The logo envisioned will be a triangle with equal sized logos of CHP, Caltrans and the local participating agency.

2569. The 2% limit of state funds for administrative purposes is entirely too low. The CHP alone accounts for nearly 14% of the total cost of operating an FSP. Maybe what is needed is a more precise definition of what is meant by administrative costs. CHP and Caltrans management and the dispatch are major cost items. Additionally there is the communication system and the community outreach and education. The \$8.5 million in the proposed legislation seems to relate only to the contract need plus some equipment. Both the CHP and Caltrans need resources to manage the FSP. The BCP after the LAO reduced it by 1.5 million from 10.2 to 8.7 was:

Item	Amount	Percent
Contract Tow	\$6.6 million	76
CHP	1.2	14
Caltrans (personnel)	0.6	7
<u>Equipment (one-time)</u>	<u>0.3</u>	<u>3</u>
Total	8.7	100

The BCP was modelled after the LACTC-Caltrans-CHP experience but did not include a lot of the work LACTC funded including staff, out reach, logos etc.

**FREEWAY SERVICE PATROLS STATEWIDE ENABLING LEGISLATION
DRAFT APRIL 23, 1992 ALLOCATION FORMULA**

AUTHORITY	COUNTY	LANE MILES	POPULATION	FUNDING%	SUB-TOTALS	
INLAND	RIVERSIDE	551	1,225,000	4.13	INLAND=	9.11
INLAND	SAN BERNARDINO	672	1,471,300	4.98		
LA	LOS ANGELES	3451	8,988,800	29.17	LA=	29.17
MTC	ALAMEDA	744	1,293,000	4.67		
MTC	CONTRA COSTA	449	819,300	2.92		
MTC	MARIN	188	233,500	0.95		
MTC	NAPA	16	112,700	0.31		
MTC	SAN FRANCISCO	130	726,700	2.07		
MTC	SAN MATEO	475	657,300	2.56		
MTC	SANTA CLARA	614	1,513,100	4.97		
MTC	SOLANO	280	352,300	1.42		
MTC	SONOMA	119	396,800	1.22	MTC=	21.11
ORANGE	ORANGE	1072	2,453,300	8.21	ORANGE=	8.21
SAC	SACRAMENTO	560	1,066,800	3.75	SAC=	3.75
SD	SAN DIEGO	1509	2,548,700	9.30	SD=	9.3
VEN	VENTURA	348	677,900	2.37	VEN=	2.37
N/A	BUTTE	34	186,700	0.53		
"	EL DORADO	37	130,800	0.40		
"	FRESNO	177	686,800	2.06		
"	HUMBOLDT	58	121,000	0.41		
"	IMPERIAL	20	112,300	0.32		
"	KERN	182	559,900	1.75		
"	KINGS	15	104,400	0.29		
"	MADERA	18	92,300	0.27		
"	MENDOCINO	18	81,800	0.24		
"	MERCED	34	184,000	0.53		
"	MONTEREY	97	362,800	1.10		
"	NEVADA	18	80,900	0.24		
"	PLACER	77	179,200	0.60		
"	SAN JUAQIN	162	490,000	1.54		
"	SAN LUIS OBISPO	124	221,300	0.79		
"	SANTA BARBARA	145	376,600	1.22		
"	SANTA CRUZ	87	232,500	0.75		
"	SHASTA	108	151,800	0.59		
"	SISKIYOU	18	44,200	0.15		
"	STANISLAUS	107	383,800	1.17		
"	SUTTER	6	66,100	0.18		
"	TEHAMA	18	50,900	0.16		
"	TULARE	77	319,600	0.95		
"	YOLO	93	145,000	0.54		
"	YUBA	28	59,400	0.20	OTHERS=	16.98
TOTALS		12,936	29,960,600	100		100.00

* FUNDING %= ((COUNTY LANE MILES/TOTAL LANE MILES X .25) +
(COUNTY POPULATION/TOTAL POPULATION X .75)) X 100

The people of the State of California do enact as follows:

SECTION 1. Chapter 14.1 of the Streets and Highways Code is added to read:

Chapter 14.1 FREEWAY SERVICE PATROLS

Legislative Intent

2500. The Legislature declares that its intent in enacting this chapter is to create a basic freeway service patrol on congested freeways throughout the state. California has about 2000 miles of urban freeways. About half of the urban freeway system experiences congestion during some part of the day. Over half of the congestion is caused by incidents such as accidents, stalled vehicles and temporary disruption to traffic flow. The state has recognized this fact and has provided service patrols to help remove stalled vehicles on its toll bridges for over 50 years. With the growth in traffic and congestion throughout the State it has become clear that the freeway service patrol concept is cost effective on urban freeway facilities other than bridges. The benefits urban freeway service patrols are many:

- They reduce delay to motoring public by removing vehicles from the traffic lanes and shoulders where they cause backups.
- They reduce secondary accidents caused by stopped traffic.
- They improve the safety of the motorist who has car trouble by reducing the amount of time he or she is exposed to traffic.
- They improve traffic flow which produces positive effects on air quality and energy consumption.

Operating existing facilities is among the top priorities of the Department of Transportation. Freeway service patrols are one proven cost effective operations strategy. The State has a fiduciary responsibility to operate its facilities safely, efficiently and environmentally benign. Although most of benefits of a freeway service patrol are to commuting motorists, a mobile work force does effect the general commerce of the region and make the region more competitive in the world marketplace. The State should provide a basic level of service patrol on its congested freeways and the service patrol should be funded by the state highway account. Patrol service on state freeways, over and above a basic level, should be funded by local agencies.

Funding Allocation

2501. A \$10 million basic service patrol program shall be established by the Department funded by revenues from the State Highway Account. The \$10 million program is meant to start a basic freeway service patrol program which may expand to meet a minimum level of service. The following criteria shall be considered in establishing the service:

- (a) Number of freeway miles of congestion
- (b) Duration of congestion as measured in hours
- (c) Magnitude of congestion as measured in vehicle hours
- (d) Number of accidents
- (e) Non standard and absent shoulders

Authority for Management

2502. All freeway service patrol programs on State Highways shall be jointly managed by the Department and the California Highway Patrol. Local agencies shall be encouraged to participate in the development and management of the program to the extent that their participation furthers the objectives of the program.

Reimbursements

2503. The Department may reimburse the California Highway Patrol from the state highway account for its approved expenses in developing and managing the program. Local agencies may participate in the program, but their expenses will be not reimbursed. Local participation may include funding, management, evaluation, contract administration or other actions to further the freeway service patrol program.

SECTION 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

This act will make funds available for freeway service patrols and thereby enhance the safety of the motoring public. In order to accomplish its purposes at the earliest possible time, it is necessary for this bill to take effect immediately.

PROPOSED REVISIONS TO SECTIONS INCLUDED IN
CHAPTERED ASSEMBLY BILL No. 123
As Proposed by the Department of the California Highway Patrol
January 10, 1992

The people of the State of California do enact as follows:

SECTION 1. Section 1808.1 of the Vehicle Code is amended to read:

N/C
1808.1 (a). The prospective employer of a driver who drives a vehicle requiring a class 1, class 2, class A, or class B driver's license, or a certificate issued pursuant to Section 2512, 12517, 12519, 12519.5, 12520, 12523, 12523.5, 12524, 12804.1, or 12804.3, shall obtain a report showing the driver's current public record as recorded by the department.

(b) ...

SEC. 2. Section 2424 of the Vehicle Code is amended to read:

2424 (a) The Commissioner of the California Highway Patrol may enter into agreements with providers of towing, emergency road and storage services for the purpose of determining which providers shall be summoned by the department when those services are necessary for public assistance or to carry out the duties and responsibilities of the department. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the agreements. The department shall confer with the towing industry, as necessary, to reach agreements mutually beneficial to the public, the towing industry, and the department.

(b) This section does not prohibit a member of the public from selecting any vehicle towing, emergency road service, or storage provider, except when towing or storage is ordered by a member of the department under the provisions of law.

N/C
(c) These agreements shall be implemented in cooperation with representatives of the towing industry, and shall include, but not be limited to, the following subjects: liability insurance requirements; towing, emergency road service, and storage fees; inspection of business and storage facilities and equipment; recordkeeping; minimum equipment requirements; and the establishment of tow districts.

(d) Failure of a towing, emergency road service, or storage provider to comply with the provisions of the agreement may result in the suspension or termination of the agreement. In the event of suspension or termination of the agreement, and at the request of the towing, emergency road service, or storage provider, the department shall provide a hearing and appeal process to the provider.

(e) Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the hearing and appeal process specified in subdivision (d).

8-647-0360

SEC. 3. Article 3.3 (commencing with Section 2430) is added to Chapter 2 of Division 2 of the Vehicle Code, to read:

Article 3.3 Tow Truck Drivers

2430. (a) The Legislature hereby creates a pilot project to develop recommendations for requiring emergency road service organizations and their specified employees, within the State, to be certified and receive specified training in the interest of public safety. This project shall be limited to freeway service patrol operations for major urban areas. The project includes, but is not limited to, the issuance of tow truck driver certificates to employees and employers involved in freeway service patrol operations, criminal history checks for convictions of specified crimes, and training for enhancement of public safety. The purpose of the project shall be to develop recommendations for requiring all emergency road service organizations and specified employees, within the State, to be certified and receive specified training in the interest of public safety.

(b) This project shall be for a period of two years commencing July 1, 1992. The department shall submit a report to the Legislature not later than September 1, 1994. The report shall include, but not be limited to, the following:

- N/C
- (1) The number of criminal history checks processed by the department.
 - (2) The number of specified tow truck driver certificates issued.
 - (3) The number of people rejected for freeway service patrol operations as a result of the criminal history checks.
 - (4) The names of participating emergency road service organizations.
 - (5) An accounting of the number of certified persons who were subsequently disqualified for convictions of specified crimes.
 - (6) The training received by specified personnel.
 - (7) Recommendations developed by the Emergency Roadside Assistance Advisory Committee regarding training, as specified in Section 2438, and guidelines for motorist safety, as specified in Section 2439.
 - (8) Information compiled from reports submitted by highway service organizations pursuant to subdivision (a) of Section 2440.
 - (9) Recommendations for extending the requirements of this article and 3.5 to all highway service organizations and their specified employees within the State.

(c) The Legislature declares that it is important to the public safety that tow truck drivers who perform freeway service patrol operations do not have criminal records which include violent crimes against persons.

* 2430.1 As used in this article and Article 3.5 (commencing with Section 2435):

(a) "Freeway service patrol" means a program managed by the department, in cooperation with the Department of Transportation, which provides emergency road service patrols, conducted by highway service organizations, on the freeways. A freeway service patrol program may involve an agreement with a regional or local entity.

~~(a)~~ (b), "Tow truck driver" means a person who operates a tow truck, who renders towing service or emergency road service to motorists while involved in freeway service patrol operations, ~~pursuant to an agreement with a regional or local entity~~, and who has or will have direct and personal contact with the individuals being transported or assisted. As used in this subdivision, "towing service" and "emergency road service" have the same meaning as defined in Section 2436.

~~(b)~~ (c) "Employer" means any person or organization which employs those persons defined in subdivision ~~(a)~~ (b), or who is an owner-operator who performs the activity

specified in subdivision ~~(a)~~ (b), and who is involved in freeway service patrol operations ~~pursuant to an agreement or contract with a regional or local entity.~~

~~(e)~~ (d) "Regional or Local Entity" means any public organization established as a public transportation planning entity, pursuant to Title 7.1 (commencing with Section 66500) of the Government Code or Section 130050 of the Public Utilities Code.

N/C
2430.3. Every tow truck driver shall notify each of his or her employers and prospective employers of an arrest or conviction of any crime specified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13377 prior to beginning of the next workshift for that employer.

2430.5. (a) Every employer intending to hire a tow truck driver July 1, 1992, shall require the applicant for employment to submit to them a temporary tow truck driver certificate issued by the department or a permanent tow truck driver certificate issued by the Department of Motor Vehicles. The employer shall review the certificate and obtain a copy to be maintained as required by subdivision (c). The employer shall not hire any tow truck driver in any freeway service operation who does not provide a temporary tow truck driver certificate issued by the department or a permanent tow truck driver certificate issued by the Department of Motor Vehicles. The employer shall not allow a tow truck driver who is not certified to participate in any freeway service patrol operations. If the issuance date on the certificate is more than 90 days from the proposed date of hire, the employer shall contact the department to reverify eligibility.

N/C
(b) On or after July 1, 1992, every employer, whose currently employed tow truck drivers are required to obtain a tow truck driver certificate pursuant to Sections 2430.7 and 12520, shall require the employees to submit to the employer a temporary tow truck driver certificate issued by the department or a permanent tow truck driver certificate issued by the Department of Motor Vehicles. The employer shall review the certificate and obtain a copy to be maintained as required by subdivision (c).

(c) Every employer shall maintain a tow truck driver certificate file for all tow truck drivers hired on or after July 1, 1992, or all currently employed tow truck drivers who are required to obtain a tow truck driver certificate pursuant to Section 12520. The employer shall retain employee rosters and copies of tow truck driver certificates for all tow truck drivers. The roster shall be comprised of the following two lists:

- (1) Drivers who have valid tow truck driver certificates.
- (2) Drivers who would be prohibited, pursuant to subdivision (a) of Section 13377, from involvement in any freeway service patrol operation.

Every employer shall make the file available for inspection by the department at the employer's primary place of business in this state. In addition, the employer shall maintain a personnel roster, also available for inspection, of all current tow truck drivers and their date of hire by the employer.

(d) Upon notification that a tow truck driver has been arrested for, or convicted of, any crime specified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13377, the employer shall remove that tow truck driver from any position involving freeway service patrol operations.

(e) A violation of this section by an employer is a misdemeanor.

2430.7. (a) For the purposes of conducting criminal history and driver history screening of tow truck drivers and employers, the commissioner shall do all of the following:

(1) Utilize the California Law Enforcement Telecommunications System (CLETS) to conduct preliminary criminal history checks.

(2) Obtain fingerprints from tow truck drivers and employers. The fingerprint cards will be submitted to the Department of Justice for criminal history checks.

(3) Obtain a second set of fingerprints from applicants who have not continuously resided in the state for the previous seven years, and submit that card to the Federal Bureau of Investigations for out-of-state criminal history checks. The department may charge a fee sufficient to cover the additional expense of processing the fingerprint cards through the Federal Bureau of Investigations.

(4) Verify that the specified tow truck driver or employer, or both, have a valid California driver's license, through the use of the automated records system.

(b) On and after July 1, 1992, all tow truck drivers shall submit an application for the issuance of a tow truck driver certificate with the department and pay an application fee ~~equal to the actual costs of a criminal history check and issuance of the tow truck driver's certificate up to the amount~~ of fifty dollars (\$50). Applicants for renewal of an expired tow truck driver certificate shall make application for issuance of a new tow truck driver certificate with the Department of Motor Vehicles and pay an application fee of ~~twelve dollars (\$12)~~. *two dollars (\$2)*. (# 3.5)

All fees collected pursuant to this section shall be deposited in the Motor Vehicle Account in the State Transportation Fund. An amount equal to the fees paid shall be made available, upon appropriation, to the Department of Motor Vehicles for administrative costs, for the cost of criminal history checks to be conducted by the Department of Justice and to the department for administrative costs. In no case shall the fees collected exceed the costs associated with this Section.

(c) Applicants for an original tow truck driver certificate shall be fingerprinted by the department, on a form issued by the department, for the submission to the Department of Justice for the purpose of determining whether or not the applicant has been convicted for a violation of any crime specified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13377.

(d) Information released to the department or the Department of Motor Vehicles shall be related to their inquiry and shall remain confidential.

(e) The department shall issue a temporary tow truck driver certificate, provided by the Department of Motor Vehicles, to applicants who have cleared the specified criminal history check through CLETS and the driver history check through the automated records system, and who meet all other applicable provisions of this code. The term of the temporary tow truck driver's certificate shall be for a period of 90 days from the date of issuance.

2432. (a) It is unlawful for a tow truck driver to knowingly provide false information on the application prepared and submitted to the department pursuant to subdivision (b) of Section 2430.7 of this code.

(b) It is unlawful for a tow truck driver to fail to comply with the notification requirements contained in Section 2430.3.

(c) A violation of this section is punishable as a misdemeanor.

2432.1. (a) If the commissioner determines that an employer has failed to comply with the requirements of this article or Article 3.5 (commencing with Section 2435), the commissioner may, after a hearing, suspend the highway safety carrier's

identification number issued pursuant to Section 2436.3 for a period of not more than two years.

(b) If the commissioner determines that an employer has failed to comply with the requirements of this article or Article 3.5 (commencing with Section 2435) twice within a period of 24 consecutive months, the commissioner may, after a hearing, prohibit the employer from participating in any freeway service patrol operation for two years.

(c) Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the hearing specified in subdivision (a) or (b).

2432.3. (a) This article does not preempt the authority of any city, city and county, or county to regulate, pursuant to the provisions of subdivision (g) of Section 21100, any of the matters covered by this article.

(b) (1) For the purposes of verifying the criminal history of individuals involved in the operation of tow truck services, law enforcement agencies from any city, city and county, or county shall have the authority to conduct criminal history checks for the following:

- (A) Applicants for employment to drive tow trucks
- (B) Those who drive tow trucks
- (C) Tow truck owners/operators.

(2) The law enforcement agency may obtain the fingerprints of the individuals on a form approved by the Department of Justice and provided by the agency. The fingerprint samples will be submitted to the Department of Justice for the purpose of determining whether or not the person has been convicted of any violation including, but not limited to, Section 220, subdivision (1), (2), (3), or (4) of Section 261, or Section 264.1, 267, 288, or 289 of the Penal Code, or any felony or three misdemeanors which are crimes of violence, as defined in subdivision (g) of Section 11105.3 of the Penal Code.

(3) For the purposes of conducting criminal history screening of tow truck driver applicants, employees, and employers who have not resided continuously in the State for the previous seven years, the law enforcement agency from any city, city and county, or county, may obtain a second set of fingerprints, when necessary, and may submit that card to the Federal Bureau of Investigations for out-of-state criminal history checks.

(c) The law enforcement agency from any city, city and county, or county may charge a fee sufficient to cover the cost of obtaining and processing the fingerprint cards through the Department of Justice.

(d) For the purposes of conducting driver history screening of applicants to drive tow trucks, employees, and owner/operators, the law enforcement agency from any city, city and county, or county may verify that the applicant and/or owner/operator has a valid California driver's license of the proper class, through the use of the automated records system,

(e) The Department of Justice shall develop a procedure whereby it will notify the requesting law enforcement agency in the event that the person fingerprinted has been convicted of any of the specified crimes or is convicted of a specified crime subsequent to employment or beginning operation of a tow service. The Department of Justice shall release the requested information to the requesting agency.

(f) Information released to the requesting agency may be utilized for licensing and regulating procedures established pursuant to subdivision (g) of Section 21100.

(g) Information released to the requesting agency shall be related to their inquiry, shall remain confidential and shall not be made public.

SEC. 4. Article 3.5 (commencing with Section 2435) is added to Chapter 2 of Division 2 of the Vehicle Code, to read:

Article 3.5. Emergency Roadside Assistance

- * 2435. (a) The Legislature finds and declares that the emergency roadside assistance provided by highway service organizations is a valuable service which benefits millions of California motorists. The Legislature further finds and declares that emergency roadside assistance is provided statewide, in cooperation with, and shares resources with, public safety agencies. The Legislature also finds that the Department of the California Highway Patrol, in cooperation with the California Department of Transportation, is responsible for the rapid removal of impediments to traffic on highways within the State. Also, that the Department of the California Highway Patrol may enter into agreements with employers for freeway service patrol operations ~~under an agreement or contract with a regional or local entity~~. The Legislature declares that it is in the public interest to establish minimum standards for emergency roadside assistance and freeway service patrol operations provided, or contracted for, by highway service organizations, ~~or operating under an agreement or contract with any regional or local entity~~. The Legislature also declares that it is necessary to increase the public input into the development of minimum standards, and for that reason is creating an Advisory Committee to provide advice on the standards. The Legislature declares that it is important to the public safety that drivers who provide emergency roadside service not have criminal records which include violent crimes against persons.
- (b) The Legislature also declares that the Department of the California Highway Patrol, in cooperation with the California Department of Transportation, shall be responsible for establishing the minimum training standards for highway service organization employees and/or employers who participate in freeway service patrol operations ~~pursuant to an agreement or contract with a specified regional or local entity~~.
- * 2436. For the purposes of this article *and Article 3.3*:
- (a) "Committee" means the Emergency Roadside Assistance Advisory Committee.
- (b) "Emergency road service" is the adjustment, repair, or replacement by a highway service organization of the equipment, tires or mechanical parts of a motor vehicle so as to permit it to be operated under its own power. "Towing service" is the drafting or moving by a highway service organization of a motor vehicle from one place to another under power other than its own.
- (c) "Emergency roadside assistance" means towing service or emergency road service, as defined by subdivision (b).
- (d) "Highway service organization" means the same as motor club, as defined by section 12142 of the Insurance Code and, in addition, includes any person or organization which operates or directs the operation of highway service vehicles to provide emergency roadside assistance to motorists, or any organization which reimburses for the cost of emergency roadside assistance, and any employer, as defined in subdivision (b) of Section 2430.1.
- (e) "Tow Truck Driver" has the same meaning as defined in subdivision (a) of Section 2430.1.

2436.3. (a) On and after July 1, 1992, employer shall obtain from the department a carrier identification number. Application for a carrier identification number shall be on forms furnished by the department. The number shall be displayed on both sides of

N/c

each tow truck utilized in any freeway service patrol operation, in accordance with the requirements stated in Section 27907.

(b) No employer may operate a tow truck in any freeway service patrol operation when the carrier identification number issued pursuant to subdivision (a) has been suspended by the commissioner, pursuant to Section 2432.1.

(c) The carrier identification number shall be removed before sale, transfer, or other disposal of the vehicle, or upon termination of an agreement or contract for freeway service patrol operations.

(d) A violation of this section is a misdemeanor.

- * 2436.5. (a) The department, in cooperation with the California Department of Transportation, shall provide training, ~~pursuant to a reimbursable agreement or contract with a specified regional or local public transportation entity~~, for all employers and tow truck drivers who are involved in freeway service patrol operations. Dispatchers for freeway service patrol operations shall be employees of the department or the California Department of Transportation.

(b) The training shall include, but not be limited to, the following:

- (1) Tow truck driver and motorist safety
- (2) Patrol responsibility
- (3) Vehicle operation
- (4) Traffic control and scene management
- (5) Communication procedures
- (6) Demeanor and courtesy

- * 2436.7 (a) Every tow truck driver and employer, involved in a freeway service patrol operation ~~under an agreement or contract with a regional or local entity~~, shall attend the training specified in subdivision (b) of Section 2436.5 of this code.

(b) Upon successful completion of the training, each trainee shall be issued a certificate of completion. The certificate shall state the name of the training organization, the name and signature of the trainer, the name of the trainee, and the date of completion of the training.

(c) The trainee shall provide a copy of the certificate of training to the employer. The employer shall maintain this information in the tow truck driver files established pursuant to subdivision (c) of Section 2430.5 of this code.

(d) Every employer shall make the file available for inspection by the department at the employer's primary place of business in this State.

2437. (a) The committee is hereby created. The committee shall comprise 10 members which reflect the ethnic and cultural diversity of California and shall be appointed as follows:

(1) The commissioner shall appoint one person representing law enforcement agencies, who shall serve as the committee chairperson and the person who is the Chairperson of the California Service Authority for Freeway Emergencies Committee.

(2) The Governor, or his designee, shall appoint four persons representing the general public, one person representing highway service organizations, and one person representing towing service organizations.

(3) The Speaker of the Assembly shall appoint one person representing the general public.

(4) The Senate Committee on Rules shall appoint one person representing the general public.

(b) The committee shall function during the two year period of the project and shall submit its recommendations to the commissioner on or before July 1, 1994. Those recommendations shall be included in the report submitted to the Legislature pursuant to subdivision (b) of Section 2430. The meetings of the committee shall be public and shall be noticed.

(c) The existence of the committee shall terminate on July 1, 1994, at which time the commissioner shall succeed to the powers and duties of the committee.

2438. (a) The committee shall recommend standards of training to be provided to each tow service or emergency road service dispatcher and tow service employee providing emergency roadside assistance employed by, or under contract with, a highway service organization.

(b) Training shall include, but not be limited to, all of the following:

- (1) Call evaluation.
- (2) Courtesy.
- (3) Dealing with panic.
- (4) Special populations, such as the young, the elderly, and handicapped persons.
- (5) Evaluations of motorist safety.
- (6) Use of the "911" emergency telephone number.

(c) Training other than that required by Section 2436.5 may be conducted by emergency roadside assistance organizations, their trade organizations, or local law enforcement agencies .

2439. The committee shall recommend guidelines for the enhancement of motorist safety setting forth procedures for telephone dispatchers and service drivers. The guidelines shall include, but not be limited to, all of the following:

(1) Enumeration of the order of response priority for dispatching emergency roadside assistance to various types of roadside emergencies requiring either towing service or emergency road service.

(2) Time frame response guidelines for highway service organization for responding to various categories of assistance requests, including those emanating from freeways, rural areas, and unsafe areas.

(3) A process for highway service organizations to establish a series of safe "pickup points" in appropriate locations, such as parking lots and structures. The process shall include soliciting the recommendations of local law enforcement agencies.

(4) A requirement that, when giving instructions to motorists, the safety of the motorist shall be of primary consideration.

2440 (a) Not later than May 15, 1993, and every May 15 thereafter, every highway service organization, and employer as defined in subdivision (b) of Section 2430.1, shall submit an annual report to the commissioner, showing, for the preceding year, the number of calls for emergency roadside assistance received and responded to, the range of response times, and a summary of the types and numbers of safety-related complaints received from motorists regarding the their employee's response to, or failure to respond to, motorist's requests for emergency roadside assistance during freeway service patrol operations.

SEC. 5. Section 12520 is added to the Vehicle Code, to read:

12520. (a) On and after July 1, 1992, any person employed as a tow truck driver, as defined in Section 2430.1 of this code, shall not operate a tow truck unless that person

has in his or her immediate possession a valid California driver's license, of an appropriate class for the vehicle to be driven, and a tow truck driver certificate issued by the department, or a temporary tow truck driver certificate issued by the Department of the California Highway Patrol, to permit the operation of the tow truck.

(b) When notified that the applicant has been cleared through the Department of Justice, and/or the Federal Bureau of Investigations, and if the applicant meets all other applicable provisions of this code, the department shall issue a permanent tow truck driver certificate. The permanent tow truck driver certificate shall be valid for a maximum of four years and shall expire on the same date as that of the applicant's driver's license.

SEC. 6. Sections 13377 is added to the Vehicle Code, to read:

13377. (a) The department shall refuse to issue or renew, or shall revoke the tow truck driver certificate of an applicant or holder for any of the following causes:

(1) The tow truck driver certificate applicant or holder has been convicted for a violation of Section 220 of the Penal Code.

(2) The tow truck driver certificate applicant or holder has been convicted for a violation of subdivision (1), (2), (3), or (4) of Section 261 of the Penal Code.

(3) The tow truck driver certificate applicant or holder has been convicted for a violation of Section 264.1, 267, 288, or 289 of the Penal Code.

(4) The tow truck driver certificate applicant or holder has been convicted of any felony or three misdemeanors which are crimes of violence, as defined in subdivision (g) of Section 11105.3 of the Penal Code.

(5) The tow truck driver certificate applicant's or holder's driving privilege has been suspended or revoked in accordance with any provisions of this code.

(b) For the purpose of this part, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. For the purposes of this part, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, is conclusive evidence of the conviction.

(c) Whenever the department receives information from the Department of Justice, or the Federal Bureau of Investigations, that a tow truck driver has been convicted of an offense specified in paragraphs (1), (2), (3), and (4) of subdivision (a), the department shall immediately notify the employer and the Department of the California Highway Patrol.

(d) An applicant or holder of a tow truck driver certificate, whose certificate was denied or revoked, may reapply for a certificate whenever the applicable felony or misdemeanor conviction is reversed or dismissed. If the cause for the denial or revocation was based on the suspension or revocation of the applicant's or holder's driving privilege, he or she may reapply for a certificate upon restoration of his or her driving privilege. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code or a dismissal of charges pursuant to 1203.4 (a) of the Penal Code is not a dismissal for the purposes of this section.

SEC. 7. Section 13378 is added to the Vehicle Code, to read:

13378. (a) Any applicant for, or holder of, a tow truck driver certificate who has received a notice of denial or revocation, may, within fifteen (15) days of the mailing of the notice, submit to the department a written request for a hearing. Failure to request a hearing, in writing, within fifteen (15) days is a waiver of the right to a hearing.

(b) Upon receipt by the department of the hearing request, the department may stay the action until a hearing is conducted and the final decision is made by the hearing officer. The department shall not stay the action when there is reasonable cause to believe that the stay would pose a threat to a member of the motoring public who may require the services of the tow truck driver in question.

(c) An applicant for, or a holder of, a tow truck driver certificate, whose certificate has been denied or revoked, is not entitled to a hearing whenever the action by the department is made mandatory by this article or any other applicable law or regulation.

(d) Upon receipt of a request for a hearing, and when the requesting party is entitled to a hearing under the provisions of this article, the department shall appoint a hearing officer to conduct a hearing in accordance with sections 14107, 14109, 14110, and 14111 of this code.

SEC. 8. Section 40000.11 of the Vehicle Code is amended to read:

40000.11. A violation of any of the following provisions is a misdemeanor, and not an infraction.

(a) Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

(b) Section 12500, subdivision (a), relating to unlicensed drivers.

(c) Section 125515, subdivision (b), relating to persons under 21 years of age driving, and the employment of those persons to drive, vehicles engaged in interstate commerce or transportation of hazardous substances or waste.

(d) Section 12517, relating to a special driver's certificate to operate a schoolbus or school pupil activities bus.

(e) Section 12519, subdivision (a), relating to a special driver's certificate to operate a farm labor bus.

(f) Section 12520, relating to a special driver's certificate to operate a tow truck.

(g) Section 12804, subdivision (d), relating to medical certificates.

(h) Section 12951, subdivision (b), relating to refusal to display license.

(j) Section 13004.1, relating to identification documents.

(k) Section 14601, relating to driving when suspended.

(l) Section 14601.1, relating to driving when suspended.

(m) Section 14601.2, relating to driving when suspended.

(n) Section 14610, relating to unlawful use of driver's license.

(o) Section 14610.1, relating to identification documents.

(p) Section 15501 relating to use of false or fraudulent license by a minor.

SEC. 9. Section 40000.65 is added to the Vehicle Code, to read:

40000.65. A violation of Section 2430.5 or 2432, relating to emergency road service, is a misdemeanor and not an infraction.

SEC. 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified by this act, the provisions of his act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

095Mac

FREEWAY SERVICE PATROL STATE FUNDING

BUDGET CHANGE PROPOSAL

LEGISLATIVE PROVISIONS

- o **MATCHING FUNDS** - Counties providing matching local funds should receive funding proportionate to the local contribution and should not be penalized in the distribution of state funds for providing local match.
- o **INTEGRATION** - Freeway Service Patrol Budget Change Proposal (BCP) funds should be integrated with existing programs to expand the area of coverage. Parallel programs should be disallowed.
- o **DUPLICATION OF EFFORT** - Each agency must have its own unique role in administering Freeway Service Patrol programs. These roles should be based on each agency's strengths and duplication of effort should be minimized. Memoranda of Understanding outlining each agency's responsibilities must be executed among the participating agencies prior to the release of any funds.
- o **EVALUATION** - Statewide panel composed of representatives from local transportation agencies, Caltrans and CHP will develop uniform evaluation procedures to enable each county to competitively compete for future funding. Each program must submit an annual evaluation documenting its effectiveness to the legislature 18 months after implementation.
- o **FUNDING** - Contingent upon the positive findings of the annual evaluation, a minimum of three years of funding should be guaranteed. This will enable tow companies to depreciate the cost of the tow trucks resulting in reduced contracting costs.
- o **ADMINISTRATIVE COSTS** - Freeway Service Patrol administrative costs will be restricted to 2% of the total program costs.
- o **CONTRACTUAL/COMMUNICATION COSTS** - 88% of the funding will be allocated to contractual costs (tow truck companies) and development and operation of the dedicated communication system. In areas where a dedicated communication system is not warranted, the total 88% will be allocated to contracting costs.

FREEWAY SERVICE PATROL STATE FUNDING
BUDGET CHANGE PROPOSAL
LEGISLATIVE PROVISIONS

Page 2

- o **OPERATING COSTS** - 10% of the funding will be allocated to operating costs which include CHP personnel, decals, logos, reprographic costs, community outreach.
- o **UNIFORM THEME** - Statewide uniform vehicle paint scheme and program identification (logos) different from Caltrans and/or CHP will be developed to provide consistency and easy program identification for statewide travelers. If desired, the local transportation agency can incorporate or add additional identification markings, if it contributes local funds to the program.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001

(916) 654-2808
FAX (916) 654-6608
TDD (916) 654-4014



December 2, 1992

The Honorable Richard Katz
Member of the Assembly
State Capitol, Room 3146
Sacramento, CA 95814

Dear Mr. Katz:

The California Department of Transportation is aware of the enactment of Assembly Bill 3346 authorizing freeway service patrols on congested urban freeways, and would like to thank you for authoring this legislation. The Department will submit reports to the Legislature on or before their specified due dates. The Department will also work closely with the California Highway Patrol and local agencies in the development of this program.

If you have any questions or comments, please contact me at (916) 654-2808.

Sincerely,

Original signed by
HOWARD POSNER
Legislative Affairs

WARREN D. WEBER
Assistant Director
Legislative and Local
Government Affairs

RMorrison:pia
bcc: LFDeter - Attn: Becky King
Legislative Affairs' File
Director's Read
~~Director's Chron~~
JBorden
WHenley
RRonning
RMorrison
LGuinness
LLau
Ops
Read

Memorandum

To: MR. JAMES BORDEN, Chief
Division of Traffic Operations

Date: October 21, 1992

File:

From: DEPARTMENT OF TRANSPORTATION
DIRECTOR'S OFFICE

Subject: Enacted Legislation: Chapter 1109, Statutes of 1992

Attached is AB 3346 which has been enacted into law effective September 29, 1992. This bill will require some action by the Department.

Please review this bill and provide the Office of Legislative Affairs with a letter to the author acknowledging the Department's awareness of the legislation and how we plan to implement or conform to it. Please prepare the letter for my signature by November 12, 1992.



WARREN D. WEBER
Assistant Director
Legislative and Local
Government Affairs

Attachment

From: WWEBER --TR2
To: HPOSNER --TR2

Date and time 09/16/92 15:41:51

Subject: FREEWAY SERVICE PATROLS

*** Forwarding note from GUERRERO--TR2
To: WWEBER --TR2

09/16/92 15:36 ***

Subject: FREEWAY SERVICE PATROLS

FYI THRE LABOR RELATIONS PIECE TO THIS.....

*** Forwarding note from SBOOTH --TR2

To: GUERRERO--TR2

09/16/92 15:32 ***

*** Reply to note of 09/16/92 15:05

Subject: FREEWAY SERVICE PATROLS

Katz' language was proposed, at the request of IUOE, to protect current CT operations and employees. Interestingly, they have not blatantly taken a hard line on work jurisdiction, given that CT employees have been providing tow services in the Bay Area. Union and D4 fear that the MTC/CHP proposal for overlapping coverage is a subterfuge to demonstrate CT services are duplicative and to circumvent the language in Katz' bill. Jacobs is willing to negotiate with MTC/CHP on specific boundaries, with some time frames written in which allow CT to retain control over our employees and the "feeder legs" to the bridge. IUOE will buy into that approach. Otherwise, Katz/IUOE will take the position that overlapping violates the "supplant" language. CHP needs this bill because it provides for a dollar per registered vehicle to go to them for specified purposes.

There appears to have been a problem between Borden's staff and the district on this matter. Originally, Wayne Henley told Posner that there was no impact on CT. IUOE disagrees and has submitted a demnad to M/C over impact, anticipating elimination of services and the 18.5 PY (originally ciled for in the bill before the amendment). They informed me today that if the proposal f ~ overlapping coverage goes forward, they will file with SPB claiming \ lation of GC 19130. D4 has prepared some proposals, which, if presented in a LR context with CHP, MTC, IUOE and Katz' staff present in a meeting, might result in everyone agreeing. Otherwise, it appears that CHP/MTC are bullying CT with a not so hidden agenda. It is unclear whether VLS and/or Deter have taken a firm CT position. This exacerbates the differing attitudes between Henley & Jacobs.

STEPHEN J. BOOTH

Office of Labor Relations
653-4564 CALNET 453-4564

ME
Dec. Lempert
Rusty Areias
William Baker
Steve Clute
Jim Costa
Delaine Eastin
 rald Eaves
 oert Frazee
Bev Hansen
Bill Lancaster
Barbara Lee
Ted Lempert
Tom McClintock
Tom Umberg
Paul Woodruff

Assembly California Legislature

ASSEMBLY COMMITTEE ON TRANSPORTATION

RICHARD KATZ
Chairman

September 14, 1992

RECEIVED
SEP 18 1992

DIRECTOR'S OFFICE

Mr. Lawrence Dahms, Executor Director
Metropolitan Transportation Commission
101 - 8th Street
Oakland, CA 94607

Dear Mr. Dahms:

I have learned that there is an intention by the working committee setting up the freeway service patrol (FSP) in the Bay Area to award bids which would set up overlapping service between Caltrans workers and the new contract FSP providers. This appears to be duplicative, burdensome, costly, and inconsistent with the intent of language in AB 3346, which states that no FSP shall supplant Caltrans service which existed as of January of this year.

Surely the people working on the bids must have been aware of this provision in AB 3346 during the bid preparation and revision process?

I am concerned that if the bids are awarded in their current form, legislative intent will not be met. Please let me know how you intend to respond to this problem.

Sincerely,



Richard Katz, Chairman
Assembly Transportation Committee

RK:kra

cc: Del Pierce, BT&H Agency
Commissioner Maury Hannigan, CHP
James van Loben Sels, Caltrans
Ron Glick, Operating Engineers
Bob Jacobs, Caltrans



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letter to the journal

This letter is designed to clarify the intent of subdivision (d) of Section 2561.5 of the Vehicle Code, as proposed to be added by AB 3346 (Katz) of the 1991-92 Session. The subdivision states "no program funded under this chapter shall supplant emergency response towing services provided by the department [of Transportation] as of January 1, 1992".

This subdivision was drafted to address the current provision of emergency response services by Caltrans personnel on the Bay Bridge and its approaches and adjoining freeways. I drafted the language to ensure that current Caltrans employees who are providing service at this site are not replaced by contract employees who are funded by the state freeway service patrol program.

My intent was not to lock in exact parameters of the service. For example, if the employees providing the service are deployed to other Bay Area bridges and approaches to continue to provide emergency response towing service, that is within the scope of my intent.

Because of the sensitivity and complexity of this issue, I have chosen to clarify the language through this letter.

Sincerely,

rk

cc: co itz
var loben sels
hannigan
head of mtc
ron wood
ron glick

552-7031

JUL 21 '92 04:34PM 0E3 COORD OFF SAC

P.2/1

KATE, WE SUGGEST THAT PARAGRAPE 3 BEGINNING "MY INTENT WAS NOT---" BE REPLACED WITH THIS PARAGRAPE:

MY INTENT WAS NOT TO LOCK IN EXACT PARAMETERS OF THE SERVICE. FOR EXAMPLE, IF CALTRANS EMPLOYEES PROVIDING THE SERVICE ARE TEMPORARILY DEPLOYED TO OTHER BAY AREA BRIDGES AND APPROACHES TO CONTINUE TO PROVIDE EMERGENCY RESPONSE TOWING SERVICE, AND SO LONG AS ANY REDEPLOYMENT IS NOT FOLLOWED BY CONTRACT EMPLOYEES PERFORMING THE SERVICES ORIGINALLY PERFORMED BY CALTRANS EMPLOYEES, THEN THAT IS WITHIN THE SCOPE OF MY INTENT.

FAX TRANSMITTAL SHEET

Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

Main Phone: 510/464-7700
TDD/TTY Phone: 510/464-7769
FAX: 510/464-7848

To: Howard Posner

FAX Number: 916-554-6608

Time Sent: _____ Date Sent: _____

Number of pages transmitted (including this sheet): _____

Subject/notes: Draft amend

to AB 3346

F41 - Also sent to

Ron Glick - Oper. Engineers Union

(Ph. 916-552-7025)

Thanks -

From: Kate Foreen

Sender's phone number: 510/464- 7854

6/26/92

Draft amendment language AB 3346 (Katz)

2561.5 (d) No program funded under this Chapter shall supplant existing emergency response towing operations operated by the department as of January 1, 1992. Notwithstanding the above provisions, the department shall retain the ability to deploy existing tow operations in a manner consistent with the adopted MOU.

Memorandum

TO: John May
Budgets

Date : June 16, 1992

FROM: Department of Transportation
Division of Traffic Operations

SUBJECT: Freeway Service Patrols

We are opposed to pulling the Freeway Service Patrol out of the BCP. Assemblyman Katz attempt to pull the BCP and follow it with a bill creating a statewide freeway service patrol is a bad idea for several reasons:

- A lot of planning and development work has taken place at the local level in anticipation of the BCP emerging as proposed. OCTA and MTC already have contracts with tow service operators ready to sign. They could have been providing service on July 1, were it not for the Katz bill.
- Katz's proposal will do nothing for improving service to the motoring public and will in fact delay service getting started.
- A freeway service patrol on State freeways should be a decision of the administration. An analogy is decision to maintain the State Highway. Caltrans does not need the legislature or local government making operations or maintenance decisions for State highways through a local decision to match State funds.
- Katz is proposing legislation that essentially takes control of the freeway service patrol away from the administration and gives it to the legislature.
- No formula can reflect all of the factors that go into the decision on where to run a freeway service patrol. The Katz's legislation attempt to allocate FSP resources by population, urban lane miles and congestion falls way short. If there has to be a formula, and we are opposed to a hard and fast formula, these are the factors that should be considered at a minimum:
 - Freeway miles of congestion
 - Duration of congestion
 - Total person hours of congestion
 - Accidents
 - Non-standard shoulders and absent shoulders

- Requiring a local match for freeway service patrol operations puts the local government in the position of making the decision of whether or not to have a patrol and its extent. Regions with inadequate resources will not have an FSP on their State freeways. Freeways are a state resource and decisions on their operation and maintenance should be made at a State level.

The original \$10 million BCP was considered a startup program just to demonstrate statewide the benefits of the FSP Los Angeles County has in place. The \$8.4 million BCP in conference still address our considerations. The Katz bill distorts the freeway service patrol to the extent that the original intent is lost.

Our office has been working with Katz's office on this legislation, and while many concessions have been made by both sides the legislation is seriously flawed.

Wayne Henley, Chief
Office of Traffic Operational Systems
Division of Traffic Operations

cc: Borden
L. F. Deter

Jack J. Horton
Ann Mackey
Chief Deputies
James L. Ashford
Jerry L. Bassett
John T. Studebaker
Jimmie Wing
David D. Aves
John A. Corzine
C. David Dickerson
Robert Cutler Duthy
Robert D. Gronke
Robert G. Miller
Verne L. Oliver
Tracy O. Powell II
Marguerite Roth
Michael H. Upson
Daniel A. Weitzman
Christopher Zirkie
Principal Deputies

State Capitol, Suite 3021
Sacramento, CA 95814-4996
(916) 445-3057
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Legislative Counsel of California

BION M. GREGORY

Sacramento, California
May 7, 1992

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Elizabeth M. Ward
Richard B. Weisberg
Thomas D. Wheeler
Belinda Whitsett
Debra J. Zidich
Jack G. Zorman

Deputies

Honorable Richard Katz
3146 State Capitol

Freeway Service Patrols (A.B. 3346) - #16821

Dear Mr. Katz:

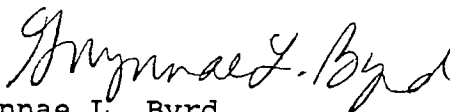
Pursuant to your request we have prepared the enclosed amendments relating to the above-named subject. In this connection we call your attention to the possibility that the effect of this enactment might be limited or nullified by reason of the following:

The appropriation of funds from the State Highway Account in the State Transportation Fund to the Department of Transportation for purposes of funding freeway service patrols may violate Section 1 of Article XIX of the California Constitution.

In the interest of time we have not attempted to analyze the question to determine the extent to which this may present a problem; however, we feel obligated to alert you to the existence of any possible problem for such consideration and action as you may desire.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By 
Gwynnae L. Byrd
Deputy Legislative Counsel

DF26a
glb:fw

file AB3346

Memorandum

To : Lt. Cahill, CHP
Vallejo

Date : April 7, 1992

File No.:

From : DEPARTMENT OF TRANSPORTATION - District 4

COPY FOR
DEPT.
ATTN. *W. Weber*

Subject : Extended Tow Service
San Francisco-Oakland Bay Bridge

We currently have 16 employees and 5 tow trucks devoted to the extended tow service into Oakland and Berkeley on the eastbay side of the San Francisco-Oakland Bay Bridge and into San Francisco on the westbay side. The annual cost is \$1,200,000 for personnel and \$200,000.00 for equipment.

R. J. Jacobs
ROBERT J. JACOBS
Deputy District Director
Highway Maintenance

April 8, 1992

Reported correction to above cost figures to Captain J. Baker, CHP. Total annual cost (personnel and equipment) is \$1,120,000. Of that, \$165,000 is the equipment cost.

RH

cc: RJG, W. Henley, W. Weber, JCMcCrank
RJJ, PWK

RJJ/bq

STATE OF CALIFORNIA
STD 100
OFFICE MEMO

DATE May 5, 1992

TO: Kate Riley

FROM: Wayne Henley,  Traffic Operations

PHONE 4-6246

SUBJECT: Freeway Service Patrol Meeting

Attached is a list of the principal contacts for freeway service patrols. At the very least MTC and OCTA should be represented at any statewide meeting on the subject. I'd invite them all. Also I've had the allocation formula as described in your proposed legislation applied to the latest population and urban freeway lane miles. Attached is the result. I'm waiting to hear from you.

PRINCIPAL FSP CONTACTS

<u>MTC:</u>	Joel Markowitz	(510) 464-7848
<u>LACTC:</u>	Bob Cashin	(213) 244-6102 (213) 623-1194
<u>OCTA:</u>	Todd Murphy	(714) 638-9000 Ext. 3868
<u>SANDAG:</u>	John Duve	(619) 595-5368
<u>STA:</u>	Jeff Schneider	(916) 324-1664

**FREEWAY SERVICE PATROLS STATEWIDE ENABLING LEGISLATION
DRAFT APRIL 23, 1992 ALLOCATION FORMULA**

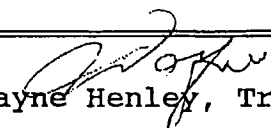
AUTHORITY	COUNTY	LANE MILES	POPULATION	FUNDING%	SUB-TOTALS	
INLAND	RIVERSIDE	551	1,225,000	4.13	INLAND=	9.11
INLAND	SAN BERNARDINO	672	1,471,300	4.98		
LA	LOS ANGELES	3451	8,988,800	29.17	LA=	29.17
MTC	ALAMEDA	744	1,293,000	4.67		
MTC	CONTRA COSTA	449	819,300	2.92		
MTC	MARIN	188	233,500	0.95		
MTC	NAPA	16	112,700	0.31		
MTC	SAN FRANCISCO	130	726,700	2.07		
MTC	SAN MATEO	475	657,300	2.56		
MTC	SANTA CLARA	614	1,513,100	4.97		
MTC	SOLANO	280	352,300	1.42		
MTC	SONOMA	119	396,800	1.22	MTC=	21.11
ORANGE	ORANGE	1072	2,453,300	8.21	ORANGE=	8.21
SAC	SACRAMENTO	560	1,066,800	3.75	SAC=	3.75
SD	SAN DIEGO	1509	2,548,700	9.30	SD=	9.3
VEN	VENTURA	348	677,900	2.37	VEN=	2.37
N/A	BUTTE	34	186,700	0.53		
"	EL DORADO	37	130,800	0.40		
"	FRESNO	177	686,800	2.06		
"	HUMBOLDT	58	121,000	0.41		
"	IMPERIAL	20	112,300	0.32		
"	KERN	182	559,900	1.75		
"	KINGS	15	104,400	0.29		
"	MADERA	18	92,300	0.27		
"	MENDOCINO	18	81,800	0.24		
"	MERCED	34	184,000	0.53		
"	MONTEREY	97	362,800	1.10		
"	NEVADA	18	80,900	0.24		
"	PLACER	77	179,200	0.60		
"	SAN JUAQIN	162	490,000	1.54		
"	SAN LUIS OBISPO	124	221,300	0.79		
"	SANTA BARBARA	145	376,600	1.22		
"	SANTA CRUZ	87	232,500	0.75		
"	SHASTA	108	151,800	0.59		
"	SISKIYOU	18	44,200	0.15		
"	STANISLAUS	107	383,800	1.17		
"	SUTTER	6	66,100	0.18		
"	TEHAMA	18	50,900	0.16		
"	TULARE	77	319,600	0.95		
"	YOLO	93	145,000	0.54		
"	YUBA	28	59,400	0.20	OTHERS=	16.98
TOTALS		12,936	29,960,600	100		100.00

* FUNDING %= ((COUNTY LANE MILES/TOTAL LANE MILES X .25) +
(COUNTY POPULATION/TOTAL POPULATION X .75)) X 100

STATE OF CALIFORNIA
STD 100
OFFICE MEMO

DATE 4-30-92

TO: JIM BORDEN

FROM:  Wayne Henley, Traffic Operations

PHONE 4-6246

SUBJECT: FSP Winners and Losers with the Katz Legislation

Region	% of BCP	% of Legislation
Inland	10.01	9.11
Los Angeles	30.00	29.17
MTC	30.00	21.11
Orange Co	20.00	8.21
Sacramento	2.50	3.75
San Diego	7.49	9.30
Other	0.00	19.35
Total	100.00	100.00

The documents following this page were
photocopied from the files of the

Legislative Unit at the
Department of Finance.

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: July 9, 1992
 RECOMMENDATION: Sign

BILL NUMBER: AB 3346
 AUTHOR: Katz

Assembly: N/A
 Senate: 27/3

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE / FREEWAY SERVICE PATROLS

This bill would extend the \$1 surcharges on vehicle registration (excluding off-highway vehicles) until January 1, 1995. The \$1 surcharge provides funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

AB 3346 would also add the Freeway Service Patrol (FSP) Act to implement a tow truck service system on congested urban freeways throughout the state. This bill is an urgency statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)							Code Fund
		(Dollars in Thousands)							
		PROP 98	FC	1992-93	FC	1993-94	FC	1994-95	
1141/ Vehicle Reg.	RV	P		\$12,000	P	\$24,000	P	\$24,000	044*
2660/ Transportation	SO	A		8,396	C	8,396	C	8,396	042**

* Motor Vehicle Account
 ** State Highway Account

COMMENTS

Continuing the surcharges is consistent with the 1992-93 Governor's Budget.

Although AB 3345 would restore the funding for FSPs that the Legislature deleted from the Budget Act, the specified conditions for allocating the funds (i.e., local match requirement) could present problems for Caltrans' administration of the program.

Analyst/Principal (751) D. Cabrera	Date 9/14/92	Program Budget Manager Wallis A. Clark	Date 9/14/92
<i>D. Cabrera</i>		<i>Wallis A. Clark</i>	
Department Deputy Director			Date

ENROLLED BILL REPORT
 AB3346.751

Form DF-43 (Rev 03/92 Pink)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)		Form DF-43
AUTHOR	AMENDMENT DATE	BILL NUMBER
Katz	July 9, 1992	AB 3346

ANALYSIS**A. Specific Findings**

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge on vehicles (excluding off-highway vehicles) until January 1, 1995. This action would support the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account. Finance recommended signature of SB 1565 which extended the sunset date on the surcharge related to off-highway vehicles.

Under current law, the Department of Transportation (Caltrans) provides emergency tow service on the Bay Bridge and its approaches. Caltrans is also involved in a FSP project with the Los Angeles County Transportation Commission (LACTC) and the CHP. This FSP is designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality, and provide related services to the motoring public.

The 1992-93 Governor's Budget proposed expanding this FSP program statewide at a cost of about \$9.7 million and 11.4 PYs of support personnel. The Legislature reduced the funding to \$8.4 million based upon a recommendation from the Legislative Analyst. At the request of Richard Katz, the Conference Committee eliminated all FSP funding from the budget.

This bill would establish FSPs in congested areas throughout the state by adding the Freeway Service Patrol Act to the Streets and Highways Code. The FSP Act, which would sunset on January 1, 1997 unless extended by statute, would include the following major provisions:

- o FSPs would be managed, through a memorandum of understanding, by Caltrans, the CHP and regional or local entities which provide the actual towing services.
- o During the first year, the program would be funded by a \$8.4 million appropriation contained in the bill. In subsequent years, the program would be funded through the Budget Act.
- o Funds would be allocated to various urban areas of the state on a formula basis as specified, and any funds received by local authorities would have to be matched with 25% local funds.
- o Specific requirements would be imposed on tow truck operators and the CHP, which would regulate the tow truck operators.
- o Caltrans would be required to submit an evaluation report on the funding formula by 6/30/94 and on the effectiveness of the FSP program by 7/1/94.
- o A \$12 fee would be imposed on duplicate tow truck driver certificates.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DF-43

AUTHOR

AMENDMENT DATE

BILL NUMBER

Katz

July 9, 1992

AB 3346

ANALYSIS**A. Specific Findings (continued)**

Caltrans claims that the existing FSP program in Los Angeles is working well, and that the Department wants to make this program available statewide as part of its congestion relief activities. The Department has some concerns regarding the funding formulas and criteria for implementation. CHP is concerned that the required 25% funding for counties wishing to participate in the FSP program would tend to reduce participation.

B. Fiscal Analysis

The 1992-93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations, which provides an additional \$24 million in annual revenues to the Motor Vehicle Account (\$12 million half-year).

The revenue from the surcharge is needed to continue supporting DMV and the CHP at the 1992-93 levels proposed by the Administration. In future years, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, and maintain a positive balance in the Motor Vehicle Account without increasing other motor vehicle fees.

Caltrans states that implementing the FSP as proposed in AB 3346 will take 5.7 PYs (\$224,000), which was proposed in the January 9 Governor's Budget. The balance of the \$8.4 million appropriation would be used for tow truck operator contracts and related expenses and the costs of the CHP, which would be reimbursed by Caltrans.

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DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 26, 1992
 POSITION: Support, Note Concerns

BILL NUMBER: AB 3346
 AUTHOR: Katz

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE / FREEWAY SERVICE PATROLS

This bill would extend the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995. The \$1 surcharges provide funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

AB 3346 would also add the Freeway Service Patrol (FSP) Act to implement a tow truck service system on congested urban freeways throughout the state. This bill is an urgency statute.

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)						Code Fund
		PROP 98	FC 1992-93	FC 1993-94	FC 1994-95	(Dollars in Thousands)		
1141/ Vehicle Reg.	RV	P	\$12,000	P	\$24,000	P	\$24,000	044*
2660/ Transportation	SO	A	8,500					042**
1143/Misc. M. V. Fee	RV	U	-90	U	-90	U	-90	044*

* Motor Vehicle Account
 ** State Highway Account

COMMENTS

Continuing the surcharges is consistent with the 1992/93 Governor's Budget, but Finance recommends that they be permanently continued to provided needed revenue to the Motor Vehicle Account.

Although AB 3345 would restore funding for FSPs, the specified conditions for allocating the funds (i.e., local match requirement) could present problems.

SUMMARY OF CHANGES

The bill's June 26, 1992 amendments fundamentally alter the character of the bill by adding to the bill a freeway service patrol effort involving CHP and Caltrans.

Analyst/Principal <i>(751) R. Gutierrez</i>	Date <i>2/6/92</i>	Program Budget Manager <i>Wallis L. Clark</i>	Date <i>7/6/92</i>
Department Deputy Director <i>O/S Fred Kline</i>			Date <i>7-6-92</i>
Governor's Office: By: <i>KS</i>	Date: <i>7/7</i>	Position Noted <input checked="" type="checkbox"/>	Position Approved <input checked="" type="checkbox"/>
		Position Disapproved <input type="checkbox"/>	

BILL ANALYSIS
 AB3346.751

Form DF-43 (Rev 03/92 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)		Form DF-43
AUTHOR	AMENDMENT DATE	BILL NUMBER
Katz	June 26, 1992	AB 3346

ANALYSIS

A. Specific Findings

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge and \$1 off-highway vehicle surcharge until January 1, 1995. This action would support the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account.

Under current law, the Department of Transportation (Caltrans) provides emergency tow service on the Bay Bridge and its approaches. Caltrans is also involved in a FSP project with the Los Angeles County Transportation Commission (LACTC) and the CHP. This FSP is designed to rapidly remove disabled vehicles from urban freeways in order to reduce traffic congestion, improve air quality, and provide related services to the motoring public.

The 1992-93 Governor's Budget proposed expanding this FSP program statewide at a cost of about \$9.7 million and 11.4 PYs of support personnel. The Legislature reduced the funding to \$8.4 million based upon a recommendation from the Legislative Analyst. At the request of Richard Katz, the Conference Committee eliminated all FSP funding from the budget.

This bill would establish FSPs in congested areas throughout the state under the Freeway Service Patrol Act. The FSP Act would include the following major provisions:

- o FSPs would be managed, through a memorandum of understanding, by Caltrans, the CHP and regional or local entities which provide the actual towing services.
- o The program would be funded by a \$8.5 million appropriation from the State Highway Account for the first year, and then through the budget process in following years.
- o Funds would be allocated to various urban areas of the state on a formula basis as specified, and any funds received by local authorities would have to be matched with 25% local funds.
- o Makes specific requirements of tow truck operators and of CHP to regulate the tow truck operators, as specified.
- o Requires a Caltran's evaluation report on the effectiveness of the FSP program by June 30, 1994, and provides that the FSP Act sunsets on January 1, 1997 unless extended by statute.
- o Includes a reduction from \$12 to \$2 for the application fee that participating tow truck drivers must pay.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

Form DF-43

AUTHOR	AMENDMENT DATE	BILL NUMBER
Katz	June 26, 1992	AB 3346

ANALYSIS

A. Specific Findings (continued)

Caltrans claims that the existing FSP program in Los Angeles is working well, and that the Department wants to make this program available statewide as part of their congestion relief activities. Although the Department has some concerns regarding the funding formulas and criteria for implementation, Caltrans is recommending a neutral position on the bill. CHP indicates the required 25% funding for counties wishing to participate in the FSP program would tend to reduce participation. CHP notes concerns regarding the bill's provisions requiring a county match.

B. Fiscal Analysis

The 1992/93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations, which provides an additional \$12 million to the Motor Vehicle Account (half-year revenues).

Finance recommends continuing the surcharge on a permanent basis to provided needed revenue to the Motor Vehicle Account. Without the fee continuation, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, and maintain a positive balance in the Motor Vehicle Account. There is no available information which demonstrates that this funding source will not be needed on a continuing basis to support CHP's uniformed field strength.

Caltrans states that implementing the FSP as proposed in AB 3346 will take 5.7 PYs (\$224,000). The balance of the \$8.5 million appropriation would be used for tow truck operator contracts, and related expenses including possible CHP reimbursements for their participation. CHP believes the bill's provisions would restore Caltrans reimbursements to CHP in order for CHP to implement the FSP program as proposed in the 92/93 Governor's Budget. Given the \$8.5 million appropriation from the State Highway Account, CHP believes the appropriation would provide sufficient funding to offset CHP's costs.

Finance believes the bill's reduction of application fee costs from \$12 to \$2 could reduce Motor Vehicle Account revenue by up to \$90,000. This estimated assumes 9,000 tow truck drivers in the program, a \$10 per application fee, and the number of tow truck drivers would remain fairly constant.

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DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 1, 1992
 POSITION: Support

BILL NUMBER: AB 3346
 AUTHOR: Katz

BILL SUMMARY

VEHICLES: REGISTRATION SURCHARGE

This bill would extend the \$1 surcharges on both vehicle and off-highway vehicle registrations until January 1, 1995. The \$1 surcharges provide funding to the Motor Vehicle Account to support the operations of the California Highway Patrol (CHP).

FISCAL SUMMARY

Code/Department Agency or Revenue Type	SO LA CO RV LC LR	(Fiscal Impact by Fiscal Year)						Code Fund
		(Dollars in Thousands)						
	PROP	FC	1991-92	FC	1992-93	FC	1993-94	
1141/ Vehicle Reg.	RV		--	P	\$12,000	P	\$24,000	044*

* Motor Vehicle Account

COMMENTS

- o The 1992/93 Governor's Budget includes a proposal to continue the \$1 vehicle and off-highway vehicle registration surcharges. The \$1 surcharges provide needed funding to the Motor Vehicle Account for maintaining baseline funding and supporting anticipated expenditure growth.
- o Finance supports the bill, but recommends that the surcharges be continued indefinitely since there is no evidence that these funds will not be needed on an on-going basis.

Analyst/Principal (751) R. Gutierrez	Date 4/23/92	Program Budget Manager (700) Wallis L. Clark BRK	Date
Department Deputy Director			Date

Governor's Office: By: *KIS* Date: *4/28* APR 28 1992
 Position Noted
 Position Approved
 Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/92 Buff)

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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)		Form DF-43
AUTHOR	AMENDMENT DATE	BILL NUMBER
Katz	April 1, 1992	AB 3346

ANALYSIS**A. Specific Findings**

The Vehicle Code requires vehicle registrants and re-registrants to pay a \$1 vehicle surcharge to support the operations of the California Highway Patrol. On January 1, 1993, the Vehicle Code allows the \$1 surcharge to sunset. Also, current law requires off-highway vehicle owners to pay a similar \$1 surcharge to support CHP, when these owners obtain or renew an identification card to operate their off-highway vehicles.

This bill would continue the \$1 registration surcharge and \$1 off-highway vehicle surcharge until January 1, 1995.

This bill supports the 1992-93 Governor's Budget and addresses the funding problems of the Motor Vehicle Account.

B. Fiscal Analysis

The 1992/93 Governor's Budget assumes the continuation of the \$1 surcharges to support CHP operations. The 1992/93 Governor's Budget assumes an additional \$12 million to the Motor Vehicle Account from the continued surcharge in 1992-93 (half-year revenues).

Finance supports the bill, but recommends continuing the surcharge on a permanent basis to provide needed revenue to the Motor Vehicle Account. Without the fee continuation, the Administration would be unable to fund baseline budgets, maintain anticipated expenditure growth, nor maintain a positive balance in the Motor Vehicle Account. There is no available information which demonstrates that this funding source will not be needed on a continuing basis to support CHP's uniformed field strength.

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PPLEMENTAL ANALYSIS

Business, Transportation & Housing Agency

DEPARTMENT	AUTHOR	BILL NUMBER
DEPARTMENT OF MOTOR VEHICLES	Katz	AB 3346
SUBJECT		AS AMENDED
Vehicles: freeway service patrol		6/26 & 7/9/92

NOTE: This analysis only addresses those provisions of the bill that impact the programs of the Department of Motor Vehicles.

These amendments would:

- delete the extension of authority for the department to collect specified fees at the time identification (registration) is issued or renewed for off-highway motor vehicles;
- reinstate the twelve dollar (\$12) fee for the renewal of a Tow Truck Driver (TTD) certificate;
- establish a twelve dollar (\$12) fee for an application for a duplicate TTD certificate.

COST ANALYSIS: Revised detailed fiscal analysis attached.

ARGUMENTS FOR:

1. The \$1 CHP fee revenue would continue to be used to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.
2. This bill eliminates the registration fee for off-highway vehicles and would save owners of these vehicles sixteen dollars (\$16) identification fees every two years per vehicle owned.

ARGUMENTS AGAINST: This bill would add an additional fee for the application of a duplicate TTD certificate.

RECOMMENDED POSITION: As these amendments resolve the department's concerns, our previously recommended position of **OPPOSE UNLESS AMENDED, THEN NEUTRAL** should be changed to **NEUTRAL**.

For further information, please contact:

Helen L. Fager
Legislative Liaison Office
657-6518

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
<input type="checkbox"/> S	<input type="checkbox"/> O	<input type="checkbox"/> S	<input type="checkbox"/> O	Position Apprvd.	<input type="checkbox"/>
<input type="checkbox"/> SA	<input type="checkbox"/> OUA	<input type="checkbox"/> SA	<input type="checkbox"/> OUA	Position Disapp.	<input type="checkbox"/>
<input checked="" type="checkbox"/> N	<input type="checkbox"/> NP	<input type="checkbox"/> N	<input type="checkbox"/> NP	Position Noted	<input type="checkbox"/>
<input type="checkbox"/> NA	<input type="checkbox"/> NAR	<input type="checkbox"/> NA	<input type="checkbox"/> NAR	By:	Date:
<input type="checkbox"/> DEFER					
DEPARTMENT DIRECTOR	DATE	AGENCY SECRETARY	DATE		
<i>[Signature]</i>	7/15/92				

FISCAL STATEMENT
AB 3346
AS AMENDED 7/9/92

ASSUMPTIONS:

EXPENDITURES:

1. A manual revision would be required to provide the information contained in this bill. The cost would be \$1,200 to provide that information.

REVENUE:

2. The previously identified loss of income due to the reduction of the TTD certification renewal fee from \$12 to \$2 is no longer valid as this fee has been changed back to the original \$12 amount in the 7/9/92 amendment.
3. This bill links the extension of the authority for the department to collect the one dollar (\$1) law enforcement fee upon issuance or renewal of vehicle registration that is deposited into the Motor Vehicle Account to be used by the CHP, to the appropriation of \$8,396,000 to the Department of Transportation for their part in administering the Freeway Service Patrol Act.
4. There are approximately 25.6 million currently fee paid registered vehicles in California.

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

REVENUE IMPACT: TTD CERTIFICATION FEE DECREASE

Amend 7/9/92

TITLE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	0	0	0
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
ARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

VENUE IMPACT: \$1 CHP CONTINUATION

Amend 7/9/92

FILE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	12,500,000	25,700,000	12,850,000
NON-MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
LABORERS/WATERCRAFT REVOLVING FUND			
GENERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

SUPPLEMENTAL ANALYSIS

DEPARTMENT	AUTHOR	BILL NUMBER
DEPARTMENT OF MOTOR VEHICLES	Katz	AB 3346
SUBJECT		AS AMENDED
Vehicles: fees: California Highway Patrol		6/8/92

NOTE: This analysis only addresses those provisions of the bill that impact the programs of the Department of Motor Vehicles.

These amendments would reduce the renewal application for a Tow Truck Driver Certificate (TTD) from \$12 to \$2.

COST ANALYSIS: Revised detailed fiscal analysis attached.

ARGUMENTS FOR:

1. The \$1 CHP fee revenue would continue to be used to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.
2. The \$1 CHP fee, which was established in 1981, has been previously extended.

ARGUMENTS AGAINST:

1. The motoring public may see the \$1 CHP fee as a continuation of another tax.
2. The reduction of the Tow Truck Driver Certificate renewal fee, from \$12 to \$2 would result in a loss of revenue to the Motor Vehicle Account. This program should be self-supporting.

RECOMMENDED POSITION: In reviewing the bill as amended, the department recommends a change of approved position from **NEUTRAL** to **OPPOSE UNLESS AMENDED, THEN NEUTRAL**.

This bill could result in a loss of revenue to the Motor Vehicle Account.

These suggested amendments would reinstate the \$12.00 certificate renewal fee and establish a duplicate certificate fee.

For further information, please contact:

Helen L. Fager
Legislative Liaison Office
657-6518

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
_____ S	_____ O	_____ S	_____ O	Position Apprvd.	_____
_____ SA	<input checked="" type="checkbox"/> OUA THEN NEUTRAL	_____ SA	_____ OUA	Position Disapp.	_____
_____ N	_____ NP	_____ N	_____ NP	Position Noted	_____
_____ NA	_____ NAR	_____ NA	_____ NAR	By:	_____
	_____ DEFER			Date:	_____
DEPARTMENT DIRECTOR	DATE	AGENCY SECRETARY	DATE		
<i>M. J. Z. [Signature]</i>	6-25-92				

SUGGESTED AMENDMENTS
AB 3346
AS AMENDED 6/8/92

AMENDMENT #1

On Page 6, line 21, after "certificate", **INSERT:**

or applicants for a duplicate tow truck driver certificate

AMENDMENT #2

On Page 6, line 21, after "or", **INSERT:**

twelve dollars (\$12)

and **DELETE:**

~~two dollars (\$2)~~

FISCAL STATEMENT
AB 3346
AS AMENDED 6/8/92

ASSUMPTIONS:

1. EDP has identified 551 hours of programming time at \$50 per hour to accommodate the fee change identified in this bill.
2. The vast majority of those Tow Truck Driver applicants whose licenses expire within one year of the Tow Truck Driver application date would renew their license prior to applying for the Tow Truck Driver Certificate.
3. Fifty percent of those drivers whose license expires between the first and second year would renew their license prior to or at the time of the Tow Truck Driver application.
4. For '89-'90 the rate of duplicate drivers license certificates issued equalled 24% of the number of renewal drivers certificates issued.
5. The current program is expected to affect up to 1,700 Tow Truck drivers.
6. 25% (425) of these drivers would renew their Tow Truck Driver Certificate annually.
7. A manual revision would be required to provide the new fee information.

NOTE: If the report to the Legislature as a result of this bill is favorable, the estimated volume could reach 5,000 renewals per year.

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
FISCAL DETAIL

BILL NO: AB 3346
Amend 6/8/92

TITLE: Vehicles: fees: California Highway Patrol
DIVISION: Departmental Summary
SECTION:

SALARIES & WAGES	PERSONNEL YEARS			EXPENDITURES		
	92/93	93/94	94/95	92/93	93/94	94/95
Administration	0.0	0.0	0.0	0	0	0
Headquarters Ops	0.0	0.0	0.0	0	0	0
EDP Services	0.0	0.0	0.0	0	0	0
<hr/>						
TOTAL SALARIES AND WAGES	0.0	0.0	0.0	\$0	\$0	\$0
Partial Year Adjust	0.0	0.0	0.0	0	0	0
Salary Savings	0.0	0.0	0.0	0	0	0
<hr/>						
NET SALARIES AND WAGES	0.0	0.0	0.0	\$0	\$0	\$0
<hr/>						
STAFF BENEFITS DETAIL:						
OASDI				0	0	0
Dental				0	0	0
Health & Welfare				0	0	0
Retirement				0	0	0
Workers Compensation				0	0	0
IDL				0	0	0
NDL				0	0	0
Unemploy Insurance				0	0	0
Other				0	0	0
Life Insurance				0	0	0
Vision Insurance				0	0	0
Medicare Insurance				0	0	0
<hr/>						
SUBTOTAL	XXXX	XXXX	XXXX	\$0	\$0	\$0
<hr/>						
TOTAL PERSONAL SERVICES	0.0	0.0	0.0	\$0	\$0	\$0
<hr/>						
OPERATING EXP/EQUIP	XXXX	XXXX	XXXX	28,750	0	0
<hr/>						
TOTAL EXPENDITURES	0.0	0.0	0.0	\$28,750	\$0	\$0
<hr/>						

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
FISCAL DETAIL

BILL NO: AB 3346

TITLE: **Vehicles: fees: California Highway Patrol**
 DIVISION: Departmental Summary
 SECTION:

OPERATING EXP/EQUIP ~~~~~	EXPENDITURES		
	92/93	93/94	94/95
General Expense	0	0	0
Printing	1,000	0	0
Communications	0	0	0
Postage	200	0	0
Insurance	0	0	0
Travel: In-state	0	0	0
Travel: Out-of state	0	0	0
Training	0	0	0
Facilities Operations	0	0	0
Utilities	0	0	0
Cons & Prof Svcs: Interdept'l	0	0	0
Cons & Prof Svcs: External	0	0	0
Consolidated Data Centers	0	0	0
Data Processing	27,550	0	0
Central Administrative Svcs - Prorata	0	0	0
Equipment	0	0	0
OTHER ITEMS OF EXPENSE:			
Vehicle Operations	0	0	0
Tabs & Stickers	0	0	0
Bicycle Indicia	0	0	0
License Plates	0	0	0
TOTAL OPERATING EXP/EQUIP	\$28,750	\$0	\$0
	=====	=====	=====

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

REVENUE IMPACT: TTD CERTIFICATION FEE DECREASE

Amend 6/8/91

TITLE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	0	-2,120	-4,250
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
HARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346

REVENUE IMPACT: \$1 CHP CONTINUATION

Amend 6/8/91

TITLE: Vehicles: fees: California Highway Patrol

	92/93	93/94	94/95
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	12,600,000	25,900,000	12,900,000
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
HARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

SUPPLEMENTAL ANALYSIS

Business, Transportation & Housing Agency

SUBJECT Vehicles: Fees: California Highway Patrol	AUTHOR Katz D-Sepulveda	BILL NUMBER AB 3346 AS AMENDED 6/8/92 6/26/92 7/9/92
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The amendments of June 8, 1992 provide for the structure and development of the Freeway Service Patrol. Tow operators wishing to functionally participate in this operation would pay \$35.00 for their participatory application. Other technical changes and additions were also made. The Department continues with its approved position of SUPPORT on this bill.

The amendments of June 26, 1992 move the application fee from \$35.00 to \$50.00. Another amendment provides that, "no program funded under this chapter shall supplant emergency response towing services provided by the Department as of January 1, 1992." This provision runs contrary to a preexisting agreement with the Department of Transportation.

The Department suggests, as an amendment, the deletion of subsection (d) of proposed Vehicle Code Section 2561.5 which embodies the above quoted provision.

The Department, therefore, recommends a change of position from approved SUPPORT to OPPOSE UNLESS AMENDED THEN SUPPORT.

The amendments of July 9, 1992 provide technical, nonsubstantive changes, from a Departmental perspective. The concerns identified in the June 26, 1992 amendment have yet to be addressed.

The Department, therefore, continues to recommend a position of OPPOSE UNLESS AMENDED THEN SUPPORT.

DEPARTMENT DIRECTOR POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input checked="" type="checkbox"/> OUA THEN SUPPORT <input type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> <input type="checkbox"/> DEFER	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR	GOVERNOR'S OFFICE USE Position Apprvd. <input type="checkbox"/> Position Disapp. <input type="checkbox"/> Position Noted <input type="checkbox"/> By: _____ Date: _____
DEPARTMENT DIRECTOR <i>[Signature]</i> DATE 7/10/92	AGENCY SECRETARY _____ DATE _____	

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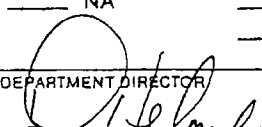
SUPPLEMENTAL ANALYSIS

Business, Transportation & Housing Agency

SUBJECT Vehicles: Fees: California Highway Patrol	AUTHOR Katz D-Sepulveda	BILL NUMBER AB 3346 AS AMENDED 4/1/92
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The amendment of April 1, 1992 deletes the provision that the additional \$1.00 registration fee for support of California Highway Patrol field personnel would continue indefinitely and instead states the provision would be repealed on January 1, 1995.

The Department continues with its approved SUPPORT position.

DEPARTMENT DIRECTOR POSITION <input checked="" type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> <input type="checkbox"/> DEFER	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR	GOVERNOR'S OFFICE USE Position Apprvd. _____ Position Disapp. _____ Position Noted _____ By: _____ Date: _____
DEPARTMENT DIRECTOR  DATE 5-12	AGENCY SECRETARY DATE	

SUPPLEMENTAL ANALYSIS

Business, Transportation & Housing Agency

SUBJECT Vehicles: fees: California Highway Patrol	AUTHOR Katz	BILL NUMBER AB 3346 AS AMENDED 4/1/92
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These amendments would add a sunset date of January 1, 1995 for collection of the \$1 fee which is paid at the time of issuance or renewal of every vehicle subject to registration and every off-highway motor vehicle subject to identification. This fee is utilized to maintain the uniformed strength of the California Highway Patrol.

COST ANALYSIS: These amendments do not affect the previously submitted fiscal analysis of no impact to the department.

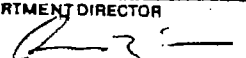

Revised revenue estimates are attached which reflect the impact of these amendments.

RECOMMENDED POSITION: The department's recommended position of **NEUTRAL** remains valid.

This bill has no impact on the department as the programming is currently in place.

For further information, please contact:

Helen L. Fager
Legislative Liaison Office
657-6518

DEPARTMENT DIRECTOR POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input checked="" type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR <input type="checkbox"/> <input type="checkbox"/> DEFER	AGENCY SECRETARY POSITION <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> SA <input type="checkbox"/> OUA <input type="checkbox"/> N <input type="checkbox"/> NP <input type="checkbox"/> NA <input type="checkbox"/> NAR	GOVERNOR'S OFFICE USE Position Apprvd. <input type="checkbox"/> Position Disapp. <input type="checkbox"/> Position Noted <input type="checkbox"/> By: _____ Date: _____
DEPARTMENT DIRECTOR 	AGENCY SECRETARY DATE <u>4-20-92</u> 	DATE

DEPARTMENT OF MOTOR VEHICLES
LEGISLATION ANALYSIS
REVENUE DETAIL

BILL NO: AB 3346
Amend 4/1/92

TITLE: Vehicles: fees: California Highway Patrol

	<u>92/93</u>	<u>93/94</u>	<u>94/95</u>
GENERAL FUND			
MOTOR VEHICLE ACCOUNT	12,600,000	25,900,000	12,900,000
NEW MOTOR VEHICLE BOARD ACCOUNT			
MOTOR VEHICLE LICENSE FUND			
HARBORS/WATERCRAFT REVOLVING FUND			
FEDERAL TRUST FUND			
REIMBURSEMENTS			
OTHER:			

LEGISLATIVE ANALYSIS

DEPARTMENT California Highway Patrol	AUTHOR Katz D-Sepulveda	BILL NO. AB 3346
SPONSOR California Highway Patrol	RELATED BILLS SB 1282, McCorquodale	AMENDED DATE Orig. 2/21/92
SUBJECT Vehicles: Fees: California Highway Patrol		

SUMMARY

This bill would repeal the sunset clause for the \$1.00 registration fee and \$1.00 off-highway vehicle fee which are assessed for the benefit of the Highway Patrol.

ANALYSIS

A. Detailed

Under existing law, in addition to the other fees assessed for the registration of a vehicle, or the issuance of identification of an off-highway motor vehicle, an additional fee of \$1, with certain exceptions, is imposed and deposited in the Motor Vehicle Account in the State Transportation Fund to offset the costs of maintaining the uniformed field strength of the California Highway Patrol (CHP).

The provisions authorizing the imposition of that fee are to be repealed as of January 1, 1993.

This bill would delete those repeal dates to impose that fee indefinitely, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

B. Cost

According to current projections by the Department of Motor Vehicles (DMV), the \$1.00 registration fee generates approximately \$25 million per year and the \$1.00 off-highway vehicle assessment generates approximately \$160,000.00 annually.

DEPARTMENTS THAT MAY BE AFFECTED
DMV

STATE MANDATE

GOVERNOR'S APPOINTMENT

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
<input checked="" type="checkbox"/> S	<input type="checkbox"/> O	<input type="checkbox"/> S	<input type="checkbox"/> O	Position Apprvd.	<input type="checkbox"/>
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<input type="checkbox"/> N	<input type="checkbox"/> NP	<input type="checkbox"/> N	<input type="checkbox"/> NP	Position Noted	<input type="checkbox"/>
<input type="checkbox"/> NA	<input type="checkbox"/> NAR	<input type="checkbox"/> NA	<input type="checkbox"/> NAR	By:	Date:
<input type="checkbox"/> DEFER					
DEPARTMENT DIRECTOR	DATE	AGENCY SECRETARY	DATE		
<i>[Signature]</i>	3/13/92				

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LEGISLATIVE HISTORY

The language in this bill is the same as the Department's approved legislative proposal. During the 1989-1990 regular session, Assembly Member Katz introduced AB 2545 (Chapter 954, Stats. '90), which extended the sunset clause for the Off-Highway Motor Vehicle Recreation Act of 1988 and concomitantly, the authority to collect specified fees. Those provisions will remain in effect until January 1, 1993.

A related bill is SB 1282, introduced by Senator McCorquodale on January 13, 1992. SB 1282 would only delete the sunset clause for the \$1.00 off-highway vehicle assessment. The Department is recommending a position of SUPPORT on this bill.

Support and opposition have not been identified.

ARGUMENTS FOR AND AGAINST

For

The continuation of funds would ensure an adequate level of financial support for services provided to the public by this Department.

Against

None.

RECOMMENDED POSITION

The Department recommends a position of SUPPORT on this bill.

By repealing the sunset dates, this bill ensures the availability of funds used to maintain the uniform strength of the CHP and continue/augment services provided to the public. These funds have been earmarked specifically for the benefit of the CHP. The Department depends upon the uninterrupted continuation of that support.

RE

LEGISLATIVE ANALYSIS

Business, Transportation & Housing Agency

DEPARTMENT DEPARTMENT OF MOTOR VEHICLES	AUTHOR Katz	BILL NO. AB 3346
SPONSOR California Highway Patrol	RELATED BILLS See Below	AMENDED DATE Original
SUBJECT Vehicles: fees: California Highway Patrol		

SUMMARY: Would delete repeal dates for the \$1 fee paid at the time of issuance or renewal of off-highway motor vehicles subject to identification.

DETAILED ANALYSIS: Existing law requires a \$1 registration fee which is deposited in the Motor Vehicle Account in the State Transportation Fund until January 1, 1993, to be available upon appropriation, to maintain the uniformed strength of the California Highway Patrol.

As of January 1, 1993, this fee requirement would sunset.

This bill would delete the repeal date of January 1, 1993 along with the language that would have been instituted on that date. This bill would provide a permanent appropriation of the \$1 fee.

COST ANALYSIS: There would be no fiscal impact to the department. This program is currently in place.

LEGISLATIVE HISTORY: This bill is sponsored by the California Highway Patrol.

Related Legislation: AB 253, Allen (91/92 RS) would have repealed the sunset date for the requirements to pay off-highway fees in the amount of \$6 for the issuance or renewal of an identification plate or device and to pay an additional \$1 registration fee for off-highway motor vehicles at the time of issuance or renewal of identification; would have made a permanent appropriation for off-highway vehicle programs. This bill died by Joint Rule 56.

SB 1282, McCorquodale, a current bill which is identical to AB 253.

AB 2545, Katz (Ch. 954, Stats. 90) extended the requirement for the payment of the additional \$1 registration fee for motor vehicles until January 1, 1993. This bill included off-highway vehicles.

AB 457, Papan (Ch. 797, Stats. 85) extended the \$1 fee for the purposes of maintaining the uniformed field strength of the California Highway Patrol through June 1, 1991.

DEPARTMENTS THAT MAY BE AFFECTED

CALIFORNIA HIGHWAY PATROL

STATE MANDATE

GOVERNOR'S APPOINTMENT

DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION		GOVERNOR'S OFFICE USE	
___ S	___ O	___ S	___ O	Position Apprvd. ___	
___ SA	___ OUA	___ SA	___ OUA	Position Disapp. ___	
X ___ N	___ NP	___ N	___ NP	Position Noted ___	
___ NA	___ NAR	___ NA	___ NAR	By: _____	Date: _____
	___ DEFER				

DEPARTMENT DIRECTOR
Franklin...

AGENCY SECRETARY
[Signature]

AB 701, La Follette (83/84 RS) which would have extended indefinitely the \$1 fee for CHP. This bill failed passage.

AB 202, Papan (Ch. 933, Stats. 81) authorized the \$1 fee for purposes of increasing uniformed field strength of the CHP.

ARGUMENTS FOR:

1. The \$1 CHP fee revenue would continue to be used to offset the costs of maintaining the uniformed field strength of the Department of the California Highway Patrol.
2. The \$1 CHP fee, which was established in 1981, has been previously extended.

There is no known support for this bill.

ARGUMENTS AGAINST: The motoring public may see this as a continuation of another tax.

There is no known opposition to this bill.

RECOMMENDED POSITION: The department recommends a position of **NEUTRAL**.

This bill has no impact on the department as the programming is currently in place.

For further information, please contact:

Helen L. Fager
Legislative Liaison Office
657-6518

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **State of California (Alvarado) v. Superior Court, et al.**
No.: **S 214221**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 8, 2014, I served the attached **ANSWERING PARTY'S REQUEST FOR JUDICIAL NOTICE** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Michael Maroko, Esq.
John S. West, Esq.
Allred, Maroko & Goldberg
6300 Wilshire Blvd., Suite 1500
Los Angeles, CA 90048

Orange County Superior Court
Clerk of the Court
700 Civic Center Plaza West
Santa Ana, CA 92701
Attn.: Hon. Robert J. Moss

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 8, 2014, at Los Angeles, California.

Sylvia Wu
Declarant


Signature