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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 4, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Assembly Bill 2465 – Pedestrian-bicyclist safety; vehicles; school zone fines.

Location/Council District: All Districts

Recommendation:

Support AB 2465 (Assembly Member De La Torre) which proposes to amend the following: Section 45452 of the Education Code, Section 1463.21 of the Penal Code and Section 42011 of the Vehicle Code. These amendments will expand the existing law in order to give authority to any city and/or county to establish a school pedestrian-bicyclist safety program to increase traffic violation fines within school zones.

Contact: Azadeh Doherty, Staff Aide, 808-3137

Presenters: Angela Bales, Program Analyst, Kate Binning, Program Specialist

Department: Transportation

Division: Engineering Services

Organization No: 3439

Summary: Existing law doubles the fine for misdemeanor traffic violations and increases the fine for other traffic infractions if the violation is committed within a designated school zone. Existing law authorizes only Alameda County, Santa Barbara County, Ventura County or any city within those counties to establish a school pedestrian-bicyclist safety program permitting increased traffic violation fines within school zones. Program adoption is subject to a vote of the city council or the county board of supervisors where appropriate. The revenues collected from these violations will be used to implement the pedestrian and bicyclist safety enhancements in school zones. Passage of this bill will give the City of Sacramento the flexibility to implement a similar program if deemed appropriate by the City Council. The City's Police Department supports AB 2465 and is willing to participate if the program is approved and implemented by the City Council.

Committee/Commission Action: None.


Background Information: The existing law will repeal the school pedestrian –bicyclist safety program by January 1, 2007. The amended bill will extend the expiration date of the program and allow any jurisdiction in California to adopt a program.

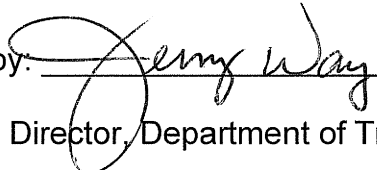
Financial Considerations: None at this time. If this bill is passed and the City of Sacramento chooses to implement this program, there will be some cost associated with the enforcement of this program. However, the costs are expected to be offset by the fine revenues generated by this program.

Environmental Considerations: This report is not considered a project and therefore has no environmental impact as stated by the California Environmental Quality Act (Section 15061 (b) (3)).

Policy Considerations: n/a

Emerging Small Business Development (ESBD): Not applicable. No goods or services are being purchased.

Respectfully Submitted by: 
for Nicholas Theocharides
Engineering Manager

Approved by: 
Jerry Way
Interim Director, Department of Transportation

Recommendation Approved:

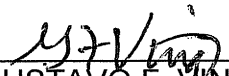

GUSTAVO F. VINA
Assistant City Manager

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May 5, 2006

The Honorable Jenny Oropeza
Member, California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0055

**Subject: AB 2465 (De La Torre): Pedestrian-bicyclist Safety, vehicles,
school zone fines.**

Dear Assembly Member Oropeza:

On behalf of the City of Sacramento, I write in support of AB 2465. This legislation will expand the existing law in order to give authority to any city and/or county to establish a school pedestrian-bicyclist safety program to increase traffic violation fines within school zones.

I understand that adoption of this program is subject to a vote of a city council or a county board of supervisors where appropriate and the revenues collected from these violations will be used to implement the pedestrian and bicyclist safety enhancements in school zones. Passage of this bill will give the City of Sacramento the flexibility to implement a similar program if deemed appropriate by the City Council.

Thank you for your attention to the City of Sacramento's support of AB 2465.

Sincerely,

Lauren Hammond
Councilmember

cc: Senator Dave Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Members of the City Council
League of California Cities
Emanuel and Jones

ASSEMBLY BILL

No. 2465

Introduced by Assembly Member De La Torre

February 23, 2006

An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2465, as introduced, De La Torre. Pedestrian-bicyclist safety: vehicles: school zone fines.

Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a designated Safety Enhancement Double Fine Zone.

Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or any city within those counties, in collaboration with a school district within their jurisdiction, to establish a school pedestrian-bicyclist safety program by a vote of the city council, or the county board of supervisors, as appropriate. Existing law requires a city or county that adopts the program to promptly notify specified law enforcement agencies and requires the county treasurer to deposit the amount of the enhanced portion of the fine in a special account in the county treasury to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered as provided.

Existing law repeals those provisions on January 1, 2007.

This bill would expand the authority to establish a school pedestrian-bicyclist safety program to any city, county, or city and county.

The bill would also delete the repeal date of the program and related provisions of law.

By expanding the authority to adopt a pedestrian-bicyclist safety program to any city, county, or city and county, and extending the date on which those entities may establish a program indefinitely, the bill would increase the duties of a county treasurer and would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 45452 of the Education Code is
 2 amended to read:
 3 45452. (a) ~~The County of Alameda, the County of Santa~~
 4 ~~Barbara, the County of Ventura, or any city within any of these~~
 5 ~~counties~~*A city, county, or city and county*, in collaboration with
 6 ~~local~~ school districts within those jurisdictions, may establish a
 7 school pedestrian-bicyclist safety program and receive funds
 8 from a special account in the county treasury established
 9 pursuant to Section 1463.21 of the Penal Code if those funds are
 10 used to fund programs that enhance the safety of ~~students~~ *pupils*
 11 traveling to and from school on foot or by bicycle. Any funds
 12 obtained by a city ~~or~~, county, *or city and county* from ~~this source~~
 13 ~~are that special account shall be used~~ to supplement any funds
 14 already expended by that ~~agency~~ *city, county, or city and county*
 15 for pedestrian or bicycle safety programs and may not be used to
 16 supplant any existing expenditures for those purposes.

1 (b) If a program is established pursuant to subdivision (a) and
2 the services of a law enforcement agency are requested by the
3 program administrator, those services shall be provided by the
4 law enforcement agency having primary traffic investigative
5 authority.

6 ~~(c) This section shall remain in effect only until January 1,
7 2007, and as of that date is repealed, unless a later enacted
8 statute, that is enacted before January 1, 2007, deletes or extends
9 that date.~~

10 SEC. 2. Section 1463.21 of the Penal Code is amended to
11 read:

12 1463.21. (a) Notwithstanding Section 1463.001, out of
13 moneys deposited with the county treasurer pursuant to Section
14 1463.001, the enhanced portion of the fine imposed pursuant to
15 Section 42011 of the Vehicle Code shall be deposited in a special
16 account in the county treasury which shall be used exclusively to
17 pay for the cost of school pedestrian-bicyclist safety programs
18 administered in accordance with Section 45452 of the Education
19 Code by a city or, county, *or city and county that has adopted in
20 which Section 42011 of the Vehicle Code is applicable.*

21 ~~(b) This section shall remain in effect only until January 1,
22 2007, and as of that date is repealed, unless a later enacted
23 statute, that is enacted before January 1, 2007, deletes or extends
24 that date.~~

25 SEC. 3. Section 42011 of the Vehicle Code is amended to
26 read:

27 42011. (a) For any offense specified in subdivision (b) that is
28 committed by the driver of a vehicle under either of the following
29 conditions, the fine in a misdemeanor case shall be double the
30 base amount otherwise prescribed, not including any penalty
31 assessments or other fees or additions, and in an infraction case,
32 the fine shall be one category higher than the penalty otherwise
33 prescribed by the uniform traffic penalty schedule established
34 pursuant to Section 40310, not including any penalty assessments
35 or other fees or additions:

36 (1) When passing a school building or the grounds thereof, if
37 the building or grounds are contiguous to a highway and posted
38 with a standard "SCHOOL" warning sign and an accompanying
39 sign notifying motorists that increased penalties apply for traffic
40 violations that are committed within that school zone, and

1 children are going to or leaving the school either during school
2 hours or during the noon recess period.

3 (2) When passing any school grounds that are not separated
4 from the highway by a fence, gate, or other physical barrier while
5 the grounds are in use by children, and the highway is posted
6 with a standard “SCHOOL” warning sign and an accompanying
7 sign notifying motorists that increased penalties apply for traffic
8 violations that are committed within that school zone.

9 (b) A violation of any of the following provisions is an offense
10 that is subject to subdivision (a):

11 (1) Article 3 (commencing with Section 21450) of Chapter 2
12 of Division 11, relating to obedience to traffic devices.

13 (2) Chapter 3 (commencing with Section 21650) of Division
14 11, relating to driving, overtaking, and passing.

15 (3) Chapter 4 (commencing with Section 21800) of Division
16 11, relating to yielding the right-of-way.

17 (4) Chapter 6 (commencing with Section 22100) of Division
18 11, relating to turning and stopping and turn signals.

19 (5) Chapter 7 (commencing with Section 22348) of Division
20 11, relating to speed limits.

21 (6) Chapter 8 (commencing with Section 22450) of Division
22 11, relating to special traffic stops.

23 (7) Section 23103, relating to reckless driving.

24 (8) Section 23104, relating to reckless driving which results in
25 bodily injury to another.

26 (9) Section 23109, relating to speed contests.

27 (10) Section 23152, relating to driving under the influence of
28 alcohol or a controlled substance, or a violation of Section
29 23103, as specified in Section 23103.5, relating to alcohol-related
30 reckless driving.

31 (11) Section 23153, relating to driving under the influence of
32 alcohol or a controlled substance, which results in bodily injury
33 to another.

34 (12) Section 23220, relating to drinking while driving.

35 (13) Section 23221, relating to drinking in a motor vehicle
36 while on the highway.

37 (14) Section 23222, relating to driving while possessing
38 marijuana or an open alcoholic beverage container.

39 (15) Section 23223, relating to being in a vehicle on the
40 highway while possessing an open alcoholic beverage container.

1 (16) Section 23224, relating to being a driver or passenger
2 under the age of 21 years possessing an open alcoholic beverage
3 container.

4 (17) Section 23225, relating to being the owner or driver of a
5 vehicle in which there is an open alcoholic beverage container.

6 (18) Section 23226, relating to being a passenger in a vehicle
7 in which there is an open alcoholic beverage container.

8 (c) (1) This section applies ~~only in Alameda County, Santa~~
9 ~~Barbara County, Ventura County, or in a city or county in any of~~
10 ~~these counties, and only if that jurisdiction has adopted this~~
11 ~~section by a vote of the respective city council or county board of~~
12 ~~supervisors, as appropriate votes to implement this section.~~

13 (2) The increased fines authorized by subdivision (a) may only
14 be imposed and collected once per offense notwithstanding the
15 fact that the offense occurred within more than one jurisdiction
16 all of which have ~~adopted~~ *voted to implement* this section.
17 Furthermore, no increased fine shall be imposed if an increased
18 fine is imposed under Section 42009 or 42010 because the
19 offense occurred within a highway construction or maintenance
20 area or safety enhancement area.

21 (d) ~~Any~~ A city or county that ~~adopts~~ *votes to implement* this
22 section shall promptly notify the California Highway Patrol and
23 the law enforcement agency having the primary traffic
24 investigative authority of that fact.

25 (e) ~~This section shall remain in effect only until January 1,~~
26 ~~2007, and as of that date is repealed, unless a later enacted~~
27 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
28 ~~that date.~~

29 SEC. 4. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

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