

ASSEMBLY BILL

No. 2733

Introduced by Assembly Member Boerner

February 15, 2024

An act to add Section 35700.7 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2733, as introduced, Boerner. Vehicles: special permits.

Existing law authorizes the Department of Transportation to issue a special permit to the operator of a vehicle, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on designated routes if the vehicle, combination, or equipment meets specified criteria, upon adoption of an ordinance or resolution by specified cities covering designated routes.

This bill would additionally authorize the Department of Transportation to issue a special permit to the operator of a zero-emission vehicle, as defined, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on designated routes if the vehicle, combination, or equipment meets specified criteria, upon adoption of an ordinance or resolution by the City of San Diego and City of National City covering designated routes. The bill would authorize the department to charge a fee to cover the cost of producing and issuing an indicia that the operator agrees to place upon the permitted vehicle.

Vote: 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 35700.7 is added to the Vehicle Code,
2 to read:

3 35700.7. (a) The Department of Transportation, upon adoption
4 of an ordinance or resolution that conforms with the provisions of
5 this section by the City of San Diego and the City of National City,
6 may issue a special permit to the operator of a zero-emission
7 vehicle, combination of vehicles, or mobile equipment, permitting
8 the operation and movement of the vehicle, combination, or
9 equipment, and its load, on the 4.5-mile portion of Harbor Drive,
10 Interstate 5, and Bay Marina Drive, between Tenth Avenue Marine
11 Terminal in the City of San Diego and National Distribution Center
12 in the City of National City, and on the 16.6-mile portion of
13 Interstate 5 and Interstate 905 that is between Bay Marina Drive
14 in the City of National City and Enrico Fermi Drive in the City of
15 San Diego, if the vehicle, combination, or equipment meets all of
16 the following criteria:

17 (1) The vehicle, combination of vehicles, or mobile equipment
18 is used to transport intermodal cargoes that are moving in
19 international maritime commerce.

20 (2) The vehicle, combination of vehicles, or mobile equipment,
21 in combination with its load, has a maximum gross weight in excess
22 of the maximum gross weight limit of vehicles and loads specified
23 in this chapter, but does not exceed 95,000 pounds gross vehicle
24 weight.

25 (b) The permit issued by the Department of Transportation shall
26 be required to authorize the operation or movement of a vehicle,
27 combination of vehicles, or mobile equipment described in
28 subdivision (a). The permit shall not authorize the movement of
29 hazardous materials or hazardous wastes, as those terms are defined
30 by local, state, and federal law. The following shall be included
31 in the application for the permit:

32 (1) A description of the loads and vehicles to be operated under
33 the permit.

34 (2) An agreement wherein each applicant agrees to be
35 responsible for all injuries to persons and for all damage to real or
36 personal property of the state and others directly caused by or
37 resulting from the operation of the applicant's vehicles or
38 combination of vehicles under the conditions of the permit. The

1 applicant shall agree to hold harmless and indemnify the state and
2 all its agents for all costs or claims arising out of or caused by the
3 movement of vehicles or combination of vehicles under the
4 conditions of the permit.

5 (3) The applicant shall provide proof of financial responsibility
6 that covers the movement of the shipment as described in
7 subdivision (a). The insurance shall meet the minimum
8 requirements established by law.

9 (4) An agreement to carry a copy of the permit in the vehicle
10 at all times and furnish the copy upon request of an employee of
11 the Department of the California Highway Patrol or the Department
12 of Transportation.

13 (5) An agreement to place an indicia, developed by the
14 Department of Transportation, in consultation with the Department
15 of the California Highway Patrol, upon the vehicle identifying it
16 as a vehicle possibly operating under this section. The indicia shall
17 be displayed in the lower right area of the front windshield of the
18 power unit. The Department of Transportation may charge a fee
19 to cover the cost of producing and issuing this indicia.

20 (c) The permit issued pursuant to subdivision (a) shall be valid
21 for one year. The permit may be canceled by the Department of
22 Transportation for any of the following reasons:

23 (1) The failure of the applicant to maintain any of the conditions
24 required pursuant to subdivision (b).

25 (2) The failure of the applicant to maintain a satisfactory rating,
26 as required by Section 34501.12.

27 (3) A determination by the Department of Transportation that
28 there is sufficient cause to cancel the permit because the continued
29 movement of the applicant's vehicles under the permit would
30 jeopardize the safety of the motorists on the roadway or result in
31 undue damage to the highways listed in this section.

32 (d) This section does not authorize an applicant or holder of a
33 special permit under subdivision (a) to operate a vehicle or
34 combination of vehicles in excess of the maximum gross weight
35 limit of vehicles and loads specified in this chapter outside of the
36 designated corridors identified in subdivision (a). A violation of
37 this subdivision shall result in the revocation of the permit.

38 (e) For purposes of this section, "zero-emission vehicle" means
39 an on-road vehicle with a zero-emission powertrain that produces
40 zero exhaust emissions of any criteria pollutant, precursor pollutant,

- 1 or greenhouse gas under any possible operational modes or
- 2 conditions.

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