



## **ANNOTATED AGENDA**

### **Antioch City Council SPECIAL MEETING**

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Date: **Tuesday, January 30, 2024**

Time: **6:30 P.M. – Special Meeting**

Place: **Nick Rodriguez Community Center**  
**213 'F' Street**  
**Antioch, CA 94509**

***PLEASE TURN OFF CELL PHONES BEFORE ENTERING COMMUNITY CENTER.***

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**Lamar A. Hernandez-Thorpe**, Mayor

**Monica E. Wilson**, Mayor Pro Tem (District 4)

**Tamisha Torres-Walker**, Council Member District 1

**Michael Barbanica**, Council Member District 2

**Lori Ogorchock**, Council Member District 3

**Ellie Householder**, City Clerk

**Lauren Posada**, City Treasurer

**Kwame P. Reed**, Acting City Manager

**Thomas Lloyd Smith**, City Attorney

**ACCESSIBILITY:** In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: [publicworks@antiochca.gov](mailto:publicworks@antiochca.gov).



## **CALL OF SPECIAL MEETING**

### **Antioch City Council Special Meeting**

Pursuant to Government Code section 54956, I hereby call a Special Meeting of the Antioch City Council. Said meeting shall be held on the following date, time and place:

**DATE:** Tuesday, January 30, 2024

**TIME:** 6:30 P.M. Special Meeting

**PLACE:** Nick Rodriguez Community Center  
213 'F' Street  
Antioch, CA 94509

The only items of business to be considered at such Special Meeting shall be set forth on the Special Meeting Agenda.

**Dated:** January 9, 2024

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LAMAR A. THORPE, Mayor  
City of Antioch

### **Notice of Opportunity to Address Council**

The City Council can only take action on items that are listed on this agenda. The public has the opportunity to address the Council on each agenda item. To address the Council, fill out a Speaker Request form and place in the Speaker Card Tray near the City Clerk before the meeting begins. Please identify the specific agenda item number you would like to speak on. Speakers will be notified shortly before they are called to speak. When you are called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Mayor). The Speaker Request forms are located at the entrance of the Community Center. No one may speak more than once on an agenda item.

**6:31 P.M.      ROLL CALL – SPECIAL MEETING/ WORKSHOP – for Council Members – *All Present***

### **PLEDGE OF ALLEGIANCE**

***COUNCIL MEMBER OGORCHOCK REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE COUNCIL REGULAR AGENDA ITEMS #4 THROUGH #11 TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0***

### **COUNCIL REGULAR AGENDA**

- 4.      CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON AN ANTIOCH ALERT SYSTEM**

***Council consensus to bring item back***

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

- 5.      CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON A BALLOT MEASURE FOR INFRASTRUCTURE AND/ OR PROGRAMS**

**6:45 P.M.      *RECESS DURING DISCUSSION OF ITEM #5 DUE TO TECH/AUDIO ISSUE***

**6:49 P.M.      *RECONVENED – All Present***

***Council consensus to bring item back for consideration***

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

- 6.      CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON A PRESENTATION FROM THE CONTRA COSTA COUNTY A3 MILES HALL CRISIS CALL CENTER**

***Council consensus to bring item back for consideration***

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

## **COUNCIL REGULAR AGENDA – Continued**

**7. CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON HIRING INCENTIVES FOR CITY EMPLOYEES**

**Council consensus to bring item back with discussion on incentives for current employees**

*Recommended Action:* It is recommended that the City Council discuss, receive public comments, and provide direction to staff.

**8. CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON PERMITS FOR LANDLORDS RENTING TO FAMILY MEMBERS**

**No further follow-up at this time/  
Council Member Barbanica to meet with staff**

*Recommended Action:* It is recommended that the City Council discuss, receive public comments, and provide direction to staff.

**9. CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON OFFICIAL POET LAUREATE PROGRAM**

**Council consensus to bring item back for consideration**

*Recommended Action:* It is recommended that the City Council discuss, receive public comments, and provide direction to staff.

**10. CITY COUNCIL REQUESTED DISCUSSION ITEM: CONSIDERATION OF OPTIONS FOR A MORATORIUM OR BAN ON NEW GAS STATIONS**

**Council consensus to bring item back for consideration**

*Recommended Action:* It is recommended that the City Council provide direction to staff concerning a potential prohibition on the development of new gas stations and limitation of the expansion of existing gas stations.

**11. CITY COUNCIL DISCUSSION ITEM: REPEAL OF CITY'S LOCAL BAN ON CRUISING, SECTION 4-5.1009 OF THE ANTIOCH MUNICIPAL CODE (AMC)**

**Direction provided to City Attorney to bring back an ordinance**

*Recommended Action:* It is recommended that the City Council direct staff to prepare an ordinance to repeal the City's local ban on cruising, set forth in Section 4-5.1009 of the Antioch Municipal Code (AMC), which is now preempted by State law effective January 1, 2024.

## **WORKSHOP**

### **1. PRESENTATION – YOUTH SERVICES NETWORK**

**Council received presentation**

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

### **2. PRESENTATION – UNHOUSED RESIDENT SERVICES**

**Council received presentation**

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

### **3. PRESENTATION – CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CALVIP), ANGELO QUINTO COMMUNITY RESPONSE TEAM (AQCRT), AND RAISING AWARENESS AGAINST DOMESTIC VIOLENCE**

**Council received presentation**

*Recommended Action: It is recommended that the City Council discuss, receive public comments, and provide direction to staff.*

**MOTION TO ADJOURN –** *The Mayor will make a motion to adjourn the Special Meeting. A second motion is required, and then a majority vote is required to adjourn the Special Meeting.*

***Motioned to adjourn Special Meeting at 9:56 p.m., 5/0***

# Youth Services Network

**Montserrat Cabral, Youth Services Manager**

**Maelvy Saucedo-Hinke, Youth Services Programs Coordinator**

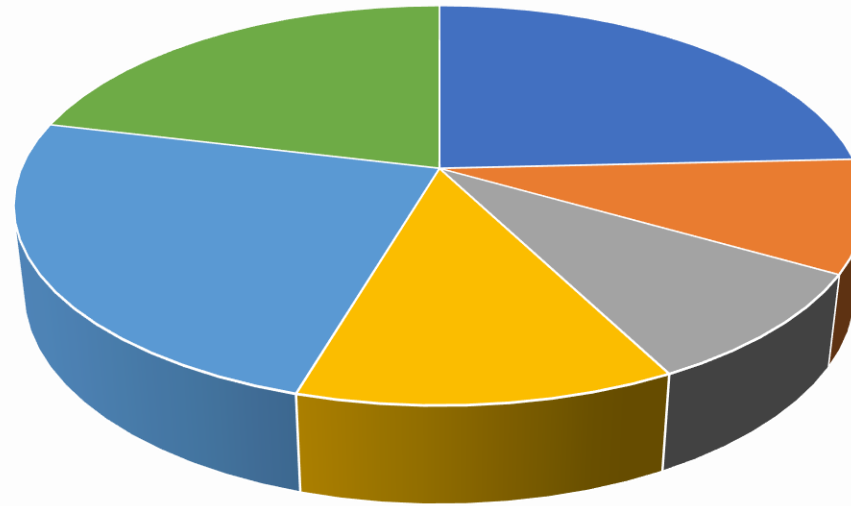
*Youth Services Network (YSN) is your go-to destination for fostering the growth and potential of youth and young adults, ages 12 to 26, in the City of Antioch. Our office is a vital connection point for youth and partners seeking valuable resources, opportunities, and a vibrant community.*

- **Antioch Council of Teens (ACT)**
- **Network/Partner Programs**
- **Paid Internships**
- **City-funded events**

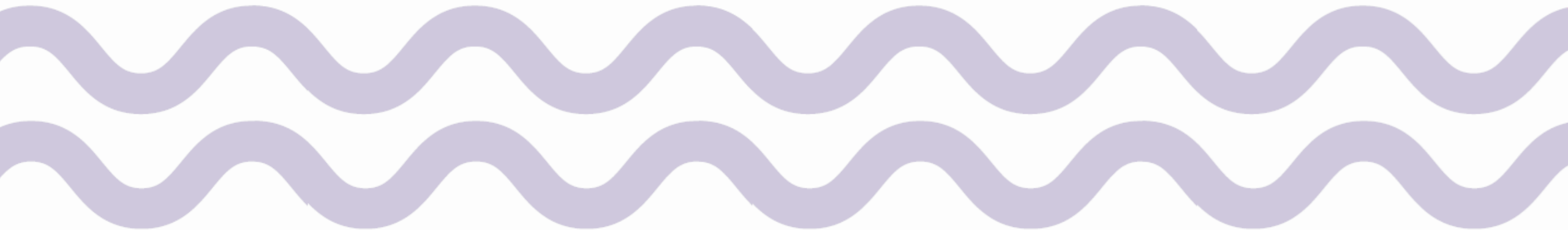
## **Partnerships:**

Non-Profit Organizations, Antioch Unified School District, City of Antioch Departments, East Bay Regional Parks District, Faith-Based Community, and Local Business Community

## Focus Areas



- Social & Emotional Well-being
- Civic & Social Responsibility
- Academic Support
- Mentorship
- Workforce Development
- Physical & Mental Health



# Mayor's Apprenticeship Program (M.A.P.)

MAP is specifically designed for individuals who may have faced unique challenges, including those who were justice-involved, in foster care, or have barriers to employment.

- MAP in partnership with Rubicon Programs;
- MAP contract period: December 2022 to December 2023.\* (Currently being amended to June 2024.)

\*Funding Source: American Rescue Plan Act (ARPA)



# M.A.P. Sustainability

- Potential opportunity to partner with strong workforce development programs.
- State grants for workforce development programming.



# Unhoused Resident Services

## Staff:

**Jazmin Ridley, Unhoused Resident Coordinator**

## Programs and Events:

- **Laundry Voucher Program**
- **Shower Service Program**
- **Motel Voucher Program**
- **Unhoused Resident Services Resource Fair**

## Partnerships:

SHARE Community, The Economy Inn, Bay Area Community Services (BACS), Angelo Quinto Community Response Team (AQCRT), Contra Costa County Health, Housing, and Homeless Services (H3), City of Antioch Departments: Antioch Police Department, Code Enforcement

# Opportunity Village Program

Opportunity Village Program (OPV) is the City's bridge housing program serving unsheltered adult Antioch residents. The program is designed to support the participants transition to permanent housing with low-barrier and housing first methods.

- **88** participants in the program since its opening
- **34** participants receiving services
- **54** participants exited
  - **42** positive exits to permanent/ stable housing
  - **12** discharges/involuntary exits
- There are currently **250** households on the list
- Bridge Housing in partnership with Bay Area Community Services (BACS) and The Executive Inn
- Contract period from April 2023 to April 2025

\*Funding Source – American Rescue Plan Act (ARPA) \*

# Sustainability

- Encampment Resolution Funding
  - Application round 2/1/2024-4/30/2024
  - **\$298,747,574.33** available statewide



# Violence Intervention and Prevention

## **Staff:**

**America Velasco, Public Safety Manager  
Community Engagement Coordinator (To be filled)**

## **Programs and Events:**

- California Violence Intervention and Prevention (CalVIP)
- Angelo Quinto Community Response Team (AQCRT)
- Raising Awareness Against Domestic Violence

## **Partnerships:**

Non-Profit Organizations, Antioch Police Department, Contra Costa County Probation Department, Antioch Unified School District, Contra Costa County Health, City of Antioch Departments

# CalVIP Program- “Uplifting Peace”

Uplifting Peace’s mission is to reduce gun violence in the city of Antioch by engaging vulnerable youth and young adults, providing resources, and encouraging positive alternatives for healthier, non-violent lifestyles.

- CalVIP program in partnership with One Day At A Time (ODAT) and Advance Peace (AP)
- CalVIP Grant period July 2022 to December 2025

\*Funding Source - Board of State and Community Corrections (BSCC)\*

# Angelo Quinto Community Response Team (AQCRT)/(Care Team)

AQCRT provides 24/7 community response to low-level, non-life-threatening 911 calls dispatched through the Antioch Police Department Dispatch Center.

- AQCRT program in partnership with Felton Institute
- AQCRT contract period: November 2022 to October 2024

\*Funding Source: American Rescue Plan Act (ARPA)\*



ANGELO QUINTO  
COMMUNITY RESPONSE TEAM



# AQCRT Response Process



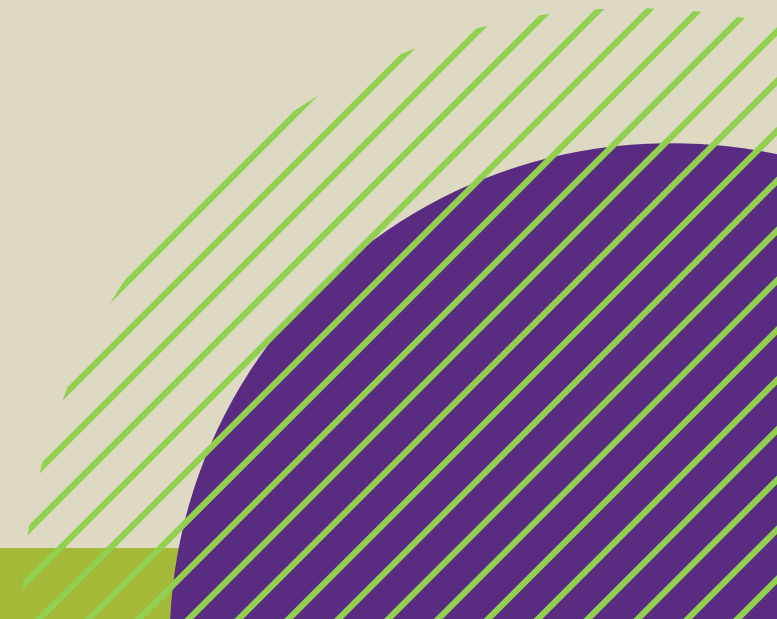
Community Members  
call 911 for help

911 Dispatch  
Screens calls and dispatched  
AQCRT Members to  
appropriate cases

AQCRT arrives to the location of  
the identified crisis and:

- Act/De-Escalate
- Assist immediate support to  
address current needs
- Refer to partnering services as  
appropriately identified

Follow Up to ensure  
complete solutions to  
identified problems and  
proper linkages to long  
term care



# Police Partnership



Upon arriving to a Dispatch led activity, if AQCRT team members suspect weapons, or criminal activity or unresolved activity, police and/or medical response if necessary will be called and AQCRT team will be on standby.



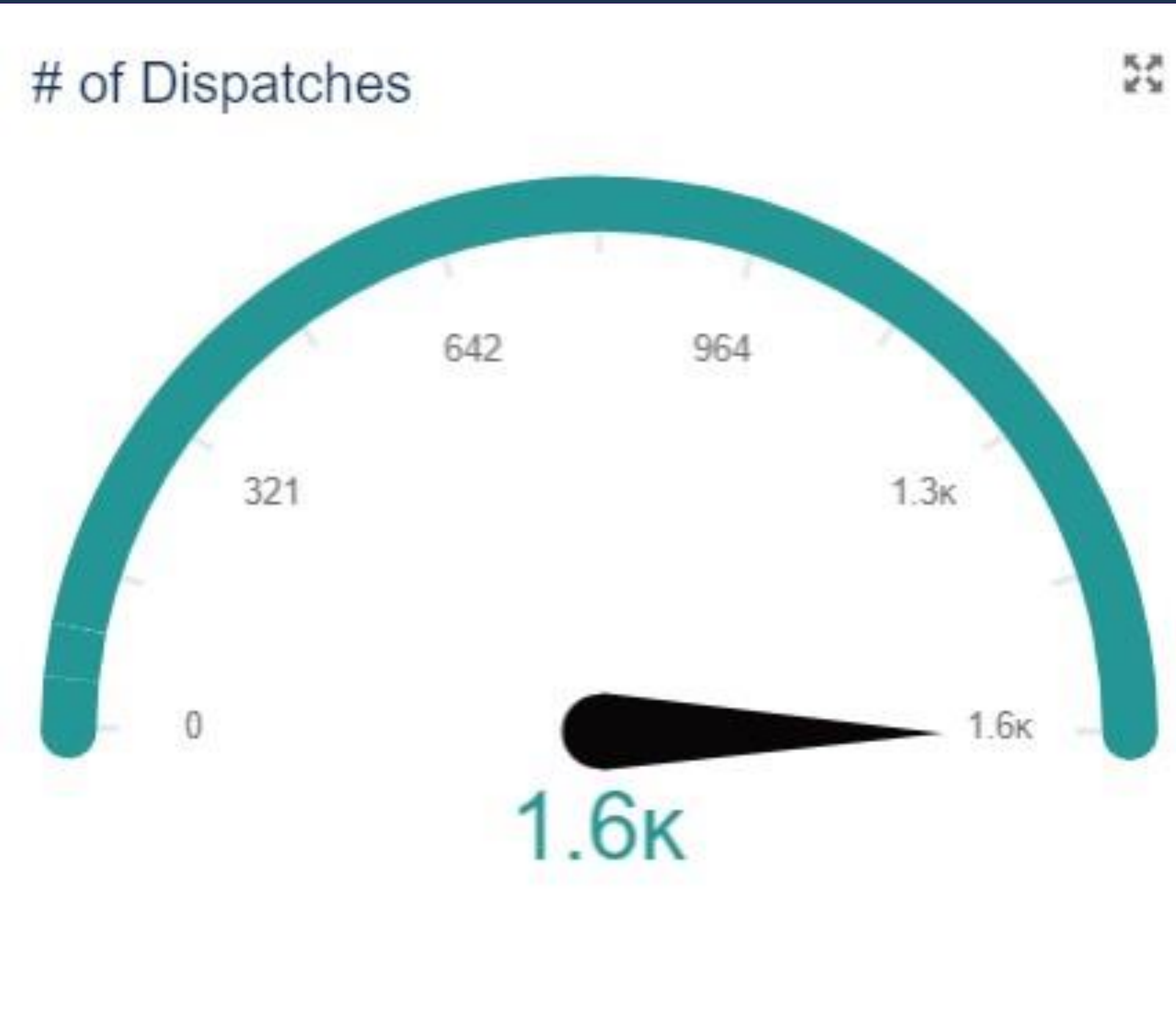
Police may arrive to a dispatch scenario that, when assessed, may be best responded to by AQCRT team members, in which we would arrive to the scene and provide services as the police wait on standby.



Police and/or EMS and AQCRT team members may accompany one another to a situation where the police may address various risks or needs, while AQCRT team members respond to the consolation of family or provide services to individuals indirectly involved in the service need.

# Data: Last Quarter Dispatch Calls

Sep-Dec 2023



Of the 1,6000 Dispatch Calls responded to :

- **51** APD accompaniment
- **573** Welfare Checks
- **293** Mental Health Related Services

# Quarter Call Volume

## Sep-Dec 2023



The above diagram shows the volume of calls during a 24 hour shift. High volume calls are made during the hours of 6am-11pm, with 12pm-5pm being the peak hours of conducted services.



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on an Antioch Alert System

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### **RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

### **FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

### **DISCUSSION**

This item is for the City Council's discussion of Councilmember Barbanica's request to consider an Antioch alert system.

### **ATTACHMENTS**

None



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on a Ballot Measure for Infrastructure and/ or Programs

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### **RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

### **FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

### **DISCUSSION**

This item is for the City Council's discussion at Mayor Thorpe's request to consider a ballot measure for infrastructure and/or programs.

### **ATTACHMENTS**

None

**STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on a Presentation from the Contra Costa County A3 Miles Hall Crisis Call Center

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**RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

**FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

**DISCUSSION**

This item is for the City Council's discussion of Councilmember Torres Walker's request to receive a presentation from the Contra Costa County A3 Miles Hall Crisis Call Center.

A3 is Contra Costa County's approach to providing behavioral health crisis services to anyone, anywhere, at anytime in the county. Annual Measure X sales tax revenue supports the A3 Miles Hall Crisis Call Center, mobile response teams and connection to follow-up care for those in crisis.

A3 has grown from a pilot project in 2021 to now operating 24/7. Currently, A3 responds to about 200 calls and dispatches 30 mobile teams per week. They helped over 2,900 callers in 2022 and expect that number to grow to more than 4,500 people this year.

**ATTACHMENTS**

None



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on Hiring Incentives for City Employees

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### **RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

### **FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

### **DISCUSSION**

This item is for the City Council's discussion at Mayor Thorpe's request to consider implementing hiring incentives for City employees outside the Police Department.

### **ATTACHMENTS**

None





## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on Permits for Landlords Renting to Family Members

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### **RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

### **FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

### **DISCUSSION**

This item is for the City Council's discussion of Councilmember Barbanica's request to consider issuing permits for landlords renting to family members.

### **ATTACHMENTS**

None



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Kwame P. Reed, Acting City Manager/Economic Development Director

**SUBJECT:** City Council Requested Discussion Item - Discussion on Official Poet Laureate Program

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### **RECOMMENDED ACTION**

It is recommended that the City Council discuss, receive public comments, and provide direction to City staff.

### **FISCAL IMPACT**

The recommended action has no fiscal impact at this time.

### **DISCUSSION**

This item is for the City Council's discussion of Councilmember Torres-Walker's request to consider creating an official poet laureate program.

### **ATTACHMENTS**


None



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Thomas Lloyd Smith, City Attorney 

**SUBJECT:** City Council Requested Discussion Item: Consideration of Options for a Moratorium or Ban on New Gas Stations

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### **RECOMMENDED ACTION**

It is recommended that the City Council provide direction to staff concerning a potential prohibition on the development of new gas stations and limitation of the expansion of existing gas stations.

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action. Attempting to forecast the ultimate financial impact of this policy would be challenging because it would require speculation about the potential tax revenue generated from the development of new gas stations and expansion of existing gas stations as opposed to alternative investment options.

### **DISCUSSION**

The purpose of this staff report is to provide the City Council with options for limiting the development of new gas stations and the expansion of existing gas stations. Basic options the Council could consider include: a temporary moratorium on approval of new gas stations or a ban on new gas stations. In addition, the City could consider a ban on the expansion of new pumps at existing gas stations.

#### **Ban on New Gas Station Land Uses; Ban on Expansion of Existing Uses**

##### *1. General Plan Amendment*

###### *A. Procedure for Amendment*

The City may consider adopting via ordinance a Zone Text Amendment ("ZTA") to the Antioch Municipal Code ("AMC"), placing restrictions on the approval of new service stations and the expansion of fossil fuel pumps at existing service stations uses. A necessary requirement is that the requested zone change is in conformance with the General Plan. (AMC, § 9-5.2802.) If the City determines that the current General Plan does not conform with the proposal to ban or limit the expansion of gas stations, a

prerequisite to this process is the adoption of a General Plan amendment.

The Government Code authorizes General Plan amendments when it is deemed in the public interest to do so. (Gov. Code, § 65358.) However, only four such amendments are authorized per year. Therefore, the City must weigh whether or not a General Plan amendment is warranted.

In order to ensure that a requested zone change is in conformance with the General Plan, the General Plan itself would first need to be updated to prohibit or otherwise restrict new fossil fuel gas stations land uses. Such a General Plan amendment could itself be adopted in response to the conditions giving rise to the adoption of a previous moratorium (see above). (Gov. Code, § 65858(d).)

The first step would be to notice a public hearing of the Planning Commission to consider a General Plan amendment prohibiting new or expanded gas station uses in the City. After considering public comment and CEQA, the Planning Commission may adopt a recommendation that the City Council enact a General Plan amendment to prohibit new fossil fuel gas stations.

The Council would then need to notice a public hearing of its own to consider the Amendment, consider the Planning Commission's recommendation, and provide all interested parties the opportunity to be heard.

After reviewing the environmental analysis and all written and oral public comments, the Council would then make a determination as to whether the Amendment is subject to CEQA (which will in turn depend on its precise text). The Council could then adopt the resolution amending the General Plan.

#### *B. Current Text of General Plan*

The current text of the General Plan may already be in conformance with the proposed action. For example, Goal 2.4 of the Environmental Justice Element reads: "Mitigate and prepare for the effects of climate change." (Goal 2.4, p. 53.) This action would harmonize with that goal. Further, that same element acknowledges that "[s]torage tanks can be used to store hazardous substances above or underground, including gasoline . . . . When these tanks leak, these substances may degrade soil and groundwater." (*Id.* at § 5.1.3, p. 27.) This acknowledgment might support an action to reduce or limit the number of belowground gasoline tanks, such as one might find at a gas station.

#### *2. Zone Text Amendment*

If the Planning Commission and the Council determine that the zoning text amendment is in conformance with the existing General Plan, the zoning text amendment can be implemented. The Antioch Municipal Code requires that any amendment to its zoning provisions be done by changing the zoning map or land use regulations, and before doing so, both the Planning Commission and the City Council must make certain findings and determinations. Those determinations are: (1) that the proposed zone reclassification will allow uses more suitable for the area than the present classification; (2) that uses

permitted by the proposed zone will not be detrimental to adjacent or surrounding property; (3) that evidence has been presented documenting land use changes in the area to warrant a change of zone; and (4) the requested zone change is in conformance with the General Plan. (AMC, § 9-5.2802.)

### *3. Precise Effect of Ban*

The Council will need to provide direction as to the precise effect of the ban it seeks to consider. Options include a total ban on new gas station developments, a ban on adding new pumps to existing gas stations (as is the case in West Hollywood), or a ban with a requirement that gas stations begin to phase toward electric vehicle charging services (as in Petaluma).

## **ATTACHMENTS**

None.



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of January 30, 2024

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Thomas Lloyd Smith, City Attorney TLS

**SUBJECT:** City Council Discussion Item: Repeal of City's Local Ban on Cruising, Section 4-5.1009 of the Antioch Municipal Code

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### **RECOMMENDED ACTION**

It is recommended that the City Council direct staff to prepare an ordinance to repeal the City's local ban on cruising, set forth in Section 4-5.1009 of the Antioch Municipal Code (AMC), which is now preempted by State law effective January 1, 2024.

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

### **DISCUSSION**

A new change in State law which now prohibits local regulation of cruising and preempts the City's current ban on cruising. The following is a summary of the history of the prohibition on cruising.

#### History:

California law had previously allowed local agencies to adopt local rules and regulations regarding certain traffic matters enumerated in Vehicle Code section 21100.

Prior to January 1, 2024, Vehicle Code section 21100 included subsection (k), pursuant to which a local agency was permitted to regulate cruising by ordinance or resolution, and defined "cruising" as:

"...the repetitive driving of a motor vehicle past a traffic control point in traffic that is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, within a specified time period and after the vehicle operator has been given an adequate written notice that further driving past the control point will be a violation of the ordinance or resolution."

Bans on cruising began in cities across California in the 1970s during the oil embargo. In 1982 the California Legislature authorized cities to pass local regulations prohibiting cruising for public health and welfare reasons citing, "the cruising of vehicles in business

areas of cities and communities in this state for the purpose of socializing and assembling interferes with the conduct of business, wasted precious energy, resources, impedes the progress of general traffic and emergency vehicles, and promotes the generation of local concentrations of air pollution and undesirable noise levels.” (CA. Assembly Floor Analysis, AB 436, as amended Sept. 11, 2023.)

The City adopted Ordinance No. 639-C-S on June 10, 1986 which added Section 4-5.1009 to the City’s municipal code. The language of Section 4-5.1009 mirrored that of Vehicle Code section 21100(k).

In recent years various cities began voluntarily lifting their bans on cruising.

Change of the Law under Assembly Bill 436 (AB 436):

On October 13, 2023, Governor Newsom signed into law AB 436, which amends Section 21100 by removing subdivision (k) “Regulating cruising” from the traffic matters that local agencies may regulate.

Effective January 1, 2024, cruising bans adopted by cities are no longer authorized under State law. Therefore, cruising is a legal activity within the State of California. Existing City bans are now preempted by State law.

**ATTACHMENTS**

- A. Text of AB 436
- B. AB 436 Assembly Floor Analysis

# ATTACHMENT A

## Assembly Bill No. 436

### CHAPTER 803

An act to amend Section 21100 of, and to repeal Section 24008 of, the Vehicle Code, relating to vehicles.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 436, Alvarez. Vehicles.

Existing law prohibits a local authority from enacting or enforcing an ordinance on matters covered by the Vehicle Code unless expressly authorized by the Vehicle Code. Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among others, crossing guards, the operation of bicycles, the removal of illegally parked vehicles, and cruising, as defined.

This bill would remove the authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising.

Existing law makes it unlawful to operate a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been modified from its original design so that any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway.

This bill would repeal that prohibition.

This bill would incorporate additional changes to Section 21100 of the Vehicle Code proposed by AB 825 and SB 50 to be operative only if this bill and AB 825, this bill and SB 50, or this bill, AB 825, and SB 50 are enacted and this bill is enacted last.

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

SECTION 1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

- (a) Regulating or prohibiting a procession or assemblage on the highways.
- (b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.
- (c) Regulating traffic by means of traffic officers.
- (d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.



(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scene of an accident or disaster, or at a location that may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if they reasonably determine that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.

(f) Regulating traffic at the site of road or street construction or maintenance by a person authorized for that duty by the local authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks.

(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

(k) Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).

(l) Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.

(m) Licensing and regulating the operation of pedicabs for hire, as defined in Section 467.5, and operators of pedicabs for hire, including requiring one or more of the following documents:

(1) A valid California driver's license.

(2) Proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority.

(3) A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that they are, or intend to become, a pedicab operator and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the examination bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

(n) (1) This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.

(2) This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.

(o) (1) Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period.

(2) Paragraph (1) does not apply to any of the following:

(A) Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration,

identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer, as defined in Section 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 1.1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

(a) Regulating or prohibiting a procession or assemblage on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scene of an accident or disaster, or at a location that may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if they reasonably determine that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.

(f) Regulating traffic at the site of road or street construction or maintenance by a person authorized for that duty by the local authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) (1) Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks.

(2) (A) Notwithstanding paragraph (1), until January 1, 2031, a local authority shall not prohibit the operation of a bicycle on a sidewalk adjacent to a highway or corridor that does not include a Class I, Class II, or Class IV bikeway, as defined in Section 890.4 of the Streets and Highways Code, except in any of the following circumstances:

(i) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk within a business activity district that includes findings demonstrating the operation of a bicycle on a sidewalk within the business activity district is unsafe given pedestrian traffic conditions.

(ii) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk adjacent to a street with a posted speed limit not exceeding 20 miles per hour.

(iii) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk at a speed or in a manner that is not reasonable or endangers the safety of persons or property.

(iv) A local authority enacts an ordinance that requires a person riding a bicycle upon a sidewalk to yield the right-of-way to any pedestrian, and to yield the right-of-way to any other vehicle upon entering a roadway or driveway from a sidewalk.

(v) A local authority enacts an ordinance that prohibits the operation of an electric bicycle, as defined in Section 312.5, on a sidewalk.

(B) (i) The Commissioner of the California Highway Patrol shall submit a report to the Legislature, on or before January 1, 2029, about the effects of bicycles operating under subparagraph (A). The report shall include, but not be limited to, information about statewide injury and fatal traffic crash data and any associated traffic- or pedestrian-related safety issues, including, but not limited to, a detailed analysis of bicycle collisions, including collisions with pedestrians, and all of the following issues:

(I) Changes in the frequency of collisions.

(II) Changes in the severity of collisions.

(III) Causes of, and contributing factors in, collisions.

(IV) Location of collisions, including an analysis of collision data.

(V) Time of day of collisions.

(VI) Ages of bicyclists involved, including a breakdown of minors versus adults.

(VII) Types of bicycles involved in collisions, specifically differences between traditional bicycles and electric bicycles.

(ii) The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

(k) Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).

(l) Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.

(m) Licensing and regulating the operation of pedicabs for hire, as defined in Section 467.5, and operators of pedicabs for hire, including requiring one or more of the following documents:

(1) A valid California driver's license.

(2) Proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority.

(3) A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that they are, or intend to become, a pedicab operator and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the examination bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

(n) (1) This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize

a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.

(2) This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.

(o) (1) Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period.

(2) Paragraph (1) does not apply to any of the following:

(A) Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer, as defined in Section 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 1.2. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

(a) Regulating or prohibiting a procession or assemblage on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers, or other government employees if they are enforcing a nonmoving or equipment violation provided in this code.

(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scene of an accident or disaster, or at a location that may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of

traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if they reasonably determine that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.

(f) Regulating traffic at the site of road or street construction or maintenance by a person authorized for that duty by the local authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks.

(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

(k) Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).

(l) Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.

(m) Licensing and regulating the operation of pedicabs for hire, as defined in Section 467.5, and operators of pedicabs for hire, including requiring one or more of the following documents:

(1) A valid California driver's license.

(2) Proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority.

(3) A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that they are or that they intend to become, a pedicab operator and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the examination bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

(n) (1) This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.

(2) This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.

(3) This section does not preclude a county, city, municipality, or any other local authority from enforcing a nonmoving or equipment violation provided in this code through government employees who are not peace officers.

(o) (1) Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period.

(2) Paragraph (1) does not apply to any of the following:

(A) Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.



(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer, as defined in Section 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 1.3. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding all of the following matters:

(a) Regulating or prohibiting a procession or assemblage on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers, or other government employees if they are enforcing a nonmoving or equipment violation provided in this code.

(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

(e) (1) Regulating traffic by means of a person given temporary or permanent appointment for that duty by the local authority when official traffic control devices are disabled or otherwise inoperable, at the scene of an accident or disaster, or at a location that may require traffic direction for orderly traffic flow.

(2) A person shall not be appointed pursuant to this subdivision unless and until the local authority has submitted to the commissioner or to the chief law enforcement officer exercising jurisdiction in the enforcement of traffic laws within the area in which the person is to perform the duty, for review, a proposed program of instruction for the training of a person for that duty and unless and until the commissioner or other chief law enforcement officer approves the proposed program. The commissioner or other chief law enforcement officer shall approve a proposed program if they reasonably determine that the program will provide sufficient training for persons assigned to perform the duty described in this subdivision.

(f) Regulating traffic at the site of road or street construction or maintenance by a person authorized for that duty by the local authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) (1) Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks.

(2) (A) Notwithstanding paragraph (1), until January 1, 2031, a local authority shall not prohibit the operation of a bicycle on a sidewalk adjacent to a highway or corridor that does not include a Class I, Class II, or Class IV bikeway, as defined in Section 890.4 of the Streets and Highways Code, except in any of the following circumstances:

(i) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk within a business activity district that includes findings demonstrating the operation of a bicycle on a sidewalk within the business activity district is unsafe given pedestrian traffic conditions.

(ii) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk adjacent to a street with a posted speed limit not exceeding 20 miles per hour.

(iii) A local authority enacts an ordinance prohibiting the operation of a bicycle on a sidewalk at a speed or in a manner that is not reasonable or endangers the safety of persons or property.

(iv) A local authority enacts an ordinance that requires a person riding a bicycle upon a sidewalk to yield the right-of-way to any pedestrian, and to yield the right-of-way to any other vehicle upon entering a roadway or driveway from a sidewalk.

(v) A local authority enacts an ordinance that prohibits the operation of an electric bicycle, as defined in Section 312.5, on a sidewalk.

(B) (i) The Commissioner of the California Highway Patrol shall submit a report to the Legislature, on or before January 1, 2029, about the effects of bicycles operating under subparagraph (A). The report shall include, but not be limited to, information about statewide injury and fatal traffic crash data and any associated traffic- or pedestrian-related safety issues, including, but not limited to, a detailed analysis of bicycle collisions, including collisions with pedestrians, and all of the following issues:

(I) Changes in the frequency of collisions.

(II) Changes in the severity of collisions.

(III) Causes of, and contributing factors in, collisions.

(IV) Location of collisions, including an analysis of collision data.

(V) Time of day of collisions.

(VI) Ages of bicyclists involved, including a breakdown of minors versus adults.

(VII) Types of bicycles involved in collisions, specifically differences between traditional bicycles and electric bicycles.

(ii) The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

(k) Regulating or authorizing the removal by peace officers of vehicles unlawfully parked in a fire lane, as described in Section 22500.1, on private property. A removal pursuant to this subdivision shall be consistent, to the extent possible, with the procedures for removal and storage set forth in Chapter 10 (commencing with Section 22650).

(l) Regulating mobile billboard advertising displays, as defined in Section 395.5, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display, civil penalties, and misdemeanor criminal penalties for a violation of the ordinance or resolution. The ordinance or resolution may establish a minimum distance that a mobile billboard advertising display shall be moved after a specified time period.

(m) Licensing and regulating the operation of pedicabs for hire, as defined in Section 467.5, and operators of pedicabs for hire, including requiring one or more of the following documents:

(1) A valid California driver's license.

(2) Proof of successful completion of a bicycle safety training course certified by the League of American Bicyclists or an equivalent organization as determined by the local authority.

(3) A valid California identification card and proof of successful completion of the written portion of the California driver's license examination administered by the department. The department shall administer, without charging a fee, the original driver's license written examination on traffic laws and signs to a person who states that they are or that they intend to become, a pedicab operator and who holds a valid California identification card or has successfully completed an application for a California identification card. If the person achieves a passing score on the examination, the department shall issue a certificate of successful completion of the examination bearing the person's name and identification card number. The certificate shall not serve in lieu of successful completion of the required examination administered as part of any subsequent application for a driver's license. The department is not required to enter the results of the examination into the computerized record of the person's identification card or otherwise retain a record of the examination or results.

(n) (1) This section does not authorize a local authority to enact or enforce an ordinance or resolution that establishes a violation if a violation for the same or similar conduct is provided in this code, nor does it authorize

a local authority to enact or enforce an ordinance or resolution that assesses a fine, penalty, assessment, or fee for a violation if a fine, penalty, assessment, or fee for a violation involving the same or similar conduct is provided in this code.

(2) This section does not preclude a local authority from enacting parking ordinances pursuant to existing authority in Chapter 9 (commencing with Section 22500) of Division 11.

(3) This section does not preclude a county, city, municipality, or any other local authority from enforcing a nonmoving or equipment violation provided in this code through government employees who are not peace officers.

(o) (1) Regulating advertising signs on motor vehicles parked or left standing upon a public street. The ordinance or resolution may establish a minimum distance that the advertising sign shall be moved after a specified time period.

(2) Paragraph (1) does not apply to any of the following:

(A) Advertising signs that are permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

(B) If the license plate frame is installed in compliance with Section 5201, paper advertisements issued by a dealer contained within that license plate frame or any advertisements on that license plate frame.

(3) As used in paragraph (2), “permanently affixed” means any of the following:

(A) Painted directly on the body of a motor vehicle.

(B) Applied as a decal on the body of a motor vehicle.

(C) Placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer, as defined in Section 672, and licensed pursuant to Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

SEC. 2. Section 24008 of the Vehicle Code is repealed.

SEC. 3. (a) Section 1.1 of this bill incorporates amendments to Section 21100 of the Vehicle Code proposed by both this bill and Assembly Bill 825. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 21100 of the Vehicle Code, and (3) Senate Bill 50 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 825, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 21100 of the Vehicle Code proposed by both this bill and Senate Bill 50. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 21100 of the Vehicle Code, (3) Assembly Bill 825 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate

Bill 50, in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates amendments to Section 21100 of the Vehicle Code proposed by this bill, Assembly Bill 825, and Senate Bill 50. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2024, (2) all three bills amend Section 21100 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 825 and Senate Bill 50, in which case Sections 1, 1.1, and 1.2 of this bill shall not become operative.

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**CONCURRENCE IN SENATE AMENDMENTS**

AB 436 (Alvarez, et al.)

As Amended September 11, 2023

Majority vote

**SUMMARY**

Repeals the authority for local authorities to regulate cruising and repeals a provision prohibiting the operation of a vehicle that has been modified from the original design so that any portion of the vehicle has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway.

**Senate Amendments**

Add chaptering out amendments with SB 50 (Bradford) and AB 825 (Bryan), both of the current legislative session.

**COMMENTS**

Cities across California began to enact bans on cruising starting in the 1970s during the oil embargo. In 1974, Los Angeles started taking actions against cruising by banning parking on the San Fernando Valley's Van Nuys Boulevard and turning it into a one-way street. The following summer 15,000 people converged on Van Nuys Boulevard to protest the police actions.

In 1982, the California Legislature authorized cities to pass ordinances prohibiting cruising, declaring "the cruising of vehicles in business areas of cities and communities in this state for the purpose of socializing and assembling interferes with the conduct of business, wasted precious energy, resources, impedes the progress of general traffic and emergency vehicles, and promotes the generation of local concentrations of air pollution and undesirable noise levels."

This bill would repeal the authority given to local authorities to prohibit cruising in 1982. This bill would also remove a provision prohibiting a common modification made to cars used in cruising to have the vehicles ride low to the ground, often referred to as "low riding." That provision is meant to prohibit a modification to vehicles that could result in the vehicle losing control as a result of a tire failure, which would cause the vehicle's frame from striking the pavement before the wheel.

"Candy paint jobs with glimmering specks of metallic. Custom upholstery of magenta velvet. Bouncing hydraulics cruising low and slow. The names 'Purple Rain' and 'Erotic City' gleaming from the lacquered frames." According to Smithsonian Magazine, these are the words that could only describe the famous lowriders belonging to L.A.'s Chicano community.

Cruising in lowriders has been an important subculture in California for decades, popularized by Chicano communities after World War II as the "hot rod" trend began to sweep the country. Lowriders are customized cars with lowered bodies, often painted in colorful designs that are often fitted with hydraulics to allow height adjustable suspension. Lowriders are displayed in events involving cars slowly moving down a street in a repetitive manner, referred to as cruising. Lowriders have taken on a political function, with cruising events serving as fundraisers for the United Farm Workers Labor Union, political fundraisers, COVID-19 vaccine drives, and participating in the census.

Cruising became popularized nationally after the release of *American Graffiti*, the breakout film for George Lucas and Harrison Ford. *American Graffiti*, released in 1973, was a coming of age comedy-drama set in 1960s Modesto, California featuring a group of friends cruising the streets before heading off to college. The film went on to be nominated for an Oscar for "best film", and has been recognized by the Library of Congress as a film for preservation in the National Film Registry. It remains one of the most profitable movies ever made, grossing \$200 million on a less than a \$1 million budget. The summer after the movie came out, San Rafael's main street was clogged with cars seeking to reenact the movie's cruising scenes, but was subsequently shut down by police.

When Modesto enacted its cruising ban in the 1990s, the *Modesto Bee* editorial page protested, arguing that cruising was the cities' claim to fame because of *American Graffiti*, and that "Generations of former young people remember cruising with nostalgia...Mainly, though, do we want police at blockades writing down license numbers and busting young people whose only crime is riding up and down?"

More recently, the lowrider community has been working with city officials to lift these bans. National City lifted its ban temporarily on May 6, 2022. Sacramento's city council unanimously lifted their ban on May 31, 2022. An estimated 175 vehicles participated in an event celebrating the lifting of the ban, with cars meeting at Sweetwater high School where students held mariachi performances and a bake sale. San Jose lifted their cruising ban in September of 2022.

In 2022, the California Legislature unanimously passed ACR 176 (Luz Rivas), Chapter 161, commemorating the history of cruising in California and encouraging law enforcement to work with local car clubs to conduct safe cruising events.

### **According to the Author**

"Cruising is part of culture for many multicultural communities, a way of expressing love for art, and bringing unity. Last year, the Legislature was clear that it supports and recognizes the history and culture of cruising. Since the 1980s, cities across that state began permitting these local bans. That was an unfair and targeting move. It is time that we repeal this local ordinances to allow multicultural communities to express their love for these amazing vehicles."

### **Arguments in Support**

According to the Sacramento Lowrider Commission, "The No Cruising laws are an application of the inequities and racial profiling of a car culture that is family oriented and in itself an expression of the vehicle owner's art on wheels. Ask the California Highway Patrol how often have they enforced the law on lowered vehicles and their response is 19 times since 1959. We asked the City and County of Sacramento law enforcement how many times have they enforced the no cruising law through their ordinance and the answer is "zero." Asking the same question to Modesto, San Francisco, Los Angeles, San Diego, Fresno, San Jose, Santa Rosa and others, the answer is the same, "zero." So why criminalize lowriders with a No Cruising and lowered vehicle laws if the need for the laws and ordinance does not exist.

Lowriders are known across the State to voluntarily contribute to civic duties and economic recovery within our recognized cities and counties as we organize food drives, toy drives, water drives, clothing drives, and school supply drives, feed the unhoused, bringing prosperity to businesses when there are car shows and cruises and we contribute to non-profit organizations through fundraisers in the areas of humanities and participating in social service organizations. Moving forward, stop the oppression on cruising and lowered vehicles."

**Arguments in Opposition**

According to PORAC, "We believe all the rationale used for the original laws banning cruising still holds true today. In addition, we have seen a host of associated crimes at similar events. These include, but are not limited to:

- 1) Narcotics activity
- 2) Driving under the influence
- 3) Violent assaults
- 4) Use/possession of firearms
- 5) Negative impact on normal business operations
- 6) Gang violence
- 7) Department of Motor Vehicles (DMV)/Court fraud in attempts to make purpose-built cars "street legal"

Associated criminal activity is rampant with our already vibrant Takeover/Sideshow meets, Park and Chills and Street Racing."

**FISCAL COMMENTS**

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**VOTES:****ASM TRANSPORTATION: 14-0-1**

**YES:** Friedman, Joe Patterson, Berman, Juan Carrillo, Davies, Gipson, Hart, Jackson, Lowenthal, Stephanie Nguyen, Sanchez, Wallis, Ward, Wicks

**ABS, ABST OR NV:** Kalra

**ASM LOCAL GOVERNMENT: 8-0-0**

**YES:** Aguiar-Curry, Flora, Boerner Horvath, Pacheco, Ramos, Robert Rivas, Waldron, Wilson

**ASM APPROPRIATIONS: 14-0-2**

**YES:** Holden, Megan Dahle, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Robert Rivas, Sanchez, Weber, Wilson

**ABS, ABST OR NV:** Bryan, Pellerin



**ASSEMBLY FLOOR: 79-0-1**

**YES:** Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

**ABS, ABST OR NV:** Jim Patterson

**UPDATED**

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