



REPORT TO THE LEGISLATURE

ASSEMBLY BILL 1960

VEHICLES: BASIC INSPECTION OF TERMINALS PROGRAM

**California Highway Patrol
October 2021**

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BASIC INSPECTION OF TERMINALS PROGRAM

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Introduction

Assembly Bill (AB) 1960 was introduced in February 2016 by Assembly Member Tom Lackey and signed into law by Governor Edmund G. Brown, Jr., on September 28, 2016, with an effective date of January 1, 2017. The intent of AB 1960 was to define an “agricultural vehicle” and exclude such vehicles from the Basic Inspection of Terminals (BIT) Program by amending Section 34501.12 of the California Vehicle Code (CVC) and adding Section 34500.6 CVC.

Section 34500.6 CVC defines an agricultural vehicle as a vehicle or combination of vehicles with a gross combination weight rating (GCWR) or a gross vehicle weight rating (GVWR) of 26,000 pounds (lbs.) or less if all of the following conditions are met:

- (1) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.
- (2) Is used exclusively in the conduct of agricultural operations when operating in commerce.
- (3) Is not used in the capacity of a for-hire carrier or for compensation.
- (4) The towing vehicle has a gross weight rating of 16,000 lbs. or less.
- (5) Is used solely in intrastate commerce.

Section 34501.12(a) CVC states, “Vehicles and the operation thereof, subject to this section, are those described in subdivision (a), (b), (e), (f), (g), (j), or (k) of Section 34500, except an agricultural vehicle as defined in Section 34500.6.”

Terminal inspections have been conducted by the California Highway Patrol (CHP) since 1965 as a tool to determine if motor carriers are complying with Motor Carrier Safety regulations, particularly regarding the legal requirement to maintain commercial motor vehicles according to a scheduled maintenance (preventive maintenance) program. The CHP's role is to determine whether carriers' maintenance and driver management practices are adequate to prevent crashes or mechanical breakdowns involving their vehicles. This is achieved through vehicle inspections, and inspections of maintenance and driver records, with an emphasis on ensuring such records are prepared and retained as required by law. The available data which is included in this report reflects the period of January 2016 through March 2021.

Assembly Bill 529 was signed by Governor Brown on October 3, 2013, which created the BIT Program. The BIT Program ensures the safe operation of regulated vehicles by motor carriers. Primarily, the intent of this program is to ensure truck terminals are inspected by CHP on a performance-based inspection selection system.

Analysis

Basic Inspection of Terminals Program

Table 1 depicts the number of BIT inspections conducted by CHP Motor Carrier Specialists. The volume of inspections completed is a direct function of staffing level fluctuations and inspection priorities determined by statute. Typically, schoolbus, passenger transportation, and initial hazardous-material carrier BIT inspections have priority over inspections of general commercial truck fleets. Controlled Substance and Alcohol Testing (CSAT) inspections are also given priority due to the inherent risks associated with driver impairment. Due to the time-consuming nature of legislatively mandated threshold inspections, motor carrier inspection personnel may not have the capacity to conduct non-threshold inspections on general commercial truck fleets. These thresholds include, but are not limited to driver fatigue, driver fitness, and vehicle maintenance.

Table 1: CHP BIT Inspections Completed

Year	Terminal Inspections Conducted	Vehicles Inspected	CSAT Inspections Conducted
2016 Truck	10,000	29,900	7,034
2016 Bus	7,165	55,300	3,404
2017 Truck	8,760	26,250	6,044
2017 Bus	5,710	43,300	2,711
2018 Truck	8,926	26,764	6,152
2018 Bus	5,706	44,076	2,719
2019 Truck	9,817	30,381	6,310
2019 Bus	5,522	42,999	2,630
2020 Truck	11,158	40,906	6,997
2020 Bus	4,700	41,622	2,207
Total	77,464	381,498	46,208

Source: California Highway Patrol Motor Carrier Safety Unit Data

Agricultural vehicles are not specifically required to be designated by special indicia or identifiers by any state agency. Motor Carrier Specialists conducting a terminal inspection pursuant to Section 34501.12 CVC are tasked with determining which vehicles are present at the time of inspection are exempt per Section 34500.6 CVC. Many carriers operate vehicles in a manner not included in the exemption due to nonexclusive agricultural use and, therefore, remain subject to BIT-inspection requirements. Exempted and nonexempted vehicles are difficult to separate during terminal inspections of these mixed fleets. For example, two otherwise identical flat-bed vehicles may be subject to, or exempt from, BIT inspections depending on their use, despite their similar appearances. Additionally, there is no statutory or regulatory requirement for motor carriers to report the acquisition and use of agricultural vehicles, nor any requirement compelling motor carriers to report when those exempted agricultural vehicles are involved in a crash. As a result, there is no reliable data available to analyze the safety impacts resulting from the exemption of agricultural vehicles from the BIT Program.

Federal Crash Data

Crash data reported to the Federal Motor Carrier Safety Administration (FMCSA) from the CHP Statewide Integrated Traffic Records System and SafetyNet Unit is maintained in the FMCSA Analysis and Information Online (A&I) database. A reportable truck crash must involve a truck (a vehicle with a GVWR or GCWR greater than 10,000 lbs.). The crash must result in at least one fatality, one injury where the person injured is taken to a medical facility for immediate medical attention, or one vehicle having been towed from the scene, as a result of disabling damage suffered in the crash. The towed vehicle need not be the truck involved in the crash.

Data collected from A&I shows crashes (as defined above) in California involving trucks with a GVWR or GCWR of 10,001-26,000 lbs. increased from 2017 to 2018 (Table 2). While there was a reduction in the number of crashes in 2019 and 2020, the 2020 numbers are still significantly higher than 2017. The 2021 crash data, which only represents truck crashes from January 1, 2021, through March 31, 2021, is on-pace to exceed 3,800 crashes by the end of the year. It is also of note that crashes involving trucks with the same GVWR or GCWR as agricultural vehicles, as defined in Section 34500.6 CVC, represent an average of 30 percent of the total reportable truck crashes annually.

Table 2: FMCSA Analysis and Information - California Truck Crash Data

Gross Vehicle Weight Rating or Gross Combined Weight Rating	Calendar Year (CY) 2017	CY 2018	CY 2019	CY 2020	CY 2021*
	# of Vehicles Involved	# of Vehicles Involved	# of Vehicles Involved	# of Vehicles Involved	# of Vehicles Involved
10,000 lbs. or Less	0	0	0	0	0
10,001 lbs. - 26,000 lbs.	3,525	4,142	4,126	3,703	962
Over 26,000 lbs.	8,931	9,329	9,142	8,213	2,221
Missing**	0	0	0	0	0
Total	12,456	13,471	13,268	11,916	3,183

Source: A&I Online - Motor Carrier Analysis and Information Resources Online (dot.gov)

*FMCSA Motor Carrier Management Information System data snapshot as of 07/30/2021, including crash records through 03/31/2021.

**Missing represents a reportable truck crash with no GVWR or GCWR indicated.

Table 3 shows the total number of fatal truck crashes which occurred in California involving trucks with a GVWR or GCWR of 10,001-26,000 lbs. since 2017. While the number of fatal crashes involving larger trucks was at a four-year low in 2020, fatal crashes for trucks with a GVWR or GCWR of 10,001-26,000 lbs. have gone up every year (except for 2018, which was only one less reported crash) from 2017 through 2020.

Table 3: FMCSA Analysis and Information - California Fatal Truck Crash Data

Gross Vehicle Weight Rating or Gross Combined Weight Rating	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021*
	# of Vehicles involved	# of Vehicles involved	# of Vehicles involved	# of Vehicles involved	# of Vehicles involved
10,000 lbs. or Less	0	0	0	0	0
10,001 lbs. - 26,000 lbs.	124	123	138	139	19
Over 26,000 lbs.	286	275	294	271	42
Missing**	0	0	0	0	0
Total	410	398	432	410	61

Source: A&I online - Motor Carrier Analysis and Information Resources Online (dot.gov)

*FMCSA Motor Carrier Management Information System data snapshot as of 07/30/2021, including crash records through 03/31/2021.

**Missing represents a reportable truck crash with no GVWR or GCWR indicated.

Conclusion

California crash data, reported by law enforcement to the FMCSA, indicates trucks of the same GVWR or GCWR as those exempted from the BIT Program by AB 1960 are involved in a significant number of crashes in California resulting in disabling vehicle damage, personal injury, and/or fatalities. However, in the absence of specific identifying information for those exempt agricultural vehicles or reports provided by motor carriers operating agricultural vehicles exempted from the BIT Program, it is not possible to determine the extent that those specific BIT-exempt vehicles contributed to California crash statistics and, in turn, comprehensively evaluate the safety impacts of AB 1960. Additionally, in consultation with the California Department of Motor Vehicles (DMV), it was determined the DMV does not track or otherwise identify BIT-exempt vehicles by body-type model, specific registration indicia, or via the Motor Carrier Property Permit program for the purpose of collecting statistical data needed for this one-time report to the Legislature.