

**Chapter 6: Continuing the Forty-Year Tradition of Golf Cart Usage in the City of La Verne**

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*Code Section Affected*

Streets and Highways Code § 1957 (amended).

AB 963 (Adams); 2008 STAT. Ch. 6.

I. INTRODUCTION

For over four decades, numerous organizations within the City of La Verne have used golf carts<sup>1</sup> without incident to maneuver around the city's narrow streets.<sup>2</sup> But when a member of the community was unable to pass a slow-moving golf cart while driving his car on a city street,<sup>3</sup> the practice garnered the attention of the La Verne City Council.<sup>4</sup> A council member in turn wrote an e-mail to the Chief of Police questioning the authority under which golf carts could be driven on city streets.<sup>5</sup> Acknowledging that the current practice was a violation of the California Vehicle Code, the Legislature enacted Chapter 6 to address the situation and grant temporary authority for the legal use of golf carts on the city streets.<sup>6</sup>

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1. A "golf cart" is defined as a motor vehicle, with at least three wheels, weighing less than 1,300 pounds and operating at or under twenty-five miles per hour. CAL. STS. & HIGH. CODE § 1951 (West 2005).

2. Letter from Charles E. Cable, President & CEO, Hillcrest Ret. Cmty., to Alan Lowenthal, Senator, Cal. State Senate (Mar. 4, 2008) [hereinafter Hillcrest Letter] (on file with the *McGeorge Law Review*); Letter from Stephen Morgan, President, Univ. of La Verne, to Anthony Adams, Assembly Member, Cal. State Assembly (Jan. 8, 2008) [hereinafter University Letter] (on file with the *McGeorge Law Review*); Letter from Scott Pickwith, Chief of Police, City of La Verne, to Pedro Nava, Assembly Member, Cal. State Assembly (Jan. 8, 2008) [hereinafter Police Letter] (on file with the *McGeorge Law Review*).

3. See SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 11, 2008) (stating that the complaint was filed because a "city-owned golf cart [was] blocking traffic on a city street").

4. Police Letter, *supra* note 2.

5. SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 11, 2008); see also E-mail from Scott Pickwith, Chief of Police, City of La Verne, to author (June 23, 2008, 10:25:00 PST) (on file with the *McGeorge Law Review*) ("The original communication with the council member came to me in the form of an email, not a formal letter. He questioned the use of unregistered maintenance carts and golf carts on public roadways by the University of La Verne.").

6. SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 11, 2008).

## II. BACKGROUND

### A. Existing Law

Existing law prohibits the use of golf carts on highways with speed limits over twenty-five miles per hour.<sup>7</sup> While individuals may use golf carts to travel on roads that are adjacent to golf courses,<sup>8</sup> a city must adopt a golf cart transportation plan (GCTP) before allowing golf carts on roads with regular vehicular traffic.<sup>9</sup>

Specifically, a GCTP must include: safe route selections, transportation interfacing, community involvement, long-range flexibility, necessary related facilities, parking facilities, and adequate safety and warning systems.<sup>10</sup> Before adopting a GCTP, the appropriate transportation planning agency must review the plan,<sup>11</sup> and any use of a state highway must be specially authorized.<sup>12</sup>

If a city adopts a GCTP, it must include in its plan: a “minimum design criteria for golf carts,”<sup>13</sup> a “minimum safety criteria for operators,”<sup>14</sup> a golf cart permit process,<sup>15</sup> and restrictions limiting golf cart operation to separated golf cart lanes.<sup>16</sup> A city with a GCTP must construct separated golf cart lanes<sup>17</sup> and erect adequate warning signs with appropriate symbols.<sup>18</sup> If necessary, a city may use its power of eminent domain to acquire property to establish the required separated golf cart lanes.<sup>19</sup>

An exemption from the requirement of separated golf cart lanes applies to residential districts<sup>20</sup> that have less than 50,000 residents and are geographically larger than twenty square miles.<sup>21</sup> Additionally, there must be at least twenty golf

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7. CAL. VEH. CODE § 21716 (West Supp. 2008) (“[E]xcept as provided in Section 21115.1 and Chapter 6 (commencing with Section 1950) of Division 2.5 of the Streets and Highways Code.”).

8. *Id.* § 21115 (West 2000).

9. See CAL. STS. & HIGH. CODE § 1953 (West 2005) (“A city or county may, by ordinance or resolution, adopt a golf cart transportation plan.”).

10. See *id.* § 1955(a)-(f). Furthermore, the route must not adversely impact traffic safety and must take into account “the travel needs of commuters and other users.” *Id.* § 1955(a).

11. *Id.* § 1953.

12. *Id.*

13. *Id.* § 1961(a). The design must include “headlights, turn signals, safety devices, mirrors, brake lights, windshields, and other devices” such as seatbelts or covered passenger compartments. *Id.*

14. *Id.* § 1961(c) (including maintenance and safety requirements).

15. *Id.* § 1961(b) (requiring satisfaction of minimum design criteria).

16. *Id.* § 1961(d) (including a fine, not to exceed one hundred dollars, for violation of such restrictions).

17. *Id.* § 1957(a)(1).

18. *Id.* § 1957(a)(2) (including signs for traffic control, dangerous conditions, right-of-way, signifying golf cart presence).

19. *Id.* § 1959(a).

20. A “residence district” is a portion of highway and property that meets a specified ratio of separate dwellings/business structures to the length of highway. CAL. VEH. CODE § 515 (West 2000).

21. CAL. STS. & HIGH. CODE § 1957(b).

courses within the residential district, and a speed limit of twenty-five miles per hour or less.<sup>22</sup>

Alternatively, low-speed vehicles<sup>23</sup> can be driven on roads with speed limits up to thirty-five miles per hour without the adoption of a GCTP or separated golf cart lanes.<sup>24</sup> Low-speed vehicles are subject to all federal Motor Vehicle Safety Standards.<sup>25</sup>

*B. The City of La Verne: Why Is It Unique?*

Under existing law, the City of La Verne is not eligible for an exemption from the separate golf cart lane requirement because the City does not meet the geographical size requirement of more than twenty square miles.<sup>26</sup> Therefore, the City must construct separated golf cart lanes if it wants to continue allowing use of golf carts on its streets.<sup>27</sup> However, construction of the lanes is infeasible and cost prohibitive due to the physical limitations of the streets.<sup>28</sup> Furthermore, street-legal vehicles are incapable of passing through some of the smaller passageways that golf carts can easily maneuver, thus making the golf carts a necessity.<sup>29</sup>

*C. Prior Legislation: AB 1244 (Vetoed)*

Last year, Assembly Member Anthony Adams introduced AB 1244, which, as enrolled, was very similar to Chapter 6.<sup>30</sup> Adams initially drafted AB 1244 to amend section 21115 of the California Vehicle Code,<sup>31</sup> which allows a city to “designate the highway or portion” thereof to combined usage if such a highway is “adjacent to, or provides access to, a golf course.”<sup>32</sup> AB 1244 sought to allow golf cart usage “associated with the maintenance and security of a college,

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22. *Id.*

23. A “low-speed vehicle” is a motor vehicle, with four wheels, weighing not more than 1,800 pounds that can achieve a speed of twenty to twenty-five miles per hour. CAL. VEH. CODE § 385.5.

24. *Id.* § 21260.

25. *Id.* § 21253.

26. See L.A. Almanac, City of La Verne, <http://www.laalmanac.com/cities/ci43.htm> (last visited May 31, 2008) (on file with the *McGeorge Law Review*) (stating that the geographical size of the City of La Verne is 7.8 square miles).

27. CAL. STS. & HIGH. CODE § 1957(a)(1).

28. Letter from Jack Christy, Dir. of Pub. Policy, Aging Servs. of Cal., to Alan Lowenthal, Senator, Cal. State Senate (Mar. 3, 2008) (on file with the *McGeorge Law Review*).

29. SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 4 (Mar. 13, 2008); Hillcrest Letter, *supra* note 2; University Letter, *supra* note 2; Police Letter, *supra* note 2.

30. See AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as enrolled on Sept. 10, 2007, but not enacted) (seeking to establish standards similar to those of Chapter 6).

31. See AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as introduced on Feb. 23, 2007, but not enacted) (seeking to amend the California Vehicle Code).

32. CAL. VEH. CODE § 21115(a) (“[It must] safely permit the use of regular vehicular traffic and also the driving of golf carts.”).

university, or retirement community campus.”<sup>33</sup> However, in response to concerns regarding the creation of a permanent exemption from the requirement of adopting a GCTP for the City of La Verne,<sup>34</sup> the Assembly amended AB 1244 twice, first as an act to add section 21115.3 (rather than amend section 21115), and then as an act to later repeal itself.<sup>35</sup> The automatic sunset date would ensure the exemption did not continue past January 1, 2011, but still gave the City of La Verne ample time “to develop an official golf cart use plan.”<sup>36</sup>

Additionally, while AB 1244 was in the Senate Transportation and Housing Committee, concerns arose about setting a precedent by which other cities could seek special legislation rather than adopting a GCTP.<sup>37</sup> Therefore, the Legislature amended AB 1244 to add a limited exception to section 1957 of the California Streets and Highways Code, rather than adding section 21115.3 to the Vehicle Code, which would have applied to all cities within the state, not only La Verne.<sup>38</sup>

The final amended version of AB 1244 included an exemption from the requirement of having separate golf cart lanes for certain streets in the City of La Verne,<sup>39</sup> but did not include a requirement that an appropriate law enforcement agency approve such streets.<sup>40</sup> After AB 1244 passed through both the Assembly and the Senate without a single “NO” vote, Governor Schwarzenegger vetoed it.<sup>41</sup> The Governor voiced concern that AB 1244 circumvented the requirement of development by a traffic engineer.<sup>42</sup> Additionally, the Governor indicated a need to establish minimum standards for determining when separated golf cart lanes

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33. ASSEMBLY COMMITTEE ON TRANSPORTATION, COMMITTEE ANALYSIS OF AB 1244, at 2 (Apr. 16, 2007).

34. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 1244, at 2 (May 2, 2007). “It will always be dangerous for low-power and low-speed golf carts to cross and drive upon a main thoroughfare used by regular motor vehicles and commercial vehicles. . . . If a permanent exemption is provided . . . and a serious accident does occur, both the city and the state would bear responsibility.” *Id.*

35. *See* AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as amended on Apr. 24, 2007, but not enacted) (adding Section 21115.3 to the Vehicle Code); AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as amended on May 7, 2007, but not enacted) (amending AB 1244 to automatically repeal Section 21115.3 of the Vehicle Code on Jan. 1, 2011).

36. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 1244, at 2 (May 2, 2007).

37. *See* SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 1244, at 5 (July 10, 2007) (“While this bill is written to apply to just the City of La Verne, its enactment could set a precedent under which other cities seek special legislation on golf carts.”).

38. AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as amended on July 12, 2007, but not enacted).

39. AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as enrolled on Sept. 10, 2007, but not enacted).

40. *Compare* AB 1244, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as enrolled on Sept. 10, 2007, but not enacted), with CAL. STS. & HIGH. CODE § 1957(b) (amended by Chapter 6) (requiring law enforcement approval).

41. SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 2 (Mar. 13, 2008) (“The Governor vetoed AB 1244 due to concerns about the safety of mixing motor vehicle traffic and golf carts in the same travel lanes.”).

42. Veto Message from Arnold Schwarzenegger, Governor, Cal. State, to Cal. State Assembly Members (Oct. 10, 2007) [hereinafter Schwarzenegger Veto Message] (on file with the *McGeorge Law Review*) (describing reasons for vetoing AB 1244).

are needed.<sup>43</sup> As a result, the Legislature introduced Chapter 6, keeping the basic language of AB 1244 in place, but expounding the secondary requirements and addressing all of the Governor's concerns.<sup>44</sup>

### III. CHAPTER 6

Chapter 6 exempts La Verne from having to construct separated golf cart lanes as generally required under a GCTP.<sup>45</sup>

#### A. *Threshold Requirements*

Under Chapter 6, the City of La Verne must make two initial findings before a street can qualify for the exemption.<sup>46</sup> First, the city council must find that it is safe to simultaneously allow the operation of "regular vehicular" and golf cart traffic.<sup>47</sup> Second, the city council must find that it is spatially infeasible to add separated golf-cart lanes due to physical limitations.<sup>48</sup>

#### B. *Additional Requirements*

Chapter 6 imposes additional qualifying requirements on La Verne's street segments. The segment must have a speed limit no greater than twenty-five miles per hour,<sup>49</sup> "be immediately adjacent to or surrounded by the campus of a university or a retirement community,"<sup>50</sup> provide either direct access to otherwise inaccessible portions of the university or retirement community or indirect access by connecting separated portions of the campus or retirement community,<sup>51</sup> and be approved by the law enforcement agency with jurisdiction over the highway or street segment.<sup>52</sup>

Also, Chapter 6 limits the types of golf carts<sup>53</sup> that can be used on a street or highway segment.<sup>54</sup> They must be fully equipped with a windshield, headlights,

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43. *Id.*

44. See SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 13, 2008) ("The author . . . worked with the California Highway Patrol to address the[] concerns . . .").

45. CAL. STS. & HIGH. CODE § 1957 (b)(2) (amended by Chapter 6).

46. *Id.* § 1957(b)(2)(A) (amended by Chapter 6).

47. *Id.*

48. *Id.*

49. *Id.* § 1957(b)(2)(A)(i) (amended by Chapter 6).

50. *Id.* § 1957(b)(2)(A)(ii) (amended by Chapter 6).

51. *Id.* § 1957(b)(2)(A)(iii) (amended by Chapter 6).

52. *Id.* § 1957(b)(2)(A)(iv) (amended by Chapter 6).

53. *Id.* § 1957(b)(2)(B) (amended by Chapter 6) ("'[G]olf cart' includes, but is not limited to, a utility style golf cart, used for transporting maintenance equipment, and a shuttle style golf cart.").

54. *Id.* § 1957(b)(2)(A)(vi)-(vii) (amended by Chapter 6).

brake lights, and seatbelts,<sup>55</sup> must be owned by the university or retirement community,<sup>56</sup> and can only be used by employees for maintenance or security purposes while acting within the scope of their employment.<sup>57</sup>

Finally, under Chapter 6, the use of golf carts on the street segments must not “adversely impact[] traffic safety or the travel needs of commuters and other users.”<sup>58</sup>

### C. Legislative Intent

The Legislature intended to allow organizations using golf carts within the City of La Verne time to convert to safer low-speed vehicles.<sup>59</sup> As a result, Chapter 6 has an automatic sunset date of January 1, 2016.<sup>60</sup>

## IV. ANALYSIS OF CHAPTER 6

Chapter 6 addresses the inconsistency in existing law and the City of La Verne’s current practice of allowing the use of golf carts on public highways without separated golf cart lanes.<sup>61</sup> Chapter 6 allows continued use of golf carts in order to meet the City of La Verne’s unique need to maneuver through narrow streets and passageways.<sup>62</sup>

Chapter 6’s supporters argue that golf carts provide an earth-friendly alternative to normal maintenance and security vehicles.<sup>63</sup> Additionally, because no golf cart accidents have occurred on the public streets,<sup>64</sup> they provide a safe form of transportation. While Chapter 6 does provide for an exemption from the requirement of separated golf cart lanes, the Legislature considered overall motor vehicle safety as an important goal and, thus, the exemption is only temporary.<sup>65</sup> By providing an automatic sunset date, Chapter 6 allows the City of La Verne time to convert from golf carts to low-speed vehicles.<sup>66</sup> Low-speed vehicles satisfy the provisions of the Vehicle Code and are therefore better equipped to

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55. *Id.* § 1957(b)(2)(A)(vi) (amended by Chapter 6).

56. *Id.*

57. *Id.* § 1957(b)(2)(A)(vii) (amended by Chapter 6).

58. *Id.* § 1957(b)(2)(A)(v) (amended by Chapter 6) (“[S]afety determination [to be] made by a traffic engineer.”).

59. 2008 Cal. Stat. ch. 6, § 1.

60. *See id.* (stating that the sunset date should not be extended).

61. SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 4 (Mar. 13, 2008).

62. *Id.*

63. *See* ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 28, 2008) (“[G]olf carts. . . produc[e] greater air quality benefits.”).

64. SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 11, 2008).

65. *See id.* (“[D]iffering speeds among vehicles on a road is a leading cause of motor vehicle accidents,” also, golf carts lack “basic safety equipment.”).

66. 2008 Cal. Stat. ch. 6, § 1.

share the road with regular vehicular traffic.<sup>67</sup>

A. *Overcoming the Governor's Veto*

Chapter 6 temporarily extends the current exemption from required separated golf cart lanes to include certain streets within the City of La Verne.<sup>68</sup> Due to the Governor's veto of AB 1244 during the prior session, Chapter 6's supporters have worked with the California Highway Patrol and Caltrans to ensure that "all safety and engineering concerns were adequately addressed."<sup>69</sup>

Chapter 6 includes two threshold requirements to ensure that the GCTP exemption from separated golf cart lanes will only apply when it is absolutely necessary and safe to do so.<sup>70</sup> The remaining seven requirements<sup>71</sup> specifically address the Governor's original concern that AB 1244 provided a means to sidestep the existing GCTP requirement of using a traffic engineer's "minimum design standard"<sup>72</sup> to determine when separated golf cart lanes are needed.<sup>73</sup> Specifically, Chapter 6 requires an "engineering and traffic survey" to confirm the highways speed limit is below twenty-five miles per hour,<sup>74</sup> and an appropriate law enforcement agency must then approve the exemption.<sup>75</sup> These provisions ensure that the process still utilizes a traffic engineer.<sup>76</sup> Likewise, the limitations on the types of applicable golf carts<sup>77</sup> and restrictions on operators<sup>78</sup>

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67. See SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 2 (Mar. 13, 2008) ("Low-speed vehicles may be registered with DMV and are permitted on public streets and highways with speed limits up to 35 MPH.").

68. CAL. STS. & HIGH. CODE § 1957(b)(2) (amended by Chapter 6).

69. Letter from Jon Blickenstaff, Mayor, City of La Verne, to Arnold Schwarzenegger, Governor, Cal. State (Apr. 7, 2008) (on file with the *McGeorge Law Review*); see also, e.g., Letter from Anthony Adams, Assembly Member, Cal. State Assembly, to Arnold Schwarzenegger, Governor, Cal. State (Apr. 2, 2008) (on file with the *McGeorge Law Review*) ("AB 963 passed through the Assembly and the Senate without a single NO vote and no opposition.").

70. CAL. STS. & HIGH. CODE § 1957(b)(2)(A) (amended by Chapter 6) (requiring (1) that both regular vehicular traffic and golf cart traffic can safely occur simultaneously therefore ensuring safety and (2) that golf cart lanes are physically infeasible therefore ensuring that when possible separated golf cart lanes are constructed as normally required).

71. See *id.* § 1957(b)(2)(A)(i)-(vii) (including having a speed limit of twenty-five miles per hour or less, being adjacent to retirement or university community, being approved by appropriate law enforcement agency, etc.).

72. Schwarzenegger Veto Message, *supra* note 42.

73. See SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 4 (Mar. 11, 2008) (stating that concerns of the California Highway Patrol were addressed in March 3, 2008 amendment to AB 963); AB 963, 2007 Leg., 2007-2008 Sess. (Cal. 2007) (as amended on Mar. 3, 2008) (adding subsections (i)-(vii)).

74. CAL. STS. & HIGH. CODE § 1957(b)(2)(A)(i) (amended by Chapter 6).

75. *Id.* § 1957(b)(2)(A)(iv) (law enforcement agency must have "primary traffic jurisdiction over the street or highway segments").

76. See *id.* § 1957(b)(2)(A)(v) ("[S]afety determination [to be] made by a traffic engineer.").

77. *Id.* § 1957(b)(2)(A)(vi).

78. *Id.* § 1957(b)(2)(A)(vii).

further ensure that the exemption will only apply in limited situations, thereby minimizing the deviation from the GCTP requirements.<sup>79</sup>

*B. Satisfying the Legislative Intent*

By setting an automatic sunset date of January 1, 2016, the Legislature set a clear timeline for the City of La Verne to find an alternative solution to its current use of golf carts.<sup>80</sup> The Legislature intended to ensure that all vehicles driven on public roadways “meet all applicable Federal Motor Vehicle Safety Standards.”<sup>81</sup> Because golf carts are not registered with the Department of Motor Vehicles (DMV), they are generally barred from operation on public streets and highways.<sup>82</sup> However, safer low-speed vehicles can be registered and thus are permitted on public streets and highways.<sup>83</sup> Consequently, the Legislature intended to allow organizations within the City of La Verne time to convert from DMV non-registered golf carts to DMV registered low-speed vehicles, thereby meeting Federal Motor Vehicle Safety Standards.<sup>84</sup>

V. CONCLUSION

Chapter 6 expands current law to allow the City of La Verne to continue using golf carts on its city streets without requiring separated golf cart lanes.<sup>85</sup> The Legislature recognized that La Verne is in a unique situation.<sup>86</sup> As a result, it provided the city with time to convert its fleet of golf carts to safer and legal low-speed vehicles.<sup>87</sup> By working with the California Highway Patrol and Caltrans, Chapter 6 alleviates the Governor’s concerns and ensures traffic safety for golf cart users and regular vehicular traffic alike.<sup>88</sup> Unfortunately for the citizen who initially complained, golf carts are there to stay in La Verne, at least until January 1, 2016.

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79. See SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963 (Mar. 11, 2008) (stating specific requirements the City must meet for exemption).

80. See *id.* at 3.

81. 2008 Cal. Stat. ch. 6, § 1.

82. SENATE FLOOR, COMMITTEE ANALYSIS OF AB 963, at 2 (Mar. 13, 2008).

83. *Id.*

84. 2008 Cal. Stat. ch. 6, § 1.

85. SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 1 (Mar. 11, 2008).

86. 2008 Cal. Stat. ch. 6, § 3.

87. SENATE COMMITTEE ON TRANSPORTATION AND HOUSING, COMMITTEE ANALYSIS OF AB 963, at 3 (Mar. 11, 2008).

88. *Id.* at 4.