

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 27-28, 2012

Reference No.: 4.1  
Action

From: BIMLA G. RHINEHART  
Executive Director

Subject: **STATE AND FEDERAL LEGISLATION**

## **ISSUE:**

June 1, 2012 was the last day for bills to pass their house of origin. Of the 28 bills that met the criteria approved by the Commission that direct staff on bills that were to be brought forward to the Commission for consideration, 22 bills were passed by the respective house. The attachment to this book item provides the status of the bills staff is monitoring.

## **RECOMMENDATION:**

The Commission is requested to provide direction to staff on legislation of interest to it.

## **BACKGROUND:**

The Commission approved criteria to guide Commission staff in monitoring legislation and selecting bills that should be brought forward for Commission consideration. An over-arching criterion is that a bill must directly affect transportation on a statewide basis. Bills meeting one or more of the criteria, provided below, will be brought forward to the Commission for consideration.

- Funding/Financing - funding or a funding mechanism for transportation (capital and operations)
- Environmental Mitigation - implementation of green house gas emissions reduction and transportation (e.g., AB 32), and/or involve the environmental process and transportation (e.g., CEQA)
- Planning - implementation of transportation and land use and planning (e.g., SB 375)
- Project Delivery - changes to the way transportation projects are delivered

Additional criteria for bringing a bill forward include:

- Direct Impact to Commission - changes in Commission responsibility, policy impact or operations
- Commissioner Request - recommended by a Commissioner for consideration by the Commission at its next regularly scheduled meeting

The Commission adopted policy to consider legislation in relation to its overall policy by topic area, prior to taking a position on legislation addressing that topic; and remain selective in its use of watch, support or opposition on a bill. The rationale for a policy by topic area is it permits the Commission to address a suite of legislative proposals dealing with the same topic by commenting to the author(s) without necessarily taking a position. Rather than taking specific positions on bills in their initial state, the Commission can advise the Legislature on a bill's policy and/or technical aspects, as well as how it helps or hinders transportation. The intent of the Commission's comments is to alert the author of the bill's impact on a policy and/or technical aspect related to transportation planning, programming, financing, mitigation, or project delivery.

Further direction will be provided to staff, by the Chair, on bills that meet the aforementioned criteria.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION  
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**FUNDING/FINANCING**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 1229	Feuer	California Transportation Financing Authority Fund: subsidies: local agency revenue bonds	Provides the term eligible transportation project in existing law may include projects programmed by a regional transportation planning agency using specified federal funds. Authorizes a minimum percentage of bonding capacity of GARVEE bonds from being made available for these projects. Requires such agency to commit to repaying the state for debt service if that agency's share of federal regional surface transportation program funds or federal congestion mitigation and air quality funds is insufficient.	<p><b>Last Action</b> In Senate Committee on Appropriations Held in Committee August 25, 2011</p> <p><b>Current Location</b> Senate Committee on Appropriations</p>	
AB 1770	Lowenthal B.	California Transportation Financing Authority	The bill provides that a rail project may consist of, or include, rolling stock for the purpose of the issuance of bonds to fund transportation projects. Requires a project to be supplemental to or improve existing facilities currently owned or operated by the project sponsor. (Urgency)	<p><b>Last Action</b> In Senate Read first time Referred to Committee May 17, 2012</p> <p><b>Current Location</b> Senate Committee on Transportation and Housing <b>Hearing Scheduled</b> June 19, 2012</p>	
ACA 23	Perea	Local government transportation projects: special taxes: voter approval	This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.	<p><b>Last Action</b> Introduced February 23, 2012</p> <p><b>Current Location</b> Assembly Committee on Local Government <b>Hearing Scheduled</b> June 27, 2012</p>	<b>Support</b>
SB 633	Huff	Bond: Fine for Unauthorized Use	Amends the State General Obligation Bond Law. Provides that if the Department of Finance determines that funds from a bond act are expended for a purpose not authorized by the bond act, and the entity responsible for the funds does not take the corrective action prescribed by the department within a time to be determined by the department, then the Department of Finance may prohibit the entity that was responsible for the unauthorized use from allocating any additional funds from the bond act.	<p><b>Last Action</b> In Assembly To Committee April 26, 2012</p> <p><b>Current Location</b> Assembly Committee on Business, Professions and Consumer Protection <b>Hearing Scheduled</b> June 19, 2012</p>	

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**FUNDING/FINANCING (Continued)**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
SB 907	Evans	Master Plan for Infrastructure Financing and Development Commission	Would create the Master Plan for Infrastructure Financing and Development Commission, consisting of specified members, and would require the commission to prepare and submit a strategy and plan for infrastructure development in California that meets certain criteria to the Legislature and the Governor by December 1, 2013. This bill would provide that the commission would dissolve 30 days after submission of its final report. This bill would repeal these provisions upon the dissolution of the commission. Would provide that these provisions become operative only if the funds required to support the commission are appropriated and made available in the annual Budget Act.	<p><b>Last Action</b> In Assembly Committee on Jobs, Economic Development and the Economy Hearing canceled at the request of author June 23, 2011</p> <p><b>Current Location</b> Assembly Committee on Jobs, Economic Development and the Economy</p>	
SB 1102	DeSaulnier	State Transportation Improvement Program	<p>This bill would require the Department of Transportation, <i>beginning not later than November 15, 2014</i>, as part of the annual project delivery report, to report on the difference between the original allocation made by the Commission and the actual construction capital and support costs at project close for all STIP projects completed during the previous fiscal year. Would revise provisions to require project costs to include right-of-way support costs. Would require the Commission to allocate funds for construction support costs for a project in the STIP at the time of allocation of funds for construction capital costs. Would require a supplemental project allocation request to be made for all interregional and regional projects that experience construction support costs equal to more than 120% of the amount originally allocated.</p> <p>Similar Bill: SB 1499 (Anderson, 2012) – See below</p>	<p><b>Last Action</b> In Assembly Read second time and amended Re-referred to Committee May 31, 2012</p> <p><b>Current Location</b> Assembly Committee on Transportation <b>Hearing Scheduled</b> June 11, 2012</p>	<b>Support</b>
<u>SB 1189</u>	Hancock	The Safe, Reliable High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century: project funding	Existing law requires the Commission to allocate those funds to eligible recipients, as defined, and to develop guidelines to implement those provisions. This bill would appropriate \$523,400,000 from the High-Speed Passenger Train Bond Fund to the Department of Transportation for allocation by the Commission as provided for in specified guidelines adopted by the Commission.	Did not pass out of house of origin by June 1 Bill dies	
<u>SB 1396</u>	Dutton	Sales and Use Taxes: excise taxes: fuel	Would require the State Board of Equalization to reduce, but not increase, certain excise tax rates on gasoline and diesel fuels to maintain revenue neutrality.	Did not pass out of house of origin by June 1 Bill dies	

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**FUNDING/FINANCING (Continued)**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
<u>SB 1499</u>	Anderson	California Transportation Commission: review of expenditures	<p>Would require the Commission to allocate funds for construction support costs for a project in the state transportation improvement program at the time of allocation of funds for construction capital costs. The bill would require a supplemental project allocation request to be made for all state transportation improvement program projects that experience construction support costs equal to or more than 120% of the amount originally allocated. The bill would also require the department, as part of the annual project delivery report, to report on the difference between the original allocation made by the Commission and the actual construction support costs at project close for each state transportation improvement program project completed during the previous fiscal year.</p> <p>Similar Bill: SB 1102 (DeSaulnier, 2012) – See above</p>	<p>Did not pass out of house of origin by June 1 Bill dies</p>	

**PROJECT DELIVERY**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 294	Portantino	Transportation Projects: Procurement	<p>Requires the Department of Transportation to use specified persons for highway projects. Authorizes the department to let contracts for the design and construction of not more than 5 transportation projects utilizing the design-sequencing method, and to use department employees or consultants under contract for these design services. Requires the department to compile data on the transportation projects awarded under these provisions and to include that information in a report to the Legislature.</p>	<p><i>Last Action</i> In Senate From third reading To inactive file September 2, 2011 <i>Current Location</i> Senate</p>	
AB 2498	Gordon	Department of Transportation: Construction Manager/General Contractor project method	<p>Would authorize Caltrans to engage in a Construction Manager/General Contractor project delivery method, as specified, for projects for the construction of a highway, bridge, or tunnel, would require the department to submit a report, as specified, no later than July 1 of each year during which any project using the Construction Manager/General Contractor method is underway and no later than July 1 of the year after any project using the Construction Manager/General Contractor method has been completed, and would require specified information to be verified under oath, thus imposing a state-mandated local program by expanding the scope of an existing crime.</p> <p>Similar Bill: SB 1549 (Vargas, 2012) – See below</p>	<p><i>Last Action</i> In Senate Read first time To Committee May 25, 2012 <i>Current Location</i> Senate Committee on Rules</p>	

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**PROJECT DELIVERY (Continued)**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
SB 1549	Vargas	Transportation projects: alternative project delivery methods	<p>This bill would allow the San Diego Association of Governments to utilize alternative project delivery methods, as defined, for public transit projects within its jurisdiction. The bill would require the San Diego Association of Governments to pay fees related to prevailing wage monitoring and enforcement into the State Public Works Enforcement Fund, a continuously appropriated fund, except as specified, and, thus, would make an appropriation. The bill would also, upon completion of a project, require a progress report to be submitted by the San Diego Association of Governments to its governing board and would require the report to be made available on its Internet Web site. This bill would require specified information to be verified under oath, thus imposing a state-mandated local program by expanding the scope of an existing crime. The bill would provide that its provisions are severable. This bill would make legislative findings and declarations as to the necessity of a special statute for San Diego regional transportation entities.</p> <p>Similar Bill: AB 2498 (Gordon, 2012) – See above</p>	<p><b>Last Action</b> In Assembly Read first time Held at desk May 31, 2012</p> <p><b>Current Location</b> Assembly</p>	

**DIRECT IMPACT TO COMMISSION**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 441	Monning	<u>State Transportation Planning</u>	<p>This bill would require <del>that the commission, by no later than 2014, include voluntary to attach a summary of the policies, practices, or projects that have been employed by metropolitan planning organizations that promote health and health equity factors, strategies, goals, and objectives in the to the commission's next revision of specified regional transportation planning guidelines promulgated by the commission for the preparation of regional transportation plans.</del></p>	<p><b>Last Action</b> In Senate Read second time and amended Re-referred to Committee June 4, 2012</p> <p><b>Current Location</b> Senate Committee on Transportation and Housing <b>Hearing Scheduled</b> June 12, 2012</p>	
AB 845	Ma	Transportation: Bond Funds	<p>Requires the guidelines adopted by the Commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables in the National Transit Database of the Federal Transit Administration. Requires the Commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds for bond fund allocation purposes.</p>	<p><b>Last Action</b> In Senate From third reading To inactive file August 22, 2011</p> <p><b>Current Location</b> Senate</p>	

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**DIRECT IMPACT TO COMMISSION (Continued)**

<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>	<b>CTC Adopted Position</b>
SB 103	Liu	State government: meetings	Authorizes a state body, to the extent practicable, to conduct teleconferencing meetings. Requires a state body to provide a supplemental live audio broadcast on the Internet Web site of its board meetings that are open to the public unless it is determined to be too costly. Prohibits teleconference meetings as a matter of convenience. Requires a body that operates an Internet Web site to provide a supplemental live audio or video broadcast on the Web site of board meetings open to the public.	<p><b>Last Action</b> In Assembly Committee on Appropriations Held in Committee and under submission August 25, 2011</p> <p><b>Current Location</b> Assembly Committee on Appropriations</p>	
SB 749	Steinberg	California Transportation Commission: guidelines	<p>Establishes specified procedures that the Commission will be required to utilize when it adopts guidelines regarding transportation capital improvement projects. Provides exceptions. Exempts the adoption of those guidelines from the requirements of the Administrative Procedure Act.</p> <p>Similar Bills: SB 1348 (Steinberg, 2010) – Vetoed by Governor on September 30, 2010 SB 126 (Steinberg, 2011) – Amended to relate to agriculture labor relations</p>	<p><b>Last Action</b> In Assembly Referred to Committee April 23, 2012</p> <p><b>Current Location</b> Assembly Committee on Transportation <b>Hearing Scheduled</b> June 18, 2012</p>	
SB 1117	DeSaulnier	Statewide Passenger Rail Transportation Plan	Would require the Commission to prepare a statewide passenger rail transportation plan relative to conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. The bill would require the Department of Transportation to assist the commission, as specified. The bill would require the Commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. Requires the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. Requires regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the Commission by December 31, 2013. This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.	<p><b>Last Action</b> In Assembly To Committee June 7, 2012</p> <p><b>Current Location</b> Assembly Committee on Transportation</p>	

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## OTHER

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 286	Berryhill	State Highways: Route 108 and 120	Requires the proceeds from the sale of excess properties acquired for improvements to State Highway Route 120, less any reimbursements due to the federal government and all costs include in the sale of those properties, to be used for improvements to State Highway Route 108 in Stanislaus County, the North County Corridor. Authorizes the Commission to allocate funds to the Stanislaus Council of Governments or any agency designated by that entity to deliver the North County Corridor project.	<i>Last Action</i> In Senate From Special Consent Calendar To inactive file September 6, 2011 <i>Current Location</i> Senate	
AB 1780	Bonilla	Department of Transportation: Project Study Reports	Would revise provisions to authorize the department to prepare project study reports or equivalent planning documents for any projects on the state highway system, limited by the resources available to the department. Require the department to pay for the costs of its review and approval of project study reports or equivalent planning documents that are prepared by other entities for projects that are in an adopted regional transportation plan, a voter-approved county sales tax measure expenditure plan, or other voter-approved transportation program. In other cases, the bill would require the cost of the department's review and approval to be paid by the entity preparing the project study report or equivalent planning document. Delete the provisions relating to the guidelines adopted by the Commission and would instead require open and continuous communications between the parties during the development of project study reports or equivalent planning documents.	<i>Last Action</i> In Senate Read first time To Committee May 29, 2012 <i>Current Location</i> Senate Committee on Transportation and Housing	

## RELATED TO RAIL

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 16	Perea (D)	High-Speed Rail Authority	Amends existing law that creates the High-Speed Rail Authority. Requires the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws.	<i>Last Action</i> In Senate To inactive file September 9, 2011 <i>Current Location</i> Senate	
AB 41	Hill	High-Speed Rail Authority: Conflicts of Interest: Disqualification	Amends existing provisions of the Political Reform Act of 1974. Adds members of the High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest, and recuse themselves accordingly. This bill would provide that each employee of a contractor or subcontractor of the High-Speed Rail Authority who serves in a peer review capacity to the authority shall be deemed to be a designated employee of the authority, thereby making those persons subject to the provisions of the authority's conflict-of-interest code and to the various other restrictions that apply to the designated employees of a state agency. (Urgency)	<i>Last Action</i> In Senate Read second time May 1, 2012 <i>Current Location</i> Senate Third Reading	

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**RELATED TO RAIL (Continued)**

Bill #	Author	Bill Title	Subject	Status	CTC Adopted Position
AB 145	Galgiani and Lowenthal	High-Speed Rail	Repeals all of the State High-Speed Train Act and enacts a new act. Continues the High-Speed Rail Authority with limited responsibilities within the Business, Transportation, and Housing Agency. Requires specified personnel matters. Requires the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, and select alignments for the routes of the trains system, award franchises, and provide for fares.	<p><b>Last Action</b> In Senate Committee on Appropriations Held under submission August 25, 2011</p> <p><b>Current Location</b> Senate Committee on Appropriations</p>	
AB 292	Galgiani	High Speed Rail: Agricultural Lands	Requires the High-Speed Rail Authority to appoint an agricultural advisory committee with a specified number of members recommended by the Secretary of Food and Agriculture. Requires the Authority to consult with the committee and to reflect the committee's comments on policies and related matters in any action item brought before the Board of the Authority. (Urgency)	<p><b>Last Action</b> In Senate To inactive file August 30, 2011</p> <p><b>Current Location</b> Senate</p>	
AB 492	Galgiani	High-Speed Rail Authority	Requires the High-Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs and participation by small business enterprises in the state when awarding major contracts or purchasing high-speed trains. Requires the authority to appoint a small business enterprise advisory committee.	<p><b>Last Action</b> In Senate Read second time and amended Referred to Committee June 27, 2011</p> <p><b>Current Location</b> Senate Committee on Rules</p>	
AB 1092	Lowenthal	High-Speed Rail	Requires the High-Speed Rail authority to report biannually to the Legislature beginning on a specified date on the status of the project, including overall progress, th0065 project budget, expenditures to date, a comparison of the current and project work schedule and the baseline schedule.	<p><b>Last Action</b> In Senate Read first time To Committee June 2, 2011</p> <p><b>Current Location</b> Senate Committee on Rules</p>	
<u>AB 1574</u>	Galgiani	High-Speed Rail	This bill would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act. Would continue the Authority in existence with limited responsibilities and would place the authority within BT&H. The 5 members of the authority appointed by the Governor subject to Senate confirmation, but existing members could continue to serve the remainder of their terms. Authorizes the authority to appoint an executive director, and provide for the Governor to appoint up to 6 additional individuals as authority staff. Require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or guidelines for the setting of fares.	<p>Did not pass out of house of origin by June 1 Bill dies</p>	

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<b>RELATED TO RAIL (Continued)</b>					
<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>	<b>CTC Adopted Position</b>
SB 517	Lowenthal	High-Speed Rail Authority	Places the High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the Secretary to propose an annual budget for the authority. Requires the members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. Vacates the membership of the authority. Provides for the appointment or reappointment of members on a specified date. Provides that the executive director is subject to appointment with the advice and consent of the Senate.	<p style="text-align: center;"><b><i>Last Action</i></b>                      In Assembly Committee on Appropriations                      Held in Committee and under submission                      August 25, 2011</p> <p style="text-align: center;"><b><i>Current Location</i></b>                      Assembly Committee on Appropriations</p>	
<u>SB 985</u>	LaMalfa	Transportation Bonds	Provides that no further bonds shall be sold for high-speed rail and related rail purposes pursuant to the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century. Authorizes redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this act, to retiring the debt incurred from the issuance and sale of those outstanding bonds.	<p style="text-align: center;">Did not pass out of house or origin by June 1                      Bill dies</p>	