

Memorandum

To: Chair and Commissioners

Date: March 21, 2002

From: Diane C. Eidam

File No: F 9

Reference No. 4.1
ACTION

Ref: STATE LEGISLATION

Staff is tracking the 47 legislative measures listed below which address Commission responsibilities or interests in transportation Funding, Planning, Project Delivery, and Relinquishments. A summary of SB 1262 (Torlaksen) is provided as requested at the February Commission meeting.

The Commission's Technical Advisory Committee on Aeronautics recommends that the Commission work with the author of AB 2719 (Maldonado) to define an appropriate funding source for airport security and safety grants, and recommends that the Commission oppose AB 2897 (Wiggins) and SB 1510 (Knight) which would reduce the sales taxes air carriers pay on jet fuel. The sales tax on jet fuel generates over \$100 million in revenues annually, TACA recommends using a portion of this revenue for airport security and safety grants.

FUNDING

AB 1779 (Strickland) - Harbor Districts

SUMMARY: Authorizes the board of a harbor district to borrow money by issuance of promissory notes, or execute conditional sales contracts to purchase personal property, up to an increased amount for the purposes of acquiring land for, and constructing or operating, any work, project, or facility authorized under specified law, for a term of 5 years.

STATUS: 01/18/2002 ASSEMBLY LOCAL GOVERNMENT COMMITTEE.

AB 1782 (Kehoe) - Harbors And Ports Security Bonds

SUMMARY: Enacts the Harbor and Port Protection Bond Act of 2002, which would authorize the issuance of bonds, pursuant to the State General Obligation Bond Law, in a specified amount for purposes of financing capital improvement projects that provide enhanced security at harbors and ports. Declares that it is to take effect immediately as an urgency statute.

STATUS: 01/10/2002 INTRODUCED.

AB 2078 Briggs) - Rail Consolidation Grant Program

SUMMARY: Establishes the Rail Consolidation Grant Program for the purposes of funding rail consolidation. Authorizes Caltrans to award grant funds on a competitive basis to counties that are consolidating multiple railroad lines and railroad crossings within county lines.

STATUS: 02/19/2002 INTRODUCED

AB 2181 (Dutra) - Metropolitan Transportation Commission

SUMMARY: The Metropolitan Transportation Commission (MTC) is currently authorized to impose a regional gasoline tax not to exceed 10 per gallon subject to approval of voters in the region. Existing law requires MTC to adopt a regional transportation expenditure plan for the revenues derived from the tax. In order for a transportation project to be included in the expenditure plan, the project is required to meet one of several specified regional transportation needs. This bill would revise the description of 2 of the specified regional transportation needs.

STATUS: 03/18/2002 ASSEMBLY TRANSPORTATION COMMISSION.

AB 2206 (Salinas) - Transportation: Rail Service

SUMMARY: Requires that funds previously allocated to the City of Seaside for the Fort Ord rail station right-of-way acquisition could also be used by the Transportation Agency for Monterey County for work at the Monterey Bay rail station without additional approval.

STATUS: 02/20/2002 INTRODUCED.

AB 2232 (Wyman) - State Highway Route 138: Funding

SUMMARY: Appropriates \$109,000,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation for the expansion of State Highway Route 138 from 2 to 4 lanes between Victorville and Palmdale.

STATUS: 02/20/2002 INTRODUCED.

AB 2275 (Aanestad) - Transportation, Local Road Rehabilitation

SUMMARY: Authorizes the regional transportation improvement program to include projects for the rehabilitation of local streets and roads in counties meeting certain conditions.

STATUS: 02/20/2002 INTRODUCED.

AB 2333 (Nakano) - Transportation: Funding

SUMMARY: Authorizes the withholding of interregional improvement funds from any of specified urban counties within the Southern California Association of Government's jurisdiction if that county is not consistent with the aviation element of the long range plan developed by the association, except as otherwise provided. Authorizes the Southern California Regional Airport Authority to review the implementation plan of each commercial airport in these counties.

STATUS: 02/21/2002 INTRODUCED.

AB 2360 (Dutra) - Freeway Service Patrols

SUMMARY: Specifies that the funding for emergency roadside assistance on a freeway located in an urban area be made using a formula-based allocation. Creates the Competitive Freeway Service Patrol Grant Program to provide funding for a freeway service patrol system to reduce traffic congestion. Requires the Department of Transportation to develop specified guidelines for this program.

STATUS: 02/21/2002 INTRODUCED.

AB 2369 (Salinas) - Transportation Accessibility Bond Act

SUMMARY: Enacts the Transportation Accessibility Bond Act which, subject to voter approval, would provide for the issuance of an unspecified amount of general obligation bonds, the proceeds of which would be used for the purpose of funding improvements to various state and local highway and transit systems in order to improve accessibility of those systems to persons with disabilities.

STATUS: 02/21/2002 INTRODUCED.

AB 2650 (Lowenthal) - Air Pollution: Diesel Emissions: Particulate Matter

SUMMARY: Requires each marine terminal or port in the state to operate in a manner that permits operators of diesel truck to conduct transactions at that marine terminal or port in less than 15 cumulative minutes. Makes any owner or operator of a marine terminal or port that acts in violation subject to a fine. Creates the Carl Moyer Particulate Matter Abatement and Compliance Program, require any district that has a port within its jurisdiction to provide grants.

STATUS: 02/22/2002 INTRODUCED.

AB 2719 (Maldonado) - Aeronautics

SUMMARY: Requires the Transportation Commission to direct the advisory committee to work with representatives of the Department of Transportation, the Business, Transportation and Housing Agency, and the Technology, Trade, and Commerce Agency, to identify potential roles and policies for the State in developing the state's aviation system and to develop certain legislative proposals.

STATUS: 02/22/2002 INTRODUCED.

AB 2788 (Longville) - Passenger Rail Improvement Safety and Bond Act

SUMMARY: Enacts the Passenger Rail Improvement, Safety, and Modernization Bond Act of 2002. Provides for the issuance of general obligation bonds to be used for the purpose of funding improvements to the state's passenger rail systems. Provides for the submission of the bond act to the voters.

STATUS: 03/11/2002 ASSEMBLY TRANSPORTATION.

AB 2809 (Longville) - Sales and Use Tax Exemption: Diesel

SUMMARY: Clarifies, for purposes of the diesel fuel sales and use tax exemptions, the definition of farming activities.

STATUS: 03/11/2002 ASSEMBLY REVENUE AND TAXATION COMMITTEE.

AB 2897 (Wiggins) - Sales and Use Taxes: Exemptions: Fuel

SUMMARY: Exempts from sales and use tax the gross receipts in excess of \$0.50 per gallon derived from the sale in this state of, and the storage, use, or other consumption in this state of, fuel and petroleum products sold to or purchased by air common carriers.

STATUS: 03/11/2002 ASSEMBLY REVENUE AND TAXATION COMMITTEE.

AB 3014 (Committee on Budget) - Transportation

SUMMARY: Declares the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2002 relative to transportation.

STATUS: 03/14/2002 ASSEMBLY BUDGET COMMITTEE.

AB 3025 (Committee on Transportation) - Environmental Enhancement Project

SUMMARY: Requires the Department of Transportation to extend the completion date for the Ueda Parkway Off-Road Recreation and Environmental Enhancement Project to June 30, 2007; revises, under the State Contract Act, the partial payment amount and limit with respect to large, complex projects over water requiring marine access.

STATUS: 03/14/2002 ASSEMBLY TRANSPORTATION COMMITTEE.

AB 3026(Committee on Transportation) - Transportation: Funding

SUMMARY: Provides that only the projects included in the State Transportation Improvement Program (STIP) would be counted against the STIP county share for the county in which these projects are located.

STATUS: 03/14/2002 ASSEMBLY TRANSPORTATION COMMITTEE.

Preprint SB 1 (Karnette) - Container Facility Charges

SUMMARY: Establishes the Southern California Freight Management Agency and prescribes its authority, including the authority to collect a container facility charge in an unspecified amount on each full and empty container brought into a port of this state south of, and including, Port Hueneme by a foreign or domestic commercial vessel. Requires the Board of Port Commissioners of the City of Oakland to establish an agency under its jurisdiction to collect the charge north of Port Hueneme.

STATUS: 09/19/2001 INTRODUCED.

SB 10 XXX (Sher) - Sales and Use Taxes: Exemption: Diesel

SUMMARY: Clarifies, for purposes of the diesel fuel sales and use tax exemption, the definition of "farming activities." Makes legislative findings and declarations relating to the state budget.

STATUS: 03/14/2002 ON SENATE FLOOR.

SB 1262 (Torlakson) - Regional Improvement Program Funding (STIP)

SUMMARY: Would require that not less than 10% of the funds in a STIP County Share, for counties with a population greater than 200,000, shall be used for a transportation incentive program to reward local jurisdictions that promote development patterns that reduce traffic congestion, provide a better jobs-housing balance, and promote new housing and other developments within walking distance of local shops, schools, and businesses.

STATUS: 01/24/2002 SENATE TRANSPORTATION COMMITTEE.

SB 1456 (Knight) - Transportation: Funding, State Route 138

SUMMARY: Appropriates an unspecified amount from the General Fund to the Department of Transportation for allocation to widen State Highway Route 138 from 2 to 4 lanes between Avenue T and 165th Street in the County of Los Angeles and to realign State Highway 58 for safety purposes at the Boron "S" curve near the City of Boron.

STATUS: 02/15/2002 INTRODUCED.

SB 1510 (Knight) - Sales and Use Tax: Exemptions: Fuel

SUMMARY: Provides a sales and use tax exemption for the sale of fuel and petroleum products to air common carriers for immediate shipment outside this state for consumption in the conduct of their business.

STATUS: 02/19/2002 INTRODUCED.

SB 1533 (Poochigian) - Airport Security: Airport Improvement Grants

SUMMARY: Allows airports to use state funds provided for airport security purposes, at the discretion of the airport's sponsor, as defined, for the airport's local share of matching funds for a Federal Aviation Administration Airport Improvement Program grant, to the extent the grant is used to improve security at an airport.

STATUS: 02/20/2002 INTRODUCED.

SB 1608 (Morrow) - Fuel Taxes: Emergency Service Providers

SUMMARY: Provides an exemption under the Motor Vehicle Tax Law and the Diesel Fuel Tax Law for local emergency service providers, and would make related and conforming changes.

STATUS: 02/21/2002 INTRODUCED.

SB 1794 (Torlakson) - Transportation: Authorities

SUMMARY: Authorizes an authority to impose certain transportation user and regulatory fees. Requires transportation projects and services undertaken with those fees to meet certain requirements. Enacts other related provisions.

STATUS: 02/22/2002 INTRODUCED.

SB 1847 (Budget Committee) - Department of Transportation

SUMMARY: Declares the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2002, relative to the funding of the Department of Transportation.

STATUS: 02/22/2002 INTRODUCED.

SB 1853 (Murray) - Transportation Noise Reduction, Safety Program

SUMMARY: Enacts the Transportation Noise Reduction, Safety Enhancement, and Congestion Relief Bond Act of 2002 which, if adopted, would authorize, for purposes of financing transportation noise reduction, safety enhancement, and congestion relief projects, the issuance, of bonds in the amount of \$1 billion. Provides for the submission of the bond act to the voters at a future election in accordance with applicable law.

STATUS: 02/22/2002 INTRODUCED.

SB 1856 (Costa) - High-Speed Train Bond Act of 2002

SUMMARY: Enacts the High-Speed Passenger Train Bond Act of 2002, which, subject to voter approval, would provide for the issuance of an unspecified amount of general obligation bonds, the proceeds of which would be used for the purpose of funding the planning and construction of a high-speed train system in this state pursuant to the business plan of the High-Speed Rail Authority.

STATUS: 02/22/2002 INTRODUCED.

SB 1858 (Burton) - Transportation Project Enhancement Account

SUMMARY: Creates the Transportation Project Enhancement Account in the State Transportation fund which would be administered by the department of trans. Requires all Federal Transportation Enhancement Activity funds received by the state to be deposited in the account. Specifies projects eligible for funding from the account and require then to be consistent with federal eligibility requirements.

STATUS: 02/22/2002 INTRODUCED.

SB 1888 (Poochigian) - Transportation Investment Fund

SUMMARY: Limits the reallocation to the Department of Transportation gasoline sales tax revenues to an amount that does not exceed the amount that would have been allocated under these provisions to the department in fiscal years 2001 and 2002 if Chapter 113 of the Statutes of 2001 had not been enacted. Provides for an allocation of gasoline sales tax revenues to cities and counties in fiscal years 2006 and 2007. Makes an appropriation.

STATUS: 02/22/2002 INTRODUCED.

SB 2073 (Johannessen) - Short Line Railroads

SUMMARY: Creates in the State Transportation Fund the Short Line Railroad Improvement Account to be administered by Caltrans. Authorizes Caltrans to approve grants for short line railroads, as defined, to be funded from the account.

STATUS: 02/22/2002 INTRODUCED.

SCA 11 (Murray) - Loans of Transportation Revenues and Funds

SUMMARY: Requires any loan of certain motor vehicle fuel and vehicle-related revenues or trust funds that is not repaid within the same fiscal year, or by a date not more than 30 days after the enactment date of the budget bill for the subsequent fiscal year, to be repaid with interest at a specified rate; provides that a loan of these funds may also be made to other state funds or accounts under the conditions applicable to loans to the General Fund.

STATUS: 02/21/2002 INTRODUCED.

SJR 36 (Murray) - Federal Highway Funding

SUMMARY: Supports the efforts of the House of Representatives and the United States Senate to restore federal highway funding for 2003 to the levels anticipated in the Transportation Equity Act for the Twenty-First Century.

STATUS: 02/13/2002 INTRODUCED.

PLANNING

AB 1882 (Canciamilla) - Environmental Quality: In-Fill Development

SUMMARY: Exempts from the California Environmental Quality Act projects on a site of no more than 5 acres substantially surrounded by urban uses, that is planned on a project site that has no value as habitat for endangered, rare, or threatened species, that would not result in any significant effects relating to traffic, noise, air quality, or water quality.

STATUS: 02/12/2002 To ASSEMBLY NATURAL RESOURCES COMMITTEE.

AB 1998 (Hollingsworth) - Transportation: Riverside and Orange County

SUMMARY: Establishes a task force in the Department of Transportation and would require the task force to meet and discuss transportation problems confronting Riverside County and Orange County. Requires the task force to report its findings to the Legislature by January 1, 2004.

STATUS: 02/15/2002 INTRODUCED

AB 2180 (Wyman) - Transportation: Route 138: Environmental Review

SUMMARY: Requires the Department of Transportation to coordinate its activities under state and federal environmental laws in order to allow the environmental review processes to run concurrently.

STATUS: 02/20/2002 INTRODUCED.

AB 2535 (Diaz) - Transportation Congestion Report

SUMMARY: Requires the Department of Transportation to create and publish an annual highway congestion monitoring report for the freeway system within the 9 counties of the San Francisco Bay Area.

STATUS: 02/21/2002 INTRODUCED.

AB 2707 (Bogh) - Creation of Bicycle Lanes

SUMMARY: Exempts from California Environmental Quality Act any project that creates a bicycle lane on an existing right-of-way, specifically including, but not limited to, the removal or alteration of motor vehicle lanes or on-street parking for motor vehicles.

STATUS: 02/22/2002 INTRODUCED.

SB 1380 (Brulte) - State Highway Route 62

SUMMARY: Designates Route 62 from Route 10 near Whitewater to the Arizona state line in its entirety, as a gateway highway in the interregional road system and eligible for funding through the Interregional Improvement Program.

STATUS: 02/14/2002 SENATE TRANSPORTATION COMMITTEE.

SB 1415 (Perata) - S.F. Bay Area Rapid Transit District

SUMMARY: Includes in those actions, that are exempt from CEQA, until June 30, 2005, the San Francisco Bay Area Rapid Transit District's seismic retrofit work on any existing structures or facilities, as specified, necessary for rapid transit service if the district conducts 3 workshops and other outreach efforts to ensure public awareness of the proposed seismic retrofit work prior to commencement of construction.

STATUS: 02/14/2002 INTRODUCED

SB 1896 (Peace) - San Diego County Regional Airport Authority

SUMMARY: Relates to the San Diego County Regional Airport Authority. Removes the staggered term of the permanent governing board. Extends the term of office of the interim executive director. Revises the duties of the authority including requiring the authority to implement, study and plan any improvements or enhancements at existing and future airports under its jurisdiction.

STATUS: 02/22/2002 INTRODUCED.

SJR 28 (Knight) - Highway Construction

SUMMARY: Memorializes Congress to adopt a categorical exemption from federal statutes that require prerequisite studies prior to the expansion of a current highway or construction of a new highway, when the need for the expansion or new construction is safety.

STATUS: 01/10/2002 SENATE TRANSPORTATION COMMITTEE.

PROGRAMMING

SB 1635 (Figueroa) - State Highway Route 238

SUMMARY: Deletes the provision prohibiting the California Transportation Commission from approving a local alternative transportation improvement program submitted after January 1, 1988. Requires the Department of Transportation to offer single-family residences that are excess property to the present occupants of those residences who have occupied the property for 2 years or more and to former owners of the residences who are occupying them.

STATUS: 02/21/2002 INTRODUCED.

SB 1768 (Murray) - Regional Transportation Improvement Program

SUMMARY: Authorizes the Department of Transportation to nominate or recommend projects to be included in the regional transportation program to improve state highways using regional transportation improvement funds.

STATUS: 02/21/2002 INTRODUCED.

PROJECT DELIVERY

AB 2511 (Dutra) - Public Utilities Relocation

SUMMARY: Requires certain public utilities to enter into relocation agreements with public entities, in connection with a transit or transportation capital improvement project; provides that if a public utility abandons utility relocation work under a relocation agreement, public entity may assume from the utility work of relocating related utilities and be reimbursed by the public utility.

STATUS: 02/21/2002 INTRODUCED.

RELINQUISHMENT

SB 1432 (Alpert) - Highways: Routes 75 and 282: Relinquishment

SUMMARY: Authorizes the California Transportation Commission to relinquish to the City of Coronado specified portions of State Highway Route 75 and State Highway Route 282, upon terms and conditions the commission finds to be in the best interest of the state; takes effect immediately following the recordation by the county recorder of the relinquishment resolution containing the commission's approval.

STATUS: 02/14/2002 INTRODUCED

CALIFORNIA TRANSPORTATION COMMISSION

BILL NUMBER: SB 1262 (TORLAKSON)

SUBJECT: Regional Improvement Program Funding

STATUS: Senate Committee on Transportation

DATE: March 25, 2002

BILL SUMMARY

SB1262 would require, beginning with the 2004 STIP and ending December 31, 2010, that not less than 10% of the funds in a STIP County Share, for counties with a population greater than 200,000, shall be used for a transportation incentive program to reward local jurisdictions that promote development patterns that reduce traffic congestion, provide a better job-housing balance, and promote new housing and other developments within walking distance of local shops, schools, and businesses.

SB1262 would also require the Commission to allow any regional transportation improvement program funds eligible for use in the transportation incentive grant program to be held in reserve. In the event of a project failure, counties and regions shall not lose regional transportation improvement program funds reserved for the transportation incentive grant program to another county or region, but may reprogram these funds in their existing regional transportation improvement program.

The Department of Transportation, in collaboration with the California Department of Housing and Community Development, shall issue an evaluation of the transportation incentive grant program by December 31, 2009.

Each county transportation incentive program shall:

- Make available transportation dollars as a reward to local jurisdictions that approve developments, including, but not limited to, new housing in "infill" locations that are in close proximity to shops, schools, and businesses.

- Require that funds made available under the transportation incentive grant programs shall be used for transportation projects, including, but not limited to, state highways, local streets and roads, public transit, intercity rail, pedestrian and bicycle facilities, railroad-highway grade separation, transportation demand management, intermodal facilities, safety, and providing funds to match federal funds.
- Provide awards only in the form of transportation grants to local jurisdictions. Local jurisdictions may qualify for the transportation incentive grants by expediting development projects that have been proposed but have not been permitted. Each county transportation incentive program shall place a time limit on each local jurisdiction awarded a transportation grant under the program within which the project must secure its construction permits and break ground.
- Consider the following providing a financial incentives on a per unit, per bedroom, or per square foot basis, higher incentives for affordable and below market rate housing units and housing with higher than average densities, providing higher incentives for design features that encourage walking, bicycling, and safe and convenient bicycle and pedestrian access, and projects located within one-third mile of a transit station.
- Establishing a requirement for the transportation incentive grant to be used adjacent to the development project or at least within a half-mile of the project in order to create a geographic nexus between the transportation grant and the qualifying development project.
- Award funds for qualifying development projects on a first-come first-served basis to ensure that funds are spent in a timely manner. These funds shall be eligible for expenditure upon the date the qualifying development project breaks ground.

ANALYSIS

The requirement to program a specified percentage of regional shares on a category of projects reduces the flexibility given to regional transportation planning agencies under SB 45 to determine the most effective transportation projects in their region.

The prohibition against the Commission programming funds for a transportation incentive program not used by one regional transportation planning agency in another county, along with provision that funds programmed on a project that fails to be delivered are not lost to the county share, undercut the timely use of funds provisions of SB 45 and AB 1012. The amount of county shares affected by these provisions could be much greater than 10% of county shares because SB 1262 requires “not less” than 10% of funds available be used for transportation incentive programs.

The provisions of SB 1262 currently apply to following 25 counties with populations greater than 200,000. The chart also shows the 2002 STIP county shares of these counties as an example of the fiscal impact of SB 1262. If the requirements of SB1262 were applied to the 2002 STIP, at least \$232 million (10% of the \$2.32 billion total 2002 STIP county shares of these 25 counties)

would have to be programmed for awards in the form of transportation grants to local jurisdictions that approve developments, including, but not limited to, new housing in "infill" locations that are in close proximity to shops, schools, and businesses.

County	Population	2002 STIP County Share (\$1,000's)
Alameda	1,279,182	98,345
Contra Costa	803,732	63,743
Fresno	667,490	67,957
Marin	230,096	18,626
Merced	178,403	21,703
Monterey	355,660	34,914
Sacramento	1,041,219	84,801
San Francisco	723,959	50,254
San Joaquin	480,628	44,208
San Mateo	649,623	51,753
Santa Clara	1,497,577	115,142
Santa Cruz	229,734	20,228
Solano	340,421	30,183
Sonoma	388,222	36,843
Stanislaus	370,522	34,236
NORTH		772,936
Kern	543,477	88,949
Los Angeles	8,863,164	602,827
Orange	2,410,556	181,767
Riverside	1,170,413	130,115
San Bernardino	1,418,380	169,337
San Diego	2,498,016	198,196
San Luis Obispo	217,162	35,536
Santa Barbara	369,608	40,600
Tulare	311,921	41,790
Ventura	669,016	59,562
SOUTH		1,548,679
Statewide Total		2,321,615