

# Memorandum

**To:** Chair and Commissioners

**Date:** October 1, 2009

**From:** BIMLA G. RHINEHART  
Executive Director

Reference No. 4.1  
ACTION

**Ref:** State and Federal Legislation

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**Issue:**

Commission staff will provide an update on State and Federal Legislation.

**Recommendation:**

No action is required.

**Background and Summary:**

**State:** The Legislature concluded the first year of a two-year legislative session. Bills passed by both houses were forwarded to the Governor for signature. The Governor has until October 11, 2009 to sign or veto these bills. Of the thirty-one bills staff was tracking and included in the September Book, only seventeen were passed by both houses and forwarded to the Governor for signature. This month's book item includes only those bills awaiting Governor's action as of October 1, 2009. Staff will provide you with the most current information at the regular scheduled meeting in San Diego.

The Governor has also called a fifth extraordinary session of the Legislature to consider legislation addressing and revising the state tax system. Staff will continue to monitor and provide you pertinent updates when available.

**Federal:** The Federal Fiscal Year concluded on September 30, 2009. Congress passed a one-month Continuing Resolution (CR) to extend the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). The CR extends the existing highway and transit programs. But it does not address the repeal of the \$8.7 billion rescission of contract authority that became effective on September 30, 2009. The debate on a longer term extension and revoking the rescission is expected to continue with action possible in the coming days. Staff will continue to monitor and provide you updates when available.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION  
 Status of Legislation  
 Commission Meeting October 14, 2009

	Bill #	Author	Bill Title	Subject	Current Status	CTC Position	Program
				<b>ASSEMBLY</b>			
1	AB 311	MA	Property taxation: certificated aircraft assessment	This bill extends, until FY 2014-15, the application of the current assessment methodology for determining the fair market value of certificated aircraft owned by commercial air carriers for property tax purposes. It also extends, until December 31, 2014, the application of the following provisions of law that otherwise are scheduled to sunset on December 31, 2010: A. Revenue and Taxation Code (R&TC) Section 441 that requires a commercial air carrier to file one annual property statement with a designated "lead" county. B. R&TC Section 1153.5 that establishes the procedure for selecting a lead county to calculate an airline's fleet value and a coordinated multi-county audit team to perform mandatory audits of commercial air carriers	9/28/09 Enrolled; to Governor 9/9/09 Concurred w/Senate Amends 9/4/09 Pass Senate; to Assembly for concurrence 5/28/09 Pass Assembly; to Senate 2/17/09 - INTRO	Staff Monitoring	Aeronautics
2	AB 672	BASS	Transportation: bond-funded projects: letter of no prejudice.	This bill would authorize a regional or local agency that is a lead agency for a project or project component for which bond funding has been programmed or otherwise approved by the administrative agency or is otherwise targeted to be available, as specified, to apply to the administrative agency for a letter of no prejudice that would make the regional or local agency eligible to be subsequently reimbursed from bond funds for expenditures of funds under its control for the project or project component under certain conditions, as specified. Existing law requires the California Transportation Commission to establish the funding shares for applicants for funds from the State-Local Partnership Account in the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Fund of 2006. This bill would require the commission, prior to the commencement of each funding cycle, to calculate the amount of bond funds designated to be deposited in the account that have not been appropriated and would require the commission to establish projected targets for the distribution of those funds for purposes of planning projects for which letters of no prejudice may be issued, as specified.	9/25/09 Enrolled; to Governor 9/8/09 Rtrn by Gov at Assembly request 8/28/09 to Governor 8/27/09 Pass Senate 6/3/09 Pass Assembly; to Senate 2/25/09 - INTRO	Support in Concept	Bond
3	AB 729	EVANS	Transit Design Build Contracts	Existing law authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. Existing law requires a transit operator that uses the design-build process to report to the Legislative Analyst on each public works project procured through the design-build process within 120 days of the design-build project being put into operation or by December 1, 2005, whichever occurs first. Existing law requires certain information submitted under the design-build provisions to be submitted under penalty of perjury. Existing law repeals provisions regarding transit design-build contracts on January 1, 2011. This bill would instead repeal these provisions on January 1, 2015. The bill would require a transit operator that uses the design-build process to report to the Legislative Analyst on each public works project procured through the design-build process within 120 days of the design-build project being put into operation or by December 1, 2015, whichever occurs first. Because the bill would expand the crime of perjury, it would impose a state-mandated local program.	9/28/09 Enrolled; to Governor 9/2/09 Assembly concurred 8/31/09 Passed Senate; to Assembly for Concurrence 5/14/09 Passed Assembly; to Senate 2/26/09 - INTRO	Staff Monitoring	Design Build
4	AB 733	GALGIANI	High Speed Rail Authority	This bill would authorize the High Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains, as specified.	9/8/09 Enrolled; to Governor 8/31/09 Passed Senate 5/14/09 Passed Assembly 2/26/09 - INTRO	Staff Monitoring	Rail

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5	AB 798	NAVA	Transportation Financing Authority Toll Facilities	<p>This bill would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed, in whole or in part, by various revenue streams of transportation funds, and toll revenues under certain conditions, in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. The bill would set forth the requirements for a project sponsor to obtain bond funding from the authority, would allow the authority to approve the imposition and collection of tolls on a proposed project under certain conditions, and would require the authority to report to the California Transportation Commission (Commission) annually beginning June 30, 2011. The bill would create the California Transportation Financing Authority Fund, which would be continuously appropriated for these purposes. The bill would enact other related provisions.</p> <p>Existing law, until January 1, 2012, authorizes a regional transportation agency, in cooperation with the department, to apply to the Commission to develop and operate high-occupancy toll lanes, with not more than 4 facilities to be approved under these provisions. Following public hearings by the Commission, the Commission is required to forward an eligible application and public comments to the Legislature for approval or rejection of the project, with approval to be achieved by the enactment of a statute. This bill, with respect to these 4 projects, would delete the requirement for the Commission to forward the applications to the Legislature for approval or rejection.</p>	<p>9/28/09 Enrolled; to Governor            9/9/09 Concurred w/Senate Amends            9/3/09 Passed Senate            6/2/09 Passed Assembly            2/26/09 - INTRO</p>	Staff Monitoring	Finance
6	AB 1175	TORLAKSON	Toll Facilities	<p>Would require SCO to the extent feasible to offset amts overdue and unpaid for nonpayment of a bridge toll or HOT lane fee by a person or entity against state income This bill would add seismic safety improvement projects on the Antioch and Dumbarton Bridges to the toll bridge seismic safety program. The bill would provide that surplus cost overrun revenues to be shared between the state and the Bay Area Toll Authority be redirected to the authority for the Antioch and Dumbarton seismic safety projects, and would appropriate those funds for that purpose. The bill would require the authority to provide all other funds necessary to complete those seismic safety projects. This bill will enact other related provisions.</p>	<p>9/29/09 to Governor            9/11/09 Enrolled            9/9/09 Concurred w/senate Amends            9/3/09 Passed Senate            6/3/09 Passed Assembly            2/27/09 - INTRO</p>	Support	Seismic Retrofit
7	AB 1364	EVANS	Public Contracts	<p>Provides that any state agency that has entered into a grant agreement for the expedite of state bond funds where the agency has or may be unable to comply with the terms of that agreement because of the suspension of programs by the Pooled Money Investment Board shall with the consent of the grant recipient, have the authority to either renegotiate the deadlines and a timetable and deliverables with the grant agreement that may not be met because of the suspension</p>	<p>9/29/09 to Governor            9/10/09 Enrolled            9/8/09 Concurred with Senate            9/2/09 Passed Senate; to Assembly for concurrence            5/28/09 Passed Assembly            02/27/09 - INTRO</p>	Staff Monitoring	Contracts

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8	AB 1381	PEREZ	High-occupancy Toll Lanes	Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit. Existing law specifically authorizes a value-pricing and transit development demonstration program involving HOT lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions. This bill would require the LACMTA program to be implemented with the active participation of the Department of the California Highway Patrol. The bill would require LACMTA, with the consent of the department, to establish appropriate performance measures for the purpose of ensuring optimal use of the HOT lanes without adversely affecting other traffic on the state highway system. The bill would also state that the authorization for this project shall not prevent the construction of competing facilities, and that LACMTA is not entitled to compensation for the adverse effects on toll revenue due to those facilities.	8/31/09 Enrolled; to Governor 8/24/09 Passed Senate 5/14/09 Passed Assembly 02/27/09 - INTRO	Staff Monitoring	HOT
9	AB 1386	HAYASHI	State Highways	This bill modifies the restriction limiting the use of revenues from excess property sales to state highway purposes applicable to State Highway Route 238 by authorizing those revenues to be used for any highway purpose. This bill would require revenues from excess property sales for State Highway Route 238 and State Highway Route 84 to be deposited into separate accounts in the Special Deposit Fund, a continuously appropriated fund, to be available for expenditure by local agencies for purposes of an approved local alternative transportation program for the applicable corridor route. This bill would also authorize local agencies to advance projects in the local alternative transportation improvement program with local funds, to be repaid when revenues from excess property sales become available, as specified. This bill would require the California Transportation Commission to adopt guidelines in that regard. This bill would authorize the CTC to relinquish portions of State Highway Routes 92, 185, and 238 in the City of Hayward to that city subject to various conditions	9/25/09 Enrolled; to Governor 9/10/09 Concurred 9/8/09 Passed Senate 6/1/09 Passed Assembly 02/27/09 - INTRO	Staff Monitoring	Programming
<b>SENATE</b>							
10	SCR 54	Cogdill, Denham, Bill Berryhill and Tom Berryhill	Kirk Lindsey Memorial Highway	This measure would designate a specified portion of State Highway Route 108 in Modesto as the Kirk Lindsey Memorial Highway. This measure would also request the Dept of Transportation to determine the cost of appropriate signs showing the special designation and upon receiving donations from nonstate sources covering those costs, to erect those signs.	8/17/09 - INTRO	Support	Other

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11	SB 391	LIU	California Transportation Plan	<p>This bill would require the department to update the California Transportation Plan by December 31, 2015, and every 5 years thereafter. The bill would require the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. The bill would require the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. The bill would require the department, by December 31, 2012, to submit to the California Transportation Commission and specified legislative committee chairs an interim report providing specified information regarding sustainable communities strategies and alternative planning strategies, including an assessment of how their implementation will influence the configuration of the statewide integrated multimodal transportation system.</p> <p>The bill would also specify certain subject areas to be considered in the plan for the movement of people and freight. The bill would require the department to consult with and coordinate its planning activities with specified entities and to provide an opportunity for public input. The bill would make additional legislative findings and declarations and require the plan to be consistent with that statement of legislative intent.</p>	<p>9/11/09 to Governor 9/4/09 to Enrollment 9/3/09 Passed Assembly 6/1/09 Passed Senate 2/25/09 - INTRO</p>	Staff Monitoring	Environmental
12	SB 406	DESAULNIER	Land Use: Environmental Quality	<p>Changes the membership of the Planning Advisory and Assistance Council to include, one member from the California Transportation Commission (other membership is specified). Requires that the council work with the Strategic Growth Council, regional agencies, and cities and counties to facilitate and implementation regional blueprint plans. Require the council to develop and propose recommendations to specified state agencies to facilitate coordination between regional blueprint plans and state growth and infrastructure funding plans and programs that facilitate the implementation of regional blueprint plans. Requires council to rpt to the Leg. on regulations performance measures in a manner where state agencies are implementing a 5 yr plan. Requires the council to begin when sufficient funds are available. Authorizes a municipal planning organization as defined, COG as defined, or a co transp commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy to impose a surcharge of \$1 or \$2 on motor vehicles registered to an owner with an address in the entities jurisdiction only if the MPO and COG or a regional COG jointly preparing a subregional SCS to adopt a resolution authorizing the charge.all revenue received by the metropolitan planning organization, the council of governments, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy pursuant to the above provisions be used solely to develop a sustainable communities strategy or a regional blueprint plan to identify land usestrategies to reduce the use of motor vehicles in its jurisdiction and to carry out applicable transportation-related activities necessary to implement the plan, in order to achieve a specified greenhouse gas emission reduction targets.</p>	<p>9/28/09 Enrolled; to Governor 9/11/09 Senate Concurred 9/11/09 Passed Assembly 6/2/09 Passed Senate 2/25/09 - INTRO</p>	Staff Monitoring	Environmental

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13	SB 481	COX	Airports: Wildlife	This bill would provide that, the taking of birds by a public use airport certificated by the Federal Aviation Administration operating in the state pursuant to a federal depredation permit, does not violate state fish and game laws, and if the taking is in compliance with that permit the taking occurs on land owned or leased by the airport that is not habitat mitigation land, or conservation land, and there is no taking of fully protected candidate threatened or endangered species. Would specify that a taking is only authorized to relieve or prevent injurious situations affecting public safety and can only be performed as part of an integrated wildlife mgmt prog that emphasizes nonlethal mgmt techniques. Will required the airports to provide to the Department Fish and Game all federal depredation permits and all federal reports required pursuant to any a federal depredation permit or Wildlife Hazard Managment Plan, or both, the department reasonable access to ensure compliance. Will require the Department of Fish and Game ot seek reimbursement from airport for the reasonable costs associated with acti	9/10/09 to Governor 9/8/09 Rtn at Senate Request 8/27/09 Enrolled; to Governor 8/20/09 Senate Concurred 8/17/09 Passed Assembly 5/18/09 - Passed Senate 2/26/09 - INTRO	Support	Aeronautics
14	SB 532	CODGILL	State Highway Routes 108 and 201	This bill would authorize the California Transportation Commission to relinquish to the City of Kingsburg the portion of State Highway Routes 201 that located within the city limits of that city under certain conditions. This bill revise the authorized route description for State Highway Route 108 in Stanislaus County. Bill would include additional portion of SHR 108 in the system of interregional and intercounty routes eligible to be funded as interregional improvements.	9/4/09 Enrolled; to Governor 8/24/09 Passed Assembly 5/18/09 Pass Senate 2/27/09 - INTRO	Staff Monitoring	Hwy
15	SB 545	CEDILLO	Freeway Construction	Existing law requires the Department of Transportation to enter into an agreement prior to any closure of a city street or county highway due to construction of a freeway with a city council or board of supervisors having jurisdiction. Existing law provides an exception to those provisions for a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted. This bill limits this exception to construction of a segment of a freeway to consists solely of a subsurface transportation facility. Would require as a condition for the exception to apply that an agreement with one or more counties and cities is not possible because an impasse has existed for 20 or more years after a initial route was adopted. Will provide that SHR 710 between Valley Blvd in the City of LA and Del Mar Blvd in the City of Pasadena may not be a surface or above-grade hwy.	9/28/09 Enrolled; to Governor 9/11/09 Passed Assembly 5/26/09 Passed Senate 2/27/09 - INTRO	Staff Monitoring	Hwy
16	SB 575	STEINBERG	Local Planning: Housing Element	This bill would provide that the purpose of the meetings is to present a draft of the sustainable communities strategy and alternative planning strategy, if any, including the key land use and planning assumptions, to the members of the board of supervisors and the city council members in that county to solicit and considr their input and recommendations.-This bill would require that all local governments within the regional jurisdiction of the San Diego Association of Governments adopt their 5th revision no later than an unspecified period of time 18 mths after the adopt of the next rpt to be adopted after 9/30/10. This bill would provide that the planning period for the 5th revision would be from 7/31/10 until 18 mths of adoption of the report in 2019. This bill would change the Planning and Zoning Law by requiring all other local governments to adopt the 5th revision of the housing element 5 years after June 30, 2006 and would specify the scheudle for all local govts to adopt subsequen revisions of the housing elements after the 5th revision. This bill includes other provisions	9/25/09 to Governor 9/10/09 Enrolled 9/1/09 Passed Assembly 6/3/09 Passed Senate 2/27/09 - INTRO	Staff Monitoring	Environmental

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17	SB 734	LOWENTHAL	Transportation	This would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves. It includes other related provisions. Existing law requires the Dept of Tranp in cooperation with the CTC, transp planning agencies, and co tranp commissions and local govts to develop guidelines for the development of the state tranp improvement program and the incorporation of projects into the program. This bill would delte and obsolete provision of this requirement.	9/25/09 to Governor 9/10/09 Enrolled 9/1/09 Passed Assembly 5/18/09 Passed Senate 02/27/09 - INTRO	Staff Monitoring	Bond
18	SB 783	ASHBURN	High Speed Rail	This bill would require the authority to prepare, publish, adopt, and submit to the Legislature a business plan addressing specified elements no later then January 1, 2012, and every 2 yrs thereafter, with a draft of the business plan to be available at least 60 days in advance for public review and comment, following a public hearing.	9/10/09 to Governor 9/8/09 Return by Gov at Senate Request 8/27/09 Enrolled; to Governor 8/17/09 Passed Assembly 6/1/09 Passed Senate 2/27/09 - INTRO	Staff Monitoring	Rail