

Memorandum

To: Chair and Commissioners

Date: November 23, 2009

From: BIMLA G. RHINEHART
Executive Director

Reference No. 4.1
ACTION

Ref: State and Federal Legislation

Issue:

Should the Commission approve criteria for Commission staff to use in selecting bills that should be brought forward for Commission consideration?

Recommendation:

Commission staff recommends that the Commission adopt the following criteria to guide staff in monitoring bills for the Commission. An over-arching criterion is that a bill must directly affect transportation on a statewide basis. Subsequently, bills meeting one or more of the criteria below will be brought forward to the Commission for consideration. A bill must:

- involve funding or a funding mechanism for transportation (capital and operations);
- involve the implementation of green house gas emissions reduction and transportation (e.g., AB 32);
- involve the implementation of transportation and land use and planning (e.g., SB 375);
- involve the environmental process and transportation (e.g., California Environmental Quality Act); and
- involve changes to the way transportation projects are delivered.

Additional criteria for bringing a bill forward for consideration is a bill that:

- affects the Commission directly (e.g., changes in Commission responsibility, policy impact or operations); or
- is recommended by a Commissioner for consideration by the Commission at its next regularly scheduled meeting.

Background:

By statute, the Commission advises and assists the Secretary of the Business, Transportation and Housing (BT&H) Agency and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state. Part of the Commission's advice role is to review proposed legislation and the impact that legislation may have on transportation and funding.

Last year the Commission adopted a policy to:

- consider legislation in relation to its overall policy by topic area, prior to taking a position on legislation addressing that topic.
- remain selective in its use of watch, support or opposition on a bill.

The Commission's 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. The Commission could later establish a position on the bill.

The eight criteria proposed earlier will refine the guidance provided to Commission staff on bills that should be brought forward for Commission consideration. After consideration, further guidance can then be provided to staff by the Chair, Vice-Chair and past Chair, as well as interested Commissioners through the Chair, on those remaining bills that meet the aforementioned criteria. Ultimately the Commission may decide to take a position on a bill.

Commission staff will then limit monitoring to those bills selected by the Commission. Staff will:

- report at Commission meetings on the bills' progress,
- prepare analyses and recommendations,
- testify at committee hearings on those bills where the Commission has taken a position,
- continue to meet regularly with Caltrans and Legislative staff to discuss bills moving through the legislative process and
- inform the Administration of the Commission's position on bills that pass the Legislature.