

Memorandum

To: CHAIR AND COMMISSIONERS

Date: July 26, 2010

From: BIMLA G. RHINEHART
Executive Director

File No: Reference No. 4.1
ACTION

Ref: State and Federal Legislation

Commission staff continues to monitor proposed legislation based on the over-arching criterion approved by the Commission on December 9, 2009. An update on these bills is provided in Attachment A to this staff report. Staff will provide a brief update on any actions taken upon the return of the Legislature following its summer recess on August 2, 2010.

RECOMMENDATION

Staff recommends that the Commission accept the staff report.

UPDATE ON LEGISLATION

Bills that were amended, following the staff report prepared and presented at the June 30-July 1, 2010 Commission meeting, are presented below.

AB 289 – Galgiani

Original Version: *High Speed Rail* – Stated the intent of the Legislature to appropriate funds to the High-speed Rail Authority from the Safe, Reliable High-speed Passenger Train Bond Act for the 21st Century in the Budget Act of 2010-11, to be used to provide a dollar-for-dollar match for federal ARRA funds received by the state for high-speed rail purposes. Identified the corridors eligible for ARRA funds. Authorized the Governor to appoint civil service exempt staff to oversee the work of the authority in implementing the project.

Last Amended July 15, 2010: *High Speed Rail* –Identifies the corridors eligible for American Recovery and Reinvestment Act (ARRA) and Passenger Rail Investment and Improvement Act (PRIIA) funds, upon appropriation by the Legislature, and requires the authority to work with the Federal Railroad Administration to create a plan for expenditure of the ARRA funds. Sets forth the dates for obligation and expenditure of the ARRA funds and dates for completion of various tasks. These provisions would not apply to the portion of ARRA funds awarded to the Transbay Terminal project in San Francisco.

AB 1375 – Galgiani

Original Version: High Speed Rail – Revised provisions by repealing and reenacting the California High-Speed Train Act. Continued the High-Speed Rail Authority to perform specified duties. Created the Department of Railroads with responsibility for implementing the high-speed train project. Authorized the department to acquire rights-of-way for the high-speed rail projects. Limited the department's authority to use eminent domain to the powers previously granted to the authority.

Last Amended: June 22, 2010: High Speed Rail – Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority. This bill, for purposes of managing and administering the ongoing work of the authority in implementing the high-speed train project, would authorize the Governor, upon the recommendation of the executive director, to appoint up to 6 additional authority employees, exempt from civil service, who would serve in specified positions at the pleasure of the executive director. The bill would require a salary survey to be conducted to determine the maximum compensation for the executive director and additional exempt employees, and would require the salaries to be approved by the Department of Personnel Administration.

AB 2098 – Miller

Original Version: Public Contracts: Design-Build Contracts – Provided that a project of a local transportation entity may be approved by the State Transportation Commission for the design-build method of procurement if the project is consistent with the Policy Guidance for Project Authorizations under the Design-Build Demonstration Program adopted by the Commission as a specified resolution.

Last Amended June 23, 2010: Riverside County Transportation Commission: Transportation Projects: Contracts – Authorizes the Riverside County Transportation Commission to procure services and award and enter into agreements, including agreements for design and construction State Route 91 utilizing the best value design-build method of procurement.

AB 2703 – Perez

Original Version: Federal Transportation Economic Stimulus Funds: 2nd Round – Provided the authority to advance certain transportation projects with loans of federal funds awarded to the state in 2010 under the 2nd round of federal transportation economic stimulus funds. Provided the requirements to be determined eligible for an advance. Provided that upon repayment of these loans, these funds would be available for appropriation for the State Highway Operation and Protection Program.

Last Amended July 15, 2010: Bond Funded Projects: Letters of No Prejudice – Allows an eligible regional or local agency to apply to the California Transportation Commission for a letter of no prejudice relating to projects to be funded under the \$950 million allocated to eligible regional or local agencies under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. Authorizes the California Transportation Commission to develop guidelines to implement these provisions.

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SB 409 – Ducheny

Original Version: Passenger Rail Programs; Strategic Planning –Would have placed the High Speed Rail Authority within Business, Transportation and Housing Agency. Required the five members of the Authority appointed by the Governor be appointed with advice and consent of the Senate. Required the Authority to annually submit a funding plan to the Commission for approval, identifying the need for investment during the fiscal year and the amounts of bond sales necessary to accommodate those investments.

Last Amended July 1, 2010: Passenger Rail Programs; Strategic Planning – At the writing of this staff report the amended bill was not available. Commission staff will report on the amendments at the August 11-12, 2010 Commission meeting.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Status of Legislation
 Commission Meeting
 August 11-12, 2010

RELATED TO BOND FUNDS

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 2703	PEREZ	Bond-Funded Projects: Letter of No Prejudice	Allows an eligible regional or local agency to also apply to the California Transportation Commission for a letter of no prejudice relating to projects to be funded under the \$950 million allocated to eligible regional or local agencies under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21 st Century. Authorizes the Commission to develop guidelines to implement these provisions.	6/30/10 – From Senate Committee on Transportation and Housing. 7/15/10 – From Senate Committee on Appropriations with author's amendments. 7/15/10 – In Senate. Read second time and amended. Re-referred to Committee on Appropriations. <u>Current Location</u> Senate Committee on Appropriations	Staff Monitor
SB 901	ASHBURN	Transportation: Bond Funded Projects: No Prejudice	Amends existing law that authorizes a regional or local agency that is a lead agency for certain transportation projects or project components for which bond funding has been programmed or approved by the administrative agency to apply for a letter of no prejudice that makes the regional or local agency eligible to be reimbursed from bonds funds for project expenditures. Authorizes those regional and local agencies to apply for such letter for funding of grade separation and railroad crossing projects.	1/26/10 – Introduced 2/11/10 – To Senate Committee on Transportation and Housing <u>Current Location</u> Senate Committee on Transportation and Housing	Staff Monitor

RELATED TO FEDERAL STIMULUS

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
SB 1371	LOWENTHAL and CORREA	Federal transportation economic stimulus funds	Requires the Department of Transportation to work with local transportation agencies to develop a list of potential projects that may be awarded within a 90-day period of the award to the state of 2nd round federal transportation economic stimulus funds. Requires the department to submit a monthly status report to the Legislature with respect to certain milestones for expenditure of these funds.	6/14/10 – From Assembly Committee on Transportation. Do pass as amended to Assembly Committee on Appropriations. 6/30/10 – From Assembly Committee on Appropriations. Do pass. 7/1/10 – In Assembly. Read second time. Placed on Consent Calendar. <u>Current Location</u> Assembly On Consent Calendar First Legislative Day	Staff Monitor

CALIFORNIA TRANSPORTATION COMMISSION

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RELATED TO DIRECT IMPACT TO COMMISSION

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
SB 1348	STEINBERG	California Transportation Commission	Establishes specified procedures that the State Transportation Commission would be required to utilize when it adopts guidelines pursuant to a statutory authorization or mandate. Exempts the adoption of those guidelines from the requirements of the Administrative Procedure Act.	6/17/10 – In Assembly. Read second time and amended. Re-referred to Committee on Appropriations. 6/30/10 – From Assembly Committee on Appropriations. Do pass. 7/1/10 – In Assembly. Read second time. To Consent Calendar. <u>Current Location</u> Assembly On Consent Calendar First Legislative Day	Staff Monitor

RELATED TO DESIGN-BUILD

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 2098	MILLER	Riverside County Transportation Commission: transportation projects: contracts	Authorizes the Riverside County Transportation Commission to procure services and award and enter into agreements, including agreements for design and construction for the transportation project utilizing the best value design-build method of procurement, as defined.	6/23/10 – From Assembly Committee on Transportation with author's amendments. In Assembly. Read second time and amended. Re-referred to Committee on Transportation. 6/29/10 – From Assembly Committee on Transportation. Do pass. 6/30/10 – In Assembly. Read second time. To third reading. <u>Current Location</u> Assembly	Staff Monitor

CALIFORNIA TRANSPORTATION COMMISSION

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<u>RELATED TO THE ENVIRONMENT AND PLANNING</u>					
AB 153	MA	Land Use and Planning: Environmental Quality	Modifies the membership of the Planning Advisory and Assistance Council, including one member from the California Transportation. Authorizes specified entities to levy a mitigation fee, upon local voter approval, on the registration of any motor vehicle registered within the county of those entities to be disbursed to the local air quality management district to help local and regional governments reduce greenhouse gas emissions.	06/21/10 – In Senate. Read second time and amended. Re-referred to Committee on Transportation and Housing. 6/30/10 – From Senate Committee on Transportation and Housing. Do pass and re-referred to Committee on Rules. <u>Current Location</u> Senate Committee on Rules	Staff Monitor
AB 231	HUFFMAN	Environment: California Environmental Quality Act: overriding consideration	Relates to the California Environmental Quality Act that requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant environmental effect. Authorizes the agency to rely on overriding consideration made in a prior environmental impact report for a later project if the agency makes a determination on the later project's significant impacts on the environment.	06/26/09 – In Senate. Read second time and amended. Re-referred to Committee on Environmental Quality. 6/23/10 – Amend and re-refer to Committee. Read second time, amended, and re-referred to Committee on Environmental Quality. <u>Current Location</u> Senate Committee on Environmental Quality Hearing Scheduled: August 2	Staff Monitor

CALIFORNIA TRANSPORTATION COMMISSION

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RELATED TO RAIL

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 289	GALGIANI	High Speed Rail	This bill would identify the corridors eligible for ARRA and PRIIA funds, upon appropriation by the Legislature, and require the authority to work with the Federal Railroad Administration to create a plan for expenditure of the ARRA funds. These provisions would not apply to the portion of ARRA funds awarded to the Transbay Terminal project in San Francisco. This bill, for purposes of managing and administering the ongoing work of the authority in implementing the high-speed rail project, would authorize the Governor upon recommendation of the executive director, to appoint up to 6 additional executive staff exempt from civil service who would serve in specified positions at the pleasure of the executive director. The bill would require the authority to cause a salary survey to be conducted to determine the compensation for the executive director and additional exempt staff, and would require the salaries to be approved by the Department of Personnel Administration.	6/22/10 – In Senate. Read second time. Amended and re-referred to Senate Committee on Transportation and housing. 6/29/10 – From Senate Committee on Transportation and Housing. Do pass as amended to Committee on Appropriations. 7/15/10 – In Senate. Read second time and amended. Re-referred to Committee on Appropriations. <u>Current Location</u> Senate Committee on Appropriations Hearing Scheduled: August 2	Staff Monitor
AB 619	BLUMENFIELD	Transportation Projects: High-Speed Rail	Establishes procedures to be followed by entities that intend to bid or submit a proposal to contract with the authority for goods or services related to the high-speed train network. Requires any entity to affirmatively certify whether it had any direct involvement in specified actions between specified dates during World War II. Requires the authority to acknowledge and note the importance of complying with this certification, as provided.	06/17/10 – In Senate. Read second time and amended. Re-referred to Committee on Transportation and Housing. 7/15/10 – Do pass as amended and re-refer to Committee on Appropriations. <u>Current Location</u> Senate Committee on Appropriations Hearing Scheduled: August 2	Staff Monitor

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RELATED TO RAIL (Continued)

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 1375	GALGIANI	High-speed Rail	Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority. This bill, for purposes of managing and administering the ongoing work of the authority in implementing the high-speed train project, would authorize the Governor, upon the recommendation of the executive director, to appoint up to 6 additional authority employees, exempt from civil service, who would serve in specified positions at the pleasure of the executive director. The bill would require a salary survey to be conducted to determine the maximum compensation for the executive director and additional exempt employees, and would require the salaries to be approved by the Department of Personnel Administration.	5/24/10 – In Senate. Read second time and amended. Re-referred to Committee on Transportation and Housing. 6/22/10 – From Senate Committee on Transportation and Housing with author's amendments. 6/22/10 – In Senate. Read second time and amended. Re-referred to Committee on Transportation and Housing. <u>Current Location</u> Senate Committee on Transportation and Housing	Staff Monitor
AB 1747	GALGIANI	High-Speed Rail Authority	Authorizes the High Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs in the state when awarding major contracts including purchasing high-speed trains.	5/10/10 – In Assembly. Read third time. Passed Assembly. 6/3/10 – To Senate Committee on Rules. <u>Current Location</u> Senate Committee on Rules	Staff Monitor
AB 2121	HARKEY	High Speed Rail	Require the High-Speed Rail Authority to annually adopt a 6-year high-speed train program, as specified, for submission to the chairs of the appropriate policy and budget committees of the Legislature. Requires the authority to annually prepare and submit to the chairs of those committees of the Legislature a report including, among other things, a description of the progress made on the program and a detailed financial plan to pay for construction of the high-speed train network.	06/2/10 – In Assembly Read third time. Passed Assembly. 6/10/10 – To Senate Committee on Rules. <u>Current Location</u> Senate Committee on Rules	Staff Monitor

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RELATED TO RAIL (Continued)

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
SB 409	DUCHENY	Passenger rail programs; strategic planning	Places the High-Speed Rail Authority within the Business, Transportation, and Housing Agency. Requires a specified number of authority members appointed by the Governor to be appointed with the advice and consent of the Senate. Requires the authority to submit a funding plan to the State Transportation Commission. Requires the agency to prepare a Strategic Rail Connectivity Plan for the state with emphasis on passenger rail system improvements and linkages.	2/11/10 – To Assembly Committee on Transportation. 7/1/10 – From Assembly Committee on Transportation. Do pass as amended; but first amend and re-refer to Committee on Appropriations. <u>Current Location</u> Assembly Committee on Appropriations	Staff Monitor
SB 455	LOWENTHAL	High-Speed Rail	Relates to membership and duties of the High-Speed Rail Authority. Requires the Authority to ensure that projects undertaken pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, including projects for acquisition of right-of-way, are consistent with specified criteria. Provides that property acquired by the Authority and leased back for commercial or business uses to the former owner may be insured for loss by fire, with the premium included in the rent.	7/24/09 – In Assembly. To Inactive File. 6/28/10 – In Assembly. Notice of intention to remove from Inactive File. 6/29/10 – In Assembly. From Inactive File. To third reading. <u>Current Location</u> Assembly	Staff Monitor
SB 965	DESAULIER	High-Speed Rail Authority	Requires the High-Speed Rail Authority to expend federal funds made available by the federal ARRA for high-speed rail purposes. Requires the authority to take various actions in that regard. Requires the authority to submit to the Legislature an expenditure plan for the federal funds. Exempts the Transbay Terminal project in San Francisco from the provisions if ARRA funds are made available to the authority for that project.	6/21/10 – From Assembly Committee on Transportation with author's amendments. 6/21/10 – In Assembly. Read second time and amended. Re-referred to Committee on Transportation. 6/29/10 – From Assembly Committee on Transportation: Do pass to Committee on Appropriations. <u>Current Location</u> Assembly Committee on Appropriations Hearing Scheduled: August 4	Staff Monitor

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RELATED TO PLANNING

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
SB 1445	DESAULNIER	Planning	Modifies the membership of the duties of the Planning Advisory and Assistance Council. Deletes the reference to regional planning districts and instead require seven of the council's members to be appointed from the governing boards of specified regional planning organizations. Would provide for the appointment of one member each from the California Transportation Commission, the State Air Resources Board, the State Energy Conservation and Development Commission, the Speaker of the Assembly, and the Senate Committee on Rules. Expands the duties of the council by requiring it to work with the Strategic Growth Council and various regional and local agencies to facilitate the implementation of regional blueprint plans, and to develop and propose recommendations to the Strategic Growth Council and certain state agencies in order to facilitate coordination between regional blueprint plans, state growth and infrastructure plans, and programs that facilitate the implementation of regional blueprint plans. Would also require reports by the council to the Legislature. Increases the motor vehicle registration fee and requires the distribution of a percentage of the resulting revenues to the Planning Advisory and Assistance Council. Provides the remaining revenues would be for transportation.	6/28/10 – From Assembly Committee on Local Government. Do pass to Committee on Transportation. 6/28/10 – In Assembly Committee on Transportation: Failed passage. 7/1/10 – In Assembly Committee on Transportation. Reconsideration granted. Do pass to Assembly Committee on Appropriations. <u>Current Location</u> Assembly Committee on Appropriations Hearing Scheduled: August 4	Staff Monitor

RELATED TO AIRPORTS

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
SB 1141	NEGRETE MCLEOD	Airports: Airport Land Use Commission	Amends existing law that requires members of an airport land use commission to have expertise in aviation. Requires that, if the board of supervisors and city selection committee determine proper land use can be accomplished through the actions of a designated body, the body be a countywide body. States the conditions in which a city in which an airport is located to assume land use operations. Exempts Marin County. Relates to airport subaccounts to fund an airport land use entity.	6/22/10 – From Assembly Committee on Local Government with author's amendments. 6/22/10 – In Assembly. Read second time and amended. Re-referred to Committee on Local Government. 6/30/10 – From Assembly Committee on Local Government. Do pass to Committee on Appropriations. <u>Current Location</u> Assembly Committee on Appropriations Hearing Scheduled: August 4	Support

CALIFORNIA TRANSPORTATION COMMISSION

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RELATED TO PROPOSITION 116

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 2520	SOLORIO	Transportation: general obligation bonds	Enacts similar provisions to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 applicable to regional or local agencies relative to projects to be funded by Clean Air and Transportation Improvement Act of 1990 - letter of no prejudice.	2/19/10 – Introduced 3/18/10 – To Assembly Committee on Transportation. <u>Current Location</u> Assembly Committee on Transportation	Staff Monitor

OTHER

Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 1760	BLUMENFIELD	Design-Sequencing Contracts	Until January 1, 2010, the Department of Transportation was authorized to conduct a pilot project to let design-sequencing contracts, as defined, for design and construction of not more than 12 transportation projects. These provisions are now repealed. This bill would reenact similar provisions, authorizing the department to let design-sequencing contracts for the design and construction of not more than 5 transportation projects, to be effective until January 1, 2014. The bill would require the department to compile data on the transportation projects pursuant to the design-sequencing contracts awarded under these provisions and to include that data in an attachment to specified reports to the Legislature each year during which the projects are underway, as specified.	6/22/10 – From Senate Committee on Transportation and Housing. Do pass as amended to Committee on Appropriations. 7/15/10 – In Senate. Read second time and amended. Re- referred to Committee on Appropriations <u>Current Location</u> Senate Committee on Appropriations Hearing Scheduled: August 2	Staff Monitor

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OTHER					
Bill #	Author	Bill Title	Subject	Status/Current Location	CTC Position
AB 2663	LOWENTHAL	Local Government: Federal Fiscal Year	Makes several legislative findings and declarations relating to cities that observe the federal fiscal year calendar. Provides that if the Legislature transfers, borrows from, or suspends allocated revenues from the Transportation Investment Fund, the respective transaction would be suspended during specified months of the same fiscal year. Provides that the transfer, borrowing, or suspension of revenues would instead commence on a specified date and be completed on or before another specified date.	6/22/10 – From Senate Committee on Local Government with author's amendments. 6/22/10 – In Senate. Read second time and amended. Re-referred to Committee on Local Government. 6/30/10 – From Senate Committee on Local Government. Do pass to Committee on Appropriations. Current Location Senate Committee on Appropriations Hearing Scheduled: August 2	Staff Monitor
SCR 54	COGDILL	Kirk Lindsey Memorial Highway	Designates a specified portion of State Highway Route 108 in Modesto as the R. Kirk Lindsey Memorial Highway.	6/7/10 – From Assembly Committee on Transportation. Be adopted. To Assembly Committee on Appropriations. 6/30/10 – From ASSEMBLY Committee on APPROPRIATIONS: Be adopted. To Assembly Consent Calendar. Current Location Assembly On Consent Calendar Second Legislative Day	Support