

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 5, 2013

Reference No.: 4.1 (Revised)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **STATE AND FEDERAL LEGISLATION**

ISSUE:

Does the California Transportation Commission (Commission) have comments to the legislation identified and monitored by staff, as depicted in Attachment A?

RECOMMENDATION:

Staff recommends that the Commission accept the staff report and provide direction to staff on legislation of interest to it.

SUMMARY:

The deadline for the State Legislature to introduce bills in the first year of the two-year session was February 22, 2013. Twenty-three additional bills, introduced by the deadline, met the criteria approved by the Commission. These bills are included in Attachment A along with bills staff is currently monitoring. The Legislature will recess for spring break on March 21, 2013 and reconvene on April 1, 2013.

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 1.) consider legislation in relation to its overall policy by topic area prior to taking a position on legislation addressing that topic; and 2.) 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

- A – Status of State and Federal Legislation

CALIFORNIA TRANSPORTATION COMMISSION

Status of State Legislation

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FUNDING/FINANCING

Bill #	Author	Bill Title	Subject	Status
<u>AB 204</u>	Wilk	Green Vehicles: Fees	This bill would express the intent of the Legislature to enact legislation to impose a fee in conjunction with registration on green vehicles to address the costs of those vehicles using public roads and highways.	<i>Last Action</i> Introduced in Assembly January 30, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 243</u>	Dickinson	Local Government: Infrastructure and Revitalization Financing Districts	This bill would authorize the creation of an infrastructure and revitalization financing district and the issuance of debt with 55% voter approval. The bill would authorize a district to finance projects in redevelopment project areas, former redevelopment project areas and former military bases if special conditions are met. The bill would authorize a district to fund various projects including: highways, interchanges, ramps and bridges, arterial streets, parking facilities and transit facilities.	<i>Last Action</i> Referred to Committee February 15, 2013 <i>Current Location</i> Assembly Committee on Local Government
<u>AB 680</u>	Salas	Transportation Funds	This bill would make a technical, non-substantive change to provisions of existing law requiring funds in the State Highway Account to be programmed, budgeted, and expended to maximize the use of federal funds and according to specified sequence of priorities, and to provide information to the Legislature to substantiate the department's proposed capital outlay support budget.	<i>Last Action</i> Introduced in Assembly February 21, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 690</u>	Campos	Jobs and Infrastructure Financing Districts: Voter Approval	This bill would revise and recast the provisions governing infrastructure financing districts and provide for the creation of jobs and infrastructure financing districts (JIDs) with 55% voter approval. This bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to non-taxing authority or powers only. This bill would authorize a district to fund various projects including: highways, interchanges, ramps and bridges, arterial streets, parking facilities and transit facilities.	<i>Last Action</i> Introduced in Assembly February 21, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 1070</u>	Frazier	California Transportation Financing Authority	This bill relates to the Transportation Financing Authority Act and the Transportation Financing Authority. This bill would provide for the roles of the authority and an issuer of bonds under the act if the project sponsor, rather than the authority, is the issuer of bonds.	<i>Last Action</i> Introduced in Assembly February 22, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 1194</u>	Ammiano and V.M Perez	Safe Routes to School Program	This bill would require the Safe Routes to School Program to be funded by an annual appropriation in the budget act, and would authorize the transfer of the responsibility of selecting projects and awarding grants from the Department of Transportation to the California Transportation Commission, at the discretion of the Transportation Agency.	<i>Last Action</i> Introduced in Assembly February 22, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 1369</u>	Patterson	Transportation Capital Projects: Intercity Rail	This bill would make a non-substantive change to existing law that provides for programming of various transportation funds that are available for transportation capital projects through the state transportation improvement program process administered by the California Transportation Commission.	<i>Last Action</i> Introduced in Assembly February 22, 2013 <i>Current Location</i> Not yet assigned to committee

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<u>SCA 4</u>	Liu	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, non-substantive changes.	<p><i>Last Action</i> Referred to Committee February 14, 2013</p> <p><i>Current Location</i> Senate Committees on Governance and Finance and Rules</p> <p><i>Commission Adopted Position</i> Support position adopted 1-8-13 Support letter issued 1-14-13</p>
<u>SCA 6</u>	DeSaulnier and Wolk	Initiative Measures: Funding Source	This measure would prohibit an initiative measure that would result in a net increase in state or local government costs, other than costs attributable to the issuance, sale or repayment of bonds, from being submitted to the electors or having any effect unless and until the Legislative Analyst and the Director of Finance jointly determine that the initiative measure provides for additional revenues in an amount that meets or exceeds the net increase in costs.	<p><i>Last Action</i> Referred to Committee February 7, 2013</p> <p><i>Current Location</i> Senate Committee on Elections and Constitutional Amendments Will be heard in committee March 19, 2013</p>
<u>SCA 8</u>	Corbett	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 transportation projects requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes.	<p><i>Last Action</i> Referred to Committee February 14, 2013</p> <p><i>Current Location</i> Senate Committees on Governance and Finance and Rules</p> <p><i>Commission Adopted Position</i> Support position adopted 1-8-13 Support letter issued 1-14-13</p>
<u>SB 1</u>	Steinberg	Sustainable Communities Investment Authority	This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years.	<p><i>Last Action</i> Referred to Committee January 10, 2013</p> <p><i>Current Location</i> Senate Committees on Government and Finance and Transportation and Housing</p> <p>Will be heard in Government and Finance committee March 13, 2013</p>
<u>SB 408</u>	De Leon	Transportation Funds	This bill relates to transportation funds available for capital improvement projects. This bill would provide that remaining funds are available for the study of, and development and implementation of, capital improvement projects.	<p><i>Last Action</i> Referred to Committee February 28, 2013</p> <p><i>Current Location</i> Senate Committee on Rules</p>

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<u>SB 444</u>	De Leon	California Transportation Financing Authority	This bill would make a technical, non-substantive change to provisions regarding duties of the Transportation Financing Authority in issuing transportation financing instruments, or approving their issuance by various local or regional agencies to secure the issuance of bonds.	<p><i>Last Action</i> Introduced in Senate February 21, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>
<u>SB 810</u>	Price	California Transportation Financing Authority	This bill would authorize the California Transportation Financing Authority to award tax credit certificates to exporters and importers that demonstrate they have increased their cargo tonnage or value through state ports and airports by specified amounts or had a net increase in full-time employees. This bill would amend the Personal Income Tax Law and the Corporation Income Tax Law. This bill would allow a credit against the taxes imposed by those laws if a taxpayer receives a tax credit certificate.	<p><i>Last Action</i> Introduced in Senate February 22, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>

DIRECT IMPACT TO COMMISSION

Bill #	Author	Bill Title	Subject	Status
<u>AB 14</u>	Lowenthal	State Freight Plan	This bill would require the Business Transportation and Housing Agency (Agency) to prepare a state freight plan with specified elements to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. The bill also requires the Agency to establish a freight advisory committee which will include participation from the Commission. The initial state freight plan would be submitted to the Legislature, the Governor, and certain state agencies, including the Commission, by December 31, 2014, and updated every 5 years thereafter	<p><i>Last Action</i> Referred to Committee January 14, 2013</p> <p><i>Current Location</i> Assembly Committee on Transportation <u>Informational Hearing Held</u> February 11, 2013</p>
<u>AB 317</u>	Hall	Transportation: State Highways	This bill would make a non-substantive change to provisions requiring the Transportation Commission to program interregional and regional transportation capital improvement projects through the State Transportation Improvement Program process.	<p><i>Last Action</i> Introduced in Assembly February 12, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>
<u>AB 574</u>	Lowenthal	State Highways: Relinquishment	This bill would authorize the California Transportation Commission to relinquish any portion of a state highway or related facility within a county or city to that county or city, subject to an agreement between the Department of Transportation and the local agency, without requiring a legislative enactment deleting the state highway segment from the state highway system.	<p><i>Last Action</i> Introduced in Assembly February 20, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>
<u>AB 1290</u>	J. Perez	Transportation Planning	This bill would provide 2 additional voting members of the California Transportation Commission to be appointed by the Legislature, and for the Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development to serve as ex officio members without a vote. Would require the Planning Committee to monitor land use and transportation outcomes in accordance with regional Sustainable Communities Strategies. Would require the Regional Transportation Plan Guidelines to contain minimum requirements relating to alternative land use scenarios and corresponding transportation systems. Would require each Metropolitan Planning Organization to make an annual report to the Commission describing progress in implementing the Sustainable Communities Strategy and in attaining greenhouse gas emissions reductions. Would require the Commission to include in the Annual Report, an assessment of state progress in achieving greenhouse gas emissions reductions from land use and transportation planning. Would require the Regional Transportation Improvement Plan to identify the relationship of each project to the Sustainable Communities Strategy.	<p><i>Last Action</i> Introduced in Assembly February 22, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>

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<u>SCA 1</u>	Wyland	State Auditor: Duties	This measure would require the California State Auditor to biennially conduct a specified financial audit and performance evaluation of each state program, including the administration or oversight of that program by the department or agency that is responsible for the program, and submit a report of the results of that financial audit and performance evaluation to the Legislature, as prescribed. This measure would require the committee that considers the budget in each house of the Legislature to meet and consider recommendations made in each performance evaluation within 90 days of submission by the California State Auditor. This measure would require the California State Auditor to make each financial audit and performance evaluation available to the public on an Internet Web site and in hardcopy format and require the Legislature to appropriate to the California State Auditor's Office funds as necessary to implement these provisions	<p>Last Action Re-referred to Committee February 7, 2013</p> <p>Current Location Senate Committees on Governmental Organization, and Elections and Constitutional Amendments</p>
<u>SB 110</u>	Steinberg	California Transportation Commission: Guidelines	This bill would establish specific procedures that the commission would be required to utilize when it adopts guidelines, except as specified, and would exempt the adoption of those guidelines from the requirements of the Administrative Procedures Act. 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>Last Action Referred to Committee January 24, 2013</p> <p>Current Location Senate Committee on Transportation and Housing</p>
<u>SB 486</u>	DeSaulnier	Office of Legal Compliance and Ethics	This bill would create the Office of Legal Compliance and Ethics (office) within the agency with responsibility for, among other things, acting to prevent and detect serious breaches of Department of Transportation (department) policy, and fraud, waste, and abuse, including any acts of criminal conduct within the department. The bill would require the director of the office to report quarterly, at a noticed public hearing of the commission, regarding performance of and activities related to investigations and to report annually to the Governor and the Legislature with a summary of his or her investigations. The bill would require the summary to be posted on the agency's Internet Web site.	<p>Last Action Introduced in Senate February 21, 2013</p> <p>Current Location Not yet assigned to committee</p>
<u>SB 811</u>	Lara	California Transportation Commission	This bill would make a non-substantive change to provisions of existing law creating the Transportation Commission as the successor to the Highway Commission.	<p>Last Action Introduced in Senate February 22, 2013</p> <p>Current Location Not yet assigned to committee</p>

RELATED TO PLANNING

Bill #	Author	Bill Title	Subject	Status
<u>AB 1002</u>	Bloom	Vehicles: Registration Fees – Sustainable Communities Subaccount	This bill would impose, in addition to any other fees specified in the Vehicle Code and the Revenue and Taxation Code, a fee of \$6 to be paid at the time of registration or renewal of registration of every vehicle subject to registration under the Vehicle Code, all moneys realized pursuant to that provision for deposit in the Sustainable Communities Strategy Subaccount, to be available upon appropriation by the Legislature for implementation of Sustainable Communities Strategies.	<p>Last Action Introduced in Assembly February 22, 2013</p> <p>Current Location Not yet assigned to committee</p>
<u>AB 1179</u>	Bocanegra	Regional Transportation Plan: Sustainable Communities Strategy	Requires the sustainable communities strategy to identify, in consultation with each local educational agency in the region, future school facilities sites, or existing facilities that may be modernized or expanded.	<p>Last Action Introduced in Assembly February 22, 2013</p> <p>Current Location Not yet assigned to committee</p>

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RELATED TO ENVIRONMENT

Bill #	Author	Bill Title	Subject	Status
<u>AB 863</u>	Torres	Transit Projects: Environmental Review Process	Authorizes the Department of Transportation to assume responsibilities for federal review and clearance under the National Environmental Policy Act for a transit project that is subject to the act. Provides that the state consents to the jurisdiction of the federal courts in that regard, and provides that the department may not assert immunity from suit under the U.S. Constitution with regard to actions brought relative to those responsibilities under federal law.	<i>Last Action</i> Introduced in Assembly February 21, 2013 <i>Current Location</i> Not yet assigned to committee
<u>SB 731</u>	Steinberg	Environment: California Environmental Quality Act	State the intent of the Legislature to enact legislation revising the California Environmental Quality Act to, among other things, provide greater certainty for smart infill development. States the intent of the Legislature to provide funds annually to the Strategic Growth Council for the purposes of providing planning incentive grants to local and regional agencies to update and implement general plans.	<i>Last Action</i> Introduced in Senate February 22, 2013 <i>Current Location</i> Not yet assigned to committee

RELATED TO PROJECT DELIVERY

Bill #	Author	Bill Title	Subject	Status
<u>AB 603</u>	Cooley	Public Contracts: Design Build	Includes in the definition of a local transportation entity, a city, county, city and county, and a joint powers authority. Applies the specified procedural requirements to the state design-build projects. Authorizes the Capital Southeast Connector Joint Powers Authority to use design-build procurement. This bill would delete the repeal date of January 1, 2014.	<i>Last Action</i> Introduced in Assembly February 20, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 963</u>	Levine	State Contracts: RFP Procedures	This bill would require a bidder's record of environmentally preferable purchasing to be a factor in awarding a contract under a request for proposal.	<i>Last Action</i> Introduced in Assembly February 22, 2013 <i>Current Location</i> Not yet assigned to committee
<u>AB 1046</u>	Gordon	Department of Transportation: Innovative Delivery	States the intent of the Legislature to enact legislation that would facilitate the implementation of the master agreement executed by the Department of Transportation and the Santa Clara Valley Transportation Authority for the Innovative Delivery Team Demonstration Program.	<i>Last Action</i> Introduced in Assembly February 22, 2013 <i>Current Location</i> Not yet assigned to committee
<u>HR 711</u>	Foxx	Highway Trust Fund Reform Act of 2013	This bill would amend titles 23 and 49 of the United States Code to repeal wage requirements applicable to laborers and mechanics employed on Federal-aid highway and public transportation construction projects.	<i>Last Action</i> Referred to Committee February 14, 2013 <i>Current Location</i> House Committees on Education and the Workforce and Transportation and Housing

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RELATED TO AERONAUTICS

Bill #	Author	Bill Title	Subject	Status
<u>AJR 6</u>	Fox	Unmanned Aircraft Systems	This measure would request the Federal Aviation Administration to consider California as one of the 6 planned test sites for unmanned aircraft systems and integration of those systems into the next generation air transportation system.	<p><i>Last Action</i> Referred to Committee February 7, 2013</p> <p><i>Current Location</i> Assembly Committee on Transportation</p>
<u>AB 737</u>	Fox	Unmanned Aircraft Systems: Test Sites	This bill relates to integration of civil unmanned aircraft systems. This bill would require the director of the Governor's Office of Business and Economic Development to prepare a proposal to establish a test site in California and to consult with an advisory commission and specified local governments in developing the proposal. This bill would require a local government that submits a proposal to the FAA to also send a copy of the proposal to specified state entities.	<p><i>Last Action</i> Introduced in Assembly February 21, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>

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