

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 5, 2013

Reference No.: 4.1
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. Four additional bills (AB 204, AB 243, SB 110, AJR 6), introduced by the deadline, met the criteria approved by the Commission. These bills are included on Attachment A along with bills staff is currently monitoring. A copy of the Legislative Counsel's Digest for these bills is provided on Attachment B. 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
- B – Legislative Counsel's Digest for New Legislation

CALIFORNIA TRANSPORTATION COMMISSION

Status of State Legislation

March 5, 2013 Commission Meeting

FUNDING/FINANCING

Bill #	Author	Bill Title	Subject	Status
<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</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>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.	<p><i>Last Action</i> Introduced in Assembly January 30, 2013</p> <p><i>Current Location</i> Not yet assigned to committee</p>
<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.	<p><i>Last Action</i> Referred to Committee February 15, 2013</p> <p><i>Current Location</i> Assembly Committee on Local Government</p>

CALIFORNIA TRANSPORTATION COMMISSION

Status of State Legislation

March 5, 2013 Commission Meeting

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>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><i>Last Action</i> Re-referred to Committee February 7, 2013</p> <p><i>Current Location</i> Senate Committees on Governmental Organization, and Elections and Constitutional Amendments</p>
<u>SB 110</u>	Steinberg	California Transportation Commission: Guidelines	<p>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.</p> <p>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>	<p><i>Last Action</i> Referred to Committee January 24, 2013</p> <p><i>Current Location</i> Senate Committee on Transportation and Housing</p>

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>

ASSEMBLY BILL No. 204

Introduced by Assembly Member Wilk

January 30, 2013

An act relating to vehicles.

LEGISLATIVE COUNSEL DIGEST

AB 204, as introduced, Wilk. Vehicles: green vehicles: fees.

Existing law establishes the Department of Motor Vehicles. Existing law provides for the registration of vehicles by the Department of Motor Vehicles, including the imposition of various fees and requirements in connection with registration.

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.

ASSEMBLY BILL No. 243**Introduced by Assembly Member Dickinson**

February 6, 2013

An act to add Chapter 2.10 (commencing with Section 53399) to Part 1 of Division 2 of Title 5 of the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 243, as introduced, Dickinson. Local government: infrastructure and revitalization financing districts.

Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and 2/3 voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, subject to specified procedures and 2/3 voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions.

This bill would authorize the creation of an infrastructure and revitalization financing district, as defined, and the issuance of debt with 55% voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Trust Fund to the district, if specified criteria are met. The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met. The bill would provide that the formation of the district and the issuance of debt by such a district on land of a former military base that is publicly owned is not subject to voter approval, as specified. The bill would authorize a district to fund various projects, including, among others, watershed land used for the collection and treatment of water for urban uses, flood management, levees, bypasses, open space, habitat restoration, brownfields restoration, environmental mitigation, purchase of land and property for development purposes, including commercial property, hazardous cleanup, former military bases, and specified transportation purposes. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. The bill would impose a specified reporting requirement on districts.

SENATE BILL No. 110

Introduced by Senator Steinberg

January 14, 2012

An act to add Section 14521.5 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Steinberg. California Transportation Commission: guidelines.

Existing law generally provides for programming and allocation of state and federal funds available for transportation capital improvement projects by the California Transportation Commission, pursuant to various requirements. Existing law authorizes the commission, in certain cases, to adopt guidelines relative to its programming and allocation policies and procedures.

Existing law, the Administrative Procedure Act, generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law, in certain instances, exempts state agencies from these requirements.

This bill would establish specified 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 Procedure Act.

ASSEMBLY JOINT RESOLUTION No. 6

Introduced by Assembly Member Fox

January 28, 2013

Relative to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AJR 6, as introduced, Fox. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

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.