

MEETING OF THE

LEGISLATIVE/COMMUNICATIONS AND MEMBERSHIP COMMITTEE

SOUTHERN CALIFORNIA



**ASSOCIATION OF
GOVERNMENTS**

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Community, Economic and
Human Development
Bill Jahn, Big Bear Lake

Energy & Environment
Margaret Clark, Rosemead

Transportation
Paul Glaab, Laguna Niguel

Tuesday, March 20, 2012

8:30 a.m. -10:00 a.m.

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818 West 7th Street, 12th Floor

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Los Angeles, CA 90017

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Videoconference Available

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Teleconference Also Available

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Ruby Moreno at (213) 236-1840 or via email moreno@scag.ca.gov

Agendas & Minutes for the Legislative/ Communications and Membership Committee are also available at:

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Legislative/Communications and Membership Committee

March 2012

Judy Mitchell, District 40
Gene Daniels, District 24

Chair
Vice-Chair

Member

Barrows, Bruce
Becerra, Glen
Carroll, Stan
Clark, Margaret
Daigle, Leslie
Finlay, Margaret
Glaab, Paul
Martinez, Michele
McCallon, Larry
Nelson, Shawn
O'Connor, Pam
Pettis, Greg
Viegas-Walker, Cheryl

Representing

District 23
District 46
District 31
District 32
District 15
District 35
District 12
District 16
District 7
Orange County
District 41
District 2
District 1

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Teleconference Locations

Hon. Margaret Clark
San Gabriel Basin WQA
1720 W. Cameron Avenue, #100
West Covina, CA 91790

LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE AGENDA MARCH 20, 2012

The Legislative/Communications & Membership Committee may consider and act upon any of the items listed on the agenda regardless of whether they are listed as information or action items.

CALL TO ORDER & ROLL CALL

(Hon. Judy Mitchell, Chair)

PUBLIC COMMENT PERIOD

Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Committee, must fill out and present a Public Comment Card to the Assistant prior to speaking. Comments will be limited to three (3) minutes, per speaker provided that the Chair has the discretion to reduce this time limit based upon the number of speakers. The Chair may limit the total time for all comments to twenty (20) minutes.

REVIEW AND PRIORITIZE AGENDA ITEMS

CONSENT CALENDAR

1. Minutes of February 21, 2012 Meeting **Attachment 1**

ACTION ITEMS

2. SCAG Sponsorship of Annual Events: **Attachment 6**
- City of Long Beach Pro Walk/Pro Bike Conference, **September 10, 2012** (\$2,000);
 - Council for Watershed Health's The Mediterranean City: A Conference on Climate Change Adaptation, **June 25, 2012** (\$2,000);
 - Four Corner Coalition 2012 Economic Summit, **May 16, 2012** (\$1,000)
- (Sharon Neely, Deputy Executive Director)*
3. AB 1455 (Harkey) - High Speed Rail Bond **Attachment 8**
(Sharon Neely, Deputy Executive Director)
4. AB 2405 (Blumenfield): Vehicles: High Occupancy Toll Lanes **Attachment 12**
(Sharon Neely, Deputy Executive Director)

INFORMATION REVIEW/DISCUSSION ITEM

5. Report from Washington DC Meetings from Committee Members **Oral Report**

LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE AGENDA MARCH 20, 2012

INFORMATION ITEMS CONTINUED

6. AB 441 (Monning): State Planning: Voluntary Health and Health Equity Factors
(Sharon Neely, Deputy Executive Director) Attachment 20
7. Support of SB 659 (Padilla-Hernandez) and SB 654 (Steinberg) regarding Redevelopment Authority (RDA) Abolishment Legislation-Follow-Up from February Regional Council Meeting
(Sharon Neely, Deputy Executive Director) Oral Update
8. State Legislative Matrix-Update Attachment 30
9. Comparison HR 7 & MAP 21 Matrix-Update Attachment 40

FEDERAL AND STATE LEGISLATIVE UPDATE *(Sharon Neely, Deputy Executive Director)*

Oral Report

REGIONAL SERVICES & PUBLIC AFFAIRS UPDATE *(Sylvia Patsaouras, Interim Director)*

Oral Update

FUTURE AGENDA ITEMS

Any Committee member or staff desiring to place items on a future agenda may make such a request.

ANNOUNCEMENTS

ADJOURNMENT

The next meeting of the Legislative/Communications & Membership Committee is scheduled for 8:30 a.m., Tuesday, April 17, 2012 at the SCAG Los Angeles office.

LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE
of the
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

February 21, 2012
Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN AND/OR DISCUSSIONS BY THE LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE. AUDIO OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S DOWNTOWN LOS ANGELES OFFICE.

The Legislative/Communications & Membership Committee held its February 21, 2012 meeting at SCAG's downtown Los Angeles Office.

Members Present

Hon. Bruce Barrows, District 23 (**Teleconference**)
 Hon. Glen Becerra, District 46
 Hon. Stan Carroll, District 31 (**Teleconference**)
 Hon. Margaret Clark, District 32 (**Teleconference**)
 Hon. Gene Daniels, District 24
 Hon. Leslie Daigle, District 15
 Hon. Margaret Finlay, District 35
 Hon. Michele Martinez, District 16 (**Teleconference**)
 Hon. Larry McCallon, District 7
 Hon. Pam O'Connor, District 41 (**Teleconference**)
 Hon. Greg Pettis, District 2
 Hon. Cheryl Viegas-Walker, District 1 (**Videoconference**)

CALL TO ORDER

The meeting was called to order by Councilmember Gene Daniels at 8:30 a.m. There was a quorum.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT CALENDAR

A motion was made (McCallon) to approve the Consent Calendar. The motion was **SECONDED** (Finlay) and **APPROVED** by roll call vote.

1. Minutes of January 17, 2012 Meeting

ACTION ITEM

2. SCAG Sponsorship of Annual Events: University of California, Los Angeles 2012 Complete Streets for California Conference (\$1,250); Association of California Cities, Orange County

Legislative/Communications & Membership Committee Minutes

2012 Board of Directors Installation Ceremony (\$1,000); California Transportation Commission Reception (\$500).

Sharon Neely, Deputy Executive Director, asked the Committee to consider another potential sponsorship request, The Fullerton State of the City luncheon event on March 29, 2012 for \$600 to be included on Item #2 of the agenda.

A motion was made (McCallon) to include the Fullerton State of the City luncheon on the Agenda under Item#2 for consideration. Motion was SECONDED (Finlay).

Ms. Neely briefed the Committee on all sponsorship requests and, after further discussion members expressed concern with supporting the Fullerton State of the City luncheon because it is a city specific, rather than regional, event. The Committee requested Staff to clarify its process of SCAG's standards and criteria for placing sponsorship requests on the LCMC agenda.

An alternate motion was made (Pettis) to approve the Fullerton State of the City luncheon for \$600. Motion was SECONDED (O'Connor) and the motion failed by majority vote.

A motion was made (McCallon) to recommend approval of the remaining SCAG Sponsorships up to \$2,750. Motion was SECONDED (Finlay) and unanimously APPROVED by roll call vote.

3. Congressional Letter – Anaheim-Ontario Maglev Project

Sharon Neely, Deputy Executive Director, presented at the request of SCAG Transportation Committee Chair Paul Glaab a proposed transmittal of a letter for the Anaheim-Ontario Maglev Project to congressional leaders. This letter is requesting that an unspent earmark of planning funds for the California/Nevada Super Speed Train project be redirected from Nevada to the Anaheim/Ontario Initial Operating Segment (IOS) segment, and that the funds be used for the planning and environmental review of the Anaheim-to-Ontario IOS. Ms. Neely noted that Board policy required that this letter be considered at the LCMC meeting since Congress indicated that they were no longer considering earmarks. The Committee discussed both the SCAG draft letter of support, as well as the letter that was sent by Orange County Transportation Authority (OCTA) to the Chairman of the House Transportation & Infrastructure Committee. Because the pending Senate reauthorization bill (MAP 21) specifically reserves these funds for the Nevada portion of the project, staff has proposed an alternative solution which provides funding for both segments.

A motion was made (Finlay) to recommend approval to the Regional Council of the draft Congressional Letter – Anaheim-Ontario Maglev Project, with clarification that the letter be signed by the President of SCAG. Motion was SECONDED (Martinez) and unanimously APPROVED by roll call vote.

INFORMATION/DISCUSSION ITEMS

4. Safe, Clean and Reliable Drinking Water Supply Act of 2012 Bond Proposition

Sharon Neely, Deputy Executive Director provided a summary and status update of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 at the request of the Energy and Environmental Committee at the February 2, 2012 meeting. Ms. Neely apprised the Committee of the possibility that the water bond may be either amended to reduce its total proposed debt, or may be moved again to a future election due to the Governor's anticipated tax extension measures appearing on the November ballot. Either such action would require the passage of legislation this year. Staff will continue to monitor and apprise the Committee of any developments pertaining to the water bond measure.

5. Government Performance and Accountability Act

James Mayer, Executive Director, California Forward, appeared before the Committee to explain the efforts California Forward has embarked upon to create new reform governance measures, aimed at improving the current state legislative and budget process. The development of these measures has involved consultation with local government leaders, stakeholders involved in the state budget process, and local community leaders throughout the state. Through that process California Forward was able to create an initiative measure that seeks to address two fundamental governance issues it has identified in California; 1) the escalating gap between what is possible to provide in community services, and what is in fact accomplished around the state; and 2) the growing lack of public trust in government at the state and local government level.

California Forward has developed a model initiative that at the state level fundamentally changes the legislative process, including for example, changing to a two year budget which is how many cities and counties already operate to encourage more comprehensive, long-range planning; and, additionally, requiring a three day (72 hours) prep rule for legislation to be public before lawmakers can vote on it to protect against passing quickly conceived legislation without sufficient vetting and review.

The Committee had many questions regarding the proposal, and was significantly interested in potential impacts upon SCAG and its members should the measure qualify for the November 2012 ballot by the June deadline. In response to the Committee's concerns, Ms. Neely assured the Committee that if the Government Performance and Accountability Act proposed by California Forward has a direct impact on the core responsibilities of SCAG, staff would place the proposal before the Legislative/Communications and Membership Committee (LCMC) for further discussion to decide whether it should be referred to the Regional Council for information purposes or potential action.

6. Comparison of House (HR 7) & Senate (MAP-21) Transportation Reauthorization Legislation

Sharon Neely, Deputy Executive Director, briefed the Committee on the status of the Comparison of House (HR 7) and Senate (MAP-21) bills, and presented two comparison tables

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of the funding by program and comparison of major policy provisions. Executive Director Hasan Ikhata has outlined SCAG's top five (5) priorities that would maximize the board's core principles and funding to SCAG's member agencies should the two bills proceed to conference committee. He noted he had discussed with the other key transportation partners CEO's. They include: 1) Maximize return to State funding provisions; 2) Grandfather current CMAQ suballocation funding (62.5%); 3) Eliminate provision allowing Governor to add projects to RTIP's; 4) Maintain freight provisions in the MAP 21; 5) Oppose the provision of HR 7 to eliminate the Mass Transit Account and its dedicated funding source from the gas tax, to be replaced by funding from general revenue and presumed future revenues derived from future enhanced gas and oil drilling.

Ms. Neely will update the Committee of any developments pertaining to reauthorization legislation.

7. 2012-2035 RTP/SCS Public Outreach Update

Sylvia Patsouras, Interim Director, provided a summary of SCAG's public outreach efforts on the Draft 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) by presenting a report of comments received from the workshops and the public hearings. During this process, Ms. Patsouras reiterated there were two (2) workshops and one (1) public hearing in every county, with approximately four hundred and fifty (450) participants.

Ms. Patsouras also announced that at today's SCAG's Joint Workshop staff will be discussing comments received on the Draft RTP/SCS Environmental Impact Report (EIR), and that staff is currently responding to comments made on the Draft RTP/SCS.

FEDERAL AND STATE LEGISLATIVE UPDATE

Sharon Neely, Deputy Executive Director, noted that SCAG and other transportation agencies are again co-hosting the annual California transportation reception in Washington D.C. on Tuesday, March 13, from 6pm-8pm in the Rayburn Building in the T&I Committee Room.

Ms. Neely updated the Committee on the release of the Administration's recently released budget which includes a \$50 billion immediate investment in road and transit projects. Ms. Neely reported on the White House efforts to publicize local transportation needs and expenditures through their Champion of Change Program. She noted that Southern California cities, counties and agencies received \$2 billion in Stimulus funds (\$1.2 billion for roads, and \$800 million for public transit). Over 77% of those funds have been obligated in transportation and infrastructure projects. Whether or not the Administration's proposed \$50 billion investment will stay in the budget will depend upon deliberations in Congress throughout the budget and appropriations processes.

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REGIONAL SERVICES & PUBLIC AFFAIRS

Sylvia Patsaouras, Interim Director, announced that SCAG is hosting three (3) meetings after the LCMC meeting; 1) New Member Orientation; 2) a Joint Regional Council/Policy Committee Workshop; and 3) on Air Resources Board (ARB) public hearing.

FUTURE AGENDA ITEMS

None.

ANNOUNCEMENTS

None.

ADJOURNMENT

The next regular meeting of the Legislative/Communications & Membership Committee is scheduled for 8:30am, Tuesday, March 20, 2012 at the SCAG Los Angeles office.

Sharon Neely
Deputy Executive Director
Strategy, Policy & Public Affairs

REPORT

DATE: March 20, 2012

TO: Legislative/Communications and Membership Committee

FROM: Sharon A. Neely, Deputy Executive Director, Strategy, Policy, and Public Affairs, neely@scag.ca.gov, (213)-236-1992

SUBJECT: SCAG Sponsorship of Annual Events – 1) City of Long Beach Pro Walk/Pro Bike Conference (\$2,000); 2) Council for Watershed Health’s The Mediterranean City: A Conference on Climate Change Adaptation (\$2,000); and 3) Four Corners Coalition 2012 Economic Summit (\$1,000).

RECOMMENDED ACTION:

Approve.

EXECUTIVE SUMMARY:

Approve up to 1) \$2,000 sponsorship of the City of Long Beach Pro Walk/Pro Bike Conference on 9/10/12; 2) up to \$2,000 sponsorship of the Council for Watershed Health’s The Mediterranean City: A Conference on Climate Change Adaption on 6/25/12; and 3) \$1,000 sponsorship for the Four Corners Coalition 2012 Economic Summit on 5/16/2012 for a total up to \$5,000.

STRATEGIC PLAN:

This item supports SCAG’s Strategic Plan Goal (1) Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies.

BACKGROUND:

Pro Walk/Pro Bike

The City of Long Beach has been selected to host the 17th International Pro Walk/Pro Bike conference on September 10-13, 2012. Established in 1980 by the National Center for Bicycling and Walking (NCBW), the Pro Walk/Pro Bike is a biennial event that is expected to be attended by approximately 1,000 walking and biking professionals from across North America to celebrate Southern California’s achievement in steadily improving the region’s bike infrastructure. Throughout the four-day conference, participants will attend panel presentations, plenary sessions and meet with peers from the fields of transportation, planning, engineering, health advocacy, and public policy to discuss how to create more walkable, bicycle-friendly communities. The \$2,000 sponsorship entitles SCAG to one conference registration, exhibit space, and SCAG recognition on conference newsletter and website.

The Mediterranean City: A Conference on Climate Change Adaptation

The Council for Watershed Health will hold the Mediterranean City: A Conference on Climate Change Adaption on Monday, June 25, 2012 (8:00 am – 6:00 pm) at the Sheraton Los Angeles Hotel in Downtown Los Angeles. This conference will bring together an international network of experts from the academic, policy, business, public health and government sectors to showcase how cities can work together across regional and national boundaries to bring further resources and knowledge in building solutions to climate change impacts. The \$2,000 exhibitor level sponsorship entitles SCAG to two event tickets; invitation to

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VIP reception; a listing on the website and event program; recognition of SCAG during the event; and exhibit space.

Four Corners Coalition 2012 Economic Summit

The Four Corners Coalition is hosting the Four Corners Coalition 2012 Economic Summit on Wednesday, May 16, 2012 (9:00am-2:00pm) at the Diamond Bar Center in the city of Diamond Bar. This Coalition is represented by Los Angeles, Orange, Riverside, and San Bernardino counties and works together to find regional solutions for transportation, water, air quality and job creation issues. The \$1,000 sponsorship will provide SCAG with four (4) event tickets and one quarter (1/4) page program advertisement.

FISCAL IMPACT:

Up to \$5,000 (These funds are included in the approved FY12 budget).

Reviewed by:

*Deputy Executive Director,
Policy, Strategy & Public Affairs*

Reviewed by:

Chief Financial Officer

REPORT

DATE: March 20, 2012

TO: Legislative, Communications and Membership Committee

FROM: Sharon A. Neely, Deputy Executive Director, Strategy, Policy and Public Affairs, neely@scag.ca.gov, (213)-236-1992.

SUBJECT: AB 1455 (Harkey): High Speed Rail Bond

RECOMMENDED ACTION:

Oppose – Work With Author.

EXECUTIVE SUMMARY:

This bill would reduce the \$9.9 billion amount of general obligation debt authorized for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, to the amount contracted as of January 1, 2013. In effect, the bill reduces the amount of indebtedness by \$9 billion for high speed rail purposes, but leaves intact the \$950 million provided by the bond for other related rail purposes which would be appropriated by the legislature in the state budget process.

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan Goal (2) Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities.

BACKGROUND:

The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion of indebtedness, including \$9 billion in general obligation bonds for high-speed rail purposes and \$950 million for other related rail purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.

Staff recommends that the Committee forward an 'Oppose – Work with Author' recommendation to the Regional Council.

- 1) California voters have supported the Bond purposes and Southern California transportation agencies (including SCAG as described below) seek to obtain a \$1 billion of these funds for

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implementing the ‘blended approach’. This bill seeks fundamentally to abrogate the expressed will of California voters.

- 2) The Regional Council approved a Memorandum of Understanding (MOU) with the California High Speed Rail Authority, Metrolink, RCTC, SANBAG, SANDAG, and Metro, to target up to \$1 billion dollars in Proposition 1A bond revenues for early action speed and capacity improvements along existing Southerner California interregional passenger rail corridors (the ‘blended approach’). The bill’s proposed elimination of the \$9 billion (of which \$6 billion is unallocated) dedicated High Speed Rail revenues from Proposition 1A would jeopardize the availability of funds pursuant to the negotiated MOU. These revenues will be critical for enacting the early investment strategies laid out in the Draft 2012-2035 RTP/SCS, and rescinding or reducing these funds would jeopardize the completion of these projects by 2020.

Staff discussed the bill with the Author and there was a good exchange of information. Staff will continue to exchange information about the impacts of the proposed legislation.

For the above reasons, staff recommends to oppose AB 1455 and work with Author.

Reviewed by: _____

Sharon A. Neely
Deputy Executive Director,
Strategy, Policy and Public Affairs

AMENDED IN ASSEMBLY FEBRUARY 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1455

Introduced by Assembly Member Harkey
(Principal coauthor ~~coauthors~~: Assembly Member Members Garrick and Valadao)

(Principal coauthor: Senator La Malfa)

(Coauthors: Assembly Members Achadjian, Bill Berryhill, Donnelly, Grove, Hagman, Jeffries, Jones, Logue, Mansoor, Nielsen, Silva, and Wagner)

January 9, 2012

An act to add Section 2704.30 to the Streets and Highways Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as amended, Harkey. High-speed rail.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of ~~\$9.95~~ \$9 billion in general obligation bonds for high-speed rail *purposes* and \$950 million for other related rail purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.

This bill would reduce the amount of general obligation debt authorized for *high-speed rail purposes* pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2704.30 is added to the Streets and
2 Highways Code, to read:
3 2704.30. Pursuant to Section 1 of Article XVI of the California
4 Constitution, the amount of indebtedness authorized by ~~Chapter~~
5 ~~20 (commencing with Section 2704)~~ *this chapter for high-speed*
6 *rail purposes pursuant to Section 2704.06* is hereby reduced to
7 the amount contracted as of January 1, 2013, notwithstanding
8 anything in ~~that~~ *this chapter to the contrary. This section does not*
9 *apply to the amount of indebtedness authorized by this chapter for*
10 *other rail purposes pursuant to Section 2704.095.*

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REPORT

DATE: March 20, 2012

TO: Legislative, Communications and Membership Committee

FROM: Sharon A. Neely, Deputy Executive Director, Strategy, Policy and Public Affairs, neely@scag.ca.gov, (213)-236-1992.

SUBJECT: AB 2405 (Blumenfeld): Vehicles: High Occupancy Toll Lanes

RECOMMENDATION:

Oppose-work with Author

EXECUTIVE SUMMARY:

This bill would exempt a vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law. Under current law vehicles meeting the standard are not exempt from toll charges imposed on single-occupant vehicles in lanes designated for tolls.

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan Goal (2) Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities.

BACKGROUND:

This bill interferes with local county transportation commission's authority to establish fare policy on toll lanes for alternative fueled vehicles and impacts managing speed of toll lanes. The 2012-2035 RTP includes significant regional expansion of a toll/HOV system. As of 2008 in the SCAG region, there are approximately 325 lane miles of toll roads, however with a planned increase of up to 2,500 lane miles by 2035. As noted in prior staff reports, federal café standards and modeling of projected alternative fueled vehicle purchases in the future are anticipated to dramatically increase causing congestion on the HOV/Toll network.

Existing law provides that a vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard is *not* exempt from toll charges imposed on single-occupant vehicles in lanes designated for tolls. This bill would instead exempt a vehicle that meets California's enhanced AT PZEV standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law. In the near term, such exemption would be limited to the plug-in Toyota Prius and the low emission version of the Chevy Volt which qualify for the standard, but would increase over time as more vehicles qualify.

REPORT

Last year, state law regulating the use of the High Occupancy Vehicle (HOV) lanes by alternative fuel vehicles was modified to eliminate the ability of hybrid vehicles to use the HOV lanes regardless of the number of occupants. Instead, a newer class of alternative fuel vehicles (now AT PZEVs), was authorized to use the HOV lanes regardless of occupancy. That law specifically exempted Metro’s Express Lanes program on the I-10 (between I-605 and Alameda Street) and I-110 (between Adams Blvd and SR-91). The reason for the exemption was based on the need to maintain maximum flexibility in the management of the lanes during the one-year demonstration period of the program to remain compliant with the terms of the federal Congestion Reduction Demonstration grant, which allowed Metro to access \$210.6 million in federal transit funding while testing an innovative transportation management tool for one year.

Allowing alternative fuel vehicles unfettered access to the Express Lanes limits the ability to control access to the lanes and thus the ability to manage the flow or speed of the traffic by charging a toll based on available capacity in the Express Lanes. This ultimately could limit the availability of the lanes to persons wishing to pay a toll and who would likely continue to use the general purpose lanes.

AB 2405 was introduced on February 24, is a non-urgency bill, and is referred to Assembly Transportation Committee where it may be heard on March 27. For the above reasons, staff recommends to oppose and work with Author.

Reviewed by: _____

Sharon A. Neely
Deputy Executive Director,
Strategy, Policy and Public Affairs

ASSEMBLY BILL

No. 2405

Introduced by Assembly Member Blumenfield

February 24, 2012

An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2405, as introduced, Blumenfield. Vehicles: high-occupancy toll lanes.

Existing law provides that a vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard is not exempt from toll charges imposed on single-occupant vehicles in lanes designated for tolls, as specified.

This bill would instead exempt a vehicle that meets California's enhanced AT PZEV standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law, and would make nonsubstantive changes to the provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5205.5 of the Vehicle Code, as amended
2 by Section 1 of Chapter 215 of the Statutes of 2010, is amended
3 to read:
4 5205.5. (a) For the purposes of implementing Section 21655.9,
5 the department shall make available for issuance, for a fee

1 determined by the department to be sufficient to reimburse the
 2 department for the actual costs incurred pursuant to this section,
 3 distinctive decals, labels, and other identifiers that clearly
 4 distinguish the following vehicles from other vehicles:

5 (1) A vehicle that meets California’s super ultra-low emission
 6 vehicle (SULEV) standard for exhaust emissions and the federal
 7 inherently low-emission vehicle (ILEV) evaporative emission
 8 standard, as defined in Part 88 (commencing with Section
 9 88.101-94) of Title 40 of the Code of Federal Regulations.

10 (2) A vehicle that was produced during the 2004 model-year or
 11 earlier and meets California ultra-low emission vehicle (ULEV)
 12 standard for exhaust emissions and the federal ILEV standard.

13 (3) A hybrid vehicle or an alternative fuel vehicle that meets
 14 California’s advanced technology partial zero-emission vehicle
 15 (AT PZEV) standard for criteria pollutant emissions and has a 45
 16 miles per gallon or greater fuel economy highway rating.

17 (4) A hybrid vehicle that was produced during the 2004
 18 model-year or earlier and has a 45 miles per gallon or greater fuel
 19 economy highway rating, and meets California’s ULEV, SULEV,
 20 or partial zero-emission vehicle (PZEV) standards.

21 (5) A vehicle that meets California’s enhanced advanced
 22 technology partial zero-emission vehicle (enhanced AT PZEV)
 23 standard.

24 (b) Neither an owner of a hybrid vehicle that meets the AT
 25 PZEV standard, with the exception of a vehicle that meets the
 26 federal ILEV standard, nor an owner of a hybrid vehicle described
 27 in paragraph (4) of subdivision (a), is entitled to a decal, label, or
 28 other identifier pursuant to this section unless, ~~and until~~, the federal
 29 government acts to approve the use of high-occupancy vehicle
 30 (HOV) lanes by vehicles of the types identified in paragraph (3)
 31 or (4) of subdivision (a), regardless of the number of occupants.

32 (c) The department shall include a summary of the provisions
 33 of this section on each motor vehicle registration renewal notice,
 34 or on a separate insert, if space is available and the summary can
 35 be included without incurring additional printing or postage costs.

36 (d) The Department of Transportation shall remove individual
 37 HOV lanes, or portions of those lanes, during periods of peak
 38 congestion from the access provisions provided in subdivision (a),
 39 following a finding by the Department of Transportation as follows:

1 (1) The lane, or portion thereof, exceeds a level of service C,
2 as discussed in subdivision (b) of Section 65089 of the Government
3 Code.

4 (2) The operation or projected operation of the vehicles
5 described in subdivision (a) in these lanes, or portions thereof, will
6 significantly increase congestion.

7 (e) The State Air Resources Board shall publish and maintain
8 a listing of all vehicles eligible for participation in the programs
9 described in this section. The board shall provide that listing to
10 the department.

11 (f) (1) For purposes of subdivision (a), the Department of the
12 California Highway Patrol and the department, in consultation
13 with the Department of Transportation, shall design and specify
14 the placement of the decal, label, or other identifier on the vehicle.
15 Each decal, label, or other identifier issued for a vehicle shall
16 display a unique number, which number shall be printed on, or
17 affixed to, the vehicle registration.

18 (2) Decals, labels, or other identifiers designed pursuant to this
19 subdivision for a vehicle described in paragraph (5) of subdivision
20 (a) shall be distinguishable from the decals, labels, or other
21 identifiers that are designed for vehicles described in paragraphs
22 (1), (2), (3), and (4) of subdivision (a).

23 (g) (1) (A) Except as provided in subparagraph (B), for
24 purposes of subdivision (a), the department shall issue no more
25 than 85,000 distinctive decals, labels, or other identifiers that
26 clearly distinguish the vehicles specified in paragraphs (3) and (4)
27 of subdivision (a).

28 (B) The department may issue a decal, label, or other identifier
29 for a vehicle that satisfies all of the following conditions:

30 (i) The vehicle is of a type identified in paragraph (3) or (4) of
31 subdivision (a).

32 (ii) The owner of the vehicle is the owner of a vehicle for which
33 a decal, label, or identifier described in subparagraph (A) was
34 previously issued and that vehicle for which the decal, label, or
35 identifier was previously issued is determined by the department,
36 on the basis of satisfactory proof submitted by the owner to the
37 department, to be a nonrepairable vehicle or a total loss salvage
38 vehicle.

39 (iii) The owner of the vehicle applied for a decal, label, or other
40 identifier pursuant to this subparagraph on or before March 31,

1 2009, or within six months of the date on which the vehicle for
2 which a decal, label, or identifier was previously issued is declared
3 to be a nonrepairable vehicle or a total loss salvage vehicle,
4 whichever date is later.

5 (2) The department shall notify the Department of Transportation
6 immediately after the date on which the department has issued
7 50,000 decals, labels, and other identifiers under this section for
8 the vehicles described in paragraphs (3) and (4) of subdivision (a).

9 (3) The Department of Transportation shall determine whether
10 significant HOV lane breakdown has occurred throughout the state,
11 in accordance with the following timeline:

12 (A) For lanes that are nearing capacity, the Department of
13 Transportation shall make the determination not later than 90 days
14 after the date provided by the department under paragraph (2).

15 (B) For lanes that are not nearing capacity, the Department of
16 Transportation shall make the determination not later than 180
17 days after the date provided by the department under paragraph
18 (2).

19 (4) In making the determination that significant HOV lane
20 breakdown has occurred, the Department of Transportation shall
21 consider the following factors in the HOV lane:

- 22 (A) Reduction in level of service.
- 23 (B) Sustained stop-and-go conditions.
- 24 (C) Slower than average speed than the adjacent mixed-flow
25 lanes.
- 26 (D) Consistent increase in travel time.

27 (5) After making the determinations pursuant to subparagraphs
28 (A) and (B) of paragraph (3), if the Department of Transportation
29 determines that significant HOV lane breakdown has occurred
30 throughout the state, the Department of Transportation shall
31 immediately notify the department of that determination, and the
32 department, on the date of receiving that notification, shall
33 discontinue issuing the decals, labels, or other identifiers for the
34 vehicles described in paragraphs (3) and (4) of subdivision (a).

35 (h) (1) Except as provided in paragraph (2), for purposes of
36 paragraph (5) of subdivision (a), the department shall issue no
37 more than 40,000 distinctive decals, labels, or other identifiers that
38 clearly distinguish a vehicle specified in paragraph (5) of
39 subdivision (a).

1 (2) The department may issue a decal, label, or other identifier
2 for a vehicle that satisfies all of the following conditions:

3 (A) The vehicle is of a type identified in paragraph (5) of
4 subdivision (a).

5 (B) The owner of the vehicle is the owner of a vehicle for which
6 a decal, label, or other identifier described in paragraph (1) was
7 previously issued and that vehicle for which the decal, label, or
8 other identifier was previously issued is determined by the
9 department, on the basis of satisfactory proof submitted by the
10 owner to the department, to be a nonrepairable vehicle or a total
11 loss salvage vehicle.

12 (C) The owner of the vehicle applied for a decal, label, or other
13 identifier pursuant to this paragraph within six months of the date
14 on which the vehicle for which a decal, label, or other identifier
15 was previously issued is declared to be a nonrepairable vehicle or
16 a total loss salvage vehicle.

17 (i) If the Metropolitan Transportation Commission, serving as
18 the Bay Area Toll Authority, grants toll-free and reduced-rate
19 passage on toll bridges under its jurisdiction to ~~any~~ a vehicle
20 pursuant to Section 30102.5 of the Streets and Highways Code, it
21 shall also grant the same toll-free and reduced-rate passage to a
22 vehicle displaying an identifier issued by the department pursuant
23 to paragraph (1) or (2) of subdivision (a) and to a vehicle displaying
24 a valid identifier issued by the department pursuant to paragraph
25 (3) or (4) of subdivision (a) if the vehicle is registered to an address
26 outside of the region identified in Section 66502 of the Government
27 Code.

28 (j) An owner of a vehicle specified in paragraph (3) or (4) of
29 subdivision (a) whose vehicle is registered to an address in the
30 region identified in Section 66502 of the Government Code and
31 who seeks a vehicle identifier under subdivision (a) in order to
32 have access to a HOV lane within the jurisdiction of the Bay Area
33 Toll Authority shall do both of the following:

34 (1) Obtain and maintain an active account to operate within the
35 automatic vehicle identification system described in Section 27565
36 of the Streets and Highways Code and shall submit to the
37 department a form, approved by the department and issued by the
38 Bay Area Toll Authority, that contains the vehicle owner's name,
39 the license plate number and vehicle identification number of the
40 vehicle, the vehicle make and year model, and the automatic

1 vehicle identification system account number, as a condition to
2 obtaining a vehicle identifier pursuant to subdivision (a) that allows
3 for the use of that vehicle in HOV lanes regardless of the number
4 of occupants.

5 (2) Be eligible for toll-free or reduced-rate passage on toll
6 bridges within the jurisdiction of the Bay Area Toll Authority only
7 if, at time of passage, the vehicle meets the passenger occupancy
8 rate requirement established for that toll-free or reduced-rate
9 passage.

10 (k) Notwithstanding Section 21655.9, a vehicle described in
11 paragraph (5) of subdivision (a) shall ~~not~~ be exempt from toll
12 charges imposed on single-occupant vehicles in lanes designated
13 for tolls ~~pursuant to the federally supported value pricing and~~
14 ~~transit development demonstration program operated pursuant to~~
15 ~~Section 149.9 of the Streets and Highways Code unless prohibited~~
16 ~~by federal law.~~

17 (l) If the Director of Transportation determines that federal law
18 does not authorize the state to allow vehicles that are identified by
19 distinctive decals, labels, or other identifiers on vehicles described
20 in subdivision (a) to use highway lanes or highway access ramps
21 for high-occupancy vehicles regardless of vehicle occupancy, the
22 Director of Transportation shall submit a notice of that
23 determination to the Secretary of State.

24 (m) (1) This section shall remain in effect only until January
25 1, 2015, or until the date the Secretary of State receives the notice
26 described in subdivision (l), whichever occurs first, and as of that
27 date is repealed.

28 (2) However, with respect to a vehicle described in paragraph
29 (3) or (4) of subdivision (a), this section shall be operative only
30 until July 1, 2011, or only until the date the Secretary of State
31 receives the notice described in subdivision (l), whichever occurs
32 first.

33 (3) With respect to a vehicle described in paragraph (5) of
34 subdivision (a), this section shall become operative on January 1,
35 2012, and shall be operative only until January 1, 2015, or until
36 the date the Secretary of State receives the notice described in
37 subdivision (l), whichever occurs first.

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REPORT

DATE: March 20, 2012

TO: Legislative, Communications and Membership Committee

FROM: Sharon A. Neely, Deputy Executive Director, Strategy, Policy and Public Affairs, neely@scag.ca.gov, (213)-236-1992.

SUBJECT: AB 441 (Monning): State Planning: Voluntary Health and Health Equity Factors

RECOMMENDED ACTION:

Monitor.

EXECUTIVE SUMMARY:

This bill would require the California Transportation Commission to, by no later than 2014, include voluntary health and health equity factors, strategies, goals, and objectives in the guidelines promulgated by the commission for the preparation of regional transportation plans.

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan Goal (2) Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities.

BACKGROUND:

Existing law requires certain transportation planning activities by the Department of Transportation and regional transportation planning agencies, including the development of a regional transportation plan. Additionally, existing law authorizes the California Transportation Commission (CTC), in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan. This bill would require by no later than 2014 that the CTC include voluntary health and health equity factors, strategies, goals, and objectives in the guidelines it promulgates for the preparation of regional transportation plans. The bill, sponsored by the California Pan-Ethnic Health Network, originally conferred to the Governor's Office of Planning and Research responsibility to develop guidelines containing advice similar though generally more specific regarding health related factors and required the CTC to require health related factors in RTP guidelines. The bill as amended has removed the provisions pertaining to the OPR.

California has already taken some steps to include health in planning, including a reduction in vehicle miles traveled and greenhouse gas emissions through coordinating regional transportation and land use plans under SB 375. Additionally, the Strategic Growth Council (SGC) has begun to implement Executive Order (EO-04-10) issued by the Schwarzenegger Administration which created a Health in All Policies (HiAP) task force, to collaborate with existing SGC working groups to identify priority programs, policies, and strategies to improve

REPORT

health while advancing the SGC's goals of improving air and water quality, protecting natural resources and agricultural lands, increasing the availability of affordable housing, improving infrastructure systems, promoting public health, planning sustainable communities, and meeting the state's climate change goals. In its work the HiAP task force has focused on a number of strategic directions, including specifically a recommendation to promote health equity in planning, an objective the bill seeks to address by incorporating voluntary health criteria into CTC's RTP Guidelines.

Supporters of the bill argue it enables the state to provide a flexible blueprint integrating health criteria into transportation planning so local government can use these guidelines to begin developing plans that increase access to healthier food, safer parks, and transit option strategies that meet the needs of all users. Opposition arguments note that since the guidelines in this bill are optional for regional planning agencies to use, there is no need for a bill since local authorities can and already do include health in planning. Further, since many communities across the state are already including health equity in planning, other communities that want to do the same can follow those best practices without adding additional costs to the state to create the guidelines.

RECOMMENDATION:

Staff recommends monitoring the bill as it moves through the legislative process and will continue to apprise the Committee of any relevant developments to this bill. The bill passed the Assembly on January 26 by vote of 50-23. It is referred to Senate Transportation and Housing Committee with no hearing scheduled to date. As non-urgency legislation, should the bill pass its provisions would go into effect on January 1, 2013; thus it would be applicable for successor RTPs and not the current one. Staff notes that health factors are already considered and included in the development of its RTP, and that throughout the current RTP process considerable stakeholder input has been offered and considered to address health impacts of the strategies and programmatic priorities contained within the plan. Staff recommends monitoring the bill, apprising the Committee of any relevant developments with the possibility to bring back for possible future action if necessary.

Reviewed by: _____

Sharon A. Neely
Deputy Executive Director,
Strategy, Policy and Public Affairs

AMENDED IN ASSEMBLY JANUARY 23, 2012

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Monning
(Coauthors: Assembly Members Alejo, Bradford, Davis, and Hueso)

February 14, 2011

~~An act to amend Section 65040.2 of, and to add Sections 14522.3, 65040.13, and 65040.14 to, the Government Code, relating to state planning.~~ *An act to add Sections 14522.3 and 14522.4 to the Government Code, relating to state planning.*

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as amended, Monning. State planning.

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan.

This bill would require that *the commission to, by no later than 2014, include health issues, as specified, voluntary health and health equity factors, strategies, goals, and objectives* in the guidelines promulgated by the commission for the preparation of regional transportation plans.

~~Existing law establishes in the office of the Governor the Office of Planning and Research with duties that include developing and adopting~~

~~guidelines for the preparation and content of mandatory elements required in city and county general plans.~~

~~This bill would require that the office develop guidelines that contain advice on how local and regional agencies can incorporate health issues, as defined, into local or regional general plans.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14522.3 is added to the Government
2 Code, to read:

3 14522.3. ~~(a)~~The commission shall, in consultation with the
4 appropriate state agencies and departments as needed, include
5 *voluntary* health and health equity factors, strategies, goals, and
6 objectives in the guidelines prescribed by the commission for the
7 preparation of the regional transportation plans pursuant to Section
8 14522. The commission shall include the *voluntary* health and
9 health equity factors, strategies, goals, and objectives in the next
10 revision of the guidelines.

11 ~~(b) Until the commission revises the guidelines for publication,~~
12 ~~the commission shall include an appendix to the current guidelines~~
13 ~~to highlight best practices, share resources, and support the~~
14 ~~adoption of health and health equity factors, strategies, goals, and~~
15 ~~objectives in the regional transportation plans. The appendix shall~~
16 ~~include both of the following:~~

17 ~~(1) Best practices adopted by cities, counties, or metropolitan~~
18 ~~planning organizations in regional transportation plans that include~~
19 ~~health and health equity factors, strategies, goals, and objectives.~~

20 ~~(2) Highlight new and innovative transportation planning and~~
21 ~~development goals and strategies that promote health.~~

22 SEC. 2. Section 14522.4 is added to the Government Code, to
23 read:

24 14522.4. *The Legislature finds and declares all of the*
25 *following:*

26 *(a) California faces critical problems that will shape the future*
27 *of our state and its population such as climate change, water*
28 *shortages, fiscal challenges, an aging population, and increasing*
29 *health inequities.*

1 (b) California, and the nation, are also facing unprecedented
2 levels of chronic disease, which now accounts for over 75 percent
3 of all deaths in California and 75 percent of all United States
4 health care expenditures.

5 (c) The health of California’s population is largely determined
6 by the social, physical, economic, and service environments in
7 which people live, work, study, and play. These environments shape
8 the choices that people make every day, as well as their
9 opportunities and resources for health.

10 (d) “Health in all policies” is a collaborative approach that
11 has been used internationally to address just these kinds of issues.
12 A health in all policies approach recognizes that health and
13 prevention are impacted by policies and strategies that improve
14 health and can also meet the policy objectives of state agencies.

15 (e) In 2008, Executive Order S-04-10 established a Health in
16 All Policies Task Force charged with identifying priority actions
17 and strategies for state agencies to improve community health.
18 Representatives from 19 California agencies, departments, and
19 offices came together in task force meetings, participated in public
20 workshops, and received written comments from a diverse array
21 of stakeholders to establish several recommendations on feasible
22 strategies and actions to promote health in all policies of state
23 agencies.

24 ~~SEC. 2.— Section 65040.2 of the Government Code is amended~~
25 ~~to read:~~

26 ~~65040.2.— (a) In connection with its responsibilities under~~
27 ~~subdivision (l) of Section 65040, the office shall develop and adopt~~
28 ~~guidelines for the preparation of and the content of the mandatory~~
29 ~~elements required in city and county general plans by Article 5~~
30 ~~(commencing with Section 65300) of Chapter 3. For purposes of~~
31 ~~this section, the guidelines prepared pursuant to Section 50459 of~~
32 ~~the Health and Safety Code shall be the guidelines for the housing~~
33 ~~element required by Section 65302. In the event that additional~~
34 ~~elements are hereafter required in city and county general plans~~
35 ~~by Article 5 (commencing with Section 65300) of Chapter 3, the~~
36 ~~office shall adopt guidelines for those elements within six months~~
37 ~~of the effective date of the legislation requiring those additional~~
38 ~~elements.~~

39 ~~(b) The office may request from each state department and~~
40 ~~agency, as it deems appropriate, and the department or agency~~

1 shall provide, technical assistance in readopting, amending, or
2 repealing the guidelines.

3 (e) The guidelines shall be advisory to each city and county in
4 order to provide assistance in preparing and maintaining their
5 respective general plans.

6 (d) The guidelines shall contain the guidelines for addressing
7 environmental justice matters developed pursuant to Section
8 65040.12.

9 (e) The guidelines shall contain voluntary guidelines for local
10 and regional agencies to incorporate health and health equity
11 factors, strategies, goals, and objectives pursuant to Section
12 65040.14 into local general plans for the purposes of ensuring that
13 health needs and opportunities are addressed in planning and
14 development at the state and local levels.

15 (f) The guidelines shall contain advice including
16 recommendations for best practices to allow for collaborative land
17 use planning of adjacent civilian and military lands and facilities.
18 The guidelines shall encourage enhanced land use compatibility
19 between civilian lands and any adjacent or nearby military facilities
20 through the examination of potential impacts upon one another.

21 (g) The guidelines shall contain advice for addressing the effects
22 of civilian development on military readiness activities carried out
23 on all of the following:

24 (1) Military installations.

25 (2) Military operating areas.

26 (3) Military training areas.

27 (4) Military training routes.

28 (5) Military airspace.

29 (6) Other territory adjacent to those installations and areas.

30 (h) By March 1, 2005, the guidelines shall contain advice,
31 developed in consultation with the Native American Heritage
32 Commission, for consulting with California Native American tribes
33 for all of the following:

34 (1) The preservation of, or the mitigation of impacts to, places,
35 features, and objects described in Sections 5097.9 and 5097.993
36 of the Public Resources Code.

37 (2) Procedures for identifying through the Native American
38 Heritage Commission the appropriate California Native American
39 tribes.

1 ~~(3) Procedures for continuing to protect the confidentiality of~~
2 ~~information concerning the specific identity, location, character,~~
3 ~~and use of those places, features, and objects.~~

4 ~~(4) Procedures to facilitate voluntary landowner participation~~
5 ~~to preserve and protect the specific identity, location, character,~~
6 ~~and use of those places, features, and objects.~~

7 ~~(i) Commencing January 1, 2009, but no later than January 1,~~
8 ~~2014, upon the next revision of the guidelines pursuant to~~
9 ~~subdivision (i), the office shall prepare or amend guidelines for a~~
10 ~~legislative body to accommodate the safe and convenient travel~~
11 ~~of users of streets, roads, and highways in a manner that is suitable~~
12 ~~to the rural, suburban, or urban context of the general plan, pursuant~~
13 ~~to subdivision (b) of Section 65302.~~

14 ~~(1) In developing guidelines, the office shall consider how~~
15 ~~appropriate accommodation varies depending on its transportation~~
16 ~~and land use context, including urban, suburban, or rural~~
17 ~~environments.~~

18 ~~(2) The office may consult with leading transportation experts,~~
19 ~~including, but not limited to, bicycle transportation planners,~~
20 ~~pedestrian planners, public transportation planners, local air quality~~
21 ~~management districts, and disability and senior mobility planners.~~

22 ~~(j) The office shall provide for regular review and revision of~~
23 ~~the guidelines established pursuant to this section.~~

24 ~~SEC. 3. Section 65040.13 is added to the Government Code,~~
25 ~~to read:~~

26 ~~65040.13. The Legislature finds and declares all of the~~
27 ~~following:~~

28 ~~(a) California faces critical problems that will shape the future~~
29 ~~of our state and its population such as climate change, water~~
30 ~~shortages, fiscal challenges, an aging population, and increasing~~
31 ~~health inequities.~~

32 ~~(b) California, and the nation, are also facing unprecedented~~
33 ~~levels of chronic disease, which now accounts for over 75 percent~~
34 ~~of all deaths in California and 75 percent of all United States health~~
35 ~~care expenditures.~~

36 ~~(c) The health of California's population is largely determined~~
37 ~~by the social, physical, economic, and service environments in~~
38 ~~which people live, work, study, and play. These environments~~
39 ~~shape the choices that people make every day, as well as their~~
40 ~~opportunities and resources for health.~~

1 (d) “Health in all policies” is a collaborative approach that has
2 been used internationally to address just these kinds of issues. A
3 health in all policies approach recognizes that health and prevention
4 are impacted by policies and strategies that improve health and
5 can also meet the policy objectives of state agencies.

6 (e) ~~Currently, local communities throughout California have
7 begun to include health and health equity criteria in their local
8 planning and land use guidance policies. These plans may serve
9 as models and examples for other local governments and
10 demonstrate ways that health and health equity data, strategies,
11 goals, and objectives may be included within the existing elements
12 or as stand-alone elements in local general plans.~~

13 (f) ~~In 2008, Executive Order S-04-10 established a Health in
14 All Policies Task Force charged with identifying priority actions
15 and strategies for state agencies to improve community health.
16 Representatives from 19 California agencies, departments, and
17 offices came together in task force meetings, participated in public
18 workshops, and received written comments from a diverse array
19 of stakeholders to establish several recommendations on feasible
20 strategies and actions to promote health in all policies of state
21 agencies.~~

22 (g) ~~It is the intent of the Legislature to ensure that health equity
23 criteria are included in the state guidance to city, county, and
24 regional governments and agencies in the development of local
25 general plans.~~

26 ~~SEC. 4. Section 65040.14 is added to the Government Code,
27 to read:~~

28 ~~65040.14. (a) The office shall develop guidelines, with the
29 appropriate state agencies and departments as needed, for local
30 cities and counties to include health and health equity factors,
31 goals, strategies, and objectives in local general, specific, or
32 regional plans. The inclusion of health and health equity factors,
33 goals, strategies, and objectives may be included as a stand-alone,
34 optional element or may be addressed within the mandatory
35 elements of the general plan. The office shall include the following
36 health and health equity factors, goals, objectives, and strategies
37 in the guidelines:~~

38 ~~(1) Data, goals, strategies, objectives, and policies to improve
39 community health status, including, but not limited to, all of the
40 following:~~

- 1 ~~(A) Causes of death.~~
- 2 ~~(B) Vulnerable populations, including infants and children,~~
- 3 ~~adolescents, elderly, and low-income persons.~~
- 4 ~~(C) Chronic disease rates.~~
- 5 ~~(D) Other health status factors that may improve the health of~~
- 6 ~~the residents of the local city and county.~~
- 7 ~~(2) Data, goals, strategies, objectives, and policies to improve~~
- 8 ~~opportunities for recreational and physical activities, including,~~
- 9 ~~but not limited to, all of the following:~~
- 10 ~~(A) Access to parks, open space, or other similar facilities.~~
- 11 ~~(B) Mix of land uses.~~
- 12 ~~(C) Land use density.~~
- 13 ~~(D) Other factors necessary to promote the availability of open~~
- 14 ~~space, recreational activities, and physical fitness to improve the~~
- 15 ~~health of residents in the local city and county.~~
- 16 ~~(3) Data, goals, strategies, objectives, and policies to improve~~
- 17 ~~the availability of retail food establishments offering fresh produce,~~
- 18 ~~including, but not limited to, all of the following:~~
- 19 ~~(A) Access to healthy foods.~~
- 20 ~~(B) Prevalence of fast food and liquor retailers.~~
- 21 ~~(C) Local agricultural resources.~~
- 22 ~~(D) Food distribution.~~
- 23 ~~(4) Data, goals, strategies, objectives, and policies to improve~~
- 24 ~~health-promoting transportation systems, including, but not limited~~
- 25 ~~to, all of the following:~~
- 26 ~~(A) Traffic injuries and fatalities.~~
- 27 ~~(B) Transportation — modes, — including — nonmotorized~~
- 28 ~~transportation.~~
- 29 ~~(C) Commuting rates.~~
- 30 ~~(D) Transportation — networks, — including — nonmotorized~~
- 31 ~~transportation.~~
- 32 ~~(E) Other health factors deemed necessary and important in the~~
- 33 ~~planning of transportation systems.~~
- 34 ~~(5) Data, goals, strategies, objectives, and policies to improve~~
- 35 ~~social networks, capital, and civic participation, including, but not~~
- 36 ~~limited to, all of the following:~~
- 37 ~~(A) Voting and civic participation.~~
- 38 ~~(B) Mental health issues.~~
- 39 ~~(C) Community safety factors.~~

1 ~~(6) Data, goals, strategies, objectives, and policies to improve~~
2 ~~economic and community development, including, but not limited~~
3 ~~to, all of the following:~~

- 4 ~~(A) Jobs and housing ratios.~~
- 5 ~~(B) Affordable housing and mixed-income housing.~~
- 6 ~~(C) Participation in state and federal poverty assistance~~
7 ~~programs.~~
- 8 ~~(D) Other social environmental factors deemed necessary and~~
9 ~~important to the improvement of the city and county.~~

10 ~~(b) The office may coordinate with the State Department of~~
11 ~~Public Health and other appropriate state departments and agencies~~
12 ~~in developing the guidelines. The office shall provide technical~~
13 ~~assistance to local and state agencies and departments on~~
14 ~~incorporating health equity criteria into city and county general,~~
15 ~~specific, and regional plans upon the request of any state~~
16 ~~government, agency, or legislative body.~~

17 ~~(e) The office shall report to the Governor and his or her cabinet,~~
18 ~~the Legislature, and other appropriate state and local agencies or~~
19 ~~departments the number of general plans that include health equity~~
20 ~~criteria and provide best practices or models for incorporation into~~
21 ~~general, specific, or regional plans.~~

22 ~~SEC. 5.~~

23 ~~SEC. 3.~~ The Legislature finds and declares all of the following:

- 24 (a) Transportation planning has important implications for the
25 maintenance and promotion of the health of Californians.
- 26 (b) Local cities, counties, and some metropolitan planning
27 organizations and regional transportation planning agencies, have
28 adopted groundbreaking and innovative transportation plans,
29 strategies, and goals that can serve as models for other cities and
30 counties, as well as the state, in transportation planning and
31 development that promotes the health and well-being of all
32 residents.
- 33 (c) It is the intent of the Legislature that *voluntary* health and
34 health equity factors, strategies, goals, and objectives be
35 incorporated into the guidelines issued by the California
36 Transportation Commission for the development of regional
37 transportation plans.

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2012 State Legislative Summary

March 2012

SUBJECT	BILL NUMBER	BILL SUMMARY	COMMENTS	STATUS	AGENCY POSITIONS
ENVIRONMENT					
<i>Air Quality/ GHG Reduction Strategies</i>	AB 343	Redevelopment Plans: Environmental Goals Author: Atkins (D) Amends the Community Redevelopment Laws which authorize the establishment of redevelopment agencies in certain communities in order to address the effects of blight, requires transportation plans, and greenhouse emissions reduction strategies. Requires each redevelopment plan be consistent with the regional sustainable communities strategy or alternative planning strategy adopted by the metropolitan planning organization or council of government.	Non-urgency, fiscal bill.	Passed Assembly (53-25) on 5/23/2011. Referred to Senate Governance & Finance and Environmental Quality Committees. No hearing scheduled. Pending - Carryover	N/A
<i>CEQA</i>	AB 890	Environment: CEQA Exemption: Roadway Improvement Authors: Olsen (R) and Berryhill T (R) This bill would , until January 1, 2026, make a project or an activity to repair, maintain, or make minor alterations to an existing roadway exempt from CEQA if the project or activity is initiated by a city or county to improve public safety, does not cross a waterway, and involves negligible or no expansion of existing use.	Non-urgency, fiscal bill.	In Committee on Natural Resources: Failed passage (0-3), reconsideration granted on 05/02/2011. In Assembly: Passed (54-9) to Senate on 01/26/2012. To Senate Committee on Environment Quality on 02/16/2012. Pending	N/A
<i>Environmental Quality</i>	AB 1444	Environmental Quality: Public Rail Transit Projects Author: Feuer (D) States the intent of the Legislature to enact legislation to provide the benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 for new public rail transit infrastructure projects.	Non-urgency, non-fiscal bill.	Introduced on 01/04/2012. Pending	
<i>Greenhouse Gas Emissions</i>	AB 1532	California Global Warming Solutions Act of 2006 Author: Perez (D) Amends the California Global Warming Solutions Act of 2006 to adopt a statewide greenhouse gas emissions limit. Authorizes the State Air Resources Board to include use of market-based compliance mechanisms and a schedule of fees. Creates the Greenhouse Gas Reduction Account within the Air Pollution Control Fund.	Non-urgency, fiscal bill.	Introduced on 01/23/2012. Referred to Natural Resources on 02/02/2012. Pending	
<i>CEQA: Exemption</i>	AB 1665	California Environmental Quality Act: Exemption Author: Galgiani (D) Amends the California Environmental Quality Act (CEQA). Specifies that a certain exemption for a railroad grade separation project is for the elimination of an existing at-grade crossing. Exempts from the CEQA actions or activities taken by the Public utilities Commission under its authority to regulate railroad crossings.	Non-urgency, fiscal bill.	Introduced on 02/14/2012. Referred to Natural Resources on 02/23/2012. Pending	
<i>CEQA: Judicial Review</i>	AB 2163	California Environmental Quality Act: Judicial Review Author: Knight (R) Relates to the Environmental Quality Act. Extends indefinitely the use of the alternative method for the preparation of the record of proceedings and the alternative judicial review procedures. Expands projects that would be eligible for those alternative processes to include certain commercial development projects, residential development projects, and projects of cultivated	Non-urgency, fiscal bill.	Introduced on 02/23/2012. Pending	

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		development.			
<i>CEQA: Exemption</i>	AB 2245	California Environmental Quality Act: Exemption: Bikeways Author: Smyth (R) Exempts, under the California Environmental Quality Act, a bikeway project undertaken by a city, county, or a city and county within an existing road right-of-way.	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Pending	
<i>Global Warming Solutions Act</i>	AB 2404	California Global Warming Solutions Act of 2006 Author: Fuentes (D) Creates the Local Emission Reduction Fund pursuant to the Global Warming Solutions Act of 2006, requiring moneys collected under the market-based compliance mechanisms be deposited in that fund. Provides that the moneys in that fund shall be available for award to specified local entities for specified purposes by the State Air Resources Board.	Non-urgency, fiscal bill.	Introduced on 02/24/2012. Pending	
<i>Air Quality</i>	AB 2412	Air Quality Improvement Program Author: Swanson (D) Makes a technical, non-substantive change to existing law establishing the Air Quality Improvement Program, administered by the State Air Resources Board, to fund, upon appropriation by the Legislature, air quality improvement projects related to fuel and vehicle technologies.	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Pending	
<i>Environmental Quality</i>	AB 2577	Environmental Quality: Public Comments Author: Galgiani Specifies that the lead agency certifying the completion of an environmental impact report, under the California Environmental Quality Act, does not have a duty to consider, evaluate, or respond to comments received after the expiration of the public review period. Provides these comments are not a part of the record of proceedings for the Environmental Impact Report, negative declaration, or mitigated negative declaration.	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Pending	
<i>Environmental Quality</i>	SB 52	Environmental Quality: Jobs & Economic Improvement Author: Steinberg (D) Amends the Environmental Quality Act. Requires that a project result in a specified minimum financial investment that is spent on planning, design, and construction of the project. Requires a lead agency to place the highest priority on feasible measure that will reduce greenhouse gas emissions on the site and in the neighboring communities of the project site. Relates to judicial review of an environmental impact report. Relates to the Judicial Council's reporting requirements.	Non-urgency, fiscal bill.	In Senate: Do pass (32-4) to Assembly on 01/31/2012. Pending	
<i>CEQA: Judicial Review</i>	SB 1214	California Environmental Quality Act: Judicial Review Author: Cannella (R) Establishes judicial review procedures for challenging a lead agency action on the ground of noncompliance with the California Environmental Quality Act (CEQA). Requires a judicial proceeding challenging a project, except for a high-speed rail project, located in a distressed county, to be filed with the Court of Appeal with geographic jurisdiction over the project.	Non-urgency, non-fiscal bill.	Introduced on 02/22/2012. Referred to Committees on Environmental Quality and Judiciary on 03/01/2012. Pending	

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<i>CEQA</i>	SB 1354	<p>California Environmental Quality Act: Project Author: Dutton (R) Makes a technical nonsubstantive change to the California Environmental Quality Act regarding an environmental impact report on a project that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.</p>	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Referred to Committee on Rules on 03/08/2012. Pending	
<i>Environmental Quality: EIR</i>	SB 1380	<p>Environmental Quality: Environmental Impact Report Author: Rubio Requires a public agency to disclose in an EIR the environmental standards established by specified statutes and the regulation, plans, policies, and permitting programs promulgated, adopted, or issued pursuant to those statutes that are applicable to the project.</p>	Non-urgency, fiscal bill.	Introduced on 02/24/2012. Referred to Committee on Environmental Quality on 03/08/2012. Pending	
<i>CEQA: Litigation</i>	SB 1512	<p>California Environmental Quality Act: Litigation Author: Cannella (R) Makes technical, nonsubstantive changes to a provision requiring that the California Environmental Quality Act to establish a streamlined judicial review process for projects certified by the Governor as a leadership project.</p>	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Pending	
FINANCE					
<i>Community Development</i>	AB 232	<p>Community Development Block Program: Funds Authors: V. Manuel Perez (D) Existing law requires the Department of Housing and Community Development to allocate funds under the federal Community Development Block Grant Program to cities and counties. Existing law requires the department to determine, and announce in the applicable Notice of Funding Availability, the maximum amount of grant funds that may be used for economic development projects and programs, housing for persons and families of low or moderate income or for purposes directly related to the provision or improvement of housing opportunities for these persons and families, and for cities and counties that apply on behalf of certain Indian tribes. Existing law requires the department to develop and use certain eligibility criteria and requirements for certain economic development fund applications. This bill would make changes to the eligibility criteria and requirements developed and used by the department. The bill would also make conforming changes.</p>	Non-urgency, fiscal bill.	Introduced 02/02/2011. Referred to Assembly Committee on Jobs, Economic Development, & the Economy. From Committee: Do pass to Appropriations (6-0) on 01/10/2012. From Appropriations Committee: Do pass (17-0) on 01/19/2012. To Consent Calendar on 01/23/2012. In Assembly: Passed (75-0) to Senate on 01/26/2012. To Senate Committee on Transportation & Housing on 02/16/2012. Pending	Watch
<i>Economic Incentives</i> <i>Transportation Technology</i>	AB 796	<p>Financial Assistance Author: Blumenfield (D) Relates to the Capital Access Loan Program that provides loans for small businesses through financial institutions, and requires the State Pollution Control Financing Authority to create a loss reserve account for each financial institution in order to provide protection against loss that would require matching moneys from such institutions. Increases the maximum institution contribution under specified conditions. Limits the amount of funds used for matching contributions.</p>	Urgency, fiscal bill. Requires 2/3 vote threshold.	Passed Assembly 62-14, to Senate on 06/01/2011. Referred to Senate Committees on Governance & Finance and Environmental Quality. From Governance & Finance: Do pass (9-0) to Environmental Quality on 06/29/2011. From Environmental Quality: Do pass (6-1) to Appropriations on 07/06/2011. In Appropriations: To Suspense File on	N/A

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				08/15/2011. Withdrawn from Appropriations and re-referred to Committee on Rules on 09/06/2011. In Senate, read second time and amended; re-referred to Rules on 02/27/2012. Pending	
<i>Economic Incentives: Renewable Technologies</i>	AB 1302	Distributed Generation Author: Williams (D) Requires each large electrical corporation and local publicly owned electrical utility to provide maps and other information identifying and designating zones within their service territories that are optimal for deployment of distributed generation to the specified entities. Requires the development of guidelines for those utilities in that process. Requires priority to be given for distributed generation projects proposed to be located within a zone designated pursuant to these provisions.	Non-urgency, non-fiscal bill.	From Committee on Utilities & Commerce: Do pass as amended (9-2) to Appropriations on 05/04/2011. Do pass Appropriations Ctte, 05/27/2011; Passed Assembly floor (49-25), 06/02/2011. Referred to Senate. To Senate Committee on Energy, Utilities, & Communications on 06/16/2011. No hearing scheduled. Pending - Carryover	N/A
<i>Economic Incentives</i>	SB 77	Community Development Author: Budget & Fiscal Review Committee Revises provisions of the Community Development Law relating to actions against redevelopment agencies for certain agency actions. Dissolves all redevelopment and community development agencies. Designates successor agencies. Requires former agency audits. Requires an estimate of property tax funds that would have gone to agency and to deposit that amount in the Redevelopment Property Tax Trust Fund in each county. Allocates funds to counties' public health and safety fund.	Non-urgency, fiscal bill. Requires 2/3 vote threshold.	Introduced in Senate on 01/10/2011. In Senate, read third time, passed (22-2), and to Assembly on 02/14/2011. In Assembly, read second time, and amended on 03/15/2011. Failed (by one vote) 2/3's requirement on Assembly floor, 53-23, 03/16/2011. In Assembly. Granted reconsideration. To Inactive File on 07/05/2011. Pending - Carryover	N/A
<i>Infrastructure Financing</i>	SB 214	Infrastructure Financing Districts: Voter Approval Author: Wolk (D) Revises provisions governing the public facilities that may be financed. Eliminates the requirement of voter approval to issue bonds to finance infrastructure facilities. Authorizes the legislative body to create an infrastructure financing district, adopt a financing plan, and issue the bonds by resolutions. Authorizes a district to finance specified actions and projects. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.	Non-urgency, non-fiscal bill.	Passed Senate (24-13) on 05/16/2011. Referred to Assembly Committee on Local Government on 05/23/2011. From Committee: Do pass (5-3) on 06/29/2011. To Assembly Inactive File on 09/09/2011. Pending - Carryover	SCAG Supports Metro: "Work With Author"
<i>Infrastructure Financing</i>	SB 475	Infrastructure Financing Authors: Wright (D) and Emmerson (R) Authorizes a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue generating infrastructure projects. Requires an agreement to include adequate financial resources to perform the agreement. Permits the agreements to lease or license to, or provide other permitted uses by, the private entity.	Non-urgency, non-fiscal bill.	Passed Senate (26-4) on 05/09/2011. Referred to Assembly Committee on Local Government. In Assembly Committee on Local Government: Not heard on 06/14/2011. In Local Government Committee: Failed passage (2-3) on 06/29/2011. Reconsideration granted. Pending - Carryover	SCAG Supports OCTA Supports

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SUBJECT	BILL NUMBER	BILL SUMMARY	COMMENTS	STATUS	AGENCY POSITIONS
GOVERNMENT					
<i>State Planning</i>	AB 441	<p>State Planning Author: Monning (D) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan. This bill would require that the commission, by no later than 2014, include voluntary health and health equity factors, strategies, goals, and objectives in the guidelines promulgated by the commission for the preparation of regional transportation plans.</p>	Non-urgency, fiscal bill.	In Assembly: Passed (50-23) to Senate on 01/26/2012. To Senate Committee on Transportation & Housing on 02/16/2012. Pending	
<i>Local Planning: Housing Units</i>	AB 485	<p>Local Planning: Transit Village Development Districts Author: Ma (D) Requires a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing and rental units. Relates to the procedures for the formation of an infrastructure financing district by the governing body of a fire protection district. Relates to required plan reporting.</p>	Non-urgency, non-fiscal bill.	Passed Assembly (47-29). Referred to Senate Committee on Governance and Finance. From Committee: Do pass (6-3) on 07/06/2011. To Inactive File on 09/07/2011. Pending - Carryover	RC Approved Support
<i>Redevelopment</i>	SB 654	<p>Redevelopment Author: Steinberg (D) Amends existing law related to redevelopment agencies and funds. Revises the definition of the term enforceable obligation. Modifies provisions relating to the transfer of housing funds and responsibilities associated with dissolved redevelopment agencies. Provides that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency be transferred to specified entities. Provides that agreements funding for projects loans are still valid.</p>	Non-urgency, fiscal bill.	In Senate: Do pass (34-1) to Assembly on 01/31/2012. In Assembly. Pending	
<i>Redevelopment</i>	SB 659	<p>Community Redevelopment Author: Padilla (D) Provides that a specified dissolution of redevelopment agencies and community development agencies shall take effect on a specified date.</p>	Non-urgency, fiscal bill.	In Senate: Do pass (39-0) to Assembly on 05/23/2011. From Assembly Committee on Local Government with author's amendments on 01/13/2012. Withdrawn from Committee on Local Government. Re-referred to Rules on 01/19/2012. Pending	
RETIREMENT					
<i>Pension</i>	AB 340	<p>Public Employees' Retirement Author: Furutani (D) Relates to the State Teachers' Retirement System, the Public Employees'</p>	Non-urgency, non-fiscal bill.	In Senate: Passed (25-15) to Assembly. To Assembly for Concurrence. In Assembly: Failed (4-75) to concur in Senate	N/A

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		Retirement System, the Judges' Retirement System, and the Judges Retirement System II. Declares the intent of the Legislature to convene a conference committee to craft responsible, comprehensive legislation to reform state and local pension systems in a manner that reflects both the legitimate needs of public employees and the fiscal circumstances of state and local governments.		Amendments. Pending - Carryover	
<i>Pension</i>	AB 344	Public Employees' Retirement Author: Furutani (D) Deletes the authorization for the Public Employees' Retirement Board to adopt regulations permitting exemptions to the average increase in final compensation for members, including school members, who are not in a group or class. Repeals an existing law that provides that a person may serve without reinstatement under an appointment that exceeds a specified number of hours in any fiscal year, if the governing body of the contracting agency requests approval from the Board.	Non-urgency, fiscal bill.	In Assembly: Passed (75-0) to Senate on 05/26/2011. In Senate: To Inactive File on 09/09/2011. Pending - Carryover	N/A
<i>Public Employees: Retirement</i>	AB 1184	Public Employees' Retirement Benefits Author: Huffman (D) Amends the Planning and Zoning Law relating to a city's or county's housing element obligation regarding affordable housing, and the specified criteria that must be met for a unit to qualify. Adds to the list in existing law the additional criterion of being located on foreclosed property and converted with committed assistance from the city or county from non-affordable to very low and low-income households to affordable to those households.	Non-urgency, fiscal bill.	In Assembly: Do pass (54-23) to Senate on 06/01/2011. In Senate: Do pass (37-0) on 08/30/2011. In Assembly: To Inactive File on 09/09/2011. Pending - Carryover	
<i>Public Employees: Retirement</i>	AB 1320	Public Employees' Retirement Authors: Allen (D) and Ma (D) and Furutani (D) Establishes for each employer an Employer Rate Stabilization Account and related fund to stabilize employer retirement contributions. Requires the investment of the fund assets be established by the PERS Board of Administration. Requires contributions to the account and authorizes draws on the account under certain conditions. Establishes in each county or district's retirement fund a Rate Stabilization Account, and also requires contributions to the account and authorizes draws on the account.	Non-urgency, fiscal bill.	In Assembly: Do pass (51-26) to Senate on 06/02/2011. In Senate: Do pass (22-14) on 09/07/2011 for Concurrence. In Assembly: To Inactive File on 09/09/2011. Pending - Carryover	
<i>Public Employees: Retirement</i>	AB 2224	Public Employees' Retirement Author: Smyth (R) Prohibits a public retirement system from allowing the purchase of additional retirement service credit. Prohibits any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. Requires a public employer to offer to its employees first hired on a specified date a hybrid pension plan or alternative pension plan option. Prohibits public employment without reinstatement.	Urgency, fiscal bill. Requires 2/3 vote threshold.	Introduced on 02/24/2012. Pending	
<i>Public Employees: Retirement</i>	ACA 22	Public Employees' Retirement Author: Smyth (R) Proposes an amendment to the Constitution to require each public retirement	Non-urgency, fiscal bill. Requires 2/3	Introduced on 02/22/2012. Pending	

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		system to provide one or more hybrid pension plans meeting specified requirements. Establishes other limitations on retirement benefits of public employees. Requires benefit forfeiture for a felony conviction for crimes arising out of an employee's official duties. Relates to collective bargaining contract requirements. Relates to the composition of a retirement system board.	vote threshold.		
<i>Public Employees: Retirement</i>	SB 27	Public Employees' Retirement Author: Simitian (D) Amends the State Teachers' Retirement Law. Relates to the Defined Benefit Supplement Program and creditable compensation. Relates to the receipt of lump-sum payments. Relates to substitute employees' post-retirement compensation. Authorizes penalties for late or improper adjustments to on Cash Balance Benefit Program contributions. Requires Public Employees' Retirement System participating employers notify Board of Admin. of payrate changes.	Non-urgency, fiscal bill.	In Senate: Do pass (39-0) to Assembly on 06/01/2011. In Assembly Appropriations: Not heard on 08/25/2011. Pending - Carryover	
<i>Public Employees: Retirement</i>	SB 1176	Public Employees' Retirement Author: Huff (R) Prohibits a public retirement system from allowing the purchase of additional retirement service credit. Prohibits any member who does not have at least 5 years of service credit before the operative date of this bill, or any person hired on or after that date, from purchasing additional retirement service credit. Requires a public employer to offer to its employees first hired on a specified date a hybrid pension plan or alternative pension plan option. Prohibits public employment without reinstatement.	Urgency, fiscal bill. Requires 2/3 vote threshold.	Introduced on 02/22/2012. Referred to Committee on Public Employment & Retirement. Pending	
<i>Public Employees: Retirement</i>	SCA 18	Public Employee's Retirement Author: Huff (R) Proposes an amendment to the Constitution to require each public retirement system to provide one or more hybrid pension plans meeting specified requirements. Establishes other limitations on retirement benefits of public employees. Requires benefit forfeiture for a felony conviction for crimes arising out of an employee's official duties. Relates to collective bargaining contract requirements. Relates to the composition of a retirement system board.	Non-urgency, fiscal bill. Requires 2/3 vote threshold.	Introduced on 02/22/2012. Referred to Committees on Public Employment & Retirement and Elections & Constitutional Amendments. Pending	
TRANSPORTATION					
<i>High-Speed Rail</i>	AB 16	High-Speed Rail Authority Author: Perea (D) Amends existing law that creates the High-Speed Rail Authority. Requires the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws.	Non-urgency, fiscal bill.	Passed Assembly floor (57-19) on 06/02/2011. Referred to Senate Committee on Transportation & Housing on 06/16/2011. From Transportation & Housing: Do pass (7-2) to Appropriations on 06/28/2011. To Inactive File on 09/09/2011. Pending - Carryover	N/A
<i>Transportation Agencies</i>	AB 57	Metropolitan Transportation Commission Author: Beall (D) Requires the Metropolitan Transportation Commission to consist of a specified	Non-urgency, fiscal bill.	Passed Assembly (71-5) on 5/26/11. Referred to Senate Transportation & Housing Committee. Not heard on	N/A

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		number of members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. Specified the term end date for those members. Prohibits more than 3 members from being residents of the same county.		07/05/2011. Read second time, re-referred to Transportation & Housing on 03/05/2012. No hearing scheduled. Pending - Carryover	
<i>High-Speed Rail</i>	AB 145	High-Speed Rail Author: Galgiani (D); co-author Bonnie Lowenthal (D) Repeals all of the State High-Speed Train Act and enacts a new act. Continues the High-Speed Rail Authority with limited responsibilities within the Business, Transportation, and Housing Agency. Requires specified personnel matters. Requires the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, and select alignments for the routes of the trains system, award franchises, and provide for fares.	Non-urgency, fiscal bill.	Passed Assembly (57-18) on 06/03/2011. Referred to Senate. To Senate Committee on Transportation & Housing on 06/16/2011. From Transportation & Housing: Do pass (5-3) to Senate Appropriations on 07/05/2011. In Appropriations: To Suspense File on 08/15/2011. Held in Committee on 08/25/2011. Pending - Carryover	N/A Metro: "Work With Author"
<i>Transportation Financing Criteria</i>	AB 845	Transportation: Bond Funds Author: Ma (D) Requires the guidelines adopted by the Transportation Commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables in the National Transit Database of the Federal Transit Administration. Requires the commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds for bond fund allocation purposes.	Non-urgency, fiscal bill.	Passed Assembly floor (75-0), 06/02/2011. Referred to Senate Committee on Transportation & Housing on 06/16/2011. From Committee: Do pass (5-3) to Appropriations on 07/05/2011. To Inactive File on 08/22/2011. Pending - Carryover	Metro Supports
<i>Transportation Funding/ Subsidies</i>	AB 1229	Transportation: Finance: Federal Highway Grant Notes Author: Feuer (D) Provides the term eligible transportation project in existing law may include projects programmed by a regional transportation planning agency using specified federal funds. Authorizes a minimum percentage of bonding capacity of GARVEE bonds from being made available for these projects. Requires such agency to commit to repaying the state for debt service if that agency's share of federal regional surface transportation program funds or federal congestion mitigation and air quality funds is insufficient.	Non-urgency, fiscal bill.	Passed Assembly (77-0) on 06/02/2011. To Senate. Referred to Senate. To Senate Committee on Transportation & Housing on 06/16/2011. From Committee: Do pass (9-0) to Appropriations on 07/05/2011. In Appropriations: To Suspense File on 08/15/2011. Held in Committee on 08/25/2011. Pending - Carryover	SCAG Supports Metro Supports
<i>Transportation Funding</i>	AB 1308	Highway Users Tax Account Author: Miller (R) and Huff (R), Galgiani (D), Portantino (D) Provides that in any year in which the Budget Act has not been enacted by a certain date, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund are continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted.	Non-urgency, non-fiscal bill	From Committee on Transportation: Do pass (12-0) to Appropriations on 04/11/2011. Held in Assembly Appropriations Committee. FAILED	SCAG Supports Metro Supports OCTA Supports
<i>Metro</i>	AB 1446	Los Angeles County Metropolitan Transportation Author: Feuer (D) Authorizes the Los Angeles county Metropolitan Transportation Authority (MTA) to impose the transactions and use tax for an additional unspecified number of years subject to voter approval. Requires the MTA to secure bonded	Non-urgency, fiscal bill.	Introduced on 01/04/2012. To Assembly Committees on Local Government and Transportation on 01/26/2012. Pending	

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		indebtedness payable from the proceeds of an extension. Requires that the proceeds from those bonds be used to accelerate the completion of specified projects and programs.			
<i>High-Speed Rail</i>	AB 1455	High-Speed Rail Author: Harkey (R) Reduces the amount of general obligation debt authorized for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013.	Non-urgency, fiscal bill.	Introduced 01/09/2012. To Committee on Transportation on 01/19/2012. In Assembly, read second time and amended. Re-referred to Transportation on 02/09/2011. Pending	
<i>Local Transportation Funds</i>	AB 1778	Local Transportation Funds Author: Williams (D) Requires the Ventura County Transportation Commission to submit a specified report concerning local transportation funds by a specified date. Provides that local transportation funds in Ventura County would be available solely for transit purposes unless a legislative proposal in the report is enacted and implemented with respect to a different allocation of revenues.	Non-urgency, fiscal bill.	Introduced on 02/21/2012. To Committee on Transportation on 03/01/2012. Pending	
<i>HOT Lane Exemption</i>	AB 2405	Vehicles: High-Occupancy Toll Lanes Author: Blumenfield (D) Exempts a vehicle that meets California's advanced technology partial zero-emission vehicle standard from toll changes imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law.	Non-urgency, non-fiscal bill.	Introduced on 02/24/2012. Pending	
<i>Transportation: Airports</i>	SB 446	Ontario International Airport Authors: Dutton (R), Negrete McLeod (D), Carter (D), Jeffries (R), Nestande (R) Establishes the Ontario International Airport Authority as a local entity of regional government. Authorizes the authority to enter into an agreement with the City of Los Angeles to facilitate the sale of or transfer of management and operational control of the Ontario International Airport to the authority. Requires the authority and specified entities to cooperate to develop a transition plan to facilitate the sale of or transfer of operational control of the airport and surface transportation access.	Non-urgency, non-fiscal bill.	Passed Senate on (33-1) on 05/31/2011. Referred to Assembly. To Assembly Committee on Local Government. No hearing scheduled. Pending - Carryover	N/A SANBAG Supports
<i>High-Speed Rail</i>	SB 517	High-Speed Rail Authority Authors: Lowenthal A. (D) and DeSaulnier (D) Places the High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the Secretary to propose an annual budget for the authority. Requires the members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. Vacates the membership of the authority. Provides for the appointment or reappointment of members on a specified date. Provides that the executive director is subject to appointment with the advice and consent of the Senate.	Non-urgency, fiscal bill.	Passed Senate (26-12) on 06/01/2011. Referred to Assembly. Referred to Assembly Committee on Transportation on 06/09/2011. From Committee: Do pass (9-3) to Appropriations on 06/27/2011. Re-referred to Rules on 07/01/2011. Re-referred to Appropriations on 07/14/2011. In Appropriations: To Suspense File on 08/17/2011. Held in Committee on 08/25/2011. Pending - Carryover	N/A Metro: "Work With Author"
<i>Transportation Bonds: High-</i>	SB 985	Transportation Bonds Author: LaMalfa	Urgency, fiscal bill.	Introduced on 01/30/2012. Referred to Committees on Transportation & Housing	

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SUBJECT	BILL NUMBER	BILL SUMMARY	COMMENTS	STATUS	AGENCY POSITIONS
<i>Speed Rail</i>		Provides that no further bonds shall be sold for high-speed rail and related rail purposes pursuant to the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century. Authorizes redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this act, to retiring the debt incurred from the issuance and sale of those outstanding bonds.	Requires 2/3s vote threshold.	and Governance & Finance on 02/16/2012. Hearing scheduled for 04/10/2012 at 1:30 PM. Pending	
<i>Intercity Rail</i>	SB 1225	Intercity Rail Agreements Author: Padilla (D) Existing law authorizes the Department of Transportation to contract with Amtrak for intercity rail passenger services and provides funding for these services from the Public Transportation Account. Existing law, until December 31, 1996, authorized the department, subject to approval of the Secretary of Business, Transportation and Housing, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor. This bill, until December 31, 2013, authorizes the Department of Transportation and a joint powers board established for the purpose of assuming responsibility for the Pacific Surfliner inter-city corridor to enter into an agreement under specified conditions.	Non-urgency, fiscal bill.	Introduced on 02/23/2012. Referred to Committee on Transportation & Housing on 03/08/2012. Hearing scheduled for 04/10/2012 at 1:30 PM. Pending	
<i>Transportation Funding</i>	ACA 23	Local Government Transportation Projects: Special Taxes: Voter Approval Author: Perea (D) Provides 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 a specified percent (55%) of its voters voting on the proposition.	Non-urgency, non-fiscal bill. Requires 2/3s vote threshold.	Introduced on 02/23/2012. Pending	

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	American Energy and Infrastructure Jobs Act H.R. 7 House T&I Committee	Moving Ahead for Progress in the 21st Century S. 1813 Senate EPW Committee	Comments
General			
Duration	5 Years	2 Years	
Funding	\$269+ billion	\$109 billion	
Return to states (CA currently 92%)	94% (Estimated CA apportionments FY 2012 - \$3,543,739,939; FY 2013 - \$3,779,103,566; FY 2014 - 3,802,986,816; FY 2015 - \$3,808,138,106; FY 2016 - \$3,838,109,243	95% (Estimated CA apportionments FY 2012 - \$3,765,401,521; FY 2013 - 3,829,179,495.	
Funding level	Status quo	Status quo plus CPI	
Highways			
Highway Program	Section 1106 (Page 47) Strikes Interstate Maintenance Program and replaces with new National Highway System (NHS) Program with IMP as subset of NHS.	Section 1106 (Page 50) Consolidates National Highway System, Interstate Maintenance & Highway Bridge Program into National Highway Performance Program (NHPP)	
Bridges	Section 1115 (Page 85) Requires states to spend at least 10% of NHS apportionment annually on NHS bridges is USDOT at least 10% of state's bridge deck area is structurally deficient.	Section 1111 (Page 86) Requires states to spend a certain amount of funding on repair of bridges and interstate pavement if they fall below minimum standards established by USDOT.	
Bridge Repair*		Adopted into Senate managers' amendment package (Franken-Blunt 1543). Provides funding and flexibility to states to repair and rehabilitate the 180,000 federal-aid bridges that are not on the National Highway System (NHS). These bridges would become eligible for a 40% share of the highway program funds (National Highway Performance Program) that aren't currently required for repairing the National Highway System.	
Bridge Repair*		Blunt-Casey Amendment 1540 passed on 3/13/12; would authorize a 15% set aside for off-system bridges that are also not on the National Highway system, with Secretary authority to reduce if he deems justified for specific projects.	
Surface Transportation Program (STP)	Section 1107 (Page 53) Revises STP by repealing requirement that 10% of state's annual STP apportionment must be spent on transportation enhancements. Includes funding for ADHS (Appalachian) construction, off-system bridge/tunnel replacement, & construction of new bridges & tunnels.	Section 1108 (Page 74) Replaces STP with Transportation Mobility Program (TMP) giving states and regions flexible dollars to invest in highways, transit projects, freight rail projects, bike/ped projects, travel demand management, etc. Reduces % for sub allocation from 62.5% in California to 50% but increases overall program funding.	

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Highway Safety Improvement Program (HSIP)	Section 1301 (Page 129) Extends HSIP and eliminates references to high risk rural roads. Requires states to make submit action plans for priority high-risk rail crossings. Requires USDOT to require protective measures in all work zones when traffic is present and where workers have no means of escape, including temporary longitudinal barriers and apparel modifications.	Section 1112 (Page 101) Sets aside 8% of HSIP funds for data collection on crashes and creating database for safety issues on all public roads. States must develop strategic highway safety plan within one year using process approved by USDOT; states are required to also develop performance targets on fatalities and serious injuries.
Federal Programs Transfer to States*		DeMint Amendment 1756 failed; would have transferred most responsibility for surface transportation to states and remove many regulatory requirements; would continue to fund Interstate maintenance, transportation research, and safety; would end all dedicated funding for transit programs.
Equity Bonus		
Return to State provision	Section 1109 (Page 62) Minimum return on state percentage shares of Highway Account tax payments is <u>94%</u> (up from 92% under SAFETEA-LU)	(Page 43) Minimum return on state percentage shares of Highway Account tax payments is <u>95%</u> (up from 92% under SAFETEA-LU)
CMAQ		
Congestion Mitigation and Air Quality Program	Section 1108 (Page 57). Eliminates from existing CMAQ provisions traffic monitoring and truck stop electrification; eliminates diesel retrofit language; eliminates emergency communications provision. Confers instead broad authority to USDOT Secretary to approve projects under CMAQ. Allows states to obligate CMAQ funding for new capacity for single occupant vehicles if project is likely to contribute to congestion mitigation or air quality.	Section 1113 (Page 128) CMAQ funds provided to states and Tier I MPOs (urban); in states w/ non-attainment areas, 50% of funds are sub allocated to Tier I MPOs based on area's status with National ambient air quality standards. Funds cannot be used to construct new travel lanes except for HOV/HOT lanes. Current provision requires that 30% of funds to local agencies be spent on retrofit of construction equipment. Reserves an amount equal to that provided in Transportation Set-Aside in FY'09 to be spent on transportation enhancements, safe routes to school, environmental mitigation, etc.
Innovative Finance		
Transportation Infrastructure Finance & Innovation (TIFIA)	Section 1201 (Page 91) Reauthorizes TIFIA at \$1B annually from FY 2013-16. Allows retroactive reimbursement of project costs. Allows TIFIA credit instruments to finance 100% of development phase activities. Increases maximum TIFIA share of project costs from 33% to 49%. Directs USDOT to economize time and cost of TIFIA approval process.	Section 3002 (Page 558) Expands TIFIA program to \$1B and modifies program from competitive application process to a rolling application process. Modifies application for TIFIA loans to make easier for public transportation agencies with dedicated revenue sources. Allows applicants to enter into master credit agreements to provide funding for a suite of projects at once.
Infrastructure Banks	Section 1202 (Page 111) Increases the percentage of certain federal highway funds that could be used	N/A.

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	toward a state infrastructure bank from 10 percent to 15 percent.	
Tolling*		Carper Amendment 1670 withdrawn; would have extended or expanded the value pricing pilot program; interstate system reconstruction and rehabilitation pilot program. Expands ability of states to apply for authority to toll certain Federal-aid highways with proceeds available for investments in the corridor to help create alternatives in that tolled corridor.
Tolls*		Hutchinson Amendment 1568 withdrawn; would have prohibited the use of funds to approve or authorize tolls on any existing federal-aid highways, with exceptions for new tolled capacity or converting High-Occupancy Vehicle (HOV) lanes to High-Occupancy Toll (HOT) lanes. As of 2008 in the SCAG region, there are approximately 325 lane miles of toll roads with a planned increase of up to 2,500 lane miles by 2035. Would reduce the authorized slots under the Interstate System Reconstruction and Rehabilitation Program from 3 to 2.
Planning	Title IV (Pages 382 - 457)	
Metropolitan Planning Organizations	Does not tier MPOs nor provide for the specific dissolution of any MPOs. Grandfathers small/rural MPOs into bill. Section 5203 (Page 406) <u>provides that if a State and MPO cannot agree on programming of a project of statewide significance on the interstate system into a metropolitan TIP, the Governor may override an MPOs programming authority by modifying a TIP to add the project without approval of the MPO.</u>	Section 1201 (Page 245) Groups MPOs into 2 tiers; Tier I MPOs serve a metropolitan planning area with population of 1 million and above; Tier II MPOs serve an urbanized area with population of more than 200,000 up to 1 million. MPOs serving small urbanized areas with population fewer than 200,000 but more than 50,000 may request designation as a Tier II MPO with the USDOT Secretary. MPO's not so designated are dissolved & their responsibilities shall transfer to state.
MPO Planning Funding	Page 37. Reduces set aside for Metropolitan planning from 1.25% under current law to 1.15% of funds appropriated for the National Highway System program and surface transportation program; but increases overall estimated STP funding from which percentage is derived.	No longer a percent set aside of core programs, now based on a share of 2009 apportionments.
MPO Planning & Funding*		Adopted into Senate managers amendment package (Cardin-Cochran 1549). Provides local communities and metropolitan regions with access to the Additional Activities pot of funding through a competitive grant program that can be used for main street revitalizations,

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		boulevard conversions, new bike facilities, or safety improvements. Large metro areas to receive some funds directly.
MPO Funding – Penalties*		Adopted into Senate managers’ amendment package (Landrieu 1630). Ensures that metropolitan areas (MPOs) aren't exposed to financial penalties if states do not meet their state requirements for fixing roads and bridges or develop a state highway safety plan.
Freight	Page 146 of HR 7 (Title D)	Page 176 of S. 1813
Freight Policy	<p>Title 1401 (Page 146) Requires USDOT to consult with public and private stakeholders and produce a 5-year National Freight Policy within 1 year of enactment. Section 1402 (page 149) Encourages but does not require states to create State Freight Advisory Committees. Section 1403 (page 150) Encourages but does not mandate states to develop freight plans for state’s immediate and long-term freight investment needs; prescribes minimum contents for such plans. Indicates states may prepare separately or include in State Long Range Transportation Plan. Section 1404 (page 151-161) addresses truck weight fees (under analysis with state DOT). Amendment #24 passed and specifies that increases to 88,000 lbs. for car carriers and 97,000 lbs./6-axles for heavy-duty trucks would not be considered until after US DOT conducts a study over a three-year period. Amendment #67 passed authorizing Secretary to conduct pilot for up to 3 states (states are not required to participate but may charge fee if they do), allow 126,000 lbs. vehicles to operate on not more than 3 segments of up to 25 miles each, and that segments may be contiguous.</p> <p>Section 1302 (Page 142) provides that states shall identify and report to the Secretary within 1 year of enactment of the bill, the top 10 highest safety grade crossings in need of safety maintenance and repairs, and requires development of a state action plan to carry out the safety improvements.</p>	<p>The amended bill removes the national freight infrastructure grant program, as well as the provision to create an Office of Freight Planning and Development in the Office of the Secretary at USDOT. Likewise, Senator Cantwell’s amendment calling for the creation of an Office of Freight Planning and Development at US DOT, and Senator Lautenberg’s amendment calling for the creation of a competitive National Freight Infrastructure Grants program did not make it into the leadership-approved list of amendments.</p> <p>Remaining in the amended bill is Section 1115 establishing a National Freight Program consisting of a Secretary designated primary freight network, portions of the Interstate system not designated as part of the primary freight network and critical rural freight corridors. Not later than one year after enactment, the USDOT Secretary shall also designate a Primary Freight Network consisting of not more than 27,000 centerline miles of existing roadways that are most critical to freight movement. Up to 3,000 additional centerline miles critical to future movement of freight on the primary network. In designating the primary freight network, the Secretary shall now take into consideration the value of freight among the other criteria; in a State’s designation of a critical rural freight corridor, the State can now consider a road that carries a high volume of freight, as measured by the total tonnage or total value of freight, compared to other rural roads in the State.</p> <p>The freight program calls for the USDOT, in consultation</p>

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		<p>with appropriate public and private stakeholders, to develop a national strategic freight plan within 3 years of enactment, to be updated every 5 years thereafter. The plan must include the following:</p> <ul style="list-style-type: none"> • an assessment of the condition and performance of the national freight network, • identification of significant bottlenecks on 20-year forecasts of freight volumes for a 20 year period, • identification of major freight corridors, an assessment of regulatory/ statutory/ financial barriers that impede freight system performance, • best practices for improving performance of freight network, • best practices to mitigate impacts of freight movement on communities, • a process for addressing multistate projects and encouraging multi-jurisdictional collaboration, and • strategies to improve intermodal connectivity. <p>States are required to develop performance targets in order to obligate funds apportioned for freight.</p>
Freight Funding	<p>No grant or formula program.</p> <p>Eliminates Projects of National & Regional Significance program where California competed quite well in SAFETEA-LU.</p>	<p>To be distributed to states via formula funding, the aggregate amount that the state must use for freight projects must <u>either</u> be figured by multiplying an amount that represents 110% of the project's state fiscal year funding by the total percent of Primary Freight Network within that state divided by the sum of the Primary Freight Network miles within the State, and the total Interstate mileage within the state not a part of the Primary Freight Network; <u>or</u>, an amount equal to the total Apportionment of the State.</p>
Project Acceleration	Title III (Page 307-371)	Subtitle C (Page 338 – 392)
Expedited Environmental Process	<ul style="list-style-type: none"> • Section 3017 (Page 366) NEPA delegation. The bill makes permanent the ability of the Secretary to delegate NEPA authority to States, and removes the limitation that only five States may receive this authority. The bill expands this authority from applying 	<ul style="list-style-type: none"> • Sections 1301 and 1302 (Page 342) Expands eligibility of early acquisition of property prior to completion of NEPA environmental review under circumstances provided in bill;

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| <p>only to highway projects to applying to highway, transit, and multimodal projects.</p> <ul style="list-style-type: none"> • Section 3016 (Page 360) Federal/State Environmental Law Reciprocity. The bill establishes a program to allow for State environmental regulations to be used in place of NEPA or other federal environmental regulations, provided they are substantially equivalent. This applies to highway, transit, and multimodal projects. • Section 3007 (Page 319) Contracting Efficiency. Two phase construction contracts, for preconstruction and construction activities, are permitted. • Section 309 (Page 326) Funding Threshold. The bill exempts projects from NEPA projects that are use less than \$10 million in federal funds, or that have 15 percent or less of overall project costs coming from federal funds. • Section 3003 (Page 313 et seq.) Environmental Review Efficiencies. The bill makes a number of changes to expedite the NEPA process, including requiring concurrent reviews of permits; limitations on judicial review; integrating decisions made in the planning process into the NEPA process; allowing for programmatic, rather than project-by-project, reviews; and mandating certain deadlines for project approval. • Section 3018 (Page 368) Categorical Exclusions for Projects in the Right-of-Way. The bill requires the Secretary to categorically exclude from NEPA any highway projects constructed in existing right-of-way. | <ul style="list-style-type: none"> • Section 1303 (Page 348) Two Phase Construction. Provides for two phase construction and permits phase I (preconstruction) to commence and proceed prior to completion of NEPA environmental review process. • Sections 1308 (Page 359) NEPA Delegation. Removes 'Pilot' from program title and authorizes states to assume determinations and responsibilities imposed under NEPA, subject to review by the Secretary, and a state's waiving of its sovereign immunity. State may terminate participation at any time. • Sections 1306 & 1309 (Pages 354 & 363) Categorical Exclusions. Provides for categorical exclusions of certain components of multimodal projects as provided under NEPA; as well as for projects within right of way and directs Secretary to prepare new categorical exclusions as provided. • Section 3013 (Page 371) Accelerated Decisionmaking. Establishes accelerated, specific decision timelines for environmental review <u>with penalty provisions for agencies failing to make decisions by the deadlines in amounts, depending upon project, of between \$10K and \$20K per week</u>, until final decision is reached, not to exceed 1% of funds made available to the agency. |
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Consolidation/ Elimination

<p>Programs Eliminated or Consolidated into larger program.</p>	<p>Partial listing of programs to be eliminated include highway bridge program; MAGLEV; national corridor infrastructure improvement; safe routes to schools; truck parking facilities; freight intermodal distribution pilot, and others.</p>	<p>Consolidates existing programs as follows: Interstate Maintenance, National Highway System & Highway Bridge Program into National Highway Performance Program; Equity Bonus, AHDS, Border Infrastructure Program, Railway Highway Crossings, and STP into Transportation Mobility Program; and Transportation</p>
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		Enhancements, Safe Routes to Schools and Recreational Trails into CMAQ.
Other Provisions		
Revenue Titles of both bills – S. __ Highway Investment, Jobs Creation Act & H.R. 3864	<ul style="list-style-type: none"> Eliminates the Mass Transit Account of HTF and establishes the Alternative Transportation Account (ATA), and provides a one-time \$40 billion transfer from the general fund to the ATA. Permanently takes away the 2.86 cents per gallon of the federal gasoline and diesel fuel taxes currently deposited in the Mass Transit Account of the HTF. Provides that the net increase in Federal revenues from certain onshore and offshore domestic energy leasing and production be appropriated to the Highway Trust Fund (no specific amounts, contingent on passage of legislative bills authorizing increased energy leasing and production). 	<ul style="list-style-type: none"> Extend motor fuel taxes and all non-fuel excise taxes at current rates thru 09/30/2015; Extend the expenditure authority for the Highway Trust Fund (HTF) thru 09/30/2013; Transfer \$3B from the LUST Trust Fund to HTF; decrease amount of fuel tax revenue to LUST fund to match actual need; Prohibit taxpayers from claiming the alternative mixture credit or the cellulosic biofuels credit on any returns made after 2/3/2012. (Estimated to raise \$2.786B over 10 years). Require that amounts equivalent to the gas-guzzler taxes received in the Treasury be transferred to HTF. (Estimated to provide \$697M to HTF over 10 years). Revoke Passports of Individuals Owing More Than \$50,000 in Back Taxes. (Estimated to raise \$743M over 10 years). Permit the IRS to impose levy of up to 100 percent on tax delinquent Medicare service providers. (Estimated to raise \$841M over 10 years). Transfer to HTF certain Imported Tariffs. (Provides \$2.475B to HTF between FY 2012 thru 2014).
Projects of National and Regional Significance (PNRS)	Eliminates projects of national and regional significance program.	Continues PNRS grant program and authorizes \$1B for FY 2013. Provides modification to allow local government and other entities to apply directly for funding.
HOV Facilities*		Final adopted manager’s amendment removes HOV facilities section from the bill, which included provisions related to state agency administration of alternative fuel vehicles use of HOV facilities.
Bus Grants*		Adopted manager’s amendment clarifies that bus and bus facility state of good repair grants shall be given at discretion of the Secretary, with at least 40% of grants given to rural transit systems.

*Denotes germane amendment either adopted as part of Managers’ amendment package or by separate vote on Senate floor. Numerous other non-germane or failed amendments are not reflected on this document.