



AGENDA

Legislative and Communications Committee Meeting

Committee Members

Shawn Nelson, Chairman
Michael Hennessey, Vice
Chairman
Laurie Davies
Barbara Delgleize
Al Murray
Tim Shaw
Gregory T. Winterbottom

Orange County Transportation Authority
Headquarters
550 South Main Street
Board Room – Conf. Room 07
Orange, California
Thursday, July 19, 2018 at 9:00 a.m.

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committee may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Call to Order

Pledge of Allegiance

Director Delgleize

1. Public Comments

Special Calendar

2. Conference Call with State Legislative Advocate Moira Topp Moira Topp/Lance M. Larson

An update of legislative items in Sacramento will be provided.



Consent Calendar (Item 3)

All items on the Consent Calendar are to be approved in one motion unless a Committee Member or a member of the public requests separate action or discussion on a specific item.

3. Approval of Minutes

Approval of the minutes of the Legislative and Communications Committee meeting of June 21, 2018.

Regular Calendar

4. State Legislative Status Report Jaymal Patel/Lance M. Larson

Overview

An overview is provided of a bill opposed pursuant to the 2017-2018 Orange County Transportation Authority State Legislative Platform related to zero-emission vehicle technology purchase mandates for public fleets. An update is provided on an initiative to repeal transportation revenues and legislation affecting the planning and operations of toll roads in Orange County. An overview is provided of a resolution honoring Medal of Valor Recipient Waldron G. Karp and the signed Fiscal Year 2018-19 state budget.

Recommendation

Receive and file as an information item.

5. Federal Legislative Status Report Jaymal Patel/Lance M. Larson

Overview

Overviews are provided of transit security bills, a Supreme Court ruling on online sales tax collection, and a proposal to reorganize the federal government. An update is also provided on the President's rescissions proposal.

Recommendation

Receive and file as an information item.



Discussion Items

- 6. Chief Executive Officer's Report**
- 7. Committee Members' Reports**
- 8. Closed Session**

There are no Closed Session items scheduled.

- 9. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, August 16, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



Committee Members Present

Michael Hennessey, Vice Chairman
Laurie Davies
Barbara Delgleize
Al Murray
Gregory T. Winterbottom

Staff Present

Ken Phipps, Deputy Chief Executive Officer
Olga Prado, Assistant Clerk of the Board
Sara Meisenheimer, Deputy Clerk of the Board
James Donich, General Counsel
OCTA Staff and members of the General Public

Committee Members Absent

Shawn Nelson, Chairman
Tim Shaw

Call to Order

The June 21, 2018 regular meeting of the Legislative and Communications Committee was called to order by Committee Vice Chairman Hennessey at 9:00 a.m.

Pledge of Allegiance

Director Davies led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

2. Conference Call with State Legislative Advocate Moira Topp

Moira Topp, Sacramento Advocate, reported on the following:

- Last week, the Legislator passed the state budget for 2018-19 and there were no changes from appropriations.
- Transportation keeps hitting high water marks in terms of appropriations and expenditures and the budget is now \$296 billion.
- Legislature and the Governor agreed on \$14 billion to be included within the rainy day fund.
- The first week of June was the deadline for all bills to get out of their house of origin, 2,500 bills were introduced, and over 1,000 bills are still moving.
- With the recall of Senator Newman, Senator Beall is the new author of Senate Bill (SB) 1119.
- Challenges of Senate Constitutional Amendment (SCA) 20 and June 28th is the deadline to have any initiative on the November 2018 general election.



2. (Continued)

- Concerns on contradictory types of regulations that the Orange County Transportation Authority (OCTA) could be facing with the South Coast Air Quality Management District on the ability to regulate vehicles.
- Assembly Bill (AB) 382 is in the Senate Transportation and Housing Committee and needs to be heard by July 3, 2018.

A discussion ensued regarding:

- Options in resolving the sales tax issue with SCA 20, such as the author amending to do a ten year phase-in.
- An update on AB 1912 and the bill most likely being passed out of its policy committee.
- The Supreme Court's ruling in the online sales tax case, *South Dakota v. Wayfair, Inc.*, and impacts to OCTA. Staff will report back to the Legislative and Communications Committee next month.

Consent Calendar (Item 3)

3. Approval of Minutes

A motion was made by Director Murray, seconded by Director Winterbottom, and declared passed by those present, to approve the minutes of the Legislative and Communications Committee meeting of May 17, 2018.

Committee Vice Chairman Hennessey abstained from the vote due to not being present at the May 17, 2018 Legislative and Communications Committee meeting.

Regular Calendar

4. Proposed Schedule for the Orange County Transportation Authority's 2019-20 State and Federal Legislative Platforms

Dustin Sifford, Senior Government Relations Representative, provided opening comments, referenced Attachment A of the Staff Report, and summarized various proposed actions and target dates. Mr. Sifford also stated if any changes are needed to the schedule, such as a political shift, the Legislative and Communications Committee would meet at a later date.

A motion was made by Director Murray, seconded by Director Davies, and declared passed by those present, to approve the preparation plan and timeline for the Orange County Transportation Authority State and Federal Legislative Platforms.

5. State Legislative Status Report

Jaymal Patel, Associate Government Relations Representative, reported on the following:

- The California Air Resources Board approved an allocation of approximately \$423 million from the Volkswagen Mitigation Trust for zero-emission technologies, which includes \$123 million for zero-emission transit shuttle and school buses, as well as, electric charging infrastructure.
- Transit agencies will be allowed to claim up to \$400,000 for the purchase of a new fuel cell electric bus, as well as, \$180,000 for the purchase of a new battery electric bus and supporting infrastructure.
- Funds will be administered into two increments.
- The California Public Utilities Commission (CPUC) approved \$768 million in investments in electric charging infrastructure for the deployment of zero-emission buses, trucks, and cars.
- Of the CPUC investments, transit agencies will be eligible to benefit up to \$227.7 million in electric bus charging infrastructure.
- Southern California Edison (SCE) is proposing to provide a rebate to cover up to 50 percent of costs for the charging equipment and installation at participating sites.
- AB 939 and the modifications to the definition “substantially located.”

A discussion ensued regarding:

- Currently, OCTA does not have the infrastructure to support zero-emission electric buses.
- Since SCE’s program will be competitive, OCTA will apply for funding and proceed to build its own infrastructure.
- AB 1069 will go into effect on January 1, 2019, and the Orange County Taxi Administration Program will cease to exist.

Following the discussion, no action was taken on this receive and file information item.

6. Federal Legislative Status Report

Dustin Sifford, Senior Government Relations Representative, reported on the following:

- The House Appropriations Committee approved a \$71.8 billion allocation for the Transportation, Housing, and Urban Development (THUD) Subcommittee, and the Senate Appropriations Committee approved \$71.4 billion for the THUD Subcommittee.

6. (Continued)

- The House Appropriations Committee passed its bill to provide \$27.8 billion for the Department of Transportation (DOT).
- Attachment A of the Staff Report summarizes funding for the appropriations bills.
- House and Senate Appropriations bills track much closer to the omnibus allocation.
- The House THUD bill provides additional funding for the Highway Trust Fund programs out of the general fund and \$2.61 billion for the Capital Investment Grants (CIG) program.
- The House THUD report includes language that would require the Federal Transit Administration to move projects through the CIG pipeline, such as the OC Streetcar Project.
- Both the House and Senate Appropriations Committees have passed transportation funding bills and are now awaiting for Congress to pass multiple “minibus” funding bills.
- The President’s proposal to rescind \$15.3 billion in unobligated federal funds, the bill has made it out of the House, and its “privilege” window in the Senate ends tomorrow.

A discussion ensued regarding:

- Definition of “privilege window.”
- Explanation on “unobligated dollars” and the process to “de-obligate” those dollars.
- Concerns regarding reporting on a monthly basis for those who already have a full grant funding agreement and if reporting can also apply to those who are awaiting a full grant funding agreement.
- Overview on the President’s budget submittal to Congress and how each agency presents items to the appropriations committee.
- Reporting language is broad enough to encompass all projects going through the pipeline.
- Weekly conference calls are taking place between the DOT and OCTA on the status of projects.
- A memo written by Darrell E. Johnson, Chief Executive Officer, to the Board of Directors on transit security safety bills.
- A report on bill, House of Representatives 6016 (Bus Operator and Pedestrian Protection Act), will be provided to the Legislative and Communications Committee in July.
- Increase of incidents on the buses, i.e., passenger to passenger or passenger to coach operator.

Following the discussion, no action was taken on this receive and file information item.



7. Amendment to Agreement with Platinum Advisors, LLC, for State Legislative Advocacy and Consulting Services

Kristin Essner, Manager of State and Federal Relations, provided opening comments and reported on the following:

- Background on OCTA contracting with Platinum Advisors, LLC (Platinum) since 2014.
- Moira Topp has acted as OCTA's primary legislative advocate since 2007.
- Platinum has demonstrated a high degree of professionalism and has been successful on major policy topics.
- Highlights of staff's recommendation.

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-4-1412 between the Orange County Transportation Authority and Platinum Advisors, LLC, to exercise the second option term of the agreement, in the amount of \$420,000, for state legislative advocacy and consulting services. This will increase the maximum obligation of the agreement to a total contract value of \$1,347,500.

8. Approval to Release Request for Proposals for Federal Legislative Advocacy and Consulting Services

Kristin Essner, Manager of State and Federal Relations, reported on the following:

- Potomac Partners, DC, currently provides federal advocacy and consulting services with OCTA.
- Highlights of staff's recommendations.
- Using the same method as before to select a federal advocate, including a pre-conference meeting and interview in Washington, D.C.
- The evaluation committee would be composed of the Chairwoman and Vice Chairman of the Board of Directors, the Chair of the Legislative and Communications Committee, Chief Executive Officer, Executive Director of External Affairs, and the Manager of State and Federal Relations.
- Overview of the evaluation criteria and weights.
- Anticipating a considerable amount of work moving forward on the reauthorization of the Fixing America's Surface Transportation Act and expected funding shortfall for the Highway Trust Fund.

8. (Continued)

A discussion ensued regarding:

- Committee Vice Chairman Hennessey requested to be involved in the procurement process.
- All firms that show interest, including Potomac Partners, DC, will be notified, and the same process of solicitation used in 2014 will be implemented.
- OCTA is at the end of the option years and need to re-procure a firm to provide federal legislative advocacy and consulting services.
- This is considered a high profile procurement, but a low cost one as compared to other OCTA procurements.
- Director Murray stated that Committee Vice Chairman Hennessey's involvement in the procurement process will benefit OCTA.

A motion was made by Director Murray, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1750 for selection of a firm to provide federal legislative advocacy and consulting services.
- B. Approve the release of Request for Proposals 8-1750 to select a firm to provide federal legislative advocacy and consulting services for a two-year initial term with two, two-year option terms.
- C. Approve the evaluation committee and proposed schedule for the procurement.

Discussion Items**9. Chief Executive Officer's Report**

Ken Phipps, Deputy Chief Executive Officer (DCEO), reported on the following:

- Today is National Dump the Pump Day and OCTA is offering free rides all day through the OC Bus Mobile application. OCTA is also partnering with Waze Carpool to offer free carpools throughout Orange County in an effort to get people to try ridesharing, use public transportation, and get people out of their cars.
- Next Saturday, June 30th at 8:30 a.m., OCTA will be hosting an equestrian ride at the Trabuco Rose Preserve in Trabuco Canyon to give people with horses an opportunity to explore the wilderness areas acquired through Measure M.



10. Committee Members' Reports

Director Murray stated that Ken Phipps, DCEO, and staff met earlier today to review transit security on OCTA's buses. He also stated that OCTA is taking an active role in ensuring safety for both the passengers and coach operators.

11. Closed Session

There were Closed Session items scheduled.

12. Adjournment

The meeting adjourned at 9:48 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, July 19, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

Michael Hennessey
Committee Vice Chairman

Sahara Meisenheimer
Deputy Clerk of the Board



July 19, 2018

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: State Legislative Status Report

Overview

An overview is provided of a bill opposed pursuant to the 2017-2018 Orange County Transportation Authority State Legislative Platform related to zero-emission vehicle technology purchase mandates for public fleets. An update is provided on an initiative to repeal transportation revenues and legislation affecting the planning and operations of toll roads in Orange County. An overview is provided of a resolution honoring Medal of Valor Recipient Waldron G. Karp and the signed Fiscal Year 2018-19 State Budget.

Recommendation

Receive and file as an information item.

Discussion

AB 327 (Gipson, D-Gardena): South Coast Air Quality Management District: fleets

AB 327 (Gipson, D-Gardena) would allow the Governing Board of the South Coast Air Quality Management District (SCAQMD) to adopt rules or regulations that would require operators of public and commercial fleet vehicles to replace up to 15 percent of existing fleet vehicles per year with the "cleanest commercially available vehicles." Consideration would be given to a vehicle's useful life, although neither the term nor the type of consideration that should be given is defined in the bill. AB 327 explicitly says that passenger bus transportation would fall under the rulemaking, subjecting The Orange County Transportation Authority's (OCTA) transit buses to the purchase requirement. The bill also specifies that a rule could encompass light- and medium-duty vehicles, which could impact almost every vehicle owned and operated by OCTA, including nonrevenue vehicles.

The regulatory framework envisioned in AB 327, as it relates to transit vehicles, is similar to the regulation being pursued by the California Air Resources Board's (ARB) Innovative Clean Transit Regulation. However, AB 327 would allow SCAQMD to institute a purchase mandate that is more aggressive than the ARB's efforts. The current ARB proposal would create a purchase mandate for new fleet procurements which gradually escalates every few years, while AB 327 would allow SCAQMD to go a step further in requiring that fleet operators annually replace a portion of their existing fleet. If the SCAQMD purchase schedule differs significantly from the ARB proposal, procurement would become incredibly complex and costly for OCTA. Furthermore, AB 327 does not address the operational challenges of the SCAQMD purchase mandate or funding sources that could allow for a successful transition to this new, unproven technology. The bill briefly mentions the operational needs of the fleet operator and the useful life of a vehicle, although neither term is defined clearly enough to provide certainty. It is also unclear whether this would take into account a transit agency's procurement practices, which may differ from those included under federal law.

An OPPOSE position has been taken on AB 327, consistent with the principles outlined in the OCTA 2017-18 State Legislative Platform to "oppose efforts to create regulations or strengthen existing standards that are not currently economically practicable or technologically feasible" and "to ensure the availability of proven technology and adequate funding prior to the implementation of zero-emission bus regulations." A copy of the bill text and letter of opposition have been included as Attachment A. OCTA has been working with the California Transit Association and the Los Angeles County Metropolitan Transportation Authority to pursue amendments that would recognize the existing regulatory efforts at the ARB, but no agreement has been reached as of the writing of this staff report.

Proposition 6: Gas Tax Repeal and Voter Approval for Statewide Taxes for Transportation Purposes

The Secretary of State has certified an initiative to repeal transportation improvements funded by SB 1 (Chapter 5, Statutes of 2017). This initiative will appear on the November 6, 2018, election ballot as Proposition 6. If approved by the voters, Proposition 6 would reduce transportation tax revenues by nearly \$5 billion per year, resulting in less funding for local roads, state highways, and public transportation. Significantly, the initiative would also require that any future measure enacting taxes on gas or vehicles be submitted to the electorate for approval by at least 50 percent of voters. The Attorney General is expected to release a ballot title and summary later this month. Staff will continue to monitor actions related to Proposition 6 and continue to update the OCTA Board of Directors.

AB 382 (Chávez, R-Oceanside): County of Orange: Joint Exercise of Powers Agreements: Toll Roads

AB 382 (Chávez, R-Oceanside) would have clarified that the responsibilities of the Transportation Corridor Agencies, as a joint powers authority, are to maintain, finance, and operate its toll road system as it exists on January 1, 2018. The text of AB 382 is included as Attachment B. The bill failed to pass out of the Senate Transportation and Housing Committee by a vote of 3-7. Senator Jim Beall (D-San Jose), Chair of the Senate Transportation and Housing Committee, voicing opposition to the bill, noted in his remarks the need to resolve the issues addressed in this bill at the local level before the Legislature acts.

ACR 149 (Choi, R-Irvine): Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway

ACR 149 (Choi, R-Irvine) would designate the portion of Interstate 5 from northbound Tustin Ranch Road to southbound Tustin Ranch Road in the City of Tustin as the Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway. On January 7, 1973, Tustin Police Officer Waldron G. Karp succumbed to gunshot wounds that he sustained while assisting the Orange County Sheriff's Department deputies. Officer Karp is the only Tustin Police Department officer to be killed in the line of duty. ACR 149 will commemorate Officer Karp's service and acknowledge the significant contribution he made to his community. The text of ACR 149 is included as Attachment C.

Fiscal Year 2018-2019 State Budget Signed by Governor

On June 27, 2018, the Governor signed the Fiscal Year (FY) 2018-2019 State Budget. The State Budget passed the Senate by a vote of 24-12, and the Assembly by a vote of 57-32. The \$138.6 billion state budget includes additional funding for homelessness, infrastructure, higher education, K-14 education, health and human services, and other programs. Overall, the budget passed by the Legislature includes about \$1 billion more in expenditures than was proposed in the Governor's May Revise. The budget plan brings state's Budget Stabilization Account/Rainy Day Fund for FY 2018-19 to \$13.8 billion, meeting the constitutional target.

For transportation purposes, the FY 2018-2019 State Budget approved by the Legislature reflects the funding estimated in the Governor's May Revise. The budget will include the first full year of revenues provided under SB 1, which will bring long-term funding certainty for the following transportation infrastructure priorities:

- \$1.2 billion to cities and counties for local streets and road maintenance projects.
- \$330 million to the Transit and Intercity Rail Capital Program for transit capital investments that provide greenhouse gas reductions, with at least 50 percent of funding directed to benefit disadvantaged communities.
- \$200 million for the Local Partnership Program in jurisdictions that generate local transportation revenues.
- \$100 million to the Active Transportation Program for bicycle and pedestrian facility projects, with at least 50 percent of funding directed to benefit disadvantaged communities. \$4 million each FY for five FYs is to be directed to active transportation projects that are developed and implemented by the California Conservation Corps.
- \$1.2 billion to the California Department of Transportation (Caltrans) for the State Highway Operation Protection Program to continue addressing the state's highest repair and maintenance needs.
- \$400 million to Caltrans to fund repairs and maintenance on the state's bridge and culvert infrastructure.
- \$250 million for Solutions for Congested Corridors Program which provides funding for the state's most congested corridors for multimodal improvements, including managed lanes, improved on-ramp and off-ramp construction, and transit improvements.
- \$306 million to the Trade Corridor Enhancement Program for projects that address bottlenecks and improve mobility on the state's most economically significant trade corridors.
- \$25 million to the Freeway Service Patrol on top of the existing \$25 million base funding to help clear incidents that cause temporary congestion.

The state budget includes \$663 million in State Transit Assistance (STA) funding for FY 2018-19, including \$300.4 million in funding provided by SB 1. In total, Orange County is estimated to receive about \$35.8 million in STA funding, including \$16.2 million from SB 1. In addition, \$105 million will be provided for the SB 1 State of Good Repair Program, resulting in an estimated \$5.7 million for Orange County. Also included in the state budget is \$179.4 million for the cap-and-trade Low Carbon Transit Operations Program, including approximately \$9.7 million for Orange County from this program.

The budget also includes \$212.8 million for intercity and commuter rail, an increase of \$34.5 million from the January budget. In addition, \$42.9 million is included in SB 1 funding for intercity and commuter rail.

In conjunction with the state budget, several trailer bills were signed by the Governor which would:

- Create the Infrastructure Stabilization Fund to allocate funding dedicated for infrastructure pursuant to Proposition 2. Under Proposition 2, any revenues generated beyond the requirements for Rainy Day Fund purposes are to go to infrastructure. The trailer bill would allocate this excess revenue as follows: the first \$415 million to the State Infrastructure Maintenance Fund, with any excess funds over \$415 million split between the Housing Rehabilitation Loan Fund and the Rail Modernization Program. The California Department of Finance estimates that the Rail Modernization Fund will receive about \$300 million yearly through FY 2021-2022. Funding is to be used at the discretion of the California State Transportation Agency, with a focus on shared-use corridors and increased connectivity between state-run or state-administered passenger rail services and locally or regionally operated services.
- Limit to ten percent, the administrative indirect cost recovery that Caltrans charges for work it does on behalf of counties that have passed a countywide sales tax measure dedicated for transportation projects (Self Help Counties). These counties would still continue to pay costs of functional overhead. This provision will sunset in three years.
- Make identifiers issued for low-emission and energy-efficient vehicles to use lanes designated for high-occupancy vehicles between January 1, 2017 and March 1, 2018, valid until January 1, 2019. Make those issued between March 1, 2018 and January 1, 2019, valid until January 1, 2022, and makes those issued on or after March 1, 2018, for a vehicle that had previously been issued an identifier, valid until January 1, 2022.
- Allow cities and counties to expend from internal city and county funds and reimburse themselves with future year apportionments from SB 1 (Chapter 5, Statutes of 2017).
- Allow the Golden Gate Bridge, Highway, and Transportation District to use Construction Manager/General Contractor authority for the construction, alteration, repair, rehabilitation, or improvement of the Golden Gate Bridge.
- Allow the Ventura County Transportation Commission to allocate local transportation fund revenues apportioned to the City of Thousand Oaks for local streets and roads and other specified purposes, and not just transit projects, which is required under current law.
- Provide an appropriation of \$8 million to the California State Transportation Agency from the General Fund for allocation to the Los Angeles County Metropolitan Transportation Agency for the River to Rail Project.

An additional trailer bill related to the FY 2018-19 cap-and-trade expenditure plan was also signed by the Governor, which would appropriate \$1.4 billion in previously unallocated cap-and-trade auction proceeds. Included in the

proposal is \$125 million for the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, which provides vouchers to offset the partial cost of zero-emission vehicle technology, as well as charging infrastructure; \$165.4 million for the Alternative and Renewable Fuel and Vehicle Technology Program, which provides grants, loans, and loan guarantees to develop and deploy alternative and renewable fuels and advanced transportation technologies; and \$245 million for community air protection, which could be used for the purchase of zero-emission charging infrastructure with a priority toward infrastructure that supports medium-and heavy-duty vehicles.

Summary

An update is provided on legislation to require implementation of zero-emission bus technology, an initiative to repeal transportation revenues, a bill affecting the planning and operations of toll roads in Orange County, a resolution honoring Medal of Valor Recipient Waldron G. Karp, and the state budget process.

Attachments

- A. Letter from Lisa A. Bartlett, Chairwoman, Orange County Transportation Authority, to Assembly Member Mike A. Gipson, dated June 15, 2018, in opposition to AB 327, with Bill Language
- B. AB 382 (Chávez, R-Oceanside) Bill Language
- C. ACR 149 (Choi, R-Irvine) Resolution language
- D. Orange County Transportation Authority Legislative Matrix

Prepared by:



Jaymal Patel
Associate Government Relations Representative
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Approved by:



Lance M. Larson
Executive Director,
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CHIEF EXECUTIVE OFFICE

Darrell E. Johnson
Chief Executive Officer

June 15, 2018

The Honorable Mike A. Gipson
California State Assembly
State Capitol
Post Office Box 942849
Sacramento, California 94249-0064

Subject: AB 327 – OPPOSE

Dear Assembly Member Gipson:

The Orange County Transportation Authority (OCTA) Board of Directors regrets to inform you that we oppose AB 327, your legislation that would require public and commercial fleets operating in the South Coast Air Quality Management District (SCAQMD) to replace existing vehicles with the cleanest commercially available technology, as determined by the SCAQMD Governing Board.

AB 327 would allow the Governing Board of the SCAQMD to adopt rules or regulations that would require operators of public and commercial fleet vehicles to replace up to 15 percent of existing fleet vehicles per year with the "cleanest commercially available vehicles." Consideration would be given to a vehicle's useful life, although neither the term nor the type of consideration that should be given is defined in the bill. AB 327 explicitly says that passenger bus transportation would fall under the rulemaking, subjecting OCTA's transit buses to the purchase requirement. The bill also specifies that a rule could encompass light- and medium-duty vehicles, which could impact almost every vehicle owned and operated by OCTA, including nonrevenue vehicles.

OCTA has taken proactive steps to integrate cleaner vehicle technology into its operations, including obtaining over ten hydrogen fuel cell buses, exclusively using renewable natural gas for the current fleet, and incorporating low nitrogen oxide engines so that about 20 percent of the fleet is utilizing near-zero emission engines. Given this experience, OCTA's concern is that mandating use of certain technologies might leave transit agencies unable to meet riders' expectations. The rulemaking authority proposed in AB 327 would require that fleet operators purchase technology without proper assurances that it meet operational requirements, imposing significant logistical and financial burdens on transit agencies. AB 327 would allow SCAQMD to expedite fleet turnover requirements, beyond those even required by the state, without clear statutory parameters to prevent duplication or conflict with state regulations, or

The Honorable Mike A. Gipson

June 15, 2018

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assurances that the technology would be required to meet certain benchmarks to allow for use in normal transit operations.

The regulatory framework envisioned in AB 327 is similar to the regulation being pursued by the California Air Resources Board (ARB). AB 327 would allow SCAQMD to institute a purchase mandate that is duplicative of the ARB's efforts, or more aggressive. The current ARB proposal would create a purchase mandate for new fleet procurements, while AB 327 would allow SCAQMD to go a step further in requiring that fleet operators annually replace a portion of their existing fleet. Along with the California Transit Association, OCTA has been engaged with the ARB about the additional costs imposed by its purchase mandate. If the SCAQMD purchase schedule differs significantly from the ARB proposal, procurement would become incredibly complex and costly for OCTA. Furthermore, AB 327 does not address the operational challenges of the SCAQMD purchase mandate. The bill briefly mentions the operational needs of the fleet operator and the useful life of a vehicle, although neither term is defined clearly enough to provide certainty.

An oppose position is consistent with OCTA's 2017-18 State Legislative Platform principles to "oppose efforts to create regulations or strengthen existing standards that are not currently economically practicable or technologically feasible" and "to ensure the availability of proven technology and adequate funding prior to the implementation of zero-emission bus regulations."

If you or your staff have any questions regarding OCTA's position on AB 327, please contact Kristin Essner, Manager of State and Federal Relations, at (714) 560-5754 or kessner@octa.net.

Sincerely,



Lisa A. Bartlett
Chairwoman

LAB:djs

c: Darrell E. Johnson, Chief Executive Officer
Orange County Legislative Delegation
Platinum Advisors, LLC

AMENDED IN SENATE JUNE 4, 2018
AMENDED IN ASSEMBLY MARCH 21, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 327

**Introduced by Assembly Member Gipson
(~~Coauthor: Assembly Member Brough~~)**

February 7, 2017

An act to add and repeal Section 6010.15 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy; amend Section 40447.5 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 327, as amended, Gipson. ~~Sales and use taxes; exclusion; pawnbrokers; transfer of vested property. South Coast Air Quality Management District; fleets.~~

Existing law authorizes the governing board of the South Coast Air Quality Management District to adopt rules and regulations that require specified operators of public and commercial fleet vehicles consisting of 15 or more vehicles, when adding vehicles or replacing vehicles in an existing fleet or forming a new fleet, to purchase vehicles that are capable of operating on methanol or other equivalently clean-burning alternative fuel and that require these vehicles to be operated, to the maximum extent feasible, on the alternative fuel when operating in the south coast district.

This bill instead would authorize the governing board of the south coast district to adopt rules and regulations that require specified operators of public and commercial fleet vehicles consisting of 15 or

more vehicles to purchase the cleanest commercially available vehicles, as defined, that will meet the operator's operational needs; to require the replacement of no more than 15% of existing vehicles per calendar year, as specified; and to require those cleanest commercially available vehicles to be operated, to the maximum extent feasible, in the south coast district.

This bill would make legislative findings and declarations as to the necessity of a special statute for the south coast district.

~~Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. Existing law defines "sale" and "purchase" for these purposes and provides certain exclusions from those definitions.~~

~~Existing law regulates pawnbrokers by, among other things, requiring every loan made by a pawnbroker for which goods are received in pledge as security to be evidenced by a written contract, a copy of which is required to be furnished to the pledgor. Existing law requires the loan period of a loan contract to be no less than 4 months, and requires the loan contract to set forth the loan period, the date on which the loan is due and payable, and to clearly inform the pledgor of his or her right to redeem the pledge during the loan period. Existing law provides procedures by which a pawnbroker may become vested with the title to pledged property.~~

~~This bill, until January 1, 2022, would provide that "sale" and "purchase" do not include the transfer of vested property, as defined, by a pawnbroker to a person who pledged the property to the pawnbroker as security for a loan and from whom title transferred to the pawnbroker if specified requirements are met, thus excluding that transfer from imposition of sales and use tax.~~

~~The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes cities and counties to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing laws authorize districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which generally conforms to the Sales and Use Tax Law. Amendments to the Sales and Use Tax Law are automatically incorporated into the local tax laws.~~

~~Existing law requires the state to reimburse cities and counties for revenue losses caused by the enactment of sales and use tax exemptions.~~

~~This bill would provide that, notwithstanding these provisions, no appropriation is made and the state shall not reimburse cities and counties for sales and use tax revenues lost by them pursuant to this bill.~~

~~This bill would take effect immediately as a tax levy.~~

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

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

- 1 SECTION 1. Section 40447.5 of the Health and Safety Code
2 is amended to read:
3 ~~40447.5. Notwithstanding~~
4 40447.5. (a) For purposes of this section, the following
5 definitions apply:
6 (1) "Cleanest commercially available vehicle" means a vehicle
7 operated with a fuel or technology that substantially reduces
8 emissions of oxides of nitrogen and is technically feasible, as
9 defined by the south coast district board.
10 (2) "Commercial fleet vehicle," is not limited to a vehicle that
11 is operated for hire, compensation, or profit, and is limited to a
12 vehicle that is under contract or exclusive franchise to a state,
13 regional, or local agency that is any of the following:
14 (A) Light- and medium-duty vehicles.
15 (B) Vehicles used to provide any of the following:
16 (i) Passenger bus transportation.
17 (ii) Solid waste collection.
18 (iii) Passenger transportation to and from commercial airports.
19 (iv) Schoolbuses.
20 (v) Sweeping services.
21 (C) Vehicles in a fleet that is carrying out functions that were
22 previously provided by fleets that were owned by a state, regional,
23 or local agency on January 1, 2018, and that is subsequently under
24 contract or exclusive franchise after that date.
25 (3) "Medium-duty vehicle" means a vehicle with a gross vehicle
26 weight rating of more than 6,000 pounds and less than 14,000
27 pounds.
28 (b) ~~Notwithstanding any other provision of law,~~ the south coast
29 district board may adopt rules or regulations that do all of the
30 following:

1 (a)

2 (1) Require operators of public and commercial fleet vehicles,
3 consisting of 15 or more vehicles under a single owner or lessee
4 and operating substantially in the south coast district, ~~when adding~~
5 ~~vehicles to or replacing vehicles in an existing fleet or purchasing~~
6 ~~vehicles to form a new fleet, to purchase vehicles which are capable~~
7 ~~of operating on methanol or other equivalently clean burning~~
8 ~~alternative fuel and to require district to purchase the cleanest~~
9 ~~commercially available vehicles that will meet the operator's~~
10 ~~operational needs and require the replacement of no more than~~
11 ~~15 percent of existing vehicles per calendar year with due~~
12 ~~consideration given to a vehicle's useful life. The south coast~~
13 ~~district may require that these vehicles be operated, to the~~
14 ~~maximum extent feasible, on the alternative fuel when operating~~
15 ~~in the south coast district. Notwithstanding Section 39021, as used~~
16 ~~in this subdivision, the term "commercial fleet vehicles" is not~~
17 ~~limited to vehicles that are operated for hire, compensation, or~~
18 ~~profit. No A rule or regulation adopted pursuant to this paragraph~~
19 ~~shall not apply to emergency vehicles operated by local law~~
20 ~~enforcement agencies, fire departments, agencies or fire~~
21 ~~departments or to paramedic and rescue vehicles until the south~~
22 ~~coast district board finds and determines that the alternative fuel~~
23 ~~is available at sufficient locations so that cleanest commercially~~
24 ~~available vehicles will not impair the emergency response~~
25 ~~capabilities of those vehicles is not impaired. vehicles.~~

26 (b)

27 (2) Encourage and facilitate ridesharing for commuter trips into,
28 out of, and within the south coast district.

29 (c)

30 (3) Prohibit or restrict the operation of heavy-duty trucks during
31 ~~the hours of the~~ heaviest commuter traffic on freeways and other
32 ~~high-traffic-volume~~ *high-traffic-volume* highways. In adopting
33 ~~rules and~~ regulations pursuant to this paragraph, the south coast
34 district shall consult with the Department of Transportation and
35 ~~Transportation~~, the Department of the California Highway Patrol
36 ~~Patrol~~, and the transportation commission of each county in the
37 south coast district. ~~No A rule or regulation adopted pursuant to~~
38 ~~this paragraph shall, however, paragraph, however, shall not~~
39 prohibit or restrict the operation of any heavy-duty truck engaged
40 in *the hauling of* solid or hazardous waste or a toxic substance if

1 that truck is required to be operated at certain times of *the* day
2 pursuant to an ordinance adopted for the protection of public health
3 or safety by a city or county or any heavy-duty truck required to
4 be operated at certain times of the day pursuant Section 25633 of
5 the Business and Professions Code.

6 *SEC. 2. The Legislature finds and declares that a special statute*
7 *is necessary and that a general statute cannot be made applicable*
8 *within the meaning of Section 16 of Article IV of the California*
9 *Constitution because of the unique needs of the South Coast Air*
10 *Basin, which is designated as federal extreme nonattainment for*
11 *ozone.*

12 ~~SECTION 1. Section 6010.15 is added to the Revenue and~~
13 ~~Taxation Code, to read:~~

14 ~~6010.15. (a) "Sale" and "purchase" for the purposes of this~~
15 ~~part do not include the transfer of title to vested property by a~~
16 ~~pawnbroker to a person who pledged the property to the~~
17 ~~pawnbroker as security for a loan and from whom title to the~~
18 ~~property transferred to the pawnbroker pursuant to Section 21201~~
19 ~~of the Financial Code, if all of the following requirements are met:~~

20 ~~(1) The transfer occurs no more than six months after title to~~
21 ~~the property transferred to the pawnbroker from the person pursuant~~
22 ~~to Section 21201 of the Financial Code.~~

23 ~~(2) As consideration for the transfer of the property, the person~~
24 ~~is required to pay the pawnbroker only the remaining unpaid~~
25 ~~balance of the loan, including accrued charges and interest, as of~~
26 ~~the date the pawnbroker becomes vested with title to the property,~~
27 ~~together with one of the following:~~

28 ~~(A) For an original loan amount not exceeding two thousand~~
29 ~~four hundred ninety-nine dollars and ninety-nine cents (\$2,499.99);~~
30 ~~charges and interest allowable under the loan pursuant to Chapter~~
31 ~~2 (commencing with Section 21200) of Division 8 of the Financial~~
32 ~~Code, from the date the pawnbroker is vested with title to the~~
33 ~~property to the date of the transfer to the person who pledged the~~
34 ~~property.~~

35 ~~(B) For an original loan amount of two thousand five hundred~~
36 ~~dollars (\$2,500) or more, charges and interest due in accordance~~
37 ~~with the last monthly contractual interest rate, from the date the~~
38 ~~pawnbroker is vested with title to the property until the date of the~~
39 ~~transfer to the person who pledged the property.~~

1 ~~(3) The person has proof, such as a receipt or similar document~~
2 ~~provided to the purchaser, that the person originally paid sales tax~~
3 ~~on the item.~~

4 ~~(b) As used in this section:~~

5 ~~(1) “Pawnbroker” has the meaning described in Section 21000~~
6 ~~of the Financial Code.~~

7 ~~(2) “Vested property” has the meaning described in subdivision~~
8 ~~(b) of Section 21002 of the Financial Code.~~

9 ~~(c) This section shall become inoperative and shall be repealed~~
10 ~~on January 1, 2022.~~

11 ~~SEC. 2. Notwithstanding Section 2230 of the Revenue and~~
12 ~~Taxation Code, no appropriation is made by this act and the state~~
13 ~~shall not reimburse cities and counties for any sales and use tax~~
14 ~~revenues lost by them under this act.~~

15 ~~SEC. 3. This act provides for a tax levy within the meaning of~~
16 ~~Article IV of the California Constitution and shall go into~~
17 ~~immediate effect.~~

AMENDED IN SENATE MAY 8, 2018

AMENDED IN ASSEMBLY MAY 26, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 382

Introduced by Assembly Member Voepel Chávez

(Coauthors: ~~Assembly Members Brough, Gallagher, Harper, Lackey, Mathis, Mayes, Patterson, Steinorth, Waldron, Acosta, and Chen~~)

(Coauthors: ~~Senators Anderson, Bates, Berryhill, Nielsen, Wilk, and Vidak~~)

February 9, 2017

~~An act to amend Section 8352.6 of the Revenue and Taxation Code, relating to fuel taxes. An act to amend Section 66484.3 of the Government Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 382, as amended, Voepel Chávez. ~~Fuel taxes: State Parks and Recreation Fund: Off-Highway Vehicle Trust Fund: County of Orange: joint exercise of powers agreements: toll roads.~~

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. Existing law authorizes the County of Orange and the cities in that county, by ordinance, to require the payment of fees as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares. Existing law authorizes those entities to form a joint powers agency for specified purposes, including incurring

indebtedness for the construction of bridge facilities or major thoroughfares, pursuant to which various toll roads in the County of Orange were constructed.

This bill would prohibit those entities, on and after January 1, 2018, from forming a new joint powers agency to construct bridge facilities or major thoroughfares under that specific authorization or the general authorization. The bill would prohibit a joint powers agency formed under that specific authorization from incurring new bonded indebtedness, except for specified purposes.

Existing law authorizes a joint powers agency created for these purposes to make certain toll revenues and fees available to specified other joint powers agencies to pay for the cost of construction and toll collection of major thoroughfares other than those for which the toll or fee is charged if specified requirements are met and findings are made.

This bill would delete this provision.

~~Existing law imposes an excise tax on motor vehicle fuel (gasoline). Existing law requires a portion of the moneys attributable to the excise tax on gasoline related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund, and, commencing November 1, 2017, requires the portion of those moneys from a \$0.12 per gallon increase, and future inflation adjustments from that increase, to be transferred to the State Parks and Recreation Fund, to be used for state parks, off-highway vehicle programs, or boating programs.~~

~~This bill would provide that in the 2017-18 fiscal year up to \$1,000,000 of the revenues transferred to the State Parks and Recreation Fund may be transferred to the Off-Highway Vehicle Trust Fund to be available for specified purposes and would express the intent of the Legislature to make this transfer in the Budget Act of 2017.~~

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 66484.3 of the Government Code is
- 2 amended to read:
- 3 66484.3. (a) Notwithstanding Section 66007, the Board of
- 4 Supervisors of the County of Orange and the city council or

1 councils of any city or cities in that county may, by ordinance,
2 require the payment of a fee as a condition of approval of a final
3 map or as a condition of issuing a building permit for purposes of
4 defraying the actual or estimated cost of constructing bridges over
5 waterways, railways, freeways, and canyons, or constructing major
6 thoroughfares.

7 (b) The local ordinance may require payment of fees pursuant
8 to this section if:

9 (1) The ordinance refers to the circulation element of the general
10 plan and, in the case of bridges, to the transportation provisions
11 or flood control provisions of the general plan ~~which~~ *that* identify
12 railways, freeways, streams, or canyons for which bridge crossings
13 are required on the general plan or local roads, and in the case of
14 major thoroughfares, to the provisions of the circulation element
15 ~~which~~ *that* identify those major thoroughfares whose primary
16 purpose is to carry through traffic and provide a network
17 connecting to or ~~which~~ *that* is part of the state highway system,
18 and the circulation element, transportation provisions, or flood
19 control provisions have been adopted by the local agency 30 days
20 prior to the filing of a map or application for a building permit.
21 Bridges ~~which~~ *that* are part of a major thoroughfare need not be
22 separately identified in the transportation or flood control
23 provisions of the general plan.

24 (2) The ordinance provides that there will be a public hearing
25 held by the governing body for each area benefited. Notice shall
26 be given pursuant to Section 65905. In addition to the requirements
27 of Section 65905, the notice shall contain preliminary information
28 related to the boundaries of the area of benefit, estimated cost, and
29 the method of fee apportionment. The area of benefit may include
30 land or improvements in addition to the land or improvements
31 ~~which~~ *that* are the subject of any map or building permit application
32 considered at the proceedings.

33 (3) The ordinance provides that at the public hearing, the
34 boundaries of the area of benefit, the costs, whether actual or
35 estimated, and a fair method of allocation of costs to the area of
36 benefit and fee apportionment are established. The method of fee
37 apportionment, in the case of major thoroughfares, shall not provide
38 for higher fees on land ~~which~~ *that* abuts the proposed improvement
39 except where the abutting property is provided direct usable access
40 to the major thoroughfare. A description of the boundaries of the

1 area of benefit, the costs, whether actual or estimated, and the
2 method of fee apportionment established at the hearing shall be
3 incorporated in a resolution of the governing body, a certified copy
4 of which shall be recorded by the governing body conducting the
5 hearing with the recorder of the County of Orange. The resolution
6 may subsequently be modified in any respect by the governing
7 body. Modifications shall be adopted in the same manner as the
8 original resolution, except that the resolution of a city or county
9 ~~which~~ *that* has entered into a joint exercise of powers agreement
10 pursuant to subdivision (f), relating to constructing bridges over
11 waterways, railways, freeways, and canyons or constructing major
12 thoroughfares by the joint powers agency, may be modified by the
13 joint powers agency following public notice and a public hearing,
14 if the joint powers agency has complied with all applicable laws,
15 including Chapter 5 (commencing with Section 66000) of Division
16 1. Any modification shall be subject to the protest procedures
17 prescribed by paragraph (6). The resolution may provide for
18 automatic periodic adjustment of fees based upon the California
19 Construction Cost Index prepared and published by the Department
20 of Transportation, without further action of the governing body,
21 including, but not limited to, public notice or hearing. The
22 apportioned fees shall be applicable to all property within the area
23 of benefit and shall be payable as a condition of approval of a final
24 map or as a condition of issuing a building permit for any of the
25 property or portions of the property. Where the area of benefit
26 includes lands not subject to the payment of fees pursuant to this
27 section, the governing body shall make provision for payment of
28 the share of improvement costs apportioned to those lands from
29 other sources, but those sources need not be identified at the time
30 of the adoption of the resolution.

31 (4) The ordinance provides that payment of fees shall not be
32 required unless the major thoroughfares are in addition to, or a
33 reconstruction or widening of, any existing major thoroughfares
34 serving the area at the time of the adoption of the boundaries of
35 the area of benefit.

36 (5) The ordinance provides that payment of fees shall not be
37 required unless the planned bridge facility is an original bridge
38 serving the area or an addition to any existing bridge facility
39 serving the area at the time of the adoption of the boundaries of
40 the area of benefit. Fees imposed pursuant to this section shall not

1 be expended to reimburse the cost of existing bridge facility
2 construction, unless these costs are incurred in connection with
3 the construction of an addition to an existing bridge for which fees
4 may be required.

5 (6) (A) The ordinance provides that if, within the time when
6 protests may be filed under its provisions, there is a written protest,
7 filed with the clerk of the legislative body, by the owners of more
8 than one-half of the area of the property to be benefited by the
9 improvement, and sufficient protests are not withdrawn so as to
10 reduce the area represented to less than one-half of that to be
11 benefited, then the proposed proceedings shall be abandoned, and
12 the legislative body shall not, for one year from the filing of that
13 written protest, commence or carry on any proceedings for the
14 same improvement or acquisition under this section, unless the
15 protests are overruled by an affirmative vote of four-fifths of the
16 legislative body.

17 (B) Nothing in this section shall preclude the processing and
18 recordation of maps in accordance with other provisions of this
19 division if proceedings are abandoned.

20 (C) Any protests may be withdrawn in writing by the owner
21 who filed the protest, at any time prior to the conclusion of a public
22 hearing held pursuant to the ordinance.

23 (D) If any majority protest is directed against only a portion of
24 the improvement then all further proceedings under the provisions
25 of this section to construct that portion of the improvement so
26 protested against shall be barred for a period of one year, but the
27 legislative body shall not be barred from commencing new
28 proceedings not including any part of the improvement or
29 acquisition so protested against. Nothing in this section shall
30 prohibit the legislative body, within the one-year period, from
31 commencing and carrying on new proceedings for the construction
32 of a portion of the improvement so protested against if it finds, by
33 the affirmative vote of four-fifths of its members, that the owners
34 of more than one-half of the area of the property to be benefited
35 are in favor of going forward with that portion of the improvement
36 or acquisition.

37 (E) If the provisions of this paragraph, or provisions
38 implementing this paragraph contained in any ordinance adopted
39 pursuant to this section, are held invalid, that invalidity shall not
40 affect other provisions of this section or of the ordinance adopted

1 pursuant thereto, which can be given effect without the invalid
2 provision, and to this end the provisions of this section and of an
3 ordinance adopted pursuant thereto are severable.

4 (c) Fees paid pursuant to an ordinance adopted pursuant to this
5 section shall be deposited in a planned bridge facility or major
6 thoroughfare fund. A fund shall be established for each planned
7 bridge facility project or each planned major thoroughfare project.
8 If the benefit area is one in which more than one bridge or major
9 thoroughfare is required to be constructed, a fund may be so
10 established covering all of the bridge or major thoroughfare
11 projects in the benefit area. Except as otherwise provided in
12 subdivision ~~(g)~~, *(h)*, moneys in the fund shall be expended solely
13 for the construction or reimbursement for construction of the
14 improvement serving the area to be benefited and from which the
15 fees comprising the fund were collected, or to reimburse the county
16 or a city for the cost of constructing the improvement.

17 (d) An ordinance adopted pursuant to this section may provide
18 for the acceptance of considerations in lieu of the payment of fees.

19 (e) The county or a city imposing fees pursuant to this section
20 may advance money from its general fund or road fund to pay the
21 cost of constructing the improvements and may reimburse the
22 general fund or road fund from planned bridge facilities or major
23 thoroughfares funds established to finance the construction of the
24 improvements.

25 (f) *(1)* The county or a city imposing fees pursuant to this
26 section may incur an interest-bearing indebtedness for the
27 construction of bridge facilities or major thoroughfares. The sole
28 security for repayment of the indebtedness shall be moneys in
29 planned bridge facilities or major thoroughfares funds. A city or
30 county imposing fees pursuant to this section ~~may may, prior to~~
31 *January 1, 2018*, enter into joint exercise of powers agreements
32 with other local agencies imposing fees pursuant to this section,
33 for the purpose of, among others, jointly exercising as a duly
34 authorized original power established by this section, in addition
35 to those through a joint exercise of powers agreement, those powers
36 ~~authorized described in Chapter~~ *the El Dorado County Toll Tunnel*
37 *Authority Act (Chapter 5 (commencing with Section 31100) of*
38 *Division 17 of the Streets and Highways Code Code)* for the
39 purpose of constructing bridge facilities and major thoroughfares
40 in lieu of a tunnel and appurtenant facilities, and, notwithstanding

Section 31200 of the Streets and Highways Code, may acquire by dedication, gift, purchase, or eminent domain, any franchise, rights, privileges, easements, or other interest in property, either real or personal, necessary therefor on segments of the state highway system, including, but not limited to, those segments of the state highway system eligible for federal participation pursuant to Title 23 of the United States Code. *A county or city imposing fees pursuant to this section shall not, on and after January 1, 2018, enter into a joint exercise of powers agreement pursuant to this section or Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 to construct bridge facilities or major thoroughfares. A joint powers agency created pursuant to this section may continue to maintain and operate any bridges or major thoroughfares in operation on January 1, 2018.*

(2) An entity constructing bridge facilities and major thoroughfares pursuant to this section shall design and construct the bridge facilities and major thoroughfares to the standards and specifications of the Department of Transportation then in effect, and may, at any time, transfer all or a portion of the bridge facilities and major thoroughfares to the state subject to the terms and conditions as shall be satisfactory to the Director of the Department of Transportation. Any of these bridge facilities and major thoroughfares shall be designated as a portion of the state highway system prior to its transfer. The participants in a joint exercise of powers agreement may also exercise as a duly authorized original power established by this section the power to establish and collect toll charges only for paying for the costs of construction of the major thoroughfare for which the toll is charged and for the costs of collecting the tolls, ~~except that a joint powers agency, which is the lending agency, may, notwithstanding subdivision (c), make toll revenues and fees imposed pursuant to this section available to another joint powers agency, which is the borrowing agency, established for the purpose of designing, financing, and constructing coordinated and interrelated major thoroughfares, in the form of a subordinated loan, to pay for the cost of construction and toll collection of major thoroughfares other than the major thoroughfares for which the toll or fee is charged, if the lending agency has complied with all applicable laws, including Chapter 5 (commencing with Section 66000) of Division 1, and if the borrowing agency is required to pay interest on the loan to the~~

1 lending agency at a rate equal to the interest rate charged on funds
2 loaned from the Pooled Money Investment Account. Prior to
3 executing the loan, the lending agency shall make all of the
4 following findings: *tolls*.

5 (1) The major thoroughfare for which the toll or fee is charged
6 will benefit from the construction of the major thoroughfare to be
7 constructed by the borrowing agency or will benefit financially
8 by a sharing of revenues with the borrowing agency.

9 (2) The lending agency will possess adequate financial resources
10 to fund all costs of construction of existing and future projects that
11 it plans to undertake prior to the final maturity of the loan, after
12 funding the loan, and taking into consideration its then existing
13 funds, its present and future obligations, and the revenues and fees
14 it expects to receive.

15 (3) The funding of the loan will not materially impair its
16 financial condition or operations during the term of the loan.

17 (3) Major thoroughfares ~~from~~ for which tolls are charged shall
18 utilize the toll collection equipment most capable of moving
19 vehicles expeditiously and efficiently, and ~~which~~ that is best suited
20 for that purpose, as determined by the participants in the joint
21 exercise of powers agreement. However, in no event shall the
22 powers ~~authorized described in Chapter the El Dorado County~~
23 ~~Toll Tunnel Authority Act (Chapter 5 (commencing with Section~~
24 ~~31100) of Division 17 of the Streets and Highways Code Code)~~
25 ~~be exercised exercised, as authorized in paragraph (1), unless a~~
26 resolution is first adopted by the legislative body of the agency
27 finding that adequate funding for the portion of the cost of
28 constructing those bridge facilities and major thoroughfares not
29 funded by the development fees collected by the agency is not
30 available from any federal, state, or other source. Any major
31 thoroughfare constructed and operated as a toll road pursuant to
32 this section shall only be constructed parallel to other public
33 thoroughfares and highways.

34 (g) *Notwithstanding the powers granted pursuant to subdivision*
35 *(f), a joint powers agency created pursuant to subdivision (f) shall*
36 *not, on or after January 1, 2018, incur bonded indebtedness, except*
37 *that the joint powers agency shall have the authority, rights, and*
38 *powers it held prior to that date for only each of the following*
39 *purposes:*

1 *(1) To issue bonds or otherwise incur indebtedness to refund*
2 *the bonds or other indebtedness incurred prior to January 1, 2018,*
3 *or to provide monetary savings to the joint exercise of powers*
4 *agency, provided that both of the following requirements are met:*

5 *(A) The total interest cost to maturity on the refunding bonds*
6 *or other indebtedness plus the principal amount of the refunding*
7 *bonds or other indebtedness shall not exceed the total remaining*
8 *interest cost to maturity on the bonds or other indebtedness to be*
9 *refunded plus the remaining principal of the bonds or other*
10 *indebtedness to be refunded.*

11 *(B) The principal amount of the refunding bonds or other*
12 *indebtedness shall not exceed the amount required to defease the*
13 *refunded bonds or other indebtedness, to establish customary debt*
14 *service reserves, and to pay related costs of issuance. If the*
15 *foregoing conditions are satisfied, the initial principal amount of*
16 *the refunding bonds or other indebtedness may be greater than*
17 *the outstanding principal amount of the bonds or other*
18 *indebtedness to be refunded. The joint powers agency may pledge*
19 *to the refunding bonds or other indebtedness the revenues pledged*
20 *to the bonds or other indebtedness being refunded, and that pledge,*
21 *when made in connection with the issuance of such refunding*
22 *bonds or other indebtedness, shall have the same lien priority as*
23 *the pledge of the bonds or other obligations to be refunded, and*
24 *shall be valid, binding, and enforceable in accordance with its*
25 *terms.*

26 *(2) To issue bonds or otherwise incur indebtedness to finance*
27 *debt service spikes, including balloon maturities, provided that*
28 *both of the following requirements are met:*

29 *(A) The existing indebtedness is not accelerated, except to the*
30 *extent necessary to achieve substantially level debt service.*

31 *(B) The principal amount of the bonds or other indebtedness*
32 *shall not exceed the amount required to finance the debt service*
33 *spikes, including establishing customary debt service reserves and*
34 *paying related costs of issuance.*

35 ~~(g)~~

36 *(h) The term "construction," as used in this section, includes*
37 *design, acquisition of rights-of-way, and actual construction,*
38 *including, but not limited to, all direct and indirect environmental,*
39 *engineering, accounting, legal, administration of construction*
40 *contracts, and other services necessary therefor. The term*

1 “construction” also includes reasonable general agency
2 administrative expenses, not exceeding three hundred thousand
3 dollars (\$300,000) in any calendar year after January 1, 1986, as
4 adjusted annually for any increase or decrease in the Consumer
5 Price Index of the Bureau of Labor Statistics of the United States
6 Department of Labor for all Urban Consumers, Los Angeles-Long
7 Beach-Anaheim, California (1967=100), as published by the United
8 States Department of Commerce, by each agency created pursuant
9 to Article 1 (commencing with Section 6500) of Chapter 5 of
10 Division 7 of Title 1 for the purpose of constructing bridges and
11 major thoroughfares. “General agency administrative expenses”
12 means those office, personnel, and other customary and normal
13 expenses associated with the direct management and administration
14 of the agency, but not including costs of construction.

15 ~~(h)~~

16 (i) Fees paid pursuant to an ordinance adopted pursuant to this
17 section may be utilized to defray all direct and indirect financing
18 costs related to the construction of the bridges and major
19 thoroughfares by the joint powers agency. Because the financing
20 costs of bridges and major thoroughfares for which a toll charge
21 shall be established or collected represent a necessary element of
22 the total cost of those bridges and major thoroughfares, the joint
23 powers agency constructing those facilities may include a charge
24 for financing costs in the calculation of the fee rate. The charge
25 shall be based on the estimated financing cost of any eligible
26 portion of the bridges and major thoroughfares for which tolls shall
27 be collected. The eligible portion shall be any or all portions of
28 the major thoroughfare for which a viable financial plan has been
29 adopted by the joint powers agency on the basis of revenues
30 reasonably expected by the joint powers agency to be available to
31 the thoroughfare, after consultation with representatives of the fee
32 payers. For purposes of calculating the charge, financing costs
33 shall include only reasonable allowances for payments and charges
34 for principal, interest, and premium on indebtedness, letter of credit
35 fees and charges, remarketing fees and charges, underwriters’
36 discount, and other costs of issuance, less net earnings on bridge
37 and major thoroughfare funds by the joint powers agency prior to
38 the opening of the facility to traffic after giving effect to any
39 payments from the fund to preserve the federal income tax
40 exemption on the indebtedness. For purposes of calculating the

1 charge for financing costs in the calculation of the fee rate only,
2 financing costs shall not include any allowance for the cost of any
3 interest paid on indebtedness with regard to each eligible portion
4 after the estimated opening of the portion to traffic as established
5 by the joint powers agency. Any and all challenges to any financial
6 plan or financing costs adopted or calculated pursuant to this
7 section shall be governed by subdivision-~~(k)~~: *(l)*.

8 ~~(i)~~

9 *(j)* Nothing in this section shall be construed to preclude the
10 County of Orange or any city within that county from providing
11 funds for the construction of bridge facilities or major
12 thoroughfares to defray costs not allocated to the area of benefit.

13 ~~(j)~~

14 *(k)* Any city within the County of Orange may require the
15 payment of fees in accordance with this section as to any property
16 in an area of benefit within the city's boundaries, for facilities
17 shown on its general plan or the county's general plan, whether
18 the facilities are situated within or outside the boundaries of the
19 city, and the county may expend fees for facilities or portions
20 thereof located within cities in the county.

21 ~~(k)~~

22 *(l)* The validity of any fee required pursuant to this section shall
23 not be contested in any action or proceeding unless commenced
24 within 60 days after recordation of the resolution described in
25 paragraph (3) of subdivision (b). The provisions of Chapter 9
26 (commencing with Section 860) of Title 10 of Part 2 of the Code
27 of Civil Procedure shall be applicable to any such action or
28 proceeding. This subdivision shall also apply to modifications of
29 fee programs.

30 ~~(l)~~

31 *(m)* If the County of Orange and any city within that county
32 have entered into a joint powers agreement for the purpose of
33 constructing the bridges and major thoroughfares referred to in
34 Sections 50029 and 66484, and if a proposed change of
35 organization or reorganization includes any territory of an area of
36 benefit established pursuant to Sections 50029 and 66484, within
37 a successor local agency, the local agency shall not take any action
38 that would impair, delay, frustrate, obstruct, or otherwise impede
39 the construction of the bridges and major thoroughfares referred
40 to in this section.

1 ~~(m)~~

2 ~~(n)~~ Nothing in this section prohibits the succession of all powers,
3 obligations, liabilities, and duties of any joint powers agency
4 created pursuant to subdivision ~~(A)~~ ~~(m)~~ to an entity with
5 comprehensive countywide transportation planning and operating
6 authority ~~which~~ *that* is statutorily created in the County of Orange
7 and ~~which~~ *that* is statutorily authorized to assume those powers,
8 obligations, liabilities, and duties.

9 *SEC. 2. The provisions of this act are severable. If any*
10 *provision of this act or its application is held invalid, that invalidity*
11 *shall not affect other provisions or applications that can be given*
12 *effect without the invalid provision or application.*

13 ~~SECTION 1. It is the intent of the Legislature to make the~~
14 ~~transfer described in subparagraph (C) of paragraph (2) of~~
15 ~~subdivision (a) of Section 8352.6 of the Revenue and Taxation~~
16 ~~Code in the Budget Act of 2017.~~

17 ~~SEC. 2. Section 8352.6 of the Revenue and Taxation Code is~~
18 ~~amended to read:~~

19 ~~8352.6. (a) (1) Subject to Section 8352.1, and except as~~
20 ~~otherwise provided in paragraphs (2) and (3), on the first day of~~
21 ~~every month, there shall be transferred from moneys deposited to~~
22 ~~the credit of the Motor Vehicle Fuel Account to the Off-Highway~~
23 ~~Vehicle Trust Fund created by Section 38225 of the Vehicle Code~~
24 ~~an amount attributable to taxes imposed upon distributions of motor~~
25 ~~vehicle fuel used in the operation of motor vehicles off-highway~~
26 ~~and for which a refund has not been claimed. Transfers made~~
27 ~~pursuant to this section shall be made prior to transfers pursuant~~
28 ~~to Section 8352.2.~~

29 ~~(2) (A) Commencing July 1, 2012, the revenues attributable to~~
30 ~~the taxes imposed pursuant to subdivision (b) of Section 7360 and~~
31 ~~otherwise to be deposited in the Off-Highway Vehicle Trust Fund~~
32 ~~pursuant to paragraph (1) shall instead be transferred to the General~~
33 ~~Fund.~~

34 ~~(B) Commencing November 1, 2017, the revenues attributable~~
35 ~~to the taxes imposed pursuant to subdivision (c) of Section 7360,~~
36 ~~any adjustment pursuant to subdivision (d) of Section 7360, and~~
37 ~~Section 7361.2, and otherwise to be deposited in the Off-Highway~~
38 ~~Vehicle Trust Fund pursuant to subdivision (a), shall instead be~~
39 ~~transferred to the State Parks and Recreation Fund to be used for~~
40 ~~state parks, off-highway vehicle programs, or boating programs.~~

1 ~~(C) In the 2017-18 fiscal year, up to one million dollars~~
2 ~~(\$1,000,000) of the revenues described in subparagraph (B) may~~
3 ~~be transferred to the Off-Highway Vehicle Trust Fund to be~~
4 ~~available for local assistance grants for law enforcement,~~
5 ~~environmental monitoring, and maintenance grants supporting~~
6 ~~federal off-highway vehicle recreation.~~

7 ~~(3) The Controller shall withhold eight hundred thirty-three~~
8 ~~thousand dollars (\$833,000) from the monthly transfer to the~~
9 ~~Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and~~
10 ~~transfer that amount to the General Fund.~~

11 ~~(b) The amount transferred to the Off-Highway Vehicle Trust~~
12 ~~Fund pursuant to paragraph (1) of subdivision (a), as a percentage~~
13 ~~of the Motor Vehicle Fuel Account, shall be equal to the percentage~~
14 ~~transferred in the 2006-07 fiscal year. Every five years, starting~~
15 ~~in the 2013-14 fiscal year, the percentage transferred may be~~
16 ~~adjusted by the Department of Transportation in cooperation with~~
17 ~~the Department of Parks and Recreation and the Department of~~
18 ~~Motor Vehicles. Adjustments shall be based on, but not limited~~
19 ~~to, the changes in the following factors since the 2006-07 fiscal~~
20 ~~year or the last adjustment, whichever is more recent:~~

21 ~~(1) The number of vehicles registered as off-highway motor~~
22 ~~vehicles as required by Division 16.5 (commencing with Section~~
23 ~~38000) of the Vehicle Code.~~

24 ~~(2) The number of registered street-legal vehicles that are~~
25 ~~anticipated to be used off highway, including four-wheel drive~~
26 ~~vehicles, all-wheel drive vehicles, and dual-sport motoreycles.~~

27 ~~(3) Attendance at the state vehicular recreation areas.~~

28 ~~(4) Off-highway recreation use on federal lands as indicated by~~
29 ~~the United States Forest Service's National Visitor Use Monitoring~~
30 ~~and the United States Bureau of Land Management's Recreation~~
31 ~~Management Information System.~~

32 ~~(e) It is the intent of the Legislature that transfers from the Motor~~
33 ~~Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund~~
34 ~~should reflect the full range of motorized vehicle use off highway~~
35 ~~for both motorized recreation and motorized off-road access to~~
36 ~~other recreation opportunities. Therefore, the Legislature finds that~~
37 ~~the fuel tax baseline established in subdivision (b), attributable to~~
38 ~~off-highway estimates of use as of the 2006-07 fiscal year,~~
39 ~~accounts for the three categories of vehicles that have been found~~
40 ~~over the years to be users of fuel for off-highway motorized~~

1 recreation or motorized access to nonmotorized recreational
2 pursuits. These three categories are registered off-highway
3 motorized vehicles, registered street-legal motorized vehicles used
4 off highway, and unregistered off-highway motorized vehicles.

5 (d) It is the intent of the Legislature that the off-highway motor
6 vehicle recreational use to be determined by the Department of
7 Transportation pursuant to paragraph (2) of subdivision (b) be that
8 usage by vehicles subject to registration under Division 3
9 (commencing with Section 4000) of the Vehicle Code, for
10 recreation or the pursuit of recreation on surfaces where the use
11 of vehicles registered under Division 16.5 (commencing with
12 Section 38000) of the Vehicle Code may occur.

13 (e) In the 2014-15 fiscal year, the Department of Transportation,
14 in consultation with the Department of Parks and Recreation and
15 the Department of Motor Vehicles, shall undertake a study to
16 determine the appropriate adjustment to the amount transferred
17 pursuant to subdivision (b) and to update the estimate of the amount
18 attributable to taxes imposed upon distributions of motor vehicle
19 fuel used in the operation of motor vehicles off highway and for
20 which a refund has not been claimed. The department shall provide
21 a copy of this study to the Legislature no later than January 1,
22 2016.

AMENDED IN ASSEMBLY MARCH 14, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

Assembly Concurrent Resolution

No. 149

Introduced by Assembly Member Choi

January 9, 2018

Assembly Concurrent Resolution No. 149—Relative to the Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway.

LEGISLATIVE COUNSEL'S DIGEST

ACR 149, as amended, Choi. Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway.

This measure would designate a specified portion of Interstate 5 in the City of Tustin as the Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering the cost, to erect those signs.

Fiscal committee: yes.

- 1 WHEREAS, On January 7, 1973, at ~~32~~ 31 years of age, Tustin
- 2 Police Department Officer Waldron G. Karp succumbed to gunshot
- 3 wounds sustained one month earlier when he was shot while
- 4 assisting Orange County Sheriff's Department deputies on a call
- 5 involving a man with a rifle; and
- 6 WHEREAS, Becoming a police officer was Karp's dream job
- 7 after he served in the United States Navy during the Vietnam War,
- 8 and he served his community honorably; and

1 WHEREAS, For his courage in the line of duty, Officer Karp
2 was awarded the Medal of Valor by the Tustin Police Department
3 in 2015, the highest honor awarded by the department; and

4 WHEREAS, Officer Karp is the only Tustin Police Department
5 officer to be killed in the line of duty, and the story of Officer
6 Karp's death has been passed from one generation of Tustin Police
7 Department officers to the next; and

8 WHEREAS, To commemorate Officer Karp's service, the City
9 of Tustin established the Wally Karp Memorial Ceremony, which
10 honors and retells his story, and established the Wally Karp
11 Memorial Scholarship, which is awarded to a local high school
12 student; and

13 WHEREAS, Waldron G. Karp is survived by his daughter, Sher
14 Karp, and grandson, Jacob; now, therefore, be it

15 *Resolved by the Assembly of the State of California, the Senate*
16 *thereof concurring*, That the Legislature hereby designates the
17 portion of Interstate 5 from northbound Tustin Ranch Road,
18 approximately post mile 28.224, to southbound Tustin Ranch Road,
19 approximately post mile R.28.456, in the City of Tustin as the
20 Officer and Medal of Valor Recipient Waldron G. Karp Memorial
21 Highway; and be it further

22 *Resolved*, That the Department of Transportation is requested
23 to determine the cost of appropriate signs consistent with the
24 signing requirements for the state highway system showing this
25 special designation and, upon receiving donations from nonstate
26 sources covering the cost, to erect those signs; and be it further

27 *Resolved*, That the Chief Clerk of the Assembly transmit copies
28 of this resolution to the Director of Transportation and to the author
29 for appropriate distribution.



Orange County Transportation Authority Legislative Matrix

2018 State Legislation Session
July 19, 2018

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH POSITIONS			
AB 278 (Steinorth – R) California Environmental Quality Act: Transportation	Exempts from the CEQA provisions a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements.	<p>INTRODUCED: 02/02/2017 LOCATION: ASSEMBLY</p> <p>STATUS: 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.</p> <p>02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.</p>	<p>SUPPORT (partial list)</p> <p>Support: California Chamber of Commerce, County of San Bernardino, Ventura County Transportation Commission</p> <p>Oppose: California Bicycle Coalition, California League of Conservation Voters, Coalition for Clean Air</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 302 (Gipson – D) South Coast Air Quality Management District: Fleets	Authorizes the governing board of the South Coast Air Quality Management District to adopt rules and regulations that require specified operators of public and commercial fleet vehicles to purchase zero-emission and near-zero-emission vehicles and that require those zero-emission and near-zero-emission vehicles to be operated in the South Coast District.	INTRODUCED: 02/06/2017 LAST AMEND: 04/17/2017 LOCATION: ASSEMBLY STATUS: 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution. 02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	OPPOSE Support: California Natural Gas Vehicle Coalition (Sponsor), Clean Energy, Coalition for Clean Air, Tesla Oppose: California Trucking Association, Truck and Engine Manufacturers Association
► AB 327 (Gipson – D) South Coast Air Quality Management District: Fleets	<i>Authorizes the governing board of the South Coast Air Quality Management District to adopt rules and regulations that require specified operators of public and commercial fleet vehicles consisting of 15 or more vehicles to purchase the cleanest commercially available vehicles, as defined, that will meet the operator's operational needs.</i>	INTRODUCED: 02/07/2017 LAST AMEND: 06/04/2017 LOCATION: Senate Transportation and Housing Committee STATUS: 06/20/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on TRANSPORTATION AND HOUSING. HEARING: 07/03/2018 1:30pm	OPPOSE Support: South Coast Air Quality Management District (sponsor) Oppose: California Transit Association, Los Angeles Metropolitan Transportation Authority (LA Metro)

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 344 (Melendez – R) Toll Evasion Violations	Provides that a person contesting a notice of toll evasion violation or notice of delinquent toll evasion is not required to pay the toll evasion penalty until after a processing agency or issuing agency finds as a result of an investigation, or the processing agency finds as a result of an administrative review, or a court finds as a result of a hearing, that the contestant did commit a toll evasion violation. Authorizes an administrative review to include reviews of multiple notices of toll evasion.	INTRODUCED: 02/07/2017 LAST AMEND: 07/03/2017 LOCATION: Senate Transportation and Housing Committee STATUS: 07/03/2017 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING	OPOSE Support: American Civil Liberties Union Oppose: Transportation Corridor Agencies, Metropolitan Transportation Commission
► AB 686 (Santiago – D) Housing Discrimination: Further Fair Housing	Requires a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. Requires the land inventory to be used to identify sites throughout the community, consistent with the provisions requiring a regional housing needs program, within the housing element to affirmatively further fair housing.	INTRODUCED: 02/15/2017 LAST AMEND: 06/13/2018 LOCATION: Senate Judiciary Committee STATUS: 06/13/2018 In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.	<i>NEUTRAL</i> (partial list) Support: National Housing Law Project (co-sponsor), Public Advocates (co-sponsor), Western Center on Law & Poverty (co-sponsor), Fair Housing Council of Orange County Oppose: CSAC Excess Insurance Authority

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 1454 (Bloom – D) Transportation Projects: Lease Agreements	Amends the existing law which authorizes for the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Reestablishes the authority under state law to engage in public-private partnerships for projects on the state highway system.	INTRODUCED: 02/17/2017 LAST AMEND: 05/01/2017 LOCATION: ASSEMBLY STATUS: 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution. 02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	SUPPORT Support: Associated General Contractors, California and San Diego Chapters Oppose: American Federation of State, County, and Municipal Employees, California School Employees Association, Professional Engineers in California Government
AB 1640 (Garcia – D) Transportation Funding: Low Income Communities	Requires each regional transportation improvement program to allocate 25 percent of available funds to projects or programs that provide direct, meaningful, and assured benefits to low income individuals who live in identified communities or to riders of transit service that connects low income residents to critical amenities and services.	INTRODUCED: 02/17/2017 LOCATION: ASSEMBLY STATUS: 02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution. 02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.	OPPOSE Oppose: Self-Help Counties Coalition

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1759 (McCarty – D) Public Trust Lands: City Of Sacramento</p>	<p>Grants in trust the Sacramento Waterfront Parcel and the Sand Cove Parcels, as defined, to the City of Sacramento, to be held in trust for the benefit of all the people of the state for public trust purposes, as provided. Authorizes the city to use the trust lands for the construction, reconstruction, repair, and maintenance of any transportation, utility, or other infrastructure that is incidental, necessary, or convenient to promote or accommodate uses consistent with the public trust doctrine.</p>	<p>INTRODUCED: 01/04/2018 LAST AMEND: 05/09/2018 LOCATION: Senate Appropriations Committee STATUS: 06/26/2018 From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.</p>	<p>NEUTRAL</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 1905 (Grayson – D) Environmental Quality: Judicial Review: Transportation	Prohibits a court, in an action or proceeding seeking judicial review under the State Environmental Quality Act, from staying or enjoining a transportation project that would reduce total vehicle miles traveled, that is included in a sustainable communities strategy, and for which an environmental impact report has been certified, unless the court makes specified findings.	INTRODUCED: 01/22/2018 LAST AMEND: 03/12/2018 LOCATION: Assembly Natural Resources Committee STATUS: 04/16/2018 In ASSEMBLY Committee on NATURAL RESOURCES: Heard, remains in Committee.	SUPPORT (partial list) Support: RCTC, SBCTA, California Chamber of Commerce, Ventura County Transportation Commission, Automobile Club of Southern California, Association of California Cities - Orange County Oppose: Sierra Club California, Judicial Council of California, American Planning Association, California Chapter

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1912 (Rodriguez – D) Public Employees' Retirement: Joint Powers Agreements</p>	<p><i>Eliminates that authorization, and would specify that if an agency established by a joint powers agreement participates in, or contracts with, a public retirement system, member agencies, both current and former to the agreement, would be required, upon termination or a decision to dissolve or cease operations of the agency, to mutually agree as to the apportionment of the agency's retirement obligations among themselves, within 60 calendar days. Otherwise, the members would be jointly & severally liable.</i></p>	<p>INTRODUCED: 01/23/2018 LAST AMEND: 06/20/2018 LOCATION: Senate Second Reading File</p> <p>STATUS: 06/26/2018 From SENATE Committee on JUDICIARY: Do pass as amended to Committee on APPROPRIATIONS.</p>	<p>OPOSE</p> <p>Support: Orange County Professional Firefighters Association, Association of California State Supervisors, Retired Public Employees Association</p> <p>Oppose: LA Metro, League of California Cities, Association of California Cities-Orange County, County of Riverside, California Special Districts Association</p>
<p>AB 2417 (Rodriguez – D) Metro Gold Line Foothill Extension Construction Authority</p>	<p>Increases the voting members of the Metro Gold Line Foothill Extension Construction Authority by adding one voting member appointed by the City of Montclair.</p>	<p>INTRODUCED: 02/14/2018 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 05/23/2018 In ASSEMBLY Committee on APPROPRIATIONS: Not heard</p>	<p>OPOSE UNLESS AMENDED</p> <p>Support: City of Montclair</p> <p>Oppose: Metro Gold Line Foothill Extension Construction Authority</p> <p>Oppose unless amended: SBCTA, RCTC, SCAG, Mobility 21.</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 3124 (Bloom – D) Vehicles: Length Limitations: Buses: Bicycle Transportation Devices	Authorizes an articulated bus or articulated trolley coach that does not exceed a certain length to be equipped with a folding device attached to the front designed and used exclusively for transporting bicycles as long as the device does not extend more than a certain distance from the front of the vehicle. Requires a public agency to establish a route review committee to operate such bus or trolley coach. Requires the committee to make a determination of safe routes for such bus or trolley coach.	INTRODUCED: 02/16/2018 ENACTED: 06/01/2018 LOCATION: Chaptered STATUS: 06/01/2018 Signed by GOVERNOR.	SUPPORT (partial list) Support: California Transit Association (Sponsor), Alameda-Contra Costa Transit, California Bicycle Coalition, Metropolitan Transportation Commission, Riverside Transit Agency, San Francisco Municipal Transportation Agency
AB 3201 (Daly – D) California Clean Truck, Bus, and Off-Road Vehicle	Adds large-scale deployments to the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program's list of eligible projects. Deletes the reference to the annual framework and plan for the program and instead just refers to a framework and plan. Revises the definition of zero- and near-zero-emission to include infrastructure that reduces greenhouse gas emissions and improves air quality when compared with conventional or fully commercialized alternatives.	INTRODUCED: 02/16/2018 LAST AMEND: 05/01/2018 LOCATION: Assembly Appropriations Committee STATUS: 05/25/2018 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	SUPPORT (partial list) Support: California Transit Association (Sponsor), Foothill Transit, LA Metro, Proterra, Sacramento Regional Transit District, City of Santa Monica Oppose: Clean Energy, Sierra Club California, California Natural Gas Coalition, Coalition for Renewable Natural Gas

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 264 (Nguyen – R) High-Occupancy Toll Lanes: Interstate 405	Requires net excess toll revenues, as defined, received from high-occupancy toll lanes on a specified portion of an approximately 16-mile-long project corridor in the County of Orange on Interstate 405 and that traverses the Cities of Costa Mesa, Fountain Valley, Huntington Beach, Westminster, and Seal Beach to be allocated to the Orange County Transportation Authority and certain project corridor jurisdictions according to a specified schedule.	INTRODUCED: 02/08/2017 LAST AMEND: 04/04/2017 LOCATION: SENATE STATUS: 2/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.	OPPOSE Oppose: HNTB Corporation, Self-Help Counties Coalition, Professional Engineers in California Government
SB 268 (Mendoza – R) Los Angeles County Metropolitan Transportation	Requires the Los Angeles County Metropolitan Transportation Authority to submit a plan to the Legislature for revising the composition of the authority, if the number of members of the board of supervisors is increased, within a specified number of days of the increase. Adds the county auditor as a nonvoting member of the board of directors. Reduces the number of the board of supervisors. Requires that one supervisor represent the largest population in the unincorporated area of the County of Los Angeles.	INTRODUCED: 02/08/2017 LAST AMEND: 09/05/2017 LOCATION: Assembly Local Government Committee STATUS: 09/05/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.	OPPOSE (partial list) Support: California Contract Cities Association, Gateway Cities Council of Governments, League of California Cities, Los Angeles County Division Oppose: Los Angeles Area Chamber of Commerce, Los Angeles County Board of Supervisors, LA Metro, Orange County Business Council, SBCTA, RCTC, Metrolink

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 768 (Allen – D) Transportation Projects: Comprehensive Development	Extends the authorization of the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees.	INTRODUCED: 02/17/2017 LAST AMEND: 03/27/2017 LOCATION: SENATE STATUS: 02/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.	SUPPORT Support: Associated General Contractors, California and San Diego chapters, California Conference of Carpenters, California State Council of Laborers Oppose: American Federation of State, County, and Municipal Employees, California School Employees Association, Professional Engineers in California Government

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 1119 (Beall – D)</p> <p>Low Carbon Transit Operations Program</p>	<p><i>Waives the disadvantaged communities requirement under the Low Carbon Transit Operations Program for recipient transit agencies if the funds provided are expended on transit fare subsidies and fare integration technology improvements, new or expanded transit service serving disadvantaged communities or low-income communities, or the purchase of zero-emission transit buses and supporting infrastructure.</i></p>	<p>INTRODUCED: 02/13/2018 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 06/25/2018 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.</p>	<p>SPONSOR</p> <p>Support: CTA (Co-sponsor), SCAG, RCTC, SBCTA, Metrolink, Metropolitan Transportation Commission, San Francisco Municipal Transportation Agency, AC Transit, San Diego Metropolitan Transit System, Association of California Cities - Orange County, CALCOG.</p>
<p>► SB 1434 (Leyva – D)</p> <p>Transportation Electrification: Electrical Rate Design</p>	<p><i>Requires the Public Utilities Commission to direct electrical corporations with more than a specified number of service connections without an existing or proposed rate tariff that meets the goals of this section in California to file a rate design application that supports and accelerates the deployment of zero-emission transit buses to reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases.</i></p>	<p>INTRODUCED: 03/22/2018 LAST AMEND: 06/27/2018 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 06/27/2018 From ASSEMBLY Committee on COMMUNICATIONS AND CONVEYANCE: Do pass as amended to Committee on APPROPRIATIONS.</p>	<p>SUPPORT (partial list)</p> <p>Support: California Transit Association (Sponsor), BYD America, Coalition for Clean Air, Foothill Transit, LA Metro, San Diego Metropolitan Transit System</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 1466 (Glazer – D) Local Sales Taxes: Online Sales: Place Of Delivery	Provides that, in the case of a sale of tangible personal property by a qualified retailer that is transacted online, the place at which the retail sale of that tangible personal property is consummated for the purpose of a local sales tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law is the point of the delivery of that tangible personal property to the purchaser's address or any other address designated by the purchaser.	INTRODUCED: 02/13/2018 LAST AMEND: 04/11/2018 LOCATION: Senate Governance and Finance Committee STATUS: 04/11/2018 From SENATE Committee on GOVERNANCE AND FINANCE with author's amendments. 04/11/2018 In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.	SUPPORT
SCA 20 (Glazer – D) Local sales taxes: online sales	Allows the Legislature to change by statute the method of distributing the revenues derived under a sales tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law for the sale of tangible personal property by a qualified retailer that is transacted online. Provides that the retail sale of tangible personal property by a qualified retailer that is transacted online is instead consummated at the point of the delivery.	INTRODUCED: 03/22/2018 LAST AMEND: 04/23/2018 LOCATION: Senate Appropriations Committee STATUS: 05/25/2018 In SENATE Committee on APPROPRIATIONS: Not heard	SUPPORT Support: City of Buena Park, City of Chino Hills, City of Mission Viejo Oppose: City of Dinuba, City of Fresno, City of Ontario

BILLS BEING MONITORED

CA AB 33 (Quirk), which pertained to the Public Utilities Corporation, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 87	AUTHOR:	Ting [D]
	TITLE:	<i>Vehicles: Removal: Autonomous Vehicles</i>
	INTRODUCED:	01/05/2017
	LAST AMEND:	06/04/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	SUMMARY:	<i>Authorizes a peace officer or specified public employee, as specified, to remove a vehicle that uses autonomous technology and for which there is no approved application or permit that is required in order to test, deploy, or otherwise operate the autonomous vehicle on public roads.</i>
	STATUS:	
	06/26/2018	<i>From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS.</i>
	CATEGORY:	Miscellaneous

CA AB 91 (Cervantes), which pertained to HOV lanes in Riverside County, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 161	AUTHOR:	Levine [D]
	TITLE:	Department of Finance: Infrastructure Investment
	FISCAL COMMITTEE:	yes
	INTRODUCED:	01/13/2017
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	SUMMARY:	<i>Authorizes the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System.</i>
	STATUS:	
	08/21/2017	<i>In SENATE Committee on APPROPRIATIONS: Not heard.</i>
	CATEGORY:	Funding

► CA AB 162	AUTHOR:	Cervantes [D]
	TITLE:	High Occupancy Vehicle Lanes: County of Riverside
	INTRODUCED:	01/13/2017
	LAST AMEND:	05/08/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	HEARING:	07/02/2018 10:00 am
	SUMMARY:	Prohibits all high occupancy vehicle lanes in the County of Riverside, except for HOT lanes, from using double parallel solid lines to restrict the entrance into or exit from those lanes. Requires any existing double parallel solid lines to be removed from those lanes. Requires the Department of Transportation to replace the removed double parallel solid lines of a high occupancy vehicle lane with appropriate markings and signage, as specified.
	STATUS:	
	06/25/2018	In SENATE Committee on APPROPRIATIONS: Not heard.
	CATEGORY:	Toll Lanes

CA AB 382 (Chavez), which pertained to toll roads in the County of Orange, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 419 (Salas), which pertained to the State Air Resources Board, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 533 (Holden), which pertained to the 710 freeway, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 623 (Rodriguez), which pertained to autonomous vehicle accidents, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 636	AUTHOR:	Irwin [D]
	TITLE:	Local Streets and Roads: Expenditure Reports
	INTRODUCED:	02/14/2017
	LAST AMEND:	06/04/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Consent Calendar - Second Legislative Day
	SUMMARY:	Amends reporting requirements related to the Highway Users Tax Account. <i>Deletes existing sections to read, require that the Controller publish and make the report publicly available on its Internet Web site in a format that may be printed and downloaded.</i>
	STATUS:	
	06/26/2018	In SENATE. Read second time. To Consent Calendar.
	CATEGORY:	Funding

CA AB 697	AUTHOR:	Fong [R]
	TITLE:	Tolls: Exemption for Privately Owned Ambulances
	INTRODUCED:	02/15/2017
	LAST AMEND:	06/12/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Modifies the exemption of authorized emergency vehicles from the payment of a toll to apply to the use of a toll facility. Expands the exemption, dispute resolution procedures, and agreement provisions to include a privately owned emergency ambulance licensed by the Department of the California Highway Patrol.
	STATUS:	
	09/16/2017	In SENATE. From third reading. To Inactive File.
	CATEGORY:	Toll Lanes

► CA AB 939	AUTHOR:	Low [D]
	TITLE:	Taxicab Transportation Services
	INTRODUCED:	02/16/2017
	LAST AMEND:	06/21/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	SUMMARY:	<i>Requires each applicable permitting entity in which a taxicab company is substantially located to adopt an ordinance or resolution in regards to taxicab transportation service. Provides that it is unlawful to operate a taxicab company without a valid permit to operate issued by each applicable permitting entity in which the taxicab company is substantially located.</i>
	STATUS:	
	06/26/2018	From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.
	CATEGORY:	Miscellaneous

CA AB 1017	AUTHOR:	Santiago [D]
	TITLE:	Collective Bargaining Agreements: Arbitration
	INTRODUCED:	02/16/2017
	LAST AMEND:	07/05/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Amends the existing law, with regard to disputes concerning collective bargaining agreements for private employees. Provides for such provision apply to public employment. Limits liability for attorney's fees under such provisions to a labor organization or employer.
	STATUS:	
	09/15/2017	In ASSEMBLY. Ordered returned to SENATE. To SENATE.
	CATEGORY:	Employment

► CA AB 1041	AUTHOR:	Levine [D]
	TITLE:	Bay Area Toll Authority: Conflict of Interest
	INTRODUCED:	02/16/2017
	LAST AMEND:	06/01/2018
	DISPOSITION:	Enacted
	LOCATION:	Chaptered
	SUMMARY:	Amends existing law relating to the Metropolitan Transportation Commission. Prohibits a representative appointed to the Oversight Committee from being affiliated, in any manner, with the Metropolitan Transportation Commission.
	STATUS:	
	06/01/2018	Signed by GOVERNOR.
	06/01/2018	Chaptered by Secretary of State. Chapter No. 2018-16
	CATEGORY:	Funding

CA AB 1160 (Bonta), which pertained to the definition of autonomous vehicles, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1395	AUTHOR:	Chu [D]
	TITLE:	Department of Transportation: Litter Cleanup and Abatement
	INTRODUCED:	02/17/2017
	LAST AMEND:	06/18/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	SUMMARY:	Requires each district within the Department of Transportation for its highway litter cleanup and abatement programs to assign the highest priority to segments along the state highway system that receive the highest volume of complaints and with the greatest incidence of litter and to prioritize funding appropriated for highway litter maintenance in order to implement this priority.
	STATUS:	
	06/26/2018	From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.
	CATEGORY:	Funding

CA AB 1421 (Dababneh), which pertained to railroad noise, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1594	AUTHOR:	Bloom [D]
	TITLE:	Infrastructure Financing: Transportation
	INTRODUCED:	02/17/2017
	LAST AMEND:	06/18/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Second Reading File
	SUMMARY:	Includes passenger rapid transit, subways, and heavy rail within the types of projects authorized pursuant to provisions authorizing an agency to solicit proposals and enter into agreements with private entities for the design and construction of fee-producing infrastructure projects. <i>Provides that all construction, alteration, demolition, installation, repair, and maintenance work on projects subject to these agreements shall comply with labor requirements applicable to public works.</i>
	STATUS:	
	06/28/2018	In SENATE. Read second time. To third reading.
	CATEGORY:	Rail

CA AB 1603	AUTHOR:	Ridley-Thomas S [D]
	TITLE:	Meyers-Milias-Brown Act: Local Public Agencies
	INTRODUCED:	02/17/2017
	LAST AMEND:	08/24/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Senate Inactive File
	SUMMARY:	Relates to the Meyers-Milias-Brown Act which allows employees of local public agencies have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Revises the definition of public employee to include persons jointly employed by a public agency and any other employer at specified clinics and hospitals. Specifies rules and regulations.
	STATUS:	
	09/16/2017	In SENATE. From third reading. To Inactive File.
	CATEGORY:	Employment

CA AB 1683 (Burke), which pertained to the Strategic Growth Council, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 1755	AUTHOR:	Steinorth [R]
	TITLE:	Bicycle Operation
	INTRODUCED:	01/03/2018
	LAST AMEND:	04/04/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Consent Calendar - Second Legislative Day
	SUMMARY:	Subjects a person riding a bicycle on a Class I bikeway to those rights and requirements of the Vehicle Code that apply if a person is involved in an accident resulting in injury or death of a person other than himself or herself. Provides that violation constitutes a crime.
	STATUS:	
	06/26/2018	In SENATE. Read second time. To Consent Calendar.
	CATEGORY:	Active Transportation

► CA AB 1867	<p>AUTHOR: Reyes [D]</p> <p>TITLE: Employment Discrimination: Sexual Harassment</p> <p>INTRODUCED: 01/12/2018</p> <p>LAST AMEND: 06/21/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Requires an employer with 50 or more employees to maintain <i>internal complaint records of employee complaints alleging sexual harassment for a minimum of 5 years after the last day of employment of the complainant or any alleged harasser named in the complaint, whichever is later</i>. Requires the Department of Fair Employment and Housing to seek an order requiring an employer that violates the recordkeeping requirement to comply.</p> <p>STATUS:</p> <p>06/21/2018 <i>In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Employment</p>
► CA AB 1937	<p>AUTHOR: Santiago [D]</p> <p>TITLE: Public Employment: Payroll Deductions</p> <p>INTRODUCED: 01/25/2018</p> <p>LAST AMEND: 05/10/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Expands certain authorizations and requirements currently applicable to the Controller and employees of the state and California State University to apply also to the Regents of the University of California, the Judicial Council, and public authorities. Authorizes employee organizations and bona fide associations to request payroll deductions and requires public employers to honor these requests. <i>Requires public employers to make rules and regulations for payroll deduction administration.</i></p> <p>STATUS:</p> <p>06/25/2018 <i>From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Employment</p>
► CA AB 2017	<p>AUTHOR: Chiu [D]</p> <p>TITLE: Public Employers: Employee Organizations</p> <p>INTRODUCED: 02/05/2018</p> <p>LAST AMEND: 04/11/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Prohibits a public employer from deterring or discouraging prospective public employees from becoming or remaining members of an employee organization. Expands the definition of public employer to include those employers of excluded supervisory employees and judicial council employees. Includes in the definition of public employee those employees of a public transit agency with specified labor relation provisions.</p> <p>STATUS:</p> <p>06/25/2018 <i>From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Employment</p>

► CA AB 2034	<p>AUTHOR: Kalra [D] TITLE: Human Trafficking: Notice INTRODUCED: 02/06/2018 LAST AMEND: 05/25/2018 DISPOSITION: Pending LOCATION: Senate Appropriations Committee SUMMARY: Requires specified businesses or other establishments that operate an intercity passenger rail, light rail, or bus station, on or before a specified date to train new and existing employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement. STATUS: 06/19/2018 From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS. CATEGORY: Employment</p>
► CA AB 2061	<p>AUTHOR: Frazier [D] TITLE: Near-Zero Emission and Zero-Emission Vehicles INTRODUCED: 02/07/2018 LAST AMEND: 06/18/2018 DISPOSITION: Pending COMMITTEE: Senate Appropriations Committee SUMMARY: Authorizes a near-zero-emission vehicle or a zero-emission vehicle to exceed <i>the weight limits on the power unit by up to 2,000 pounds. Increases the weight limit to 82,000 pounds for a near-zero-emission or zero-emission vehicle.</i> STATUS: 06/26/2018 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS. CATEGORY: Miscellaneous</p>
► CA AB 2062	<p>AUTHOR: Maienschein [R] TITLE: State Highways: Landscaping INTRODUCED: 02/07/2018 LAST AMEND: 04/30/2018 DISPOSITION: Pending COMMITTEE: Senate Consent Calendar - Second Legislative Day SUMMARY: Requires highway planting projects undertaken or approved by the Department of Transportation to include, when appropriate, California native wildflowers as an integral and permanent part of the planting design, with priority given to those species of wildflower that will help rebuild pollinator populations. STATUS: 06/26/2018 In SENATE. Read second time. To Consent Calendar. CATEGORY: Public Works</p>

► CA AB 2127	<p>AUTHOR: Ting [D]</p> <p>TITLE: Electric Vehicle Infrastructure: Assessment</p> <p>INTRODUCED: 02/08/2018</p> <p>LAST AMEND: 04/16/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Requires the Energy Commission, in consultation with the State Air Resources Board and the PUC, to prepare and biennially update a statewide assessment of electric vehicles charging infrastructure needed to support the levels of electric vehicles adoption required for the state to meet its goals of putting a certain number of zero emission vehicles and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030. Requires input from stakeholders.</p> <p>STATUS:</p> <p>06/20/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.</p> <p>CATEGORY: Public Works, Environment</p>
► CA AB 2145	<p>AUTHOR: Reyes [D]</p> <p>TITLE: Vehicular Air Pollution</p> <p>INTRODUCED: 02/12/2018</p> <p>LAST AMEND: 05/17/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Adds, as eligible projects for the Clean Truck, Bus, and Off Road Vehicle and Equipment Technology Program, those projects that support grid integration and integrated storage solutions and charging management demonstration and analytics.</p> <p>STATUS:</p> <p>06/20/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.</p> <p>CATEGORY: Environment</p>
► CA AB 2249	<p>AUTHOR: Cooley [D]</p> <p>TITLE: Public Contracts: Local Agencies: Alternative Procedure</p> <p>INTRODUCED: 02/13/2018</p> <p>LAST AMEND: 06/04/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Consent Calendar - Second Legislative Day</p> <p>SUMMARY:</p> <p>Authorizes public projects of a specified amount or less to be performed by the employees of a public agency, authorize public projects of a specified amount or less to be let to contract by informal procedures, and require public projects of more than a specified amount to be let to contract by formal bidding procedures.</p> <p>STATUS:</p> <p>06/26/2018 In SENATE. Read second time. To Consent Calendar.</p> <p>CATEGORY: Public Works</p>

► CA AB 2252	<p>AUTHOR: Limon [D]</p> <p>TITLE: State Grants: State Grant Administrator</p> <p>INTRODUCED: 02/13/2018</p> <p>LAST AMEND: 06/14/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p><i>Enacts the Grant Information Act of 2018. Requires the Government Operations Agency to create a funding opportunities web portal that provides a centralized location for grant seekers to find state grant opportunities. Requires each state agency to register every grant the agency administers with the Government Operations Agency prior to commencing a solicitation or award process for distribution of the grant. Requires each state agency to provide for the acceptance of electronic applications for any grant.</i></p> <p>STATUS:</p> <p>06/26/2018 <i>From SENATE Committee on GOVERNMENTAL ORGANIZATION: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Funding</p>
► CA AB 2304	<p>AUTHOR: Holden [D]</p> <p>TITLE: Reduced Fare Transit Pass Programs: Report</p> <p>INTRODUCED: 02/13/2018</p> <p>LAST AMEND: 06/18/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Rules Committee</p> <p>SUMMARY:</p> <p>Requests the University of California Institute of Transportation Studies to prepare and submit a report to the Governor. Specifies committees of the Legislature on or before a specified date, that details the reduced fare transit pass programs in California that are administered by a public transit operator, California college or university, or any other entity.</p> <p>STATUS:</p> <p>06/18/2018 <i>From SENATE Committee on RULES with author's amendments.</i></p> <p>06/18/2018 <i>In SENATE. Read second time and amended. Re-referred to Committee on RULES.</i></p> <p>CATEGORY: Transit</p>
► CA AB 2341	<p>AUTHOR: Mathis [R]</p> <p>TITLE: California Environmental Quality Act</p> <p>INTRODUCED: 02/10/2018</p> <p>LAST AMEND: 06/14/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Environmental Quality Committee</p> <p>SUMMARY:</p> <p>Specifies that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for the purposes of California Environmental Quality Act and that the lead agency is not required to evaluate the aesthetic of those projects.</p> <p>STATUS:</p> <p>06/14/2018 <i>From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.</i></p> <p>06/14/2018 <i>In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.</i></p> <p>CATEGORY: Environment</p>

► CA AB 2353	<p>AUTHOR: Frazier [D] TITLE: <i>Construction Defects: Actions</i> INTRODUCED: 02/13/2018 LAST AMEND: 05/10/2018 DISPOSITION: Pending LOCATION: Senate Judiciary Committee HEARING: 07/03/2018 1:30 pm SUMMARY:</p> <p>Requires that an inspection for purposes of the above-described provisions be conducted by a person who is licensed as a contractor with a license that applies to the field and scope in which the person is conducting the inspection and issuing his or her inspection findings or report.</p> <p>STATUS: 06/07/2018 <i>To SENATE Committee on JUDICIARY.</i> CATEGORY: Public Works</p>
► CA AB 2363	<p>AUTHOR: Friedman [D] TITLE: Vision Zero Task Force INTRODUCED: 02/14/2018 LAST AMEND: 06/21/2018 DISPOSITION: Pending LOCATION: <i>Senate Appropriations Committee</i> SUMMARY:</p> <p>Requires the Secretary of Transportation to establish and convene the Vision Zero Task Force. Requires the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to reduce traffic fatalities to zero. Requires the Secretary to prepare and submit a report that includes a detailed analysis of specified issues, including the existing process for establishing speed limits and a recommendation as to whether an alternative method should be considered.</p> <p>STATUS: 06/21/2018 <i>In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</i> CATEGORY: Miscellaneous</p>
► CA AB 2411	<p>AUTHOR: McCarty [D] TITLE: Solid Waste: Use of Compost: Planning INTRODUCED: 02/14/2018 LAST AMEND: 06/12/2018 DISPOSITION: Pending LOCATION: <i>Senate Appropriations Committee</i> HEARING: 07/02/2018 10:00 am SUMMARY:</p> <p>Amends the Integrated Waste Management Act. Requires the Department of Resources Recycling, and Recovery to develop and implement a plan to maximize the use of compost for slope stabilization and establishing vegetation in the course of providing debris removal services following a fire. Requires the Department to identify best practices of each of DOT's 12 districts regarding the cost effective use of compost along roadways and <i>to review those practices in specified time periods.</i></p> <p>STATUS: 06/12/2018 <i>In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</i> CATEGORY: Planning</p>

CA AB 2433 (Salas), which pertained to DOT finances, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 2434

AUTHOR:	Bloom [D]
TITLE:	Strategic Growth Council: Health in All Policies
INTRODUCED:	02/14/2018
LAST AMEND:	06/27/2018
DISPOSITION:	Pending
LOCATION:	Senate Appropriations Committee
SUMMARY:	Establishes the Health in All Policies Program, to be administered by the Strategic Growth Council, for the purposes of incorporating health, equity, and sustainability considerations into decision making across sectors and policy areas.
STATUS:	
06/27/2018	In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
CATEGORY:	Miscellaneous

► CA AB 2535

AUTHOR:	Obernolte [R]
TITLE:	High-occupancy Toll Lanes: Toll Evasion Violation
INTRODUCED:	02/14/2018
LAST AMEND:	03/19/2018
DISPOSITION:	Pending
LOCATION:	Senate Appropriations Committee
SUMMARY:	Requires the notice of toll evasion violation to include a copy of photographic evidence on which the toll evasion determination was based if the vehicle was found, by automated devices, to have evaded the toll through failure to meet occupancy requirements in a high-occupancy toll lane.
STATUS:	
06/19/2018	From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.
CATEGORY:	Toll Lanes

► CA AB 2543

AUTHOR:	Eggman [D]
TITLE:	State Agencies: Infrastructure Project Budget: Report
INTRODUCED:	02/15/2018
LAST AMEND:	03/13/2018
DISPOSITION:	Pending
HEARING:	07/02/2018 10:00 am
SUMMARY:	Requires each state agency or department authorized to undertake any infrastructure project costing more than a specified sum to publicly post on its Internet Web site any change in the cost or schedule of the project that would result in the project exceeding its established budget by a certain percent or being delayed by a certain amount of time. Requires the posted information describes how much the project is expected to exceed its established budget or delay its construction schedule.
STATUS:	
06/12/2018	From SENATE Committee on GOVERNMENTAL ORGANIZATION: Do pass to Committee on APPROPRIATIONS.
CATEGORY:	Government Accountability

► CA AB 2548	AUTHOR: Friedman [D] TITLE: Los Angeles County Metropolitan Transportation Authority INTRODUCED: 02/15/2018 LAST AMEND: 06/25/2018 DISPOSITION: Pending LOCATION: Senate Third Reading File SUMMARY: <p>Authorizes the Los Angeles County Metropolitan Transportation Authority to adopt, <i>and revise as necessary</i>, a commute benefit ordinance that requires covered employers operating within the authority's area with a specified number of employees to offer certain employees commute benefits. Prohibits the ordinance from affecting employers covered by certain South Coast Air Quality Management District rules or regulations.</p> STATUS: 06/25/2018 <i>In SENATE. Read second time and amended. To third reading.</i> CATEGORY: Employment
► CA AB 2564	AUTHOR: Rodriguez [D] TITLE: Civil Penalties: Glider Vehicles INTRODUCED: 02/15/2018 LAST AMEND: 06/13/2018 DISPOSITION: Pending LOCATION: Senate Appropriations Committee SUMMARY: <p>Makes any person who operates a glider vehicle, <i>as defined</i>, in violation of a <i>specified emission standards or other requirements for glider vehicles to be subject to a minimum civil penalty per violation. Prohibits the requirement for the publication of a penalty policy from being construed as providing discretion to the State Board to to reduce that minimum civil penalty. Requires all moneys collected to be deposited into the Air Pollution Control Fund.</i></p> STATUS: 06/19/2018 <i>From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Environment
► CA AB 2615	AUTHOR: Carrillo [D] TITLE: State Highway System: Accessibility for Bicycles INTRODUCED: 02/15/2018 LAST AMEND: 03/21/2018 DISPOSITION: Pending LOCATION: Senate Appropriations Committee SUMMARY: <p>Requires the Department of Transportation to partner with appropriate public agencies, including, but not limited to, the Department of Parks and Recreation, any federal department or agency, and any regional or local public entity, to develop strategies and plans to maximize safe and convenient access for bicycles and pedestrians to federal, state, regional, and local parks adjacent to or connected to the state highway system.</p> STATUS: 06/25/2018 <i>In SENATE Committee on APPROPRIATIONS: To Suspense File.</i> CATEGORY: Active Transportation

► CA AB 2652	AUTHOR:	Quirk [D]
	TITLE:	Telecommunications: Universal Service
	INTRODUCED:	02/15/2018
	LAST AMEND:	06/14/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Second Reading File
	SUMMARY:	Amends existing law which requires the PUC to adopt a portability freeze rule for the lifeline program. <i>Requires the commission to instead adopt the rule by a specified date, and for that rule to include, at minimum, the elements described. Requires the commission, on or before a specified date, to adopt a rule to improve the cost-effectiveness of the delivery of the lifeline program, and would require the commission to include, at minimum, certain features in the rule.</i>
	STATUS:	
	06/27/2018	<i>From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass as amended to Committee on APPROPRIATIONS.</i>
	CATEGORY:	Miscellaneous

► CA AB 2654	AUTHOR:	Quirk-Silva [D]
	TITLE:	Design-build: Orange County
	INTRODUCED:	02/15/2018
	LAST AMEND:	06/14/2018
	DISPOSITION:	Pending
	LOCATION:	Senate Appropriations Committee
	HEARING:	07/02/2018 10:00 am
	SUMMARY:	Authorizes the County of Orange to use the design-build process for specified types of public works infrastructure projects, limited to no more than <i>one project per year</i> in excess of a certain sum. Authorizes the Orange County Flood Control District to use the design-build process for flood protection improvements and limits those to no more than <i>12 projects per year</i> in excess of a certain sum.
	STATUS:	
	06/14/2018	<i>In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</i>
	CATEGORY:	Public Works

CA AB 2730 (Harper), which pertained to the Franchise Tax Board and toll collection, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA AB 2734	<p>AUTHOR: Frazier [D] TITLE: California Transportation Commission INTRODUCED: 02/15/2018 DISPOSITION: Pending LOCATION: <i>Senate Appropriations Committee</i> SUMMARY: Excludes the California Transportation Commission from the Transportation Agency. Establishes it as an entity in state government, and requires it to act in an independent oversight role. STATUS: 06/26/2018 <i>From SENATE Committee on GOVERNMENTAL ORGANIZATION: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Miscellaneous</p>
► CA AB 2782	<p>AUTHOR: Friedman [D] TITLE: California Environmental Quality Act INTRODUCED: 02/16/2018 LAST AMEND: 04/30/2018 DISPOSITION: Pending LOCATION: <i>Senate Appropriations Committee</i> SUMMARY: Authorizes lead agencies, in describing and evaluating projects under the Environmental Quality Act, to consider specific economic, legal, social, technological, or other benefits of, and the negative impacts of denying, the project. STATUS: 06/20/2018 <i>From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Environment</p>
► CA AB 2851	<p>AUTHOR: Grayson [D] TITLE: Regional Traffic Signal Optimization Plans INTRODUCED: 02/16/2018 LAST AMEND: 05/25/2018 DISPOSITION: Pending LOCATION: <i>Senate Appropriations Committee</i> SUMMARY: Requires each city located within the jurisdiction of the Metropolitan Transportation Commission to develop and implement a traffic signal optimization plan intended to reduce greenhouse gases and particulate emissions, reduce travel times and the number of stops and fuel use. Requires the Department of Transportation to coordinate with each city with a plan to ensure that any traffic signals owned or operated by the Department are adjusted and maintained properly. STATUS: 06/26/2018 <i>From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Miscellaneous</p>

► CA AB 2865	<p>AUTHOR: Chiu [D] TITLE: High-Occupancy Toll Lanes: Santa Clara Valley INTRODUCED: 02/16/2018 LAST AMEND: 06/20/2018 DISPOSITION: Pending LOCATION: Senate Appropriations Committee SUMMARY: <i>Authorizes the San Francisco County Transportation Authority to authorize the Santa Clara Valley Transportation Authority or the Bay Area Infrastructure Financing Authority to develop and operate a value pricing high occupancy toll lane program on State Highway Route 101 and a specified portion of State Highway Route 280 in the City and County of San Francisco, in coordination with the San Francisco County Transportation Authority, as prescribed.</i> STATUS: 06/26/2018 <i>From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Toll Lanes</p>
► CA AB 2886	<p>AUTHOR: Daly [D] TITLE: Public Employee Relations Board: Orange County INTRODUCED: 02/16/2018 LAST AMEND: 04/10/2018 LOCATION: Senate Appropriations Committee SUMMARY: Requires employers and employees of the Orange County Transportation Authority and the San Joaquin Regional Transit District to adjudicate complaints of specified labor violations before Public Employee Relations Board as an unfair practice. Authorizes specified parties aggrieved by PERB's decision or order to petition for relief from that decision or order. STATUS: 06/26/2018 <i>From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Employment</p>
► CA AB 2923	<p>AUTHOR: Chiu [D] TITLE: San Francisco Bay Area Rapid Transit District INTRODUCED: 02/16/2018 LAST AMEND: 04/30/2018 DISPOSITION: Pending LOCATION: Senate Appropriations Committee SUMMARY: Requires the BART Board of Directors to adopt a new transit oriented development guidelines by a majority vote at a duly noticed public meeting that establish minimum local zoning requirements for BART owned land that is located on contiguous parcels of a certain acreage, within a specified number of miles of an existing or planned BART station entrance, in areas having representation on the BART Board. Provides that the Board's approval of TOD and local zoning standards is subject to the CEQA review. STATUS: 06/27/2018 <i>From SENATE Committee on GOVERNANCE AND FINANCE: Do pass as amended to Committee on APPROPRIATIONS.</i> CATEGORY: Miscellaneous</p>

► CA AB 3018	<p>AUTHOR: Low [D]</p> <p>TITLE: State Contracts: Skilled and Trained Workforce</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 06/20/2018</p> <p>DISPOSITION: Pending</p> <p>COMMITTEE: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Requires the public agency or other awarding body to forward a copy of the monthly report to the Labor Commissioner for issuance of a civil wage and penalty assessment <i>and a copy of the plan, if any, to achieve substantial compliance with skilled and trained workforce requirements and the response to that plan, as prescribed, if the monthly report does not demonstrate compliance with skilled and trained workforce requirements.</i></p> <p>STATUS:</p> <p>06/27/2018 <i>From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Public Works</p>
► CA AB 3034	<p>AUTHOR: Low [D]</p> <p>TITLE: Public Transit Employer-Employee Relations: BART</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 03/23/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Appropriations Committee</p> <p>SUMMARY:</p> <p>Gives employees within the supervisory units of the San Francisco Bay Area Rapid Transit District the right to form, join, and participate in the activities of employee organizations of their own choosing for the purposes of representation on all employer-employee relations matters. Permits these employees to meet, confer, and enter into memoranda of understanding for these purposes pursuant to the Meyers-Milias-Brown Act.</p> <p>STATUS:</p> <p>06/25/2018 <i>From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Employees</p>
CA AB 3077	<p>AUTHOR: Caballero [D]</p> <p>TITLE: Vehicles: Bicycle Helmets</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 04/09/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Third Reading File</p> <p>SUMMARY:</p> <p>Authorizes a citation for not wearing a bicycle helmet to be dismissed by a local agency if the parent or legal guardian of the person in violation of the provision delivers proof to the issuing agency that the person has a helmet meeting the specified requirements and the person commits to wearing the helmet and the person completes a local bicycle safety course.</p> <p>STATUS:</p> <p>05/21/2018 <i>In SENATE. From Consent Calendar. To third reading.</i></p> <p>CATEGORY: Active Transportation</p>

► CA AB 3135	<p>AUTHOR: Frazier [D] TITLE: Traffic Safety: State Funding INTRODUCED: 02/16/2018 LAST AMEND: 06/11/2018 DISPOSITION: Pending COMMITTEE: Senate Appropriations Committee SUMMARY: <i>Requires the Department of Finance to calculate the ratio of the number of officer positions at the Department of the California Highway Patrol authorized in the annual budget act to the state population for each fiscal year beginning in the 2007-08 fiscal year to the 2017-18 fiscal year, inclusive, to determine the highest ratio.</i> STATUS: 06/26/2018 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS. CATEGORY: High-Speed Rail</p>
CA SB 21	<p>AUTHOR: Hill [D] TITLE: Law Enforcement Agencies: Surveillance: Policies INTRODUCED: 12/05/2016 LAST AMEND: 08/21/2017 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Establishes procedures for the Department of the California Highway Patrol and the Department of Justice to establish their own Surveillance Use Policies. Requires that these agencies ensure that the collection, use, maintenance, sharing, and dissemination of information or data collected with surveillance technology is consistent with respect for individual privacy and civil liberties, and that the policy be publicly available on the agency's Internet Web site. STATUS: 09/01/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee. CATEGORY: Government Accountability</p>
CA SB 49	<p>AUTHOR: de Leon [D] TITLE: Environmental and Workers' Defense Act INTRODUCED: 12/05/2016 LAST AMEND: 09/12/2017 DISPOSITION: Pending LOCATION: Assembly Rules Committee SUMMARY: Relates to the California Environmental, Public Health, and Workers Defense Act of 2017. Relates to clean air, drinking water, discharge of pollutants into the atmosphere and waters, and endangered species. Requires specified agencies to take prescribed actions to maintain and enforce standards pertaining to air, water, and protected species. Prohibits a state agency from amending rules to be less stringent in protection of workers' rights and workers' safety than established by federal law. STATUS: 09/12/2017 From ASSEMBLY Committee on RULES with author's amendments. 09/12/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES. CATEGORY: Environment</p>

CA SB 137 (Allen), which pertained to DMV driver training, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 158	AUTHOR: Monning [D] TITLE: Commercial Drivers License: Education INTRODUCED: 01/19/2017 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Requires the Department of Motor Vehicles to adopt regulations related to entry-level driver training requirements for drivers of commercial motor vehicles including specified minimum hours of behind-the-wheel training. Exempts a driver operating certain farm vehicles under certain conditions from these new training requirements. STATUS: 09/01/2017 CATEGORY:	 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee. Miscellaneous
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CA SB 244	AUTHOR: Lara [D] TITLE: Privacy: Agencies: Personal Information INTRODUCED: 02/06/2017 DISPOSITION: Pending LOCATION: Assembly Inactive File SUMMARY: Revises the existing provision to provide that information is not open for public inspection, is confidential, and shall not be disclosed. Establishes that personal information collected or obtained pursuant to these provisions is confidential, and provide that information would only be collected, used, and retained to administer to public services or programs for which that information was collected or obtained. STATUS: 09/14/2017 CATEGORY:	 In ASSEMBLY. From third reading. To Inactive File. Public Records
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► CA SB 262	AUTHOR: Wieckowski [D] TITLE: Climate Change: Climate Adaptation: Advisory Council INTRODUCED: 02/08/2017 LAST AMEND: 06/14/2018 DISPOSITION: Pending LOCATION: Assembly Natural Resources Committee SUMMARY: Amends an existing law which requires the Office of Planning and Research to establish an advisory council. Specifies that members on the advisory council shall serve staggered terms. Recasts the advisory council as the California Council for Adaptation and Resiliency. Transfers the office's functions, regarding the program and the clearinghouse, to the council. Requires the council to take certain actions related to climate adaptation. STATUS: 06/27/2018 CATEGORY:	 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File. Environment
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CA SB 348 (Leyva), which pertained to local special taxes, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 477	AUTHOR:	Cannella [R]
	TITLE:	Intercity rail corridors: extensions
	INTRODUCED:	02/16/2017
	DISPOSITION:	Pending
	LOCATION:	Assembly Appropriations Committee
	SUMMARY:	
		Provides that at any time after an interagency transfer agreement between the Department of Transportation and a joint powers board has been entered into, the amendment of the agreement may provide for the extension of an affected rail corridor to provide intercity rail service beyond the defined boundaries of the corridor. Requires a proposed extension to be approved through a specified business plan.
	STATUS:	
	09/01/2017	In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
	CATEGORY:	Rail

CA SB 760 (Wiener), which pertained to highway permits, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 771	AUTHOR:	de Leon [D]
	TITLE:	California Environmental Quality Act
	INTRODUCED:	02/17/2017
	LAST AMEND:	07/18/2017
	DISPOSITION:	Pending - Carryover
	LOCATION:	Assembly Inactive File
	SUMMARY:	
		Relates to The California Environmental Quality Act. Establishes a continuing education requirement for employees of public agencies who have primary responsibility to administer the act.
	STATUS:	
	09/13/2017	In ASSEMBLY. To Inactive File.
	CATEGORY:	Environment

► CA SB 903	<p>AUTHOR: Cannella [R]</p> <p>TITLE: Transportation Development Act: County of Stanislaus</p> <p>INTRODUCED: 01/16/2018</p> <p>LAST AMEND: 05/31/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: <i>Senate Unfinished Business</i></p> <p>SUMMARY: Authorizes the Stanislaus Council of Governments, a transportation planning agency, when determining if specified operators have met the requirements for claims for transit funds for specified years to reduce the applicable ratio of fare revenues to operating cost for specified operators by up to 5 percentage points from the ratio that was effective during the 2015-16 fiscal year.</p> <p>STATUS: 06/14/2018 <i>In ASSEMBLY. Read third time, urgency clause adopted. Passed ASSEMBLY. To SENATE for concurrence.</i></p> <p>CATEGORY: Funding</p>
► CA SB 957	<p>AUTHOR: Lara [D]</p> <p>TITLE: Vehicles: High-Occupancy Vehicle Lanes</p> <p>INTRODUCED: 01/30/2018</p> <p>LAST AMEND: 06/12/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: <i>Assembly Appropriations Committee</i></p> <p>SUMMARY: Authorizes an identifier for use of HOV lanes to be issued to super-low emissions vehicles (SULEV's), enhanced advanced technology partial zero-emission vehicles (AT PEZEV's) and transitional zero emission vehicles (TZEV's) for a vehicle that had previously been issued an identifier. Makes that identifier valid until a specified date if the applicant for the identifier has a household income at or below a specified percentage of the statewide median income.</p> <p>STATUS: 06/25/2018 <i>From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Toll Lanes</p>
► CA SB 961	<p>AUTHOR: Allen [D]</p> <p>TITLE: Enhanced Infrastructure Financing Districts</p> <p>INTRODUCED: 01/31/2018</p> <p>LAST AMEND: 06/21/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: <i>Assembly Appropriations Committee</i></p> <p>SUMMARY: <i>Amends the Planning and Zoning Law. Requires the Office of Planning and Research to complete a study on the effectiveness of tax increment financing tools for increasing housing production, including a comparison of the relative advantages and disadvantages of infrastructure financing districts, enhanced infrastructure financing districts, affordable housing authorities, use of the Neighborhood and Second Neighborhood Infill Finance and Transit Improvements Acts.</i></p> <p>STATUS: 06/27/2018 <i>From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Funding</p>

► CA SB 1014	<p>AUTHOR: Skinner [D] TITLE: Zero-Emission Vehicles INTRODUCED: 02/06/2018 LAST AMEND: 06/27/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: <i>Requires, by specified date, that the state board establish an emissions baseline for transportation network companies on a per-vehicle-mile or per-passenger-mile basis. Require, by specified date that the state board establish, and the commission implement, annual targets starting in 2023 for the reduction under that baseline for emissions per mile driven on behalf of a transportation network company, including annual targets for increasing vehicle or passenger miles traveled using zero-emission vehicles.</i> STATUS: 06/27/2018 <i>In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</i> CATEGORY: Environment</p>
► CA SB 1015	<p>AUTHOR: Allen [D] TITLE: California Climate Resiliency Program INTRODUCED: 02/07/2018 LAST AMEND: 06/21/2018 DISPOSITION: Pending COMMITTEE: Assembly Appropriations Committee SUMMARY: Establishes the California Climate Resiliency Program to increase resiliency to climate change impacts in urban and rural communities throughout the state and to fund the planning and implementation of projects that improve and enhance developed areas. Requires that the program be developed and implemented by the Wildlife Conservation Board. Establishes the Climate Change Resiliency Fund. Requires a specified schedule for the allocation of monies. Requires the Board to develop criteria to implement the Program. STATUS: 06/26/2018 <i>From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.</i> CATEGORY: Environment</p>
► CA SB 1077	<p>AUTHOR: Wilk [R] TITLE: Construction Contracts: Wrap-Up Insurance INTRODUCED: 02/12/2018 LAST AMEND: 06/13/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Recasts the wrap-up insurance to other consolidated insurance program requirements for public and other works of improvement <i>that are not residential construction, entered into or amended on and after a specified date, to track the requirements that apply to residential projects. Voids a provision of a wrap-up insurance policy or other program that requires a general contractor to indemnify, hold harmless, or defend another for any claim or action covered by the policy or program, in certain circumstances.</i> STATUS: 06/27/2018 <i>In ASSEMBLY Committee on APPROPRIATIONS: Not heard.</i> CATEGORY: Public Works</p>

► CA SB 1080	<p>AUTHOR: Roth [D] TITLE: Transportation Network Companies: Driver Identification INTRODUCED: 02/12/2018 LAST AMEND: 06/20/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Requires a transportation network company driver to possess either a valid driver's license issued by the state or California or, in the case of a nonresident active duty military member or a nonresident dependent of an active duty military member, a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident. STATUS: 06/25/2018 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS. CATEGORY: Miscellaneous</p>
► CA SB 1084	<p>AUTHOR: Berryhill [R] TITLE: Mono County Tri-Valley Groundwater Management District INTRODUCED: 02/12/2018 LAST AMEND: 03/22/2018 DISPOSITION: Pending LOCATION: Assembly Consent Calendar - Second Legislative Day SUMMARY: Modifies the membership of the board of directors of the Mono County Tri-Valley Groundwater Management District. Modifies the advisory board for the District. STATUS: 06/25/2018 In ASSEMBLY. Read second time. To Consent Calendar. CATEGORY: Local</p>
► CA SB 1145	<p>AUTHOR: Leyva [D] TITLE: Enhanced Infrastructure Financing District: Maintenance INTRODUCED: 02/14/2018 LAST AMEND: 04/16/2018 DISPOSITION: Pending LOCATION: Assembly Third Reading File SUMMARY: Authorizes an infrastructure financing district to finance the ongoing or capitalized costs to maintain public capital facilities financed by the district. Prohibits the use of proceeds of bonds issued to finance maintenance of any kind. STATUS: 06/14/2018 In ASSEMBLY. Read second time. To third reading. CATEGORY: Funding</p>

► CA SB 1151	AUTHOR: Bates [R] TITLE: Neighborhood Electric Vehicles: County of San Diego INTRODUCED: 02/14/2018 LAST AMEND: 06/11/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: <p>This bill would authorize the County of San Diego or any city in the county to establish a NEV transportation plan. The bill would require, if the county or any city in the county adopts a NEV plan to consult with the San Diego Association of Governments (SANDAG) and any agency having traffic law enforcement responsibilities in an entity included in the plan area. The bill would require a report to the Legislature by January 1, 2023, in consultation with SANDAG, the Department of Transportation, the Department of the California Highway Patrol, and any applicable local law enforcement agency.</p> STATUS: 06/25/2018 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS. CATEGORY: Planning
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► CA SB 1153	AUTHOR: Stern [D] TITLE: Local Initiatives: Review INTRODUCED: 02/14/2018 LAST AMEND: 03/20/2018 DISPOSITION: Pending COMMITTEE: Assembly Second Reading File SUMMARY: <p>Authorizes the proponent of a county, municipal, or district initiative to withdraw the initiative at any time before a certain day before the election, whether or not the petition has already been found sufficient by the elections official.</p> STATUS: 06/28/2018 In ASSEMBLY. Read second time. To Consent Calendar. CATEGORY: Government Accountability
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CA SB 1167 (Anderson), which pertained to Eminent Domain, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA SB 1172	AUTHOR: Beall [D] TITLE: High-Speed Rail Authority: Property Acquisition INTRODUCED: 02/14/2018 LAST AMEND: 06/18/2018 DISPOSITION: Pending LOCATION: Assembly Transportation Committee SUMMARY: <p>Authorizes the State Public Works Board to take private property for public use as the governing body of the High-Speed Rail Authority according to the procedures for the exercise of that constitutionally authorized power as prescribed by the Eminent Domain Law.</p> STATUS: 06/25/2018 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS. CATEGORY: High-Speed Rail
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CA SB 1184 (Pan), which pertained to a Sacramento autonomous vehicle pilot program, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

► CA SB 1194	AUTHOR:	Lara [D]
	TITLE:	Privacy: Lodging, Common Carriers, Public Accommodation
	INTRODUCED:	02/15/2018
	LAST AMEND:	06/20/2018
	DISPOSITION:	Pending
	LOCATION:	Assembly Privacy and Consumer Protection Committee
	HEARING:	07/03/2018 1:30 pm
	SUMMARY:	Prohibits specified entities that offer lodging, transportation, <i>and a private or charter bus transportation company</i> from disclosing, producing, providing, releasing, transferring, , or otherwise communicating all or any part of any guest record orally, in writing, or by electronic or any other means to a third party, other than a state peace officer, without a court issued subpoena, warrant, or order.
	STATUS:	
	06/20/2018	In ASSEMBLY. Read second time and amended. Re-referred to ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.
	CATEGORY:	Public Records

► CA SB 1262	AUTHOR:	Beall [D]
	TITLE:	Construction Manager/General Contractor Project
	INTRODUCED:	02/15/2018
	LAST AMEND:	06/21/2018
	DISPOSITION:	Pending
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	Removes the cap on the number of projects for which the Department of Transportation is authorized to use the Construction Manager/General Contractor (CM/GC) method, eliminates the minimum construction costs limitation, and makes conforming changes to existing provisions. Requires certain reporting on the effectiveness of the CM/GM project delivery method relative to project cost and time savings.
	STATUS:	
	06/25/2018	From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.
	CATEGORY:	Public Works, Planning

► CA SB 1293	<p>AUTHOR: Lara [D]</p> <p>TITLE: State Auditor: High Risk Local Government Agency Audits</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 04/16/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Assembly Appropriations Committee</p> <p>SUMMARY:</p> <p>Authorizes the State Auditor to first conduct an initial assessment, during which he or she may gather information from a local government agency, for the purpose of identifying it as a high risk local government agency.</p> <p>STATUS:</p> <p>06/27/2018 <i>From ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Government Accountability</p>
► CA SB 1301	<p>AUTHOR: Beall [D]</p> <p>TITLE: State Permitting: Environment: Processing Times</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 06/19/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Assembly Appropriations Committee</p> <p>SUMMARY:</p> <p><i>Requires the Office of Planning and Research to develop a joint multiagency pre-application for supplemental consultation and a model fee-for-service agreement, in consultation with a state agency with the power to issue a permit that would authorize a dam safety project or authorize a flood risk reduction project and any interested potential project applicants.</i></p> <p>STATUS:</p> <p>06/26/2018 <i>From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Environment</p>
► CA SB 1328	<p>AUTHOR: Beall [D]</p> <p>TITLE: Mileage-Based Road Usage Fee</p> <p>INTRODUCED: 02/16/2018</p> <p>LAST AMEND: 06/04/2018</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Assembly Appropriations Committee</p> <p>SUMMARY:</p> <p>Extends the operation of the California Transportation Commission to create a Road Usage Charge (RUC) technical Advisory Committee until a specified date. Requires the technical advisory committee to assess the potential for mechanisms, including, but not limited to, a mileage-based revenue collection system, to use as alternative methods to the existing gas tax system for generating the revenue necessary to maintain and operate the state's transportation system.</p> <p>STATUS:</p> <p>06/11/2018 <i>From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.</i></p> <p>CATEGORY: Funding</p>

► CA SB 1376	AUTHOR: Hill [D] TITLE: Transportation Network Companies: Accessibility Plans INTRODUCED: 02/16/2018 LAST AMEND: 06/12/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY:
	<p>Requires the Public Utilities Commission to develop regulations relating to accessibility for persons with disabilities, including wheelchair users who need an accessible vehicle. <i>Requires the Commission to conduct workshops in order to determine community demand, transportation provider supply, and educational outreach objectives.</i> Requires the Commission to require each TNC to be fully accessible to persons with disabilities or be assessed a certain fee.</p>
	STATUS: 06/25/2018 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.
	CATEGORY: Miscellaneous

► CA SB 1403	AUTHOR: Lara [D] TITLE: Clean Truck, Bus, and Off Road Vehicle Technology INTRODUCED: 02/16/2018 LAST AMEND: 06/19/2018 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY:
	<p>Requires the State Air Resources Board, when funding a specified class of projects under the Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, to allocate no less than a certain percent of that available funding to support the early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.</p>
	STATUS: 06/25/2018 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.
	CATEGORY: Transit

► CA SB 1412	AUTHOR: Bradford [D] TITLE: Applicants for Employment: Criminal History INTRODUCED: 02/16/2018 LAST AMEND: 06/19/2018 DISPOSITION: Pending LOCATION: ASSEMBLY SUMMARY:
	<p>Specifies that provisions do not prohibit an employer from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to federal law, <i>federal regulation</i>, or state law, the employer regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.</p>
	STATUS: 06/27/2018 From ASSEMBLY Committee on LABOR AND EMPLOYMENT: Do pass to Committee on APPROPRIATIONS.
	CATEGORY: Employment



July 19, 2018

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Federal Legislative Status Report

Overview

Overviews are provided of transit security bills, a Supreme Court ruling on online sales tax collection, and a proposal to reorganize the federal government. An update is also provided on the President's rescissions proposal.

Recommendation

Receive and file as an information item.

Discussion

Transit Safety and Security Legislation

On June 6, 2018, Congresswoman Grace F. Napolitano (D-El Monte) introduced H.R. 6016, the Bus Operator and Pedestrian Protection Act. This legislation would require recipients of Federal Transit Administration (FTA) funds to develop a bus operator assault mitigation plan and submit it to the Secretary of Transportation for approval. The plan would outline how recipients would implement protective shields, de-escalation training for operators, driver assistance technologies, measures to reduce visibility impairments, and workstation modifications to prevent ergonomic risks. Recipients, such as the Orange County Transportation Authority (OCTA), would be required to report operator assault data for inclusion in the National Transit Database. The conditions outlined in H.R. 6016 would be required to receive FTA funding. The bill would also authorize \$25 million in appropriations annually through federal fiscal year 2023 for recipients to carry out implementation plans. The text of H.R. 6016 is included as Attachment A

Similarly, on May 17, 2018, Ranking Member of the House Transportation and Infrastructure Committee Peter DeFazio (D-OR) introduced H.R. 5857, the Stop Sexual Assault and Harassment in Transportation Act. This bill would require air

carriers, FTA recipients, commuter and intercity rail passenger services, ferries, and over-the-road buses to develop a formal policy regarding sexual assault and harassment incidents. The bill also requires a prohibition order on future passenger travel, de-escalation training, and improved communication and reporting procedures, such as through the use of internet-based opportunities. The Secretary of Transportation would be required to establish a program to collect and maintain data on these incidents. H.R. 5827 would also institute a civil penalty of \$35,000 for interference with transportation personnel. The text of H.R. 5857 is included as Attachment B.

On May 16, 2018, Senator Tammy Duckworth (D-IL) introduced S. 2861, the Passenger Rail Crew Protection Parity Act to prosecute assaults of train crew members similar to actions against aircraft crew members. The bill encourages each passenger rail carrier to review their training programs and provide additional training on how to de-escalate hostile situations and report such incidents. In addition, the bill would establish penalties, such as a fine and/or imprisonment, for the interference with passenger train crew members. The text of S. 2861 is included as Attachment C.

A detailed comparison of these bills can be found in the table included as Attachment D. As of the writing of this staff report, a hearing has yet to be scheduled on any of the three bills discussed above. Staff will continue to keep the OCTA Board of Directors (Board) updated on the latest developments pertaining to these three bills.

These proposals come in response to the increase in coach operator assaults nationwide. In Orange County, the number of assaults has risen from 12 in 2015 to 18 in 2017. It is important to note that OCTA has taken action to protect coach operators. On June 25, 2018, the OCTA Board approved the amendment to the annual cooperative agreement with the Orange County Sheriff's Department requesting two additional deputies to improve safety on key routes where assaults have occurred.

Furthermore, OCTA is in the planning stages to install and test 12 bus operator protective barriers, which would prevent physical contact between riders and operators. During this pilot project, additional feedback from coach operators and staff will be gathered to determine their effectiveness and consider the potential for broader implementation. Another pilot project is also underway to install video monitors on 12 buses, similar to the video monitors found in retail establishments that help deter unruly behavior. Feedback will be collected to evaluate the potential benefits of this pilot as well. Staff will continue to update the Board on OCTA's efforts to protect coach operators.

Ruling in Supreme Court Case on Online Sales Collection

On June 21, 2018, the Supreme Court issued its ruling in the online sales tax case, *South Dakota v. Wayfair, Inc.* The Court upheld the South Dakota statute allowing the state to collect sales tax from out-of-state retailers conducting business exclusively online in South Dakota. The Court overruled two previous cases that only allowed states to collect sales tax from out-of-state retailers that had a physical presence in the state. The Court noted that the South Dakota statute was legally sound because it only allowed for the collection of sales tax once an out-of-state seller conducts a certain amount of business online in the state, either \$100,000 in sales or 200 transactions in South Dakota. The ruling removes the previous constitutional barrier to the collection of online sales tax revenue from out-of-state retailers, but the Court also ruled that federal courts could examine the specifics of each state's sales tax collection efforts to determine their constitutionality, resulting in uncertainty about what states can or must do to collect online sales tax from out-of-state retailers.

The State of California must authorize the collection of sales tax on online transactions conducted by out-of-state retailers in order for OCTA to realize any additional revenues that could be provided by expanding sales tax collection to a greater proportion of out-of-state sales. AB 155 (Chapter 313, Statutes of 2011) allows California to collect sales tax from online retailers "engaged in business in the state." This bill allows the State, as well as local governments, to collect sales tax revenue from certain online retailers with a significant presence in California, notably on certain Amazon transactions. AB 155 does not authorize the collection of sales tax from all online retailers. Specifically, there is currently no legal authority to tax out-of-state retailers conducting business online without any physical presence in California. Following the *Wayfair* ruling, the Department of Tax and Fee Administration (DTFA) issued guidance in hopes of collecting sales tax from all online retailers, but the guidance was pulled shortly thereafter. Discussions are now ongoing between the Governor, the Legislature, and DTFA to determine how California should proceed. Similarly, Congress may still act to streamline the collections of these taxes across the thousands of jurisdictions that can begin to collect additional revenues under the *Wayfair* ruling. Staff will continue to monitor the developments in Sacramento and Washington, D.C. to determine how this ruling will impact OCTA's revenue collection efforts.

Proposed Reorganization of the Federal Government

On June 21, 2018, the President proposed a significant reorganization of federal agencies. The proposal contained three main changes pertaining to transportation programs. First, the proposal would move the Army Corps of Engineers' civilian work out of the Department of Defense. Specifically, the Army

Corps' navigation work would go to the Department of Transportation, while the permitting work would go to the Department of the Interior. Second, transit security grants would be moved from the Department of Homeland Security to the Department of Transportation. Third, the proposal would reorganize the Office of the Secretary of Transportation to remove programmatic responsibilities, such as administering the Build America Bureau and certain grant programs. The proposed changes, in concept, could allow for a more efficient administration of federal transportation funding, although legislative language that would facilitate a more thorough analysis has not yet been developed. Staff will continue to keep the OCTA Board updated on this proposal.

Update on Proposed Rescissions Package

The rescissions package proposed by the President failed a procedural motion in the Senate by a vote of 48-50. The Senate had until June 22, 2018, to pass the measure by a simple majority vote. While the bill may still move, it would require 60 votes to overcome a filibuster. Staff will continue to monitor this bill or any other proposed rescissions that could impact OCTA.

Summary

Three transit bills are summarized in detail. Updates are also provided on online sales tax collection, a proposal to reorganize the federal government, and the President's rescissions proposal.

Attachments

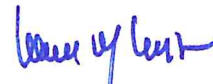
- A. H.R. 6016 (Napolitano, D-El Monte) Bill Language
- B. H.R. 5857 (DeFazio, D-OR) Bill Language
- C. S. 2861 (Duckworth, D-IL) Bill Language
- D. Overview of the Transit Safety and Security Bills
- E. Potomac Partners DC, Monthly Legislative Report – June 2018

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115TH CONGRESS
2D SESSION

H. R. 6016

To amend title 49, United States Code, to require the development of a bus operations safety risk reduction program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2018

Mrs. NAPOLITANO (for herself, Mr. KATKO, Mr. CARSON of Indiana, Ms. NORTON, Mr. PAYNE, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to require the development of a bus operations safety risk reduction program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bus Operator and Pe-
5 destrian Protection Act”.

1 **SEC. 2. BUS OPERATIONS SAFETY RISK REDUCTION PRO-**
2 **GRAM.**

3 (a) PUBLIC TRANSPORTATION SAFETY PROGRAM
4 SECTION.—Section 5329 of title 49, United States Code,
5 is amended by adding at the end the following:

6 “(1) BUS OPERATIONS SAFETY RISK REDUCTION
7 PROGRAM.—

8 “(1) REQUIREMENTS.—Not later than 2 years
9 after the date of the enactment of this subsection,
10 the Secretary shall require each recipient that oper-
11 ates fixed route bus service to—

12 “(A) develop a risk reduction program for
13 bus operations under paragraph (2) to improve
14 safety by reducing the number and rates of ac-
15 cidents, injuries, assaults on bus operators, and
16 fatalities;

17 “(B) submit the program, including the
18 implementation plan required under paragraph
19 (3), to the Secretary for review and approval;
20 and

21 “(C) implement the program and plans ap-
22 proved by the Secretary.

23 “(2) DEVELOPMENT OF PROGRAM.—A recipient
24 required to develop and submit a risk reduction pro-
25 gram for bus operations under paragraph (1)—

1 “(A) shall develop such program by con-
2 ducting risk analysis on the bus operations of
3 the recipient;

4 “(B) may incorporate such program into
5 an applicable comprehensive safety plan that
6 such recipient prepares pursuant to subsection
7 (d), if all requirements under this subsection
8 are addressed in the recipient’s comprehensive
9 safety plan; and

10 “(C) shall develop such program in co-
11 operation with bus operators and collective bar-
12 gaining representatives of bus operators, includ-
13 ing the development of—

14 “(i) the risk analysis required under
15 subparagraph (A); and

16 “(ii) implementation plans required
17 under paragraph (3).

18 “(3) IMPLEMENTATION PLAN.—Each risk re-
19 duction program for bus operations under paragraph
20 (1) shall include an implementation plan for—

21 “(A) reduction of vehicular and pedestrian
22 accidents involving buses that includes—

23 “(i) deployment of driver assistance
24 technologies for bus operators that reduce
25 or prevent accidents; and

1 “(ii) measures to reduce visibility im-
2 pairments for bus operators that con-
3 tribute to accidents, including retrofits to
4 buses in revenue service and specifications
5 for future procurements that reduce visi-
6 bility impairments;

7 “(B) bus operator assault mitigation, in-
8 cluding—

9 “(i) the deployment of assault mitiga-
10 tion infrastructure and technology on
11 buses, including barriers to restrict the un-
12 wanted entry of individuals and objects
13 into bus operators’ workstations when a re-
14 cipient’s risk analysis determines that such
15 barriers would reduce assaults and injuries
16 to bus operators; and

17 “(ii) conflict de-escalation training for
18 bus operators;

19 “(C) installation of seating and modifica-
20 tion to design specifications of bus operator
21 workstations that reduce or prevent injuries
22 from ergonomic risks; and

23 “(D) other measures that the Secretary de-
24 termines would significantly reduce the number
25 and rate of accidents, injuries, assaults on bus

1 operators, and fatalities related to bus oper-
2 ations;

3 “(4) UPDATING REQUIREMENTS.—The Sec-
4 retary shall require each recipient required to de-
5 velop a program under paragraph (1) to—

6 “(A) update such program annually; and

7 “(B) resubmit such program for approval
8 by the Secretary not less than once every 3
9 years.”.

10 (b) FAST ACT.—Section 3022(a) of the Fixing
11 America’s Surface Transportation Act (49 U.S.C. 5329
12 note) is amended by adding the following new sentence:
13 “Not later than 1 year after the date of the enactment
14 of the Bus Operator and Pedestrian Protection Act, the
15 Secretary shall issue a final rule regarding the protection
16 of public transportation operators from the risk of as-
17 sault.”

18 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) AMOUNT AND DURATION.—There are authorized
20 to be appropriated to carry out implementation plans
21 under the risk reduction program described in section
22 5329(l) of title 49, United States Code, as added by sec-
23 tion 2 of this Act, \$25,000,000 for each of fiscal years
24 2019 through 2023.

1 (b) FORMULA.—Of the amounts made available to
 2 carry out this subsection for a fiscal year—

3 (1) 80 percent shall be distributed under the
 4 formula set forth in section 5336 of title 49, United
 5 States Code, other than subsection (b) of such sec-
 6 tion; and

7 (2) 20 percent shall be distributed under the
 8 formula set forth in section 5311(c)(3) of such title.

9 **SEC. 4. OPERATOR ASSAULT DATA.**

10 Section 5335 of title 49, United States Code, is
 11 amended by adding at the end the following:

12 “(d) OPERATOR ASSAULT DATA.—

13 “(1) REPORT.—The recipient of a grant under
 14 this chapter shall report to the Secretary, for inclu-
 15 sion in the National Transit Database, any informa-
 16 tion on each assault on an operator.

17 “(2) OTHER REPORTS.—A report required
 18 under paragraph (1) shall be separate from the re-
 19 porting on other safety incidents in the National
 20 Transit Database.

21 “(3) DEFINITION.—For purposes of this sub-
 22 section:

23 “(A) The term ‘assault on an operator’
 24 means any circumstance when an individual
 25 knowingly and without lawful authority or per-

1 mission with intent to endanger the safety or
2 health of any individual, or with a reckless dis-
3 regard for the safety or health of human life,
4 interferes with, disables, or incapacitates any
5 dispatcher, driver, captain, locomotive engineer,
6 railroad conductor, or other individual while the
7 individual is employed in dispatching, operating,
8 controlling, or maintaining on-track equipment
9 or a public transportation vehicle, including cir-
10 cumstances that do not require immediate med-
11 ical attention or that do not result in a fatality.

12 “(B) The term ‘recipient’ has the meaning
13 given the term in section 5329(a).”.

○

115TH CONGRESS
2D SESSION

H. R. 5857

To protect transportation personnel and passengers from sexual assault and harassment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2018

Mr. DEFAZIO (for himself, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. CAPUANO, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. COHEN, Mr. SIRES, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Mr. NOLAN, Ms. TITUS, Mr. SEAN PATRICK MALONEY of New York, Ms. ESTY of Connecticut, Ms. FRANKEL of Florida, Mrs. BUSTOS, Mr. HUFFMAN, Ms. BROWNLEY of California, Ms. WILSON of Florida, Mr. PAYNE, Mr. LOWENTHAL, Mrs. LAWRENCE, Mr. DESAULNIER, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To protect transportation personnel and passengers from sexual assault and harassment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Sexual Assault
5 and Harassment in Transportation Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) COVERED ENTITY.—The term “covered en-
4 tity” means an entity that is one of the following:

5 (A) An air carrier (as that term is defined
6 in section 40102 of title 49, United States
7 Code).

8 (B) A foreign air carrier (as that term is
9 defined in section 40102 of title 49, United
10 States Code).

11 (C) A recipient of Federal funds under
12 chapter 53 of title 49, United States Code.

13 (D) A motor carrier of passengers that—
14 (i) conducts regularly scheduled inter-
15 city service; and

16 (ii) is a Class I carrier (as that term
17 is used in section 369.3(a) of title 49,
18 Code of Federal Regulations).

19 (E) An entity providing commuter rail pas-
20 senger transportation or intercity rail passenger
21 transportation (as those terms are defined in
22 section 24102 of title 49, United States Code).

23 (2) PERSONNEL.—The term “personnel” means
24 an employee or contractor of a covered entity.

25 (3) TRANSPORTATION SEXUAL ASSAULT OR
26 HARASSMENT INCIDENT.—The term “transportation

1 sexual assault or harassment incident” means the
2 occurrence, or reasonably suspected occurrence, of
3 an act that—

4 (A) constitutes sexual assault or harass-
5 ment; and

6 (B) is committed—

7 (i) by a passenger of a covered entity;

8 (ii) against—

9 (I) another passenger of the cov-
10 ered entity; or

11 (II) a member of the personnel of
12 the covered entity; and

13 (iii) within—

14 (I) a vehicle of the covered entity
15 that is transporting passengers, in-
16 cluding aircraft, rolling stock, motor-
17 coaches, and ferries;

18 (II) an area in which passengers
19 are entering or exiting such a vehicle;
20 or

21 (III) an area in which the Am-
22 trak Police Department or a transit
23 police department has law enforce-
24 ment responsibilities.

1 **SEC. 3. SENSE OF CONGRESS REGARDING SEXUAL ASSAULT**
2 **AND HARASSMENT IN PASSENGER TRANS-**
3 **PORTATION.**

4 It is the sense of Congress that—

5 (1) a covered entity should institute policies and
6 procedures to eliminate transportation sexual assault
7 or harassment incidents, including policies and pro-
8 cedures to—

9 (A) prohibit, to the extent practicable, fu-
10 ture travel with the covered entity by any pas-
11 senger who causes a transportation sexual as-
12 sault or harassment incident;

13 (B) facilitate the reporting of transpor-
14 tation sexual assault or harassment incidents to
15 ensure that the covered entity, the public, and
16 law enforcement agencies have an accurate un-
17 derstanding of the rate of such incidents;

18 (C) communicate to personnel and pas-
19 sengers of the covered entity the rights of such
20 individuals with respect to transportation sexual
21 assault or harassment incidents;

22 (D) train personnel of the covered entity to
23 recognize and respond appropriately to trans-
24 portation sexual assault or harassment inci-
25 dents; and

1 (E) ensure other appropriate and propor-
2 tional actions are undertaken to respond effec-
3 tively to transportation sexual assault or har-
4 assment incidents; and

5 (2) individuals who cause a transportation sex-
6 ual assault or harassment incident should be held
7 accountable under all applicable Federal and State
8 laws.

9 **SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
10 **CIES IN TRANSPORTATION.**

11 (a) REQUIREMENT.—Not later than 90 days after the
12 date of enactment of this Act, each covered entity shall
13 issue, in consultation with labor unions representing per-
14 sonnel of the covered entity, a formal policy with respect
15 to transportation sexual assault or harassment incidents.

16 (b) CONTENTS.—The policy required under sub-
17 section (a) shall include—

18 (1) a statement indicating that no transpor-
19 tation sexual assault or harassment incident is ac-
20 ceptable under any circumstance;

21 (2) procedures that facilitate the reporting of a
22 transportation sexual assault or harassment inci-
23 dent, including—

24 (A) appropriate public outreach activities;

1 (B) confidential phone and internet-based
2 opportunities for reporting; and

3 (C) personnel trained to receive reports;

4 (3) procedures that personnel should follow
5 upon the reporting of a transportation sexual assault
6 or harassment incident, including actions to protect
7 affected individuals from continued sexual assault or
8 harassment and to notify law enforcement when ap-
9 propriate; and

10 (4) training with respect to the policy that are
11 required for all appropriate personnel, including spe-
12 cific training for personnel who may receive reports
13 of transportation sexual assault or harassment inci-
14 dents.

15 (c) PASSENGER INFORMATION.—A covered entity
16 shall prominently display, on the internet website of the
17 covered entity and through the use of appropriate signage,
18 a written statement that—

19 (1) advises passengers that the covered entity
20 has adopted a formal policy with respect to trans-
21 portation sexual assault or harassment incidents;
22 and

23 (2) informs passengers of the procedure for re-
24 porting a transportation sexual assault or harass-
25 ment incident.

1 **SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES FOR PASSENGER VESSELS.**

3 (a) IN GENERAL.—Section 3507(d) of title 46,
4 United States Code, is amended—

5 (1) in paragraph (4), by striking “and” after
6 the semicolon at the end;

7 (2) in paragraph (5), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(6)(A) issue a formal policy with respect to
11 sexual assault or harassment incidents that in-
12 cludes—

13 “(i) a statement indicating that no sexual
14 assault or harassment incident is acceptable
15 under any circumstance;

16 “(ii) procedures that facilitate the report-
17 ing of a sexual assault or harassment incident,
18 including—

19 “(I) appropriate public outreach ac-
20 tivities;

21 “(II) confidential phone and internet-
22 based opportunities for reporting; and

23 “(III) personnel trained to receive re-
24 ports;

25 “(iii) procedures that personnel should fol-
26 low upon the reporting of a sexual assault or

1 harassment incident, including actions to pro-
2 tect affected individuals from continued sexual
3 assault or harassment and how to provide the
4 information and access required under para-
5 graph (5); and

6 “(iv) training with respect to the policy
7 that are required for all appropriate personnel,
8 including specific training for personnel who
9 may receive reports of sexual assault or harass-
10 ment incidents; and

11 “(B) prominently display on the internet
12 website of the vessel owner and, through the use of
13 appropriate signage on each vessel, a written state-
14 ment that—

15 “(i) advises passengers that the vessel
16 owner has adopted a formal policy with respect
17 to sexual assault or harassment incidents; and

18 “(ii) informs passengers of the procedure
19 for reporting a sexual assault or harassment in-
20 cident.”.

21 (b) REPORTING REQUIREMENT.—Section
22 3507(g)(3)(A)(i) of title 46, United States Code, is
23 amended by inserting “any sexual assault or harassment
24 incident (as that term is defined in subsection (l) of this
25 section),” after “title 18 applies,”.

1 (c) SEXUAL ASSAULT OR HARASSMENT INCIDENT

2 DEFINED.—Section 3507(l) of title 46, United States
3 Code, is amended by adding at the end the following:

4 “(3) SEXUAL ASSAULT OR HARASSMENT INCI-
5 DENT.—The term ‘sexual assault or harassment in-
6 cident’ means the occurrence, or reasonably sus-
7 pected occurrence, of an act that—

8 “(A) constitutes sexual assault or harass-
9 ment; and

10 “(B) is committed—

11 “(i) by a passenger of a vessel to
12 which this section applies or a member of
13 the crew of such a vessel;

14 “(ii) against—

15 “(I) a passenger of such vessel;
16 or

17 “(II) a member of the crew of
18 such vessel; and

19 “(iii) within—

20 “(I) such a vessel; or

21 “(II) an area in which passengers
22 are entering or exiting such a vessel.”.

23 (d) REQUIREMENT.—Not later than 90 days after the
24 date of enactment of this Act, the owner of a vessel to
25 which section 3507 of title 46, United States Code, applies

1 shall issue the formal policy with respect to sexual assault
2 or harassment incidents required by the amendments
3 made by this section.

4 **SEC. 6. CIVIL PENALTIES FOR INTERFERENCE.**

5 (a) INTERFERENCE WITH CABIN OR FLIGHT
6 CREW.—Section 46318(a) of title 49, United States Code,
7 is amended—

8 (1) by inserting “or sexually” after “physically”
9 each place it appears; and

10 (2) by striking “\$25,000” and inserting
11 “\$35,000”.

12 (b) INTERFERENCE WITH CERTAIN TRANSPOR-
13 TATION PERSONNEL.—

14 (1) IN GENERAL.—Chapter 805 of title 49,
15 United States Code, is amended by adding at the
16 end the following:

17 **“§ 80505. Interference with certain transportation**
18 **personnel**

19 “(a) GENERAL RULE.—An individual who physically
20 or sexually assaults or threatens to physically or sexually
21 assault an employee engaged in the transportation of pas-
22 sengers on behalf of a covered entity, or takes any action
23 that poses an imminent threat to the safety of a vehicle
24 of a covered entity that is transporting passengers, includ-
25 ing rolling stock, motorcoaches, and ferries, is liable to the

1 United States Government for a civil penalty of not more
2 than \$35,000.

3 “(b) COMPROMISE AND SETOFF.—

4 “(1) COMPROMISE.—The Secretary of Trans-
5 portation may compromise the amount of a civil pen-
6 alty imposed under this section.

7 “(2) SETOFF.—The United States Government
8 may deduct the amount of a civil penalty imposed or
9 compromised under this section from amounts the
10 Government owes the person liable for the penalty.

11 “(c) COVERED ENTITY DEFINED.—In this section,
12 the term ‘covered entity’ means an entity that is one of
13 the following:

14 “(1) A recipient of Federal funds under chapter
15 53 of this title.

16 “(2) A motor carrier of passengers that—

17 “(A) conducts regularly scheduled intercity
18 service; and

19 “(B) is a Class I carrier (as that term is
20 used in section 369.3(a) of title 49, Code of
21 Federal Regulations).

22 “(3) An entity providing commuter rail pas-
23 senger transportation or intercity rail passenger
24 transportation (as those terms are defined in section
25 24102 of this title).”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 805 of title 49, United States Code, is
3 amended by inserting after the item relating to sec-
4 tion 80504 the following:

“80505. Interference with certain transportation personnel.”.

5 **SEC. 7. DATA COLLECTION.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall establish a program to annually collect and
9 maintain data from each covered entity on—

10 (1) the number of transportation sexual assault
11 or harassment incidents reported to the covered enti-
12 ty, including—

13 (A) the number of incidents committed
14 against passengers; and

15 (B) the number of incidents committed
16 against personnel; and

17 (2) the number of transportation sexual assault
18 or harassment incidents reported to law enforcement
19 by personnel of the covered entity.

20 (b) DATA AVAILABILITY.—Subject to subsection (c),
21 the Secretary shall make available to the public on the
22 primary internet website of the Department of Transpor-
23 tation the data collected and maintained under subsection
24 (a).

1 (c) DATA PROTECTION.—Data made available under
2 subsection (b) shall be made available in a manner that—

3 (1) protects the privacy and confidentiality of
4 individuals involved in a transportation sexual as-
5 sault or harassment incident;

6 (2) precludes the connection of the data to any
7 individual covered entity; and

8 (3) is organized by mode of transportation.

9 (d) PAPERWORK REDUCTION.—Subchapter I of
10 chapter 35 of title 44, United States Code, does not apply
11 to this Act.

12 **SEC. 8. INSPECTOR GENERAL REPORT TO CONGRESS.**

13 Not later than 18 months after the date of enactment
14 of this Act, and every 2 years thereafter, the Inspector
15 General of the Department of Transportation shall assess
16 compliance with the provisions of this Act.

17 **SEC. 9. RULE OF CONSTRUCTION.**

18 Nothing in this Act may be construed to undermine
19 the responsibility and authority of—

20 (1) the pilot in command of an aircraft with re-
21 spect to the safe and secure operation of the air-
22 craft; or

23 (2) the master a vessel to which section 3507
24 of title 46, United States Code, applies.

○

115TH CONGRESS
2D SESSION

S. 2861

To prosecute, as a Federal crime, the assault or intimidation of a passenger train crew member to the same extent as such actions against aircraft crew members are prosecuted.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2018

Ms. DUCKWORTH (for herself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prosecute, as a Federal crime, the assault or intimidation of a passenger train crew member to the same extent as such actions against aircraft crew members are prosecuted.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Passenger Rail Crew
5 Protection Parity Act”.

1 **SEC. 2. INTERFERENCE WITH PASSENGER TRAIN CREW**
 2 **MEMBERS.**

3 (a) IN GENERAL.—Chapter 281 of title 49, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 28104. Interference with passenger train crew**
 7 **members**

8 “(a) OFFENSE.—It shall be unlawful for any person,
 9 while on a passenger train—

10 “(1) to assault or intimidate a crew member,
 11 and thereby interfere with the performance of the
 12 duties of a crew member or lessen the ability of a
 13 crew member to perform those duties; or

14 “(2) to attempt or conspire to perform an act
 15 described in paragraph (1).

16 “(b) PENALTIES.—A person who violates subsection
 17 (a)—

18 “(1) shall be fined under title 18, imprisoned
 19 for not more than 20 years, or both; and

20 “(2) if a dangerous weapon is used in assault-
 21 ing or intimidating the crew member, shall be im-
 22 prisoned for any term of years or for life.

23 “(c) TRAINING.—Each passenger rail carrier is en-
 24 couraged to review training programs of the rail carrier
 25 and provide, as necessary, additional training in areas
 26 such as de-escalating hostile situations, written protocols

1 on dealing with hostile situations, and reporting of inci-
2 dents.

3 “(d) DEFINITION OF CREW MEMBER.—In this sec-
4 tion, the term ‘crew member’ includes engineers, conduc-
5 tors, on-board service personnel, and similar employees as-
6 signed to duty on an in-service passenger train.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 281 of title 49, United States Code, is amended by
9 adding at the end the following:

“28104. Interference with passenger train crew members.”.



Overview of the Transit Safety and Security Bills

	S. 2861 (Duckworth, D-IL): Passenger Rail Crew Protection Parity Act	H.R. 5857 (DeFazio, D-OR): Stop Sexual Assault and Harassment in Transportation Act	H.R. 6016 (Napolitano, D-El Monte): Bus Operator and Pedestrian Protection Act
Covered entities:	Passenger Rail Crew Members	Air carriers, Federal Transit Administration recipients, commuter and intercity rail passenger services, ferries, and over the road buses.	Federal Transit Administration Recipients
Definitions:	Only provides a definition of “crew members,” which includes engineers, conductors, on-board service personnel, and employees assigned to duty on an in-service train.	Defines “transportation sexual assault or harassment incident” as an act that constitutes sexual assault or harassment, and is committed by a passenger against another passenger or a member of the personnel in a vehicle transporting passengers, at a stop, or in an area in which Amtrak or a transit police department has law enforcement authorities.	Defines “assault of an operator” as any circumstance where an individual endangers the safety or health of any individual, or with reckless disregard for the safety/health of human life, interferes with, disables, or incapacitates any operator of a public transportation vehicle.
Program, formal policy, or certain procedures:	No formal program or policy. Just training suggestions.	Requires a formal policy to be developed with respect to transportation sexual assault or harassment incidents.	Requires entities to develop a Bus Operations Safety Risk Reduction Program, as well as conduct a risk analysis of their bus operations.
Implementation:	With regards to training, entities are encouraged to review their training programs and provide additional training in areas such as de-escalating hostile situations and reporting of incidents.	Prohibition order on future travel of a passenger, reporting requirements, communicating to personnel and passengers of their rights, de-escalation training, and other appropriate actions as necessary. Public outreach, written statement on the entity’s internet website, and other reporting related procedures, such as confidential phone and internet-based opportunities.	Driver assistance technologies and measures to reduce visibility impairments for bus drivers, bus operator assault mitigation through infrastructure (barriers) and technology, de-escalation training, modification of bus operator workstations to prevent ergonomic risks, and other measures deemed necessary by the Secretary of Transportation.
Data Collection:	No data collection requirements.	Secretary of Transportation shall establish a program to annually collect and maintain data from each entity on the number of incidents reported to the covered entity and by personnel of the covered entity to law enforcement. Provides privacy protections.	Recipients must report to the Secretary of Transportation any information on operator assaults for inclusion in the National Transit Database.
Penalties:	Fine or imprisonment for up to 20 years. If a weapon is used, then the individual could be imprisoned for any terms of years or for life.	Civil penalty of \$35,000 for sexual assaults or harassment of an employee of the covered entity.	Funds may be withheld from Federal Transit Administration recipients.
Appropriation:	Does not specify.	Does not specify.	\$25 million/year for Fiscal Years 2019-23.



Potomac Partners DC

Monthly Legislative Report – June 2018

June Advocacy Meetings

Chairman Bill Shuster (R-PA) – We met with Congressman Shuster, Chairman of the House Transportation and Infrastructure Committee, and later his staff to discuss the Chairman's plans for an infrastructure bill later this year. We also followed-up on our previous discussions regarding the OC Streetcar and the need for an FFGA at DOT.

Chairman Jeff Denham (R-CA) – We met with Congressman Denham's staff to discuss the Placentia Metrolink Station. We discussed working with BNSF to create a 2.5-mile station siding track and the two high speed turnouts that would be included at either end of the siding track. We also discussed the OC Streetcar and the need for an FFGA at DOT.

Congressman Ed Royce (R-CA) – We followed-up with Congressman Royce and his staff to discuss the OC Streetcar. We discussed next steps on the FFGA and gave an update on our conversations with the FTA and with Chairman Diaz-Balart. We discussed funding for the CIG program in the FY19 appropriations bill and support for language mandating DOT to expend the funds before a set deadline. We also met to discuss the Placentia Metrolink Station with his transportation staff.

Congressman Lou Correa (D-CA) – We facilitated a meeting with Board Member Shawn Nelson and Congressman Correa and his staff. Supervisor Nelson provided an update on the OC Streetcar.

Chairman Mario Diaz-Balart (R-FL) – We met with senior staff in Congressman Diaz-Balart's office to discuss the FY19 appropriations process. We discussed the timeline for a floor vote in the House on the FY19 Transportation, Housing and Urban Development Act and whether it will ultimately be included in a larger spending package. We thanked the Congressman for his support of the OC Streetcar and the CIG program and discussed the timeline for new FFGAs coming out of DOT.

Congressman Ken Calvert (R-CA) – We met with staff in Congressman Calvert's office to continue our discussions on FY19 appropriations and support for the CIG program. We thanked the Congressman for his ongoing support on the Appropriations Committee and discussed progress on the FY19 bills.

Congressman Alan Lowenthal (D-CA) – We met with Congressman Lowenthal and his staff to discuss the OC Streetcar and the need to press the DOT on the need for a timetable for an FFGA from DOT. We also followed-up on language that would address

the aviation fuel tax issue that was ultimately not included in the FAA Reauthorization and next steps.

Congresswoman Grace Napolitano (D-CA) – We also discussed with the Congresswoman's staff the President's upcoming infrastructure proposals and the timeline for hearings on potential legislation. We also discussed her recently proposed bill on bus operator and pedestrian protection.

Senator Dianne Feinstein (D-CA) – We met with Senator Feinstein's staff multiple times this month to discuss the Senate THUD Appropriations bill, outlined later in this report, and support for the OC Streetcar. We discussed the timeline for the bill's passage on the floor and the new procedures being implemented by Senate Appropriations Committee Chairman Richard Shelby (R-AL).

Chairman Sam Graves (R-MO) – We met with Chairman Sam Graves and his senior staff to discuss his recent conversation with Secretary Chao regarding the need for an expedited FFGA for the OC Streetcar. We are regularly following up with the staff on progress at DOT. We also discussed the possibility for an infrastructure bill later this summer.

House Transportation and Infrastructure Committee – We met with senior staff on the House Transportation and Infrastructure Committee to discuss the CIG program and the timeline for an FFGA for the OC Streetcar. We discussed potential for including reform provisions in the Infrastructure bill aimed at expediting project delivery. We also discussed Chairman Shuster's plans to move forward with an Infrastructure bill this summer that includes some of the President's principle reforms and funding principles.

FY19 Appropriations and Budget Update

On June 7th the Senate Appropriations Committee approved S. 3023 - Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2019 after the bill was introduced and approved by the THUD Subcommittee on June 5th. The bill's quick introduction and Committee approval without amendments is part of a spending deal brokered by Senate Appropriations Committee Chairman Richard Shelby (R-AL). So far the Senate has been able to maintain a bipartisan agreement that no poison pill amendments would be added to the appropriations bills, in exchange for open floor debate. As a result, the Senate Appropriations Committee approved 11 of the 12 individual appropriations bills this month. The 12th bill (Defense) is expected to be approved by the end of the month.

A brief summary of key provision sin the Senate Transportation, Housing and Urban Development Appropriations bill is as follows:

Transportation – \$26.6 billion in discretionary appropriations for the U.S. Department of Transportation for FY2019. This is \$698 million below the FY2018 enacted level. Within this amount, priority is placed on programs to improve the safety, reliability, and efficiency

of the transportation system.

- **BUILD Grants** – \$1 billion for Better Utilizing Investments to Leverage Development (BUILD) grants, previously known as TIGER grants.
- **Highways** – \$46 billion from the Highway Trust Fund for the Federal-aid Highways Program, consistent with the FAST Act. In keeping with the two-year budget agreement's emphasis on infrastructure investments, the bill provides \$3.3 billion in additional funding for highway programs, including \$90 million to eliminate hazards at railway-highway grade crossings and \$800 million for bridge repairs. The bill maintains flexibility for State Departments of Transportation to repurpose some stagnant project funding for current infrastructure projects.
- **Aviation** – \$17.7 billion in total budgetary resources for the Federal Aviation Administration (FAA), which fully funds all air traffic control personnel, including more than 14,000 air traffic controllers, and more than 25,000 engineers, maintenance technicians, safety inspectors, and operational support personnel.

The bill provides \$1 billion for FAA Next Generation Air Transportation Systems (NextGen) programs and provides not less than \$168 million for the Contract Towers program. The bill also provides \$750 million in additional funding for airport improvements.

- **Rail** – \$2.8 billion for the Federal Railroad Administration (FRA). This includes \$1.9 billion to Amtrak for the Northeast Corridor and National Network, continuing service for all current routes. The bill provides \$262 million for FRA safety and operations, as well as research and development activities.

Additionally, the bill provides \$255 million for the Consolidated Rail Infrastructure and Safety Improvement grants program, \$300 million for Federal-State Partnership for State of Good Repair grants, and \$10 million for Restoration and Enhancement grants.

- **Transit** – \$13.5 billion for the Federal Transit Administration (FTA). Transit formula grants total \$9.9 billion, from the Mass Transit Account of the Highway Trust Fund, consistent with the FAST Act. In addition, \$800 million is provided from the general fund for transit infrastructure grants. The bill provides a total of \$2.6 billion for Capital Investment Grants (CIG), fully funding all current "Full Funding Grant Agreement" (FFGA) transit projects, as well as new projects that have met the rigorous criteria of CIG.
- **Maritime** – \$818 million for the Maritime Administration to increase the productivity, efficiency, and safety of the nation's ports and intermodal water and land transportation. The Maritime Security Program is funded at \$300 million.

The bill includes \$40 million for State Maritime Academies (SMAs) and an additional \$300 million for a new National Security Multi-Mission Vessel. This training ship is essential

for the SMAs to provide the nation with a strong merchant marine workforce.

- **Safety** – The legislation contains funding for the various transportation safety programs and agencies within the U.S. Department of Transportation. This includes \$956 million in total budgetary resources for the National Highway Traffic Safety Administration and \$667 million for the Federal Motor Carrier Safety Administration. The bill also includes \$275 million for the Pipeline and Hazardous Materials Safety Administration to help address safety concerns related to recent pipeline and crude oil by rail accidents.

The House THUD bill includes \$17.7 billion for the Federal Aviation Administration, the same amount as the Senate bill. This is \$310 million below what was enacted in the FY18 omnibus but \$1.6 billion above the President's budget request.

For NextGen, the House bill would provide a total of \$1.3 billion (+\$300M compared to the Senate). The House and Senate bills both provide \$168 million for the Contract Tower program to maintain service at current towers and bring new qualifying towers into the system. There were no new general provisions for aviation in the FY19 Senate THUD bill that were not included in the FY18 omnibus.

Once again, the House and Senate Appropriations Committees have rejected the President's Budget request to reduce funding for the Port Security and the Mass Transit and Rail Security grant programs to \$36.36 million. Both programs are maintained at \$100 million per year, level with FY18 enacted. Amtrak will still receive a set-aside of \$10 million and the over-the-road bus set aside is preserved at \$2 million from the rail and transit security grant program.

White House Rescissions Package

The Senate narrowly voted against bringing the President's rescissions package (HR 3) to the Senate floor with a vote of 48-50, effectively killing the measure. Democrats were united in opposition to the bill. The bill drew controversy over \$7 billion in reductions to the Children's Health Insurance Program (CHIP). These cuts divided Republicans for weeks, even as budget experts have said the cutbacks to CHIP wouldn't affect the program or its beneficiaries. Despite the failure in the Senate, it is possible the White House may still offer additional rescission packages.

White House Proposal to Reorganize Federal Agencies and Departments

On June 21st, the White House Office of Management and Budget released a 130-page plan that proposes to reorganize and streamline many of the Federal Government's agencies and departments. The full document can be found [HERE](#). Overall the plan would:

- Remove the Supplemental Nutrition Assistance Program (Food stamps) and means tested nutrition programs out of the Department of Agriculture and into the

Department of Health and Human Services (HHS), which would be renamed as the Department of Health and Public Welfare.

- Combine the Departments of Labor and Education to create the Department of Education and Workforce, echoing longstanding Congressional jurisdictions.
- Split the Civil Works division of the US Army Corps of Engineers into two parts (1) Ports and waterways, which would become the jurisdiction of the Department of Transportation (DOT), and (2) Environment and water supply, which would become the responsibility of the Department of Interior (DOI).

As it relates to transportation, the moving of the US Army Corps of Engineers Civil Works division into the DOT and DOI is the biggest change. This is not a new idea and the recently passed WRDA bill (HR 8) includes language asking the National Academy of Sciences to study the effects of such a move.

It should be noted that this massive overhaul would require congressional action and that the committees of jurisdiction such as the House T&I and Senate EPW would need to approve these plans. Therefore, it seems unlikely that Congress will enact most of these sweeping changes. Nevertheless, some elements of the White House plan may become parts of future reauthorization bills in the next Congress. The only major government reorganization to take place recently was the creation of the Department of Homeland Security after the terrorist attacks of September 11th.

Senate Bill to Require States to be Capable of Conducting Unannounced Inspections of Transit Systems

On June 26th, Senate Committee on Banking, Housing and Urban Affairs Chairman Mike Crapo (R-ID) and Ranking Member Sherrod Brown (D-OH) introduced a bill ([TRIP Act](#)) that would seek to enhance rail transit safety by requiring states to be able to perform unannounced inspections of transit systems. The FTA currently allows states to make unannounced inspections but does not mandate it. The bill would require FTA to issue guidance recommended by a GAO report and require that state oversight agencies at least be "capable" of conducting risk-based inspections and increase resources available to states. Overall the Transit Rail Inspection Practices Act (TRIP) would aim to:

- Improve transit safety oversight by requiring that each SSOA is capable of conducting risk-based inspections of the rail transit systems within their jurisdiction
- Implement GAO's recommendations that FTA issue guidance to States on conducting risk-based inspections and provide information on how FTA will monitor the effectiveness of SSOAs.
- Reallocates approximately \$12 million of existing formula funds annually to increase the resources available to States to conduct risk-based inspections.
- Clarifies the data sharing relationship between the rail transit agencies and SSOAs, while not creating any new data collection requirements.
- The bill has no effect on the initial certification statutory deadline of April 15, 2019. The TRIP Act's inspection requirement will be enforceable two years after FTA provides guidance to SSOAs on risk-based inspections.

Transit Safety and Security Bills

There are several bills recently introduced in the House and Senate aimed at passenger and transit employee safety. The first bill sponsored by Senator Tammy Duckworth (D-IL), [S. 2861 – Passenger Rail Crew Protection Parity Act](#), would make it unlawful for any person, while on a passenger train to:

1. Assault or intimidate a crew member, and thereby interfere with the performance of the duties of a crew member or lessen the ability of a crew member to perform those duties; or
2. Attempt or conspire to perform such an act.
 - a. A violator is subject to a fine or a prison term of up to 20 years, or both, or life imprisonment if a dangerous weapon is used in assaulting or intimidating the crew member.

The second bill sponsored by Congressman Peter DeFazio (D-OR), [HR 5857 – Stop Sexual Assault and Harassment in Transportation Act](#), would seek to define transportation sexual harassment and require a formal policy to be developed in consultation with the appropriate labor unions. A convicted harasser would be banned from future travel to the extent practicable on covered entities, which include domestic and foreign air carriers, a recipient of federal funds, or on city bus or passenger rail (Sec. 2(d)).

The third bill is sponsored by Congresswoman Grace Napolitano (D-CA), [HR 6016 – Bus Operator and Pedestrian Protection Act](#). This bill defines “assault of an operator” as any circumstance where an individual endangers the safety or health of any individual, or with reckless disregard for the safety/health of human life, interferes with, disables, or incapacitates any operator of a public transportation vehicle and covered entities would be FTA recipients. The bill does not specify any penalties for “assaults on an operator,” but the bill would authorize \$25 million/year over the next five years for “driver assistance technologies and measures to reduce visibility impairments for bus drivers, bus operator assault mitigation through mitigation infrastructure and technology (barriers), de-escalation training, modification of bus operator workstations to prevent ergonomic risks, and other measures deemed necessary by the Secretary of Transportation.”

All of these bills seem unlikely to move to the House or Senate floor as stand-alone bills this Summer. We will continue to monitor each of these bill as they progress through the Senate Banking and House T&I Committees.

Wayfair Case and Online Sale Tax

On June 21st the Supreme Court handed down their decision in favor of South Dakota (*South Dakota v. Wayfair*) supporting a state’s right to charge tax on purchases made from out-of-state sellers, even if the seller does not have a physical location or employees in the state. In a 5-4 ruling, the court overturned two precedents dating back to 1967 and 1992. As it relates to transportation, the California state legislature would need to enact

legislation to allow transit to collect local sales tax dollars. It is also possible that Congress at some point could look to streamline rules across state boundaries, or prevent states from collecting these out of state taxes altogether. We will be closely monitoring any congressional action on this issue.