



ORANGE COUNTY TRANSPORTATION AUTHORITY 2019 END OF YEAR LEGISLATIVE REPORT

LEGISLATION ENACTED

I. Active Transportation

AB 1266 (Rivas, R., D-Salinas) Traffic Control Devices: Bicycles (Chapter 221, Statutes of 2019)

AB 1266 allows for a bicycle to move straight through a right or left-hand turn lane when an official traffic control device indicates the movement is permitted. This bill directs California Department of Transportation (Caltrans) to develop standards for lane striping, pavement marking, and appropriate signage for bicyclists.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

II. Audits, Records, Reports, and Litigation

AB 902 (Levine, D-San Rafael) Political Reform Act of 1974: Fair Political Practices Commission: Regulations (Chapter 312, Statutes of 2019)

AB 902 codifies various regulations promulgated by the California Fair Political Practices Commission (FPPC). The legislation codifies two existing regulations for lobbyist employers. First, the legislation codifies an existing regulation subjecting lobbyist employers to disclosure requirements for participating in lobbying coalitions. Second, the bill codifies a regulation that requires lobbyists to obtain written authorization to lobby for lobbyist employers who are not required to register with the Secretary of State. AB 902 also codifies a regulation specifying that a gift is considered “accepted” when the public official, or the official’s immediate family member, knowingly takes possession of the item. In addition, AB 902 codifies existing FPPC regulations regarding the scope of audits, campaign finance disclosure for measures or candidates raising more than \$1 million, disclosure of leasehold interests, and other existing FPPC regulations.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. As a lobbyist employer, OCTA is subject to many of the provisions of the bill. Since the bill only codifies existing regulations, the bill does not create any new requirements that did not already exist in state law.*

**AB 903 (Levine, D-San Rafael) Political Reform Act of 1974
(Chapter 909, Statutes of 2019)**

AB 903 makes clarifying changes to the Political Reform Act of 1974. The most relevant clarification concerns the use of public funds in media communications made in connection to a political cause. Current law exempts from political reporting requirements communications made in the course of newsgathering activities. AB 903 clarifies that public funds used by a state or local agency to create public service announcements or other news communications in connection to a political cause are considered political expenditures, triggering political reporting requirements.

OCTA Position – Monitor

Impact on OCTA: *The FPPC has examined multiple instances of public agencies conducting public outreach on issues connected to political initiatives. Specifically, the FPPC has found that public agencies conducting outreach about transportation improvements did so in coordination with a political initiative that would provide additional transportation funding. The FPPC has focused on specific wording used in both the outreach efforts and the campaign, and as a result, minor fines have been assessed. While there is uncertainty about the implications of these FPPC actions, AB 903 provides statutory clarity that public funds used in connection to a political cause are considered political expenditures, which trigger political reporting requirements.*

III. Employment Terms and Conditions

**AB 5 (Gonzalez, D-San Diego) Worker Status: Employees and Independent Contractors
(Chapter 296, Statutes of 2019)**

AB 5 provides statutory guidance to implement the California Supreme Court's decision in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*. AB 5 creates a presumption that paid workers are considered employees and not independent contractors. To establish that a worker is an independent contractor, an employer must demonstrate that the employer is not directing or controlling how the work is performed, that the work being performed is outside the employer's usual business, and that the worker is customarily engaged in an independent trade performing the type of work in question. AB 5 specifies various exemptions for certain industries. Notably, the legislation provides a multi-factor test to determine if subcontractors performing work on construction contracts are considered employees. Similarly, the bill lays out a different multi-factor legal test to determine if paid work on contracts for "professional services" should be classified as employment.

OCTA Position – Monitor

Impact on OCTA: *There is significant uncertainty about how AB 5 will impact public agencies. Staff will monitor impacts on various industries, notably transportation network companies, construction providers, and other sectors affected by AB 5, to determine whether there are impacts to the classification of workers in current and future OCTA*

contracts. Should there be additional case law or further legislative efforts expanding the application of policies more broadly to public agencies, OCTA will seek legal clarity on how to classify its multitude of professional workers and contracts.

**AB 17 (Salas, D-Bakersfield) Elections: Vote by Mail Ballots
(Chapter 223, Statutes of 2019)**

AB 17 prohibits an employer from requiring or requesting an employee to bring their vote by mail ballot to work or fill out their vote by mail ballot at work.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. OCTA may need to update its policies accordingly.

**SB 142 (Wiener, D-San Francisco) Employees: Lactation Accommodation
(Chapter 720, Statutes of 2019)**

SB 142 requires that employers provide employees with lactation rooms or access to spaces for lactation purposes that meet the bill's requirements. Under SB 142, a lactation room cannot be a bathroom and must be close to the employee's work area, shielded from view, and free from intrusion. The lactation room must also be free from hazardous materials and contain a surface for personal items, a place to sit, and a source of electricity. While multipurpose rooms are allowed under the bill, the main purpose of the room must be for lactation. SB 142 also requires that employers provide employees with access to refrigerators or other similar cooling devices. In addition, the bill requires that employers have a policy outlining how employees request access to lactation facilities.

OCTA Position – Monitor

Impact on OCTA: SB 142 requires that OCTA provide its employees with access to lactation rooms or other spaces that can be used for lactation purposes, assuming they meet the requirements in the bill. Under the bill, OCTA must also update its policies to outline how employees can request access to lactation facilities.

**SB 188 (Mitchell, D-Los Angeles) Discrimination: Hairstyles
(Chapter 58, Statutes of 2019)**

SB 188 amends the definition of "race" related to anti-discrimination provisions of the Education Code and the Fair Employment and Housing Act. Defines "race" to include hair texture and protective hairstyles, including braids, locks, and twists.

OCTA Position – Monitor

Impact on OCTA: This bill would require OCTA to revise policies as appropriate to include updated language and definitions.

SB 778 (Senate Labor, Public Employment, and Retirement Committee) Employers: Sexual Harassment Training: Requirements (Chapter 215, Statutes of 2019)

SB 778 makes clarifying changes to address concerns raised from SB 1343 (Chapter 956, Statutes of 2018), which inadvertently caused some employees to participate in sexual harassment training twice in a two-year-period. Specifically, this bill extends the training deadline to January 2021 for specified employers who offered compliant training in 2019. The training requires an employer with five or more employees to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within six months of their assumption of a position.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA should review its timeline for sexual harassment training to adhere to the new deadlines set forward in this bill.*

IV. Environment

AJR 10 (Reyes, D-San Bernardino) Federal Clean Air Act (Chapter 182, Statutes of 2019)

AJR 10 is a nonbinding resolution stating that the Legislature unequivocally supports California's existing fuel economy and greenhouse gas emissions (GHG) standards. AJR 10 explicitly urges the rejection of the Safer Affordable Fuel-Efficient Vehicles Rule in order to preserve California's Clean Air Act pre-emption waiver. If this waiver is revoked, California cannot enforce its more stringent air quality laws, threatening the air quality model used for transportation planning purposes as well as environmental approvals for transportation projects. AJR 10 specifically cites the voluntary agreement between the California Air Resources Board (ARB) and automobile manufacturers as justification for California's more stringent air quality laws. AJR 10 also discusses how California must maintain and continue to enact vehicle emissions standards for the protection of public health, California residents, and the economy.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 252 (Daly, D-Anaheim) Department of Transportation: Environmental Review (Chapter 160, Statutes of 2019)

AB 252 removes the 2020 sunset on the authority that provides Caltrans the ability to carry out the National Environmental Policy Act (NEPA) Assignment Program for highway projects. The NEPA Assignment Program allows states to take on federal responsibility

for NEPA actions while also assuming associated risks. This decision-making role increases streamlining and cost savings for Caltrans transportation projects.

OCTA Position – Support

Impact on OCTA: If NEPA delegation authority was not extended, numerous locally-funded OCTA projects that are subject to the traditional NEPA review process would have been delayed, resulting in cost increases. These projects include improvements to major arterials and numerous freeways in Orange County, including State Route 91, State Route 57, State Route 55, and Interstate 5. In total, it is estimated that approximately \$1.07 billion in infrastructure investments planned over the next decade would have been delayed if NEPA delegation was not extended.

AB 782 (Berman, D-Los Altos) Environmental Quality Act: Exemption: Land Transfers

(Chapter 181, Statutes of 2019)

AB 782 codifies existing regulations to allow a public agency to fund, acquire, sell, or transfer interests in land without first going through a California Environmental Quality Act (CEQA) analysis for the purposes of: preservation of natural conditions existing at the time of transfer, including plant and animal habitats; restoration of natural conditions, including plant and animal habitats; continuing agricultural use of the land; prevention of encroachment of development into flood plains; preservation of historical resources; preservation of open space or lands for park purposes. This was a response to the current uncertainty public agencies face when seeking to acquire sensitive and threatened lands for open space and other conservation purposes.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. AB 782 will help streamline or reinforce that a categorical exemption would apply for the purchase of lands intended for preservation. Recent lawsuits have created roadblocks for some public entities. Therefore, streamlining and allowing a purchase of land without having to navigate an initial study, negative declaration, or an environmental impact review will allow more funds to be allocated toward land preservation resources.

AB 1197 (Santiago, D-Los Angeles) California Environmental Quality Act (Chapter 340, Statutes of 2019)

AB 1197 creates an exemption, until January 1, 2025, from CEQA for activities related to development of emergency shelters and supportive housing projects approved or carried out by the City of Los Angeles (LA). Eligible public agencies include: the county of LA, the LA Unified School District, the LA Metropolitan Transportation Authority, the Housing Authority of the City of LA, the LA Homeless services Authority, the LA Community College District, the successor agency for the former Community Redevelopment Agency of the City of LA, Caltrans, and the Department of Parks and Recreation.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes*

AB 1560 (Friedman, D-Glendale) CEQA: Transportation: Major Transit Stop (Chapter 631, Statutes of 2019)

AB 1560 revises the definition of a “major transit stop” to include a bus rapid transit station and ferry terminal served by bus or rail service. Presently, residential projects on infill sites that meet certain requirements are eligible for various CEQA streamlining provisions, including projects located within a half-mile of a major transit stop.

OCTA Position – Monitor

Impact on OCTA: *By expanding the definition of “major transit stop,” this may have unintended consequences for other statutory provisions, that reference this definition as criteria for such things as permitting, funding, and development streamlining.*

AB 1824 (Assembly Natural Resources Committee) California Environmental Quality Act: Exemption for Closure of Railroad Grade Crossing (Chapter 466, Statutes of 2019)

AB 1824 provides an exemption from CEQA for projects to close railroad grade crossings presenting a threat to public safety, as determined by the California Public Utilities Commission (CPUC). AB 1824 explicitly states that the CEQA exemption is not available to grade crossings that are part of high-speed rail or for any crossing project carried out by the California High-Speed Rail Authority. When utilizing the exemption authorized in AB 1824, the implementing agency must file a notice with the Office of Planning and Research, and local agencies must also file an additional notice with the county clerk in each county in which the project is located. The exemption expires on January 1, 2025.

OCTA Position – Monitor

Impact on OCTA: *AB 1824 provides flexibility in the environmental process for certain rail grade crossings throughout Southern California.*

SB 44 (Skinner, D-Oakland) Medium- and Heavy-duty Vehicles: Comprehensive Strategy (Chapter 297, Statutes of 2019)

SB 44 requires that, by January 1, 2021, the ARB work with Caltrans, the State Energy Resources Conservation and Development Commission, and the Governor’s Office of Business and Economic Development (GO-Biz) to create a strategy for the deployment of medium- and heavy-duty vehicles that will bring California into compliance with federal air quality standards while also reducing GHG emissions. As part of the bill, ARB must recommend reasonable and achievable goals for reducing emissions by 2030 and 2050. Such solutions must align with the California Freight Plan, consider both technological feasibility and cost-effectiveness, and provide advantages to fleets that reduce GHG

emissions earlier than required by law. SB 44 also authorizes ARB to establish, via a public process, medium- and heavy-duty vehicle segments that can more quickly reduce emissions consistent with the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SB 400 (Umberg, D-Santa Ana) Reduction of Greenhouse Gas Emissions: Mobility Options

(Chapter 271, Statutes of 2019)

SB 400 relates to the Clean Cars 4 All Program, which is administered by ARB and aims to reduce GHG emissions and improve air quality. Clean Cars 4 All is funded through California's cap-and-trade program and offers vouchers to low-income residents who retire their high polluting vehicles and choose to purchase cleaner vehicles or utilize alternative mobility options such as public transit or ridesharing services. The bill expands the eligible modes of transportation for which "mobility option" vouchers may be used to include bike sharing and electric bicycles.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SB 576 (Umberg, D-Santa Ana) Coastal Resources: Climate Ready Program and Coastal Climate Change Adaptation, Infrastructure, and Readiness Program

(Chapter 374, Statutes of 2019)

SB 576 establishes the Climate Ready Program, administered by the State Coastal Conservancy, to provide grants to local agencies and nonprofits for projects that reduce GHG emissions, address extreme weather events, and protect against other hazards that threaten coastal communities and infrastructure. Grant awards are to prioritize projects that use natural infrastructure to adapt to climate change and have multiple public benefits. SB 576 also requires the Ocean Protection Council (OPC) to implement a coastal climate adaption, infrastructure, and readiness program to recommend strategies to improve the resiliency of the state's coastal communities, habitats, and infrastructure. The bill requires that the OPC to collaborate with California State University, Long Beach and other climate scientists to facilitate information sharing related to coastal climate change adaption, infrastructure, and readiness.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

V. Funding

AB 116 (Ting, D-San Francisco) Local Government (Chapter 656, Statutes of 2019)

AB 116 authorizes Enhanced Infrastructure Financing Districts (EIFD) to issue debt without voter approval, mimicking financing tools that redevelopment agencies once held. Additionally, AB 116 specifies that an EIFD must hold three public hearings prior to issuing debt and if between 25 percent and 50 percent of eligible landowners and residents in the EIFD protest the issuance during those hearings, they must hold an election for voter approval of the proposed debt. The debt issuance must be canceled if the majority protest.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 147 (Burke, D-Inglewood) Use Taxes: Collection: Retailer Engaged in Business in this State: Marketplace Facilitators (Chapter 5, Statutes of 2019)

AB 147 creates a new definition of retailer for the purposes of both sales taxes and use taxes, providing statutory clarity in California's implementation of the U.S. Supreme Court's *South Dakota v. Wayfair, Inc.* decision. Under AB 147, a retailer selling more than \$500,000 worth of goods statewide in the preceding or current calendar year would be required to collect and remit sales and use taxes, with previously uncollected revenues distributed according to existing law. AB 147 requires that businesses meeting this definition register with the California Department of Tax and Fee Administration (CDTFA) by October 1, 2019. The bill also contains language making its provisions severable should additional court cases affect the legal precedence of the *Wayfair* case.

Urgency Bill – Effective Immediately

OCTA Position – Support

Impact on OCTA: *AB 147 recaptures sales tax revenue lost to out-of-state retailers, resulting in two types of funding increases. First, there will be an increase in the portion of Bradley-Burns sales tax revenues dedicated to transportation through the Local Transportation Fund (LTF). The increase in LTF revenues will provide additional funding capacity for transit, which have historically funded about half of OCTA's bus operations. There will also be an increase in Measure M2 revenues. Based on the latest projections, Measure M2 revenues over the life of the measure are expected to increase from \$13.1 billion to \$13.4 billion, thanks in part to the passage of AB 147. Moreover, both of the funding increases will continue to grow as e-commerce continues plays a bigger role in the economy.*

**AB 176 (Cervantes, D-Corona) Alternative Energy Advances Transportation Financing: Sales and Use Taxes: Exclusions
(Chapter 672, Statutes of 2019)**

The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) provides a sales and use tax program for specified projects, including for manufacturers of alternative source technology used for renewable electricity generation or advanced transportation, through a project application process. Existing law requires the CAEATFA to evaluate a project application based on, among other criteria, the extent to which the project will create new permanent jobs in the state. AB 176 would instead require the CAEATFA to evaluate a project based on the extent to which the project will create new, or result in the loss of, permanent, full-time jobs in the state.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 485 (Medina, D-Riverside) Local Government: Economic Development Subsidies
(Chapter 803, Statutes of 2019)**

AB 485 creates new disclosure requirements regarding economic development subsidies for warehouse distribution centers. The bill requires a local agency to provide detailed, written information on its website regarding the beneficiaries of an economic development subsidy. Under the bill, these disclosures must include the name and address of any business entity benefitting from the subsidy; a description of the subsidy, including start and end dates, projected revenue impacts, and an explanation of the subsidy's intended purpose; information about estimated job creation and related employment benefit packages; and any outreach conducted in the hiring of disadvantaged workers, among other information. Before granting such a subsidy, the bill requires that local agencies provide public notice and conduct a hearing on the economic development subsidy as part of the agency's normal public hearing process. For subsidies granted after January 1, 2020, AB 485 requires that the local agency issue an annual report, available on its website, for each year the subsidy is in effect, and the required annual reports must update the information provided in the initial report. Both the initial report and annual reports must be provided to GO-Biz in order to be posted on its website.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. AB 485 includes additional transparency requirements for economic incentives for distribution warehouses that have led to a distortion in Bradley-Burns sales tax revenues due to situs requirements that businesses assess sales tax at the distribution center rather than at the purchase address.*

**AB 723 (Quirk, D-Hayward) Transactions and Use Taxes: Santa Cruz Metropolitan Transit District
(Chapter, Statutes of 2019)**

AB 723 provides clarity on whether certain transactions and use taxes in Alameda County are subject to the two percent countywide cap on transactions and use taxes. AB 723 specifies that the existing transportation taxes imposed by the Bay Area Rapid Transit District (BART) and the Santa Cruz Metropolitan Transit District (Santa Cruz Metro) in Alameda County are not subject to the two percent transactions and use tax cap. The bill also clarifies that two general purpose taxes in Alameda County are not subject countywide cap, explicitly stating the treatment of these taxes is a declaration of existing law.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 784 (Mullin, D-San Mateo) Sales and Use Taxes: Exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: Transit Buses
(Chapter 684, Statutes of 2019)**

AB 784 provides a sales tax exemption for the purchase of zero-emission transit buses until January 1, 2024. The exemption provided by the bill applies to the purchase of any bus that is eligible for funding under the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project. AB 784 explicitly lists traditional transit buses, articulated buses, cutaways, shuttles, trolleys, and other types of bus vehicles as eligible for the exemption. AB 784 only applies to sales tax liability and does not extend to use taxes, property taxes, or other dedicated revenue sources. The bill also requires that the Legislative Analyst's Office work with CDTFA to assess the effectiveness of the sales tax exemption in incentivizing the adoption of zero-emission buses.

OCTA Position – Support

Impact on OCTA: *AB 784 provides a financial incentive for transit agencies to comply with the recently enacted Innovative Clean Transit regulation, which mandates the purchase of zero-emission buses starting in 2023. OCTA estimates it will cost an additional \$442 million to convert its current bus fleet to zero-emission technology. AB 784 provides much-needed financial assistance to facilitate the adoption of this new technology, saving OCTA as much as \$80,000 on each zero-emission bus purchase.*

**AB 945 (McCarthy, D-Sacramento) Local Government: Financial Affairs: Surplus Funds
(Chapter 619, Statutes of 2019)**

AB 945 allows local agencies to hold 50 percent of its surplus funds in commercial banks, savings and loan associations, or credit unions, as opposed to the 30 percent limit in current law. The bill includes safeguards to ensure transparency for a local agency's deposits or investments are not co-mingled with the financial holdings of another agency

in a way that could create a potential conflict of interest. The higher statutory cap on these types of investments will sunset on January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *AB 945 will allow OCTA to hold more of its investment portfolio in localized financial institutions until this provision sunsets on January 1, 2026.*

**AB 1013 (Obernalte, R-Hesperia) State Agencies: Grant Applications
(Chapter 498, Statutes of 2019)**

AB 1013 institutes a new transparency measure for state grant applications. AB 1013 prohibits state agencies from authorizing a grant evaluator to review a grant application if the evaluator was an employee, representative, or voting member of the applicant organization within the past two years. The bill explicitly does not apply to evaluators coming from public agencies. The bill's prohibition also does not apply to individuals who served in unpaid positions, unless the evaluator served as a voting member.

OCTA Position – Monitor

Impact on OCTA: *AB 1013 institutes measures to protect against potential conflicts of interest in state grant programs to which OCTA applies for funding.*

**AB 1237 (Aguiar-Curry, D-Winters) Greenhouse Gas Reduction Fund: Guidelines
(Chapter 357, Statutes of 2019)**

AB 1237 requires, by January 1, 2021, any state agency that receives funding from the GHG Reduction Fund to post on their website the guidelines for how the funds are allocated. The guidelines must include eligibility criteria, application and award timelines, technical assistance, contact information, and the amount of money allocated to projects located in disadvantaged communities or guidelines required for funding to be allocated in that manner.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. By January 2021, state agencies will need comply with these requirements and OCTA will be able to access the guidelines for allocation via their respective websites, including for programs such as Low Carbon Transit Operations Program (LCTOP), Transit and Intercity Rail Capital Program (TIRCP), etc.*

**AB 1413 (Gloria, D-San Diego) Transportation: Transactions and Use Taxes
(Chapter 758, Statutes of 2019)**

AB 1413 authorizes sub-regional transactions and use tax authority in Placer, Solano, and San Diego Counties. The boundaries of the sub-regional transactions and use taxes authorized by the bill will be determined by the boards of the implementing transportation agency in each county, subject to applicable state law and voter approval. In San Diego County, the sub-regional taxing authority comes with a requirement that any contract

valued at over one-million dollars and funded by sub-regional transactions and use tax revenue must have a valid project labor agreement to facilitate a skilled and trained workforce.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SB 137 (Dodd, D-Vacaville) Federal Transportation Funds: State Exchange Programs (Chapter 639, Statutes of 2019)

SB 137 creates a new exchange program that allows the state to exchange, on a dollar-for-dollar basis, funds from the State Highway Account for federal local assistance funds held by cities and counties. SB 137 specifies that the federal funding sources eligible for the exchange program are the Highway Safety Improvement Program and federal funds apportioned for local bridge projects. Up to \$100 million of federal funds may be exchanged in each federal fiscal year. SB 137 also contains language to prevent the exchange from putting state transportation projects or funding needs at-risk, to ensure that Caltrans does not exceed its limits on federal obligation authority, and to require that federal funds be readily available for state projects. Caltrans is required to consult with the League of California Cities and the California State Association of Counties in the implementation of this program.

OCTA Position – Monitor

Impact on OCTA: *SB 137 provides limited flexibility for certain state and federal funding sources that could make it easier to deliver transportation projects.*

SB 351 (Hurtado, D-Fresno) Transformative Climate Communities Program (Chapter 368, Statutes of 2019)

The Transformative Climate Communities Program (TCCP) was created in 2016 to fund development and infrastructure projects that maximize climate, public health, environmental, workforce, and economic benefits for disadvantaged communities. The TCCP funds two types of grants: implementation and planning. SB 351 requires the Strategic Growth Council (SGC) to consider applicants in disadvantaged communities within unincorporated areas that are seeking funding from the TCCP for implementation of neighborhood-level plans that include multiple coordinated projects that reduce GHG emissions and achieve other community benefits.

OCTA Position – Monitor

Impact on OCTA: *Prior to this legislation, unincorporated areas were able to receive funding to develop plans through the TCCP; however, they were not eligible to secure funding for implementation of those plans. SB 351 closes that loophole and will allow unincorporated areas to be eligible for planning and implementation funding from the TCCP.*

**SB 358 (Senate Transportation Committee) Transportation
(Chapter 643, Statutes of 2019)**

SB 358 makes various technical, clarifying changes to statutes regarding transportation, including clarifying that an apportionment of money from the Highway Users Tax Account (HUTA) shall not be made to a city unless the city has set up a special gas tax street fund. Existing law created the Road Maintenance and Rehabilitation Program, which allocates 50 percent for maintenance of the state highway system and 50 percent for apportionment to cities and counties by the State Controller. Cities and counties are required to expend a certain minimum from its own general fund for street, road, and highway purposes. SB 358 gives the State Controller the ability to withhold eligible cities and counties from its apportionment if it has not met its minimum expenditure requirement, reallocating those funds to other cities and counties.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Cities must ensure they comply with the specified expenditures related to the Road Maintenance and Rehabilitation Program, so not to lose funding.*

**SB 676 (Bradford, R-San Pedro) Transportation Electrification: Electric Vehicles:
Grid Integration
(Chapter 484, Statutes of 2019)**

SB 676 requires the CPUC to establish, by December 31, 2020, strategies and quantifiable metrics to maximize the use of feasible and cost-effective electric vehicle grid integration strategies by January 1, 2030. Under the bill, the strategies should be in the best interest of ratepayers and reflect publicly owned utilities' estimated demand attributable to electric vehicle charging. In addition, publicly owned utilities and community choice aggregators will be required to consider and report to the CPUC on how investments in transportation electrification would facilitate implementation of the adopted strategies.

OCTA Position – Monitor

Impact on OCTA: *The grid integration strategies developed pursuant to SB 676 could have consequences on OCTA's implementation of zero-emission bus technology.*

VI. Information Systems

**AB 1614 (Gipson, D-Gardena) Vehicles: License Plate Pilot Program
(Chapter 319, Statutes of 2019)**

AB 1614 extends the existing Department of Motor Vehicles license plate pilot program completion date an additional year from January 1, 2020, to January 1, 2021. Approximately 1,400 vehicles are participating in the pilot program to evaluate the use of digital license plates, license plate wraps, and digital registration cards as alternatives to current vehicle license plates, registration stickers, and registration cards. No later than July 1, 2020, a report will be provided to the Legislature to review the cost-effectiveness

of the alternatives used in the pilot program, the products and technology used, and recommendations for future action.

OCTA Position – Monitor

Impact on OCTA: *The use of digital license plates may have future impacts on enforcement on tolling facilities that will need to be further investigated.*

AB 1671 (Berman, D-Los Altos) Department of Transportation: Motor Vehicle Technology (Chapter 322, Statutes of 2019)

AB 1671 extends an existing authorization for Caltrans to continue testing of Cooperative Adaptive Cruise Control (CACC) technologies to 2024, which can increase safety by reducing reaction time. CACC uses vehicle-to-vehicle communication to control the acceleration and braking of a vehicle so that it maintains a set following distance by receiving information from vehicles further ahead than their sensors can detect, responding more quickly. Currently, the CACC system was implemented on three Volvo Class-8 truck tractors and tested under a variety of conditions. This bill requires Caltrans to report to the Legislature on its findings by April 1, 2023.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

VII. Planning

AB 285 (Friedman, D-Glendale) California Transportation Plan (Chapter 605, Statutes of 2019)

AB 285 updates requirements to the California Transportation Plan (CTP) to reflect the state's most recent environmental legislation. By 2025, AB 285 requires Caltrans to include in the CTP forecasts of the impacts of advanced and emerging technologies and a review of the progress made implementing past CTPs. Additionally, AB 285 requires the SGC to submit a report to the Legislature by January 31, 2022, with the following information: an overview of the CTP and all sustainable communities strategies (SCS) and alternative planning strategies (APS) and an assessment of how implementation of the CTP, SCS, and APS will influence the configuration of the statewide integrated multi-modal transportation system. Additionally, the SGC is required to report on the potential impacts and opportunities for coordination of specified transportation funding programs, including the Affordable Housing and Sustainable Communities Program, the TIRCP, the LCTOP, the TCCP, and the Sustainable Transportation Planning Grant Program.

OCTA Position – Monitor

Impact on OCTA: *This bill will affect the Southern California Association of Government's (SCAG) Regional Transportation Plan (RTP). By creating these reporting requirements*

for the SGC, OCTA will want to continue to monitor the SGC recommendations future impacts it may have on the specified transportation funding programs.

AB 1515 (Friedman, D-Glendale) Planning and Zoning: State Environmental Review (Chapter 269, Statutes of 2019)

Existing law requires every county and city to adopt a general plan that consists of planned uses for all the area. A community plan provides systematic implementation of the general plan for that same area. AB 1515 creates protections for qualifying development projects, by prohibiting a court from invalidating a development approval that was granted based on a community plan's noncompliance with CEQA. Previously, developers and planners encountered great uncertainty regarding the results of the environmental review document prepared as a result of the community plan update being challenged in court. Specifically, to be guaranteed the protection of this legislation, a community plan must meet certain provisions, including: the plan includes two or more transit priority areas; the plan must have adopted a circulation or mobility element as a part of their general plan; the plan has a housing element that includes housing capacity to accommodate its regional housing needs allocation; the plan update is located within an urbanized area; and they must have adopted a vehicle miles traveled threshold of significance for the area. AB 1515 includes a sunset date of January 1, 2025.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. There may be potential for certain transportation projects to fall under this protection.*

AB 1633 (Grayson, D-Concord) Regional Transportation Plans: Traffic Signal Optimization Plans (Chapter 633, Statutes of 2019)

AB 1633 authorizes cities within the jurisdiction of the Metropolitan Transportation Commission (MTC) to implement traffic signal synchronization optimization plans to reduce travel times, vehicle stops, and fuel use. The bill also requires that cities developing plans under this bill coordinate with Caltrans to adjust any traffic signals owned or operated by Caltrans that may be adjusted under such a plan.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. AB 1633 authorizes cities within MTC's jurisdiction to create signal synchronization plans similar to the kinds of signal synchronization plans funded by OCTA's Measure M2. Previous versions of this legislation would have required more state mandates and oversight in order to authorize signal synchronization plans in the Bay Area.*

AB 1730 (Gonzalez-Fletcher, D-San Diego) Regional Transportation Plans: SANDAG: Housing (Chapter 634, Statutes of 2019)

To prevent a potential loss of state and/or federal funding, this bill will extend the RTP submittal deadline for San Diego Association of Governments (SANDAG) from October 2019 to December 2021. AB 1730 requires SANDAG to submit an implementation report to the ARB when it submits their SCS for review. AB 1730 also requires the report to track the implementation of its most recently adopted SCS. This bill prohibits SANDAG from nominating projects for funding under the Solutions for Congested Corridors Program (SCCP) that are not also eligible for the following programs: TIRCP, LCTOP, and the Active Transportation Program.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. AB 1730 was drafted because SANDAG is not going to meet its 2035 GHG emissions requirements. At the same time, this bill presents a concerning precedent, especially the changes to SANDAG's project eligibility requirements for SCCP funding.

VIII. Public Works

AB 456 (Chiu, D-San Francisco) Public Contracts: Claim Resolution (Chapter 489, Statutes of 2019)

Currently, the claims review process related to undisputed work requires contractors for public works to submit claims to public entities. Those public entities must create a written response claim within 45 days that details disputed and undisputed amounts. It requires payment of undisputed amounts and sets a process for the disputed amounts. Contractors can demand to meet and confer with the entity. Anything not resolved is submitted to nonbinding mediation. AB 456 extends the sunset date regarding the claim resolution process, which currently enables contractors to seek public agency review of claims that arise during public works projects, from January 1, 2020, to January 1, 2027. However, Caltrans is exempt from this process.

OCTA Position – Monitor

Impact on OCTA: If OCTA is not operating under a Caltrans-led project, it will need to continue to abide by this claims process.

AB 759 (Bigelow, R-Madera) Safety: Work Zones: Positive Protection Measures (Chapter 617, Statutes of 2019)

AB 759 will require Caltrans to update its guidance to specify appropriate use of positive protection measures, by July 1, 2021, to include automated flagger assistance devices, buffer lanes, impact attenuator vehicles, and temporary barriers. The goal is to isolate workers and/or work zones from traffic. Caltrans must provide compensation for these optional safety devices aforementioned when requested by a contractor on a public works

project. Caltrans is required to submit a report to the Legislature by January 1, 2024 that includes findings and recommendations. This bill has a sunset date of January 1, 2025.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1475 (Bauer-Kahan, D-San Ramon) Construction Method: Transportation Projects
(Chapter 289, Statutes of 2019)**

AB 1475 allows regional transportation agencies, as defined, to utilize the construction manager/general contractor (CM/GC) project delivery method on any transportation project that is not on the state highway system.

OCTA Position – Support

Impact on OCTA: *AB 1475 will allow OCTA to take advantage of the cost and time saving benefits of utilizing a CM/GC for projects not on the state highway system, such as local streets and roads improvements, rail fixed-guideways, and bus-rapid transit.*

**SB 197 (Beall, D-Campbell) Department of Transportation: Retention Proceeds
(Chapter 842, Statutes of 2019)**

SB 197 would repeal the sunset on the provision in current law prohibiting Caltrans from withholding “retention proceeds” when making progress payments on work performed on a transportation project. Under current law, Caltrans is not allowed to withhold “retention proceeds,” a reserve of funds retained to pay subcontractors to continue work on a contract, if the prime contractor does not pay the subcontractors. SB 197 repeals this prohibition, which was scheduled to sunset on January 1, 2020.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

IX. Rail and Transit

**AB 752 (Gabriel, D-Woodland Hills) Public Transit: Transit Stations: Lactation Rooms
(Chapter 616, Statutes of 2019)**

AB 752 requires specific multi-modal transit stations, or a transit station that meet certain criteria, to include a lactation room that begin construction or a renovation on or after January 1, 2021. The bill defines a multi-modal transit station to include the Anaheim Regional Transportation Intermodal Center (ARTIC) in the City of Anaheim, Bakersfield Station in the City of Bakersfield, the Jack London Square Station in the City of Oakland, the Los Angeles Union Station in the City of Los Angeles, the Robert J. Cabral Station in the City of Stockton, the Salesforce Transit Center in the City of San Francisco, the San Jose Diridon Station in the City of San Jose, the Santa Fe Depot in the City of Fresno. In

addition, a station that meets the following criteria would be considered a multi-modal transit station: supports the operation of intercity rail service, serves as a stop or transfer point for a bus, light-rail, or commuter rail service, has staff onsite during hours of operation, and has an enclosed waiting room of no less than 5,000 square feet and includes a public restroom. The bill defines a renovation to mean the repurposing of more than 25 percent of the space in the transit station. Additionally, the lactation room would be required to include a chair and an electrical outlet, as well as be outside of a public restroom.

OCTA Position – Monitor

Impact on OCTA: *The ARTIC and the Santa Ana Regional Transportation Center may be required to include a lactation room as described, if it begins renovations, as defined under AB 752, on or after January 1, 2021.*

AB 923 (Chau, D-Monterey Park) Bay Area Rapid Transit District: Electricity Procurement and Delivery (Chapter 314, Statutes of 2019)

AB 923 expands the existing authority of the BART to obtain electricity from additional categories of energy resources. Specifically, AB 923 authorizes BART to procure energy from any electrical corporation or marketer as well as electricity purchased through a market operated by the California Independent System Operator. This bill also requires BART to report annually to the California Energy Commission on the retail suppliers of electricity, including detailed information about the number of kilowatt-hours purchased from each type of supplier, the amount of energy consumed used by BART, and the associated impacts on GHG emissions.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 1017 (Boerner Horvath, D-Carlsbad) New or Modified Railroad Crossings: Approval (Chapter 233, Statutes of 2019)

Existing law allows the CPUC to authorize and supervise pilot projects on an application-by-application basis to evaluate proposed rail crossing warning devices, new technology, or other additional safety measures to improve mobility for multimodal access for new or modified railroad crossings. AB 1017 requires the CPUC Rail Crossings and Engineering Branch to make an engineer available to assist and advise applicants on the safety of the planned railroad crossings prior to filing an application with the CPUC, only if a city or county develops and adopts, by resolution, a plan to improve mobility for multimodal access that calls for new or modified railroad crossings.

OCTA Position – Monitor

Impact on OCTA: *The goal is to make the CPUC available earlier in the planning process, which may streamline approval processes including designations of quiet zones.*

**AB 1351 (Lackey, R-Palmdale) Transit Operators: Paratransit and Dial-a-ride Services: Assessment
(Chapter 627, Statutes of 2019)**

AB 1351 requires that California State Transportation Agency (CalSTA), in consultation with transit operators, assess how paratransit and dial-a-ride system operators provide services to individuals with disabilities who are visitors to the jurisdiction in comparison to services provided to residents. The bill explicitly requires that the assessment examine the timelines and qualification methodologies used by visitors to submit documents, including by electronic submission to transit operators. The assessment must be conducted and published on the CalSTA website by July 1, 2021. AB 1351 also requires CalSTA to develop guidelines to ensure that paratransit and dial-a-ride services provided to visitors are as similar to those provided to residents, to the extent possible.

OCTA Position – Monitor

Impact on OCTA: AB 1351 seeks to standardize certification processes and service requirements between different transit agencies so that individuals with disabilities receive consistent service throughout the state. The assessment and resulting CalSTA guidelines could impact how OCTA provides paratransit and dial-a-ride services to people with disabilities visiting Orange County.

**SB 397 (Glazer, D-Orinda) Public Transportation Operators: Passengers with Pets
(Chapter 702, Statutes of 2019)**

SB 397 requires the Offices of Emergency Services and the Department of Food and Agriculture, in consultation with public transit and county emergency management officials, to develop guidelines to allow pets, defined as a cat or a dog, on public transit vehicles in areas subject to an evacuation order. This does not prohibit a transit operator from enacting policies that ensure the safety of transit riders.

OCTA Position – Monitor

Impact on OCTA: OCTA will be required to allow pets, as defined, on its transit vehicles that are serving an evacuation area, subject to the development of best practices and OCTA-specific safety protocols.

**SB 630 (Stern, D-Calabasas) Human Trafficking
(Chapter 57, Statutes of 2019)**

SB 630 clarifies that local governments have the ability to adopt and enforce a local ordinance, rule, or regulation to prevent slavery or human trafficking. Existing law requires specified businesses, including intercity passenger rail, light rail, and bus stations to post a notice containing information related to slavery, human trafficking, and nonprofit organizations that a person can call for services or support. This bill clarifies that the latter requirement does not supersede or preempt a local ordinance, rule, or regulation if it duplicates or supplements the requirements that existing law imposes upon businesses and other establishments.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SB 742 (Allen, D-Redondo Beach) Intercity Passenger Rail services: Motor Carriers (Chapter 652, Statutes of 2019)

SB 742 will allow Caltrans to provide funding to a joint power authority, responsible for administration of intercity rail service, to enter into a contract with Amtrak or any public or private transit operator for Thruway bus service. The bill will also enable intercity rail providers responsible for managing and operating intercity rail service to pick up and drop passengers on contracted intercity Thruway bus routes without requiring customers to purchase a train ticket as part of their trip.

OCTA Position – Monitor

Impact on OCTA: *This bill was supported by the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency because it will allow a greater number of people to utilize services provided by LOSSAN, connecting to areas rail services do not currently serve.*

X. State Budget

AB 74 (Ting, D-San Francisco) Budget Act of 2019 (Chapter 23, Statutes of 2019)

AB 74 makes \$147.8 billion worth of appropriations to support the state government for Fiscal Year (FY) 2019-20. The budget includes \$746 million more in expenditures than was proposed in the Governor's May Revise. The budget provides \$16.5 billion for the state's Budget Stabilization Account/Rainy Day Fund in order to meet the constitutional target, and it also contains \$1.5 billion in a special fund for economic uncertainties and more than \$1.4 billion for other fiscal contingency funds, bringing total reserves to more than \$19.4 billion.

For transportation purposes, the FY 2019-2020 state budget reflects the funding estimated in the Governor's Proposed Budget. The budget provides full funding authorized by SB 1 (Chapter 5, Statutes of 2017), including:

- \$1.2 billion for local streets and roads projects;
- \$1.2 billion for the State Highway Operation Protection Program;
- \$801.5 million in State Transit Assistance (STA);
- \$485 million for the Low Carbon Transportation program;
- \$400 million for the state's bridge and culvert infrastructure;
- \$307 million for the Trade Corridor Enhancement Program;
- \$269.2 million for intercity and commuter rail;
- \$250 million for SCCP;
- \$200 million for the Local Partnership Program;
- \$113 million for LCTOP;

- \$105 million is provided for the SB 1 State of Good Repair (SGR) Program;
- \$100 million for the Active Transportation Program;
- \$25 million for local planning grants; and
- \$25 million for the Freeway Service Patrol.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: AB 74 appropriates OCTA's share of SB 1 funds for FY 2019-20. OCTA is expected to receive about \$42.5 million in STA funding, \$5.7 million from the SB 1 SGR, and \$6 million from LCTOP. According to estimates provided by the California League of Cities for FY 2019-20, Orange County's cities will receive approximately \$130.2 million in funding for local streets and roads projects. In addition, OCTA is eligible to compete for the competitive funding programs listed above.

AB 101 (Assembly Budget Committee) Housing Development and Financing (Chapter 159, Statutes of 2019)

AB 101, the housing trailer bill, provides both new funding for localities to plan for additional housing production and enforcement mechanisms for communities that do not meet state housing goals. AB 101 provides more than \$250 million to local governments for housing planning activities, with \$125 million distributed via a population-based formula to councils of governments to develop regional housing needs assessment (RHNA) methodologies and \$125 million distributed via formula to localities to enact zoning changes to meet RHNA targets. AB 101 also creates a new \$500 million program for infill infrastructure improvements, awarded competitively to cities, localities, and developers. Under AB 101's new housing production requirements, Department of Housing and Community Development (HCD) must create an annual list of cities that have failed to adopt a housing element, and cities on the list can request two meetings with HCD and may also request a formal review of its last housing element, to which HCD must respond in writing. If a city fails to comply with this appeal process, in addition to being subject to a lawsuit from the Attorney General, that city may face fines ranging from \$10,000 to \$100,000 per month, with accelerated fines for cities that continually fail to comply with a court order. In addition, localities deemed by HCD to have adopted "pro-housing" policies, defined as policies facilitating the planning, approval, or construction of housing, will receive additional points in the scoring of applications for specific state funding programs, including the Affordable Housing and Sustainable Communities program, the TCCP, and the Infill Grant Program of 2007. The bill also allows other state programs to award additional bonus points for pro-housing policies.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: AB 101 will provide an estimated \$50 million directly to SCAG, and SCAG may further suballocate to localities in its jurisdiction if it so chooses. AB 101 also

provides funding opportunities for cities in Orange County to incentivize new housing production. The bill also creates a new set of enforcement mechanisms for those cities that do not meet the state's housing goals. Of specific interest to OCTA, the bill could prioritize transportation funding by rewarding projects in cities deemed "pro-housing."

AB 1810 (Assembly Transportation Committee) Transportation: Omnibus Bill (Chapter 636, Statutes of 2019)

AB 1810 makes various changes to transportation-related statutes in the form of a budget trailer bill. AB 1810 extends an existing pilot program which tests the effectiveness of the "best value" procurement method for purchasing and equipping mobile fleet vehicles and special equipment for Caltrans. It also clarifies that the San Diego Metropolitan Transit System is a rapid transit district. AB 1810 provides that an authorized officer of a local transportation authority may sign bonds in lieu of the chairperson or the vice chairperson of the authority. Allows counties to use money in the HUTA for the maintenance or removal of cattle guards within the right-of-way of a county highway. Deletes motorized scooters from the list of vehicles requiring a motorcycle endorsement or permit. However, it still requires a person to hold a valid license or permit to operate a motorized scooter.

OCTA Position – Monitor

Impact on OCTA: *Under this bill, OCTA will have the ability for an authorized officer to sign bonds instead of the chair or vice chair of the board of director.*

SB 87 (Senate Budget and Fiscal Review Committee) Transportation (Chapter 32, Statutes of 2019)

AB 87 is the transportation trailer bill, making various changes to state transportation policy. AB 87 appropriates up to \$7.2 million in Trade Corridors Improvement Fund (TCIF) savings, or the remaining TCIF balance as of May 1, 2020, for a competitive program to fund short-line railroads. AB 87 also clarifies that the Caltrans Inspector General has access and authority to examine all records, documents, and other Caltrans property held by entities that receive state and federal transportation funds from Caltrans, making failure to comply a misdemeanor. Finally, AB 87 repays the outstanding amount of transportation weight fees loaned to the General Fund in previous years in FY 2019-20 instead of 2020-21, which are estimated to be valued at \$886 million.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The TCIF savings provisions in AB 87 are not expected to impact the use of TCIF savings in Southern California since the remaining savings balance is expected to be programmed before May 1, 2020. OCTA worked with its regional transportation partners to oppose similar legislation, SB 498 (Hurtado, D-Fresno), so that existing TCIF savings could be used as planned. The language included in SB 87 was a compromise that received no opposition.*

XI. Surplus Land

AB 1255 (Rivas, D-Salinas) Surplus Public Land: Inventory (Chapter 661, Statutes of 2019)

AB 1255 requires that cities and counties create, and update by the end of each calendar year, central inventories of all surplus land in within its jurisdiction. Starting in 2021, cities and counties must provide a report on its inventory of surplus land to HCD by April 1st each year. HCD may delay the implementation of this requirement until April 1, 2022. Under the bill, HCD must combine the surplus land reports from each locality with surplus lands held by state agencies into one digitized database.

OCTA Position – Monitor

Impact on OCTA: While AB 1255 does not apply to OCTA's surplus lands, the legislation does require that cities, and the County of Orange, identify surplus lands that could impact OCTA's planning activities. Other bills considered this year would mandate that cities use surplus lands for specific purposes, and as such, a comprehensive report on surplus lands could influence land use decisions in Orange County.

AB 1486 (Ting, D-San Francisco) Surplus Land (Chapter 664, Statues of 2019)

AB 1486 expands the definition of a local agency to expressly include special districts for the purposes of surplus land definition. The bill also contains a new mandate that, prior to disposing of any surplus land, the property owner shall declare whether the land is subject to surplus land disposal procedures. AB 1486 also requires that agencies disposing of surplus land, as defined by the bill, provide a written notice of availability to HCD, parks districts and the California Natural Resources Agency, and school districts for entities that may want to purchase the land for housing, open space, or educational purposes, respectively. In determining if a property is surplus, the bill specifically excludes property held for commercial or industrial uses or land used solely to generate revenue. AB 1486 includes language to clarify that surplus land requirements are not triggered by routine property valuation practices, including appraisals, due diligence work, or discussions with real estate professionals or potential buyers. AB 1486 also imposes penalties for violations of the surplus land statutes in the amount of 30 percent of the final sale price for the first violation and 50 percent of the sale price for any subsequent violation.

OCTA Position – Monitor

Impact on OCTA: AB 1486 subjects OCTA to surplus land statutes as of January 1, 2020. OCTA's Board of Directors will need to formally declare any surplus land as either surplus or exempt prior to disposing of the property. Alternatively, the Board can choose to make such declarations on an annual basis. OCTA is in the process of updating its property disposal procedures to comply with AB 1486. This bill will not apply to any transactions in which OCTA enters into an exclusive negotiating agreement or other binding agreement to dispose of the property prior to September 30, 2019, provided that the transaction

closes by December 31, 2022. Nothing in the bill requires that OCTA sell property below market value.

**SB 6 (Beall, D-Campbell) Residential Development: Available Land
(Chapter 667, Statutes of 2019)**

SB 6 requires that, with all housing elements adopted after January 1, 2021, the locality must submit to HCD an electronic copy of an inventory of land suitable for residential development. HCD may develop and amend standard forms to facilitate the submittal of this information. By December 31st of each year, HCD must develop a list of lands suitable for residential development and provide the list to the Department of General Service for publication on its website in a searchable database.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 7 (Portantino, D-Glendale) Surplus Nonresidential Property and State Highway Route 710
(Chapter 835, Statutes of 2019)**

In addition to language about a specific project in LA County, SB 7 includes provisions on surplus land that apply to the entire state. Specifically, SB 7 requires that cities or nonprofit organizations occupying a nonresidential property must have a chance to purchase the property at fair market value. Properties sold below fair market value are sold under the terms and conditions set by the seller. Furthermore, Caltrans is prohibited from selling a nonresidential property to such a tenant at a value below the minimum sales price as defined by Section 1476 of Title 21 of the California Code of Regulations, as that regulation read on July 1, 2019.

OCTA Position – Monitor

Impact on OCTA: *While SB 7 applies only to properties held by cities or nonprofits, the bill allows for tenants of a nonresidential property a right of first refusal to purchase property they are occupying. Other legislative proposed this year would require that cities use surplus land for specific purposes, notably for affordable housing and to serve the homeless. SB 7, along with these types of proposals, could create a legal structure under which cities other tenants could affect the property rights of OCTA.*

**SB 211 (Beall, D-Campbell) State Highways: Leases
(Chapter 343, Statutes of 2019)**

SB 211 authorizes Caltrans to lease airspace or real property with site access independent from the highway in order to conduct an emergency shelter or feeding program. Caltrans retains the discretion to determine what parcels of property are available for such purposes. The only permanent improvements allowed under a lease are for utilities, groundcover, lighting, and fencing, all of which must be approved by Caltrans. The rent charged under any lease must be one dollar per month, but Caltrans must require an administrative fee of up to \$5,000, with an administrative fee of up to

\$15,000 if Caltrans determines that a higher administrative fee is necessary. Caltrans may cancel the lease with at least 120 days written notice and without any penalty, although any advance rent payments must be returned. SB 211 also requires that the lessee maintain the premises and defend Caltrans and the state against any legal claims.

OCTA Position – Monitor

Impact on OCTA: *Caltrans may lease certain properties for feeding programs or homeless shelters that could impact OCTA's planning activities.*

XII. Other Legislation

ACR 80 (Levine, D-San Rafael) Infrastructure Week (Chapter 77, Statutes of 2019)

ACR 80 recognizes the week of May 13, 2019, to May 20, 2019, as Infrastructure Week. This bill encourages all levels of government and the private sector to dedicate sufficient resources and investments to transportation and infrastructure to develop innovative solutions, technologies, policies and investments to rebuild and repair critical infrastructure.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 47 (Daly, D-Anaheim) Driver Records: Points: Distracted Driving (Chapter 603, Statutes of 2019)

AB 47 will require the DMV to assess a point on a driver's license if they are convicted of using a handheld, wireless phone or communication device while operating a vehicle for the second violation in a three-year period, beginning January 1, 2021.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. It is argued that existing law is insufficient to dissuade drivers from using a communication device while driving. This does not impact current exemption for transit bus operators.*

AB 48 (O'Donnell, D-Long Beach) Education Finance: School Facilities: Public Preschool, K-12, and College Health and Safety Bond Act of 2020 (Chapter 530, Statutes of 2019)

AB 48 prohibits fees or new requirements imposed for purposes of school construction on any multifamily housing development within one-half mile from a major transit stop, which is defined in current law as a transit stop along a fixed-route bus corridor with service every 15 minutes during peak commute hours. The prohibition is only for fees charged to fund school construction and does not extend to all developer fees. The prohibition remains in effect until January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 185 (Grayson, D-Concord) Transportation and Transportation-Related Policies (Chapter 534, Statutes of 2019)

Currently, the California Transportation Commission (CTC) and ARB hold at least two joint meetings per calendar year to coordinate their implementation of transportation policies. AB 185 requires a representative from the HCD to attend these meetings going forward to coordinate implementation of policies that jointly affect transportation, housing, and air quality.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. CTC notes that it was evident that stakeholders were missing from the discussion and HCD's participation in these joint meetings is critical for discussions on issues such as land use decisions, growth patterns, and facility siting and permitting.*

AB 335 (Garcia, D-Coachella) Imperial County Transportation Commission (Chapter 11, Statutes of 2019)

AB 335 authorizes Imperial County Transportation Commission (ICTC) to assist local agencies in the coordination, administration, and implementation of non-transportation programs and policies that would provide local benefits, such as animal control, waste management, and emergency response services upon a majority vote of, and the adoption of a resolution by the ICTC's board. Additionally, with board approval, this bill authorizes ICTC to act as the service authority for freeway emergencies for the County of Imperial, instead of Imperial County who does so currently. The bill prohibits ICTC from utilizing transportation funds for non-transportation related projects.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 631 (McCarty, D-Sacramento) Sacramento Regional Transit District: Voting Threshold (Chapter 94, Statutes of 2019)

AB 631 lowers the non-weighted voting threshold for the Sacramento Regional Transit District (SacRT) to detach a portion of its service territory. Specifically, the bill lowers from 80 percent to 67 percent the share of the SacRT Board of Directors that must affirmatively vote to detach a portion of its service area.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 634 (Salas, D-Bakersfield) Traffic Control Devices: Roundabouts: Memorial and Dedication Signs
(Chapter 95, Statutes of 2019)**

AB 634 adds roundabouts to the list of highway facility types that can be used for memorial or dedication signing.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 931 (Boerner Horvath, D-Carlsbad) Local Boards and Commissions: Representation: Appointments
(Chapter 813, Statutes of 2019)**

AB 931 creates new local city board membership requirements, starting on January 1, 2030, in cities with a population of over 50,000. AB 931 requires boards or commissions with five or more members must not have a membership that consists of more than 60 percent of the same gender. Boards or commissions with four or less members cannot be exclusively comprised of people of the same gender. The bill defines “gender identity” as the “gender with which the board or commission member self-identifies, without regard to the individual’s assigned sex at birth.” The bill also exempts boards or commissions whose primary purpose is to address issues of gender identity.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. While AB 931’s requirements do not apply to OCTA, the bill applies to certain cities in Orange County.*

**AB 1089 (Stone, D-Santa Cruz) Santa Cruz Metropolitan Transit District
(Chapter 107, Statutes of 2019)**

AB 1089 makes changes to the Santa Cruz Metro contracting requirements by increasing the threshold for the purchase of supplies, equipment, and materials, from \$25,000 to \$50,000 and allows Santa Cruz Metro to award the contract to the bidder that provides the best value. AB 1089 also makes changes to Santa Cruz Metro’s board appointments by allowing a member of the board to continue to serve until a successor is appointed even if they are no longer a member of a legislative body, unless action has been taken to unseat the appointee. Additionally, this bill creates a reimbursement for board members for the actual and necessary expenses incurred in the performance of the board member’s duties, not to exceed \$400 in any month per member.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1483 (Grayson, D-Concord) Housing Data: Collection and Reporting
(Chapter 160, Statutes of 2019)**

AB 1483 requires a city, county, or special district to provide information regarding its zoning ordinances, development impact fees, exactions, and affordability requirements, and other information, on its respective website. This is a part of a greater effort to increase transparency for those involved in the development of new housing. Additionally, AB 1483 requires HCD to develop a ten-year housing data strategy to be included in HCD's California Statewide Housing Strategies. This report would include an evaluation of data priorities, a strategy for how to achieve more consistent terminology for housing data across the state, and an assessment of the quality of data submitted by annual reports and recommendations.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SCR 21 (Bates, R-Laguna Hills) Costa Mesa Fire Captain Michael Kreza Memorial Highway
(Chapter 139, Statutes of 2019)**

This measure designates a portion of State Route 55 from 19th Street to MacArthur Boulevard as the Costa Mesa Fire Captain Michael Kreza Memorial Highway.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SJR 5 (Beall, D-Campbell) California Transportation Infrastructure
(Chapter 142, Statutes of 2019)**

SJR 5 urges the federal government to work together to create bipartisan infrastructure legislation to address transportation needs in California, and across the country. Additionally, this measure urges the Congress and the President of the United States to address the shortfall of funding in the federal Highway Trust Fund by restoring the lost purchasing power of the federal fuel tax.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*