

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 15-16, 2019

From: SUSAN BRANSEN, Executive Director

Reference Number: 4.1, Action

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Deputy Director

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Subject: **State and Federal Legislative Matters**

**Issue:**

Should the California Transportation Commission (Commission):

1. Accept the staff report on the proposed state legislation identified and monitored by staff as presented in Attachment A?
2. Adopt a position of support and submit a letter (included in Attachment B) to Assembly Member Rebecca Bauer-Kahan on AB 1475? This bill expands the authorization for regional transportation agencies to employ the Construction Manager/General Contractor project delivery tool.
3. Adopt a position of support and submit a letter (included in Attachment C) to Assembly Member Todd Gloria on AB 1413? This bill authorizes a local transportation authority to impose a sales tax applicable to only a portion of its county, subject to certain requirements.

**Recommendation:**

Commission staff recommends that the Commission:

1. Accept the staff report and provide direction on legislation of interest in Attachment A.
2. Adopt a position of support and approve the transmission of the letter to Assembly Member Rebecca Bauer-Kahan regarding AB 1475, included in Attachment B.
3. Adopt a position of support and approve the transmission of the letter to Assembly Member Todd Gloria regarding AB 1413, included in Attachment C.

**Legislative Bills on Which the Commission Has Taken a Position**

The Commission has adopted a support or support in concept position on four bills through actions taken at the January 30, 2019 and March 15, 2019 Commission meetings:

**AB 252 (Daly)**

This bill removes the sunset date for the California Department of Transportation (Caltrans) to assume responsibilities for work required under the National Environmental Protection Act. The bill has passed out of the Assembly Transportation Committee and is currently pending in the Assembly Appropriations Committee.

**AB 659 (Mullin)**

This bill creates the California Smart Cities Challenge Grant Program. The bill has passed out of the Assembly Transportation Committee and is currently pending in the Assembly Appropriations Committee.

**AB 185 (Grayson)**

This bill requires the Department of Housing and Community Development to participate in the joint meetings between the Commission and the California Air Resources Board. The bill has passed out of the Assembly Transportation Committee and the Assembly Appropriations Committee and will next be taken up by the full Assembly.

**AB 371 (Frazier)**

This bill requires the Governor's Office of Business and Economic Development to conduct a statewide economic growth, prosperity, and resiliency assessment of the state's freight industry. The bill has passed out of the Assembly Committee on Jobs, Economic Development, and the Economy as well as the Assembly Transportation Committee. It is currently pending in the Assembly Appropriations Committee.

Additional information on these bills is included in [Attachment A](#).

**Additional Legislative Bills Being Monitored**

Commission staff are monitoring an additional 45 bills, pursuant to the Commission's bill monitoring policy, included in Attachment A. Among these bills, Commission staff recommend adopting a position of support on AB 1475 (Bauer-Kahan) and AB 1413 (Gloria). Commission staff also are closely monitoring SB 152 (Beall) and AB 1013 (Oberholte) and have been working with the authors to address certain issues in these bills.

**AB 1475 (Bauer-Kahan)**

This bill expands the authorization for regional transportation agencies to employ the Construction Manager/General Contractor project delivery tool to include any transportation project that is not on the state highway system. Under the Construction Manager/General Contractor project delivery method, project sponsors engage with a construction firm early in the design process and, together, determine any issues with constructability while the design is being completed. The bill has passed out of the Assembly Transportation Committee and the Assembly Appropriations Committee and is pending a vote on the Assembly floor.

This bill would implement a recommendation from the Commission's 2018 Annual Report to authorize regional agencies to use alternative project delivery methods to deliver projects more efficiently. The Construction Manager/General Contractor project delivery method is one such alternative, which has proven effective. Caltrans, for instance, has found that it saves on project delivery time and provides earlier cost certainty.

Attachment B contains the support letter and a copy of the bill.

**AB 1413 (Gloria)**

This bill authorizes a local transportation authority to impose a sales tax applicable to only a portion of its county if the tax receives approval from two-thirds of voters residing in the portion of the county to which the tax would apply. The bill further requires that revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply. The bill has passed out of the Assembly Local Government Committee and is pending a vote on the Assembly floor.

This bill would implement a recommendation from the Commission's 2016 Annual Report to provide additional, reliable, and sufficient transportation funding. Although Senate Bill 1 (Beall) of 2017 provided critical funding increases for transportation, local governments still expect to face ongoing funding shortfalls to meet their transportation needs.

Attachment C contains the support letter and a copy of the bill.

**SB 152 (Beall)**

This bill changes the Active Transportation Program (ATP)'s funding distribution by reducing the share of funding for the statewide component from 50 percent to 25 percent, increasing the share for large metropolitan planning organizations (MPOs) from 40 percent to 60 percent, and increasing the share for small urban and rural areas from 10 percent to 15 percent. It provides the funding share for large MPOs via a lump sum and authorizes the Commission to delegate to Caltrans the authority to allocate a portion of the funding for the other two components. It also makes several additional changes, such as requiring the Commission to adopt separate guidelines for the MPO component. According to the author, the bill is intended to simplify the administration of the program and make funding more predictable for regional planning purposes. The bill has passed out of the Senate Transportation Committee and currently is pending a hearing in the Senate Appropriations Committee.

Commission staff have identified some adverse impacts of this legislation. First, the bill would reduce state-level accountability by removing some projects from the Commission's allocation process. Second, the bill would result in a disjointed program structure, as some projects will be allocated through the Commission and follow current policies and procedures, while others will be managed through an MPO/Caltrans process. This could diminish the Commission's ability to determine the program's delivery success and benefit achievements. Third, the bill potentially impacts the success of small urban and rural areas. This is because the legislation reduces the amount of funding which small urban and rural areas can potentially access by reducing the statewide component from 50 percent to 25 percent of total funding. Commission staff have shared these concerns with Senator Beall and his staff, and Senator Beall has committed to finding solutions to these issues as the legislation moves forward.

Attachment D contains a copy of the bill.

**AB 1013 (Oberholte)**

This bill would prohibit a state agency from selecting as an evaluator of a grant application a person who, within the five-year period preceding receipt of that application, was a representative, member, or staff member of an organization or person that is applying to receive grant funding from that state agency. The bill seeks to implement a California State Auditor's recommendation to the Legislature in a 2018 audit of the Department of Rehabilitation (DOR). The Auditor found that DOR did not ensure its prospective grant evaluators were free from conflicts of interest before selecting them to review grants. The bill has been passed by the Assembly and is pending an initial hearing in the Senate Governmental Organization Committee.

This bill would impact the Commission's evaluation process for competitive programs and the Commission's ability to utilize Caltrans staff as a resource. Commission staff have explained these impacts to the author's office and conveyed how the Commission's program guidelines and processes are developed in a public and transparent process and include specific requirements to increase assurance that evaluators do not have conflicts of interest in reviewing project applications. The author's office and Commission staff are working on amendments to mitigate the impact to the Commission's work.

Attachment E contains a copy of the bill.

### **Federal Legislation:**

On April 30, 2019, House Speaker Nancy Pelosi and Senate Democratic leader Chuck Schumer announced that they had reached agreement with President Trump on a funding level for an infrastructure bill: \$2 billion. The details of the infrastructure package, including how to finance it, are subject to further discussion.

On May 1, 2019, the House Committee on Transportation and Infrastructure held a "Member Day Hearing" for Congressional Representatives to present their infrastructure priorities to the committee. Members discussed various issues, including the need for a multi-year reauthorization of surface transportation funding that addresses the insolvency of the federal Highway Trust Fund.

On May 7, 2019, Caltrans convened an initial meeting of the California Transportation Federal Affairs Working Group to discuss federal transportation policy issues, particularly federal surface transportation reauthorization legislation and the potential federal infrastructure package. In addition to sharing information, the group is working to develop a California Surface Transportation Reauthorization Consensus Principles document, as has been done in the past. Group members include representatives from state, regional, and local transportation agencies, as well as transportation advocates and legislative staff.

### Attachments:

- Attachment A: Bills monitored by Commission staff
- Attachment B: AB 1475 (Bauer-Kahan): Support letter and bill text
- Attachment C: AB 1413 (Gloria): Support letter and bill text
- Attachment D: SB 152 (Beall): bill text
- Attachment E: AB 1013 (Oberholte): bill text

## Bills with adopted positions by the Commission

### [AB 185](#) **(Grayson D) California Transportation Commission: transportation policies: joint meetings.**

**Current Text:** Introduced: 1/10/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Existing law requires the California Transportation Commission and the California Air Resources Board to hold at least 2 joint meetings per calendar year to coordinate their implementation of transportation policies. This bill would require the Department of Housing and Community Development to participate in those joint meetings.

### [AB 252](#) **(Daly D) Department of Transportation: environmental review process: federal program.**

**Current Text:** Introduced: 1/23/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.

### [AB 371](#) **(Frazier D) Transportation: freight: statewide economic growth, prosperity, and resiliency assessment.**

**Current Text:** Amended: 4/8/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the Governor's Office of Business and Economic Development, in consultation with the California Air Resources Board, the California Transportation Commission, and the California Transportation Agency, to prepare a statewide growth, prosperity, and resiliency assessment of the California freight industry on or before December 31, 2021, and to update the assessment at least once every five years. The bill would require the assessment to identify specified information, and would require the office, in developing the assessment, to consult with representatives from a cross section of public and private sector freight stakeholders.

### [AB 659](#) **(Mullin D) Transportation: emerging transportation technologies: California Smart City Challenge Grant Program.**

**Current Text:** Introduced: 2/15/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would establish the California Smart City Challenge Grant Program to enable municipalities to apply to the California Transportation Commission for grant funding for emerging transportation technologies to serve their transportation system needs, and would specify certain program goals. The bill would require the commission to form the California Smart City Challenge Workgroup on or before July 1, 2020, to guide the commission on program matters. The bill would make implementation of the grant program contingent upon an appropriation in the annual Budget Act, not to exceed ten million dollars (\$10,000,000), and require the source of the moneys to come from Proposition 1B generally, with the specific source to be proposed by the commission.

**Total Measures: 4**

**Total Tracking Forms: 4**

## Additional bills Commission staff is monitoring

**[AB 146](#) (Quirk-Silva D) State highways: property leases: County of Orange.**

**Current Text:** Introduced: 12/14/2018 [html](#) [pdf](#)

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize the California Department of Transportation to lease airspace under a freeway, or real property acquired for highway purposes, in the County of Orange, that is not excess property, to a city located in the County of Orange, the County of Orange, a political subdivision of the state whose jurisdiction is located in the County of Orange, or another state agency for purposes of an emergency shelter or feeding program, subject to certain conditions. The bill would specifically authorize the Orange County Housing Finance Trust to enter into these leases.

**[AB 176](#) (Cervantes D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions: report.**

**Current Text:** Amended: 4/12/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes, until January 1, 2021, the California Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance in the form of a sales and use tax exclusion for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. This bill would require the authority, before July 1, 2020, to submit to the Legislature a report responding to the report of the Legislative Analyst's Office regarding the sales and use tax exclusion program and would require the report to address potential program overlap between the sales and use tax exclusion administered by the authority and the sale and use tax exemption administered by the California Department of Tax and Fee Administration.

**[AB 245](#) (Muratsuchi D) California Aerospace and Aviation Commission: establishment.**

**Current Text:** Amended: 4/10/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would establish, within the Governor's Office of Business and Economic Development, the California Aerospace and Aviation Commission consisting of 17 members, as specified, to serve as a central point of contact for businesses engaged in the aerospace and aviation industries and to support the health and competitiveness of these industries in California. The bill would require the commission to make recommendations on legislative and administrative action that may be necessary or helpful to maintain or improve the state's aerospace and aviation industries and authorize the commission to engage in various other activities in undertaking its mission and responsibilities.

**[AB 246](#) (Mathis R) State highways: property leases.**

**Current Text:** Introduced: 1/22/2019 [html](#) [pdf](#)

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize the California Department of Transportation to offer a lease on a right of first refusal basis of any airspace under a freeway, or real property acquired for highway purposes, located in a disadvantaged community, that is not excess property to the city or county in which the disadvantaged community is located for purposes of an emergency shelter or feeding program, or for park, recreational, or open-space purposes for a rental amount of \$1 per month, subject to certain conditions.

**[AB 285](#) (Friedman D) California Transportation Plan.**

**Current Text:** Amended: 3/6/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would require the California Department of Transportation (Caltrans) to address in the California Transportation Plan (CTP) how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030 and attain the air quality goals described in California's state implementation plans required by the federal Clean Air Act. Commencing with the 3rd update to the CTP to be completed by December 31, 2025, the bill would require Caltrans to include specified information in the CTP, including, among other things, a forecast of the impacts of advanced and emerging technologies over a 20-year horizon of infrastructure, access, and transportation systems.

**AB 313****(Frazier D) Road Maintenance and Rehabilitation Account: University of California: California State University: reports.****Current Text:** Amended: 3/5/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the University of California and the California State University, on or before January 1 of each year, to each submit a report to the California Transportation Agency and specified legislative committees detailing its expenditures from the Road Maintenance and Rehabilitation Account for the previous year, including, but not limited to, research activities and administration.

**AB 380****(Frazier D) Office of the Transportation Inspector General.****Current Text:** Amended: 3/21/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would eliminate the Independent Office of Audits and Investigations within the California Department of Transportation and would instead create the Independent Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that specified state agencies and all external entities that receive state and federal transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would require the Governor to appoint the Transportation Inspector General for a 4-year term, subject to confirmation by the Senate, and would prohibit the Transportation Inspector General from being removed from office during the term except for good cause.

**AB 449****(Gallagher R) Local alternative transportation improvement program: Feather River crossing.****Current Text:** Amended: 3/6/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, in certain cases, requires the California Transportation Commission to reallocate funds from canceled state highway projects to a local alternative transportation improvement program within the same county and exempts those funds from the fair share distribution formulas that would otherwise be applicable. This bill, with respect to planned state transportation facilities over the Feather River in the City of Yuba City and the Counties of Sutter and Yuba, which facilities are no longer planned to be constructed, would authorize the affected local agencies, acting jointly with the transportation planning agency having jurisdiction, to develop and file with the California Transportation Commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the area that was to be served by the canceled state facilities.

**AB 676****(Frazier D) California Transportation Commission: annual report.****Current Text:** Introduced: 2/15/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the California Transportation Commission to adopt and submit to the Legislature, by December 15 of each year, an annual report summarizing the commission's prior-year decisions in allocating transportation capital outlay appropriations and identifying timely and relevant transportation issues facing the state. This bill would instead require the commission to adopt and submit the annual report by December 31 of each year.

**AB 821****(O'Donnell D) Transportation: Trade Corridor Enhancement Account: project nomination: California Port Efficiency Program.****Current Text:** Introduced: 2/20/2019 [html](#) [pdf](#)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law creates the Trade Corridor Enhancement Account to receive revenues attributable to 50% of a \$0.20 per gallon increase in the diesel fuel excise tax imposed by the Road Repair and Accountability Act of 2017 for corridor-based freight projects nominated by local agencies and the state. Current law makes these funds and certain federal funds apportioned to the state available upon appropriation for allocation by the California Transportation Commission for trade infrastructure improvement projects that meet specified requirements. This bill would require the commission to allocate not less than 10% of the funds that are required to be allocated to projects nominated by the California Department of Transportation to projects nominated pursuant to the California Port Efficiency Program, which this bill would create.

**AB 847****(Grayson D) Housing: transportation-related impact fees grant program.**



**Current Text:** Amended: 3/27/2019 [html](#) [pdf](#)

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the Department of Housing and Community Development, upon appropriation by the Legislature, to establish a competitive grant program to award grants to cities and counties to offset up to 100% of any transportation-related impact fees exacted upon a qualifying housing development project, as defined, by the local jurisdiction.

**[AB 905](#) (Chen R) Department of Transportation: Highway Design Manual: fire prone areas.**

**Current Text:** Introduced: 2/20/2019 [html](#) [pdf](#)

Desk	<b>2 year</b>	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would require the California Department of Transportation to update its Highway Design Manual to incorporate the use of k-rails, weed mats, or other fire proofing devices in fire prone areas.

**[AB 970](#) (Salas D) California Department of Aging: grants: transportation.**

**Current Text:** Amended: 4/12/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would require the California Department of Aging to administer a grant program for area agencies on aging and public transit operators to fund transportation to and from nonemergency medical services for older individuals and persons with a disability, for the purpose of reducing greenhouse gas emissions. The bill would require that transportation be made available using the purchase, lease, operation, or maintenance of zero-emission or near-zero-emission vehicles with a capacity for 7, 12, or 15 passengers.

**[AB 1025](#) (Grayson D) Transportation: California Transportation Commission: San Ramon Branch Corridor: reimbursement.**

**Current Text:** Amended: 3/26/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** In the 1980s, the California Transportation Commission allocated funds appropriated to it from the Transportation Planning and Development Account to the County of Contra Costa for the acquisition of a specified right-of-way, and for associated projects, relating to the San Ramon Branch Corridor. The resolutions allocating the funds require the county to reimburse the state if the county fails to meet specified conditions. This bill would relinquish the rights of the state to reimbursement pursuant to those resolutions. The bill also would require the County of Contra Costa to revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to: (1) include a seat for a Contra Costa Transportation Authority representative, (2) expand the management program elements to include a new, seventh element that considers proposals to study new and emerging mobility modes and technologies in the corridor, and (3) include a new task in the committee's work program to recommend a framework for acting on these proposals.

**[AB 1112](#) (Friedman D) Shared mobility devices: local regulation.**

**Current Text:** Amended: 5/7/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	<b>Floor</b>	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** This bill would authorize a local authority to regulate motorized scooters by, among other things, assessing limited penalties for moving or parking violations involving the use of motorized scooters. The bill would prohibit a local authority from subjecting the riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motorized scooters or bicycles. The bill would authorize a local authority to regulate scooter share operators by, among other things, requiring a scooter share operator to pay fees that do not exceed the reasonable cost to the local authority of regulating the scooter share operator.

**[AB 1142](#) (Friedman D) Regional transportation plans.**

**Current Text:** Amended: 4/1/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	<b>Policy</b>	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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**Summary:** Current law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under current law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Current law authorizes the policy element of transportation planning agencies with

populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.

**[AB 1226](#) (Holden D) State highways: property leases: assessment.**

**Current Text:** Amended: 4/8/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize the California Department of Transportation to lease airspace that it owns to a city, county, or other political subdivision or another state agency for emergency shelter, feeding program, or wraparound services purposes, or any combination of these purposes, subject to specified terms and conditions.

**[AB 1243](#) (Fong R) Traffic Relief and Road Improvement Act.**

**Current Text:** Amended: 4/3/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would create the Traffic Relief and Road Improvement Program to address traffic congestion and deferred maintenance on the state highway system and the local street and road system. The bill would provide for the deposit of various existing sources of revenue in the Traffic Relief and Road Improvement Account, including revenues attributable to the sales and use tax on motor vehicles, revenues attributable to automobile and motor vehicle insurance policies from the insurer gross premiums tax, and certain miscellaneous State Highway Account revenues. The bill also would eliminate the use of weight fee revenues for state transportation general obligation bond debt service and retain those revenues in the State Highway Account. Additionally, the bill would prohibit the California Environmental Quality Act from applying to a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of existing transportation infrastructure, or to the addition of an auxiliary lane or bikeway to existing transportation infrastructure under certain conditions.

**[AB 1262](#) (O'Donnell D) California Sustainable Freight Action Plan.**

**Current Text:** Amended: 4/25/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require, by January 1, 2021, and every 5 years thereafter, the California Air Resources Board, the California Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development, in collaboration with relevant stakeholders, to update the California Sustainable Freight Action Plan.

**[AB 1274](#) (Salas D) California Partnership for the San Joaquin Valley.**

**Current Text:** Amended: 4/29/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** By executive order in 2005, and continued in existence by executive orders in 2006, 2008, and 2010, the California Partnership for the San Joaquin Valley was established as a public-private partnership to, among other things, identify projects and programs that will improve the economic vitality of the San Joaquin Valley. This bill would establish in statute the California Partnership for the San Joaquin Valley for the same purposes. The bill would incorporate language of the executive orders to, among other things, require the partnership to identify projects and programs that will improve the economic vitality of the San Joaquin Valley. Serving on the California Transportation Commission establishes eligibility for appointment by the Governor to a specified class of voting directors in the partnership.

**[AB 1277](#) (Obornolte R) Transportation projects: oversight committees.**

**Current Text:** Amended: 3/19/2019 [html](#) [pdf](#)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require a public agency undertaking a publicly funded major transportation infrastructure construction project that is estimated to cost \$500,000,000 or more to form an oversight committee subject to applicable open meeting laws and to develop and use risk management plans throughout the course of the project. The bill would require the oversight committee (1) to be composed of specified individuals, (2) to act as the authority for critical decisions regarding the project, and (3) to have sufficient staff to support decision making.

**[AB 1374](#) (Fong R) Department of Transportation: state highways.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

<b>2 year</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes the California Department of Transportation (Caltrans) and the California Transportation Commission and provides that Caltrans has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs Caltrans to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. This bill would make nonsubstantive changes to these provisions.

**[AB 1413](#) (Gloria D) Transportation: local transportation authorities: transactions and use taxes.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	<b>Floor</b>	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize a local transportation authority to impose a tax applicable to only a portion of its county if 2/3 of the voters voting on the measure within the portion of the county to which the tax would apply vote to approve the tax, as specified, and other requirements are met, including that the revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply.

**[AB 1430](#) (Garcia, Eduardo D) State government: public investment opportunities: cost-effective definition.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes the California Public Utilities Commission, the California Air Resources Board, the California Transportation Commission, and the California Labor and Workforce Development Agency to invest public moneys on various project and programs. Current law requires some of those investments to be cost effective. This bill would require these agencies, by January 1, 2021, to provide a joint assessment of options for redefining the term "cost-effective" to the Legislature for the purposes of prioritizing public investment opportunities.

**[AB 1442](#) (Rivas, Luz D) California Transportation Commission.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	<b>Policy</b>	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** In order to perform its duties and functions, existing law requires the California Transportation Commission to organize itself into at least four committees: (1) the Committee on Aeronautics, which shall consider issues related to aeronautics, (2) the Committee on Streets and Highways, which shall consider issues related to streets and highways, (3) the Committee on Mass Transportation, which shall consider issues related to the movement of groups of people within urban areas, and between rural communities and between cities, and (4) the Committee on Planning, which shall be responsible for transportation planning issues. This bill would authorize rather than require the commission to organize itself into at least four committees.

**[AB 1456](#) (Kiley R) State highways: Route 193: relinquishment.**

**Current Text:** Amended: 3/19/2019 [html](#) [pdf](#)

Desk	Policy	<b>Fiscal</b>	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Existing law acknowledges the relinquishment of a portion of Route 193 in the City of Lincoln, and requires the city to install and maintain signs directing motorists to the continuation of Route 193 and to other routes, and to ensure the continuity of traffic flow on the relinquished portion of Route 193. This bill would repeal those requirements on the city. The bill also would authorize the California Transportation Commission to relinquish to the City of Lincoln the portion of Route 193 within its city limits, upon terms and conditions the commission finds to be in the best interests of the state, if the California Department of Transportation and the city enter into an agreement providing for that relinquishment.

**[AB 1475](#) (Bauer-Kahan D) Construction Manager/General Contractor method: transportation projects.**

**Current Text:** Amended: 4/12/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	<b>Floor</b>	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes regional transportation agencies, as defined, including a local transportation authority created pursuant to the Local Transportation Authority and Improvement Act, to use the Construction Manager/General Contractor (CM/GC) project delivery method, as specified, to design and construct certain projects, if there is an evaluation of the traditional design-bid-build method of construction and of the CM/GC method and the board of the regional transportation agency

adopts the procurement strategy in a public meeting. This bill would expand the authorization to use the CM/GC project delivery method under these provisions by expanding the definition of the term "project" to include any other transportation project that is not on the state highway system.

**[AB 1568](#) (McCarty D) Housing law compliance: prohibition on applying for state grants.**

**Current Text:** Amended: 4/11/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law prescribes requirements for the preparation of a housing element, including a requirement that a planning agency submit a draft of the element or an amendment to the Department of Housing and Community Development. Current law requires the department to review the draft and report its written findings, including whether the draft substantially complies with the law. This bill would, on or before January 1, 2025, prohibit a city or county found to be in violation of the housing element law from applying for a state grant, unless (1) the fund source of the state grant is constitutionally protected under a provision related to state taxes and fees on motor vehicles and motor vehicle fuels, or (2) the state grant funds, if awarded to the city or county, would assist the city or county in complying with the housing element law.

**[AB 1810](#) (Committee on Transportation) Transportation.**

**Current Text:** Introduced: 3/4/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would exclude the California Transportation Commission from the California Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role.

**[ACA 1](#) (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.**

**Current Text:** Amended: 3/18/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

**[SB 5](#) (Beall D) Affordable Housing and Community Development Investment Program.**

**Current Text:** Amended: 4/23/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would establish in state government the Local-State Sustainable Investment Incentive Program, which would be administered by the Sustainable Investment Incentive Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply to the Sustainable Investment Incentive Committee to participate in the program and would authorize the committee to approve or deny applications for projects meeting specific criteria.

**[SB 7](#) (Portantino D) State Highway Route 710.**

**Current Text:** Introduced: 12/3/2018 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require for surplus nonresidential properties for State Route 710 in the County of Los Angeles that purchases of those properties by tenants in good standing be offered at fair market value as determined relative to the current use of the property, if the tenant is a nonprofit organization or a city.

**[SB 59](#) (Allen D) Autonomous vehicle technology: Statewide policy.**

**Current Text:** Amended: 4/1/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would establish guiding principles relating to autonomous vehicles in order to

ensure that these vehicles support the state's efforts to, among other things, reduce greenhouse gas emissions, reduce traffic congestion and vehicle miles traveled, and encourage efficient land use. The bill would require the Office of Planning and Research, in coordination with the California Air Resources Board, to convene an autonomous vehicle interagency working group of specified state agencies, including, among others, the California Transportation Agency, the California Department of Transportation, and the California Department of Motor Vehicles, to guide policy development for autonomous vehicle technology consistent with the guiding principles.

**[SB 127](#) (Wiener D) Transportation funding: active transportation: complete streets.**

**Current Text:** Amended: 4/30/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the California Transportation Commission to give highest priority to projects funded from the State Highway Account that improve accessibility for all users of the transportation system and that improve the efficiency of moving people within existing roadways, reduce vehicle miles traveled, and promote public health. The bill would require the commission, in connection with the California Department of Transportation's (Caltrans) asset management plan, to adopt performance measures that include conditions of bicycle and pedestrian facilities, accessibility and safety for pedestrians, bicyclists, and transit users, and vehicle miles traveled on the state highway system. The bill would require that State Highway Operation and Protection Program projects include capital improvements relative to accessibility for pedestrians, bicyclists, and transit users. The bill also would establish a Division of Active Transportation within Caltrans and require that an undersecretary of the California Transportation Agency be assigned to give attention to active transportation program matters.

**[SB 128](#) (Beall D) Enhanced infrastructure financing districts: bonds: issuance.**

**Current Text:** Amended: 3/21/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. Current law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Current law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance. This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters.

**[SB 137](#) (Dodd D) Federal transportation funds: state exchange programs.**

**Current Text:** Introduced: 1/15/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Current law establishes the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system, and funds that program from fuel taxes and an annual transportation improvement fee imposed on vehicles. This bill would authorize the California Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds.

**[SB 152](#) (Beall D) Active Transportation Program.**

**Current Text:** Amended: 4/25/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes the Active Transportation Program for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires specified funds for the program to be appropriated to the California Department of Transportation (Caltrans) and allocated to eligible projects by the California Transportation Commission. This bill would require that 60% of available funds be awarded to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, 15% to fund projects in small urban and rural regions, and 25% to projects competitively awarded by the commission on a statewide basis. With respect to the funds made available to MPOs, the bill would require the commission to allocate those funds as a lump sum to Caltrans for disbursement to each MPO for projects selected by the applicable MPO, unless the MPO requests the commission to conduct the competitive selection process on its behalf. The bill also would authorize the commission to allocate to

Caltrans a portion of the funds in the small urban and rural and the statewide components. The bill would make the provisions of the bill apply only to the 5th and successive funding cycles of the Active Transportation Program.

**[SB 162](#) (Galgiani D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.**

**Current Text:** Introduced: 1/24/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2021, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2030, and would extend the sales and use tax exclusion until January 1, 2030.

**[SB 211](#) (Beall D) State highways: leases.**

**Current Text:** Amended: 3/19/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize the California Department of Transportation to lease on a right of first refusal basis any airspace under a freeway, or real property acquired for highway purposes, that is not excess property, to the city or county in which the airspace or real property is located, or to a political subdivision of the city or county, for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels in the city or county, or political subdivision of the city or county, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified.

**[SB 356](#) (McGuire D) North Coast Railroad Authority: rail right-of-way: Sonoma-Marín Area Rail Transit District.**

**Current Text:** Introduced: 2/19/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the North Coast Railroad Authority, within 90 days of removing all of its debts, liabilities, and contractual obligations, to convey and transfer its rights, interests, privileges, and title, lien free, relating to a specified rail right-of-way, its licenses and certificates of public convenience and necessity, any common carrier obligations held by the authority or an associated freight operator, and the railroad assets the authority owns to the Sonoma-Marín Area Rail Transit District. The bill also would require the district to create and maintain a trail that runs in, or parallel to, the right-of-way, as appropriate, and connects to the district's bicycle and pedestrian pathways to the extent feasible.

**[SB 498](#) (Hurtado D) Trade Corridors Improvement Fund: grant program: short-line railroads.**

**Current Text:** Amended: 4/22/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the California Transportation Commission to establish a competitive grant program in the 2020–21 and 2021–22 fiscal years for the California Department of Transportation and regional transportation planning agencies, or both, to fund short-line railroad projects such as railroad reconstruction, maintenance, upgrade, or replacement. The grant program would be funded from Trade Corridor Improvement Fund program savings.

**[SB 504](#) (Monning D) State highways: Route 1: relinquishment.**

**Current Text:** Amended: 3/25/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would authorize the California Transportation Commission to relinquish to the City of Pismo Beach specified portions of Route 1 within its city limits, upon terms and conditions the commission finds to be in the best interests of the state, if the California Department of Transportation and the city enter into an agreement providing for that relinquishment.

**[SB 526](#) (Allen D) Regional transportation plans: greenhouse gas emissions: State Mobility Action Plan for Healthy Communities.**

**Current Text:** Amended: 4/30/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law requires the California Air Resources Board (CARB), by September 1, 2018, and every 4 years thereafter, to prepare a report that assesses progress made by each metropolitan planning organization (MPO) in meeting the regional greenhouse gas emission reduction targets set by CARB. This bill would require CARB to adopt a regulation that requires an MPO to provide any data that CARB determines is necessary to fulfill the requirements of the above-described report and to determine if the MPO is on track to meet its 2035 greenhouse gas emission reduction target. The bill also would require the action element prepared by an MPO to identify near and long-term steps to be taken to implement a sustainable communities strategy and it would require the MPO to monitor progress toward implementing these steps and to report that progress to CARB. Additionally, the bill would establish an interagency working group to be administered by the Strategic Growth Council and to be composed of a specified membership, including the Chair of the California Transportation Commission, to develop and implement a State Mobility Action Plan for Healthy Communities.

**[SB 628](#)**

**(Caballero D) Prunedale Bypass: disposition of excess properties: relinquishment: State Route 183.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would require the net proceeds from the sale of any excess properties originally acquired for a replacement alignment for State Highway Route 101 in the County of Monterey, known as the former Prunedale Bypass, to be reserved in the State Highway Account for programming and allocation by the California Transportation Commission, with the concurrence of the California Transportation Agency for Monterey County, for other state highway projects in that county, as specified. The bill would exempt these funds from the distribution formulas otherwise applicable to transportation capital improvement funds.

**[SJR 5](#)**

**(Beall D) California transportation infrastructure.**

**Current Text:** Amended: 3/13/2019 [html](#) [pdf](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** This bill would urge the Congress and the President of the United States to (1) provide all federal resources promised to California and other states expeditiously and without delay, (2) work together to enact the robust bipartisan federal infrastructure legislation necessary to restore California's and other states' crumbling road and freight infrastructure, respond to growing traffic congestion, and increase investment in public transportation, most particularly, by expanding paratransit services for the elderly and those with special needs, and (3) address the shortfall in the federal Highway Trust Fund by restoring the lost purchasing power of the federal fuel tax, in order to provide the long-term funding stability necessary for California and other states.

**Total Measures: 45**

**Total Tracking Forms: 45**

## Attachment B

FRAN INMAN, Chair  
PAUL VAN KONYNENBURG, Vice Chair  
BOB ALVARADO  
YVONNE B. BURKE  
LUCETTA DUNN  
JAMES C. GHIELMETTI  
CARL GUARDINO  
CHRISTINE KEHOE  
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio  
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio  
SUSAN BRANSEN, Executive Director



### CALIFORNIA TRANSPORTATION COMMISSION

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May 15, 2019

The Honorable Rebecca Bauer-Kahan  
Member of the Assembly  
State Capitol, Room 2130  
Sacramento, CA 95814

Re: Support for Assembly Bill 1475

Dear Assembly Member Bauer-Kahan,

As part of its statutory charge, the California Transportation Commission (Commission) advises the Administration and the Legislature on state transportation policies and makes recommendations for legislation to improve California's transportation system.

The Commission adopted a position to support Assembly Bill 1475 at its May 15, 2019 meeting. This bill expands the authorization for regional transportation agencies to employ the Construction Manager/General Contractor project delivery tool to include any transportation project that is not on the state highway system.

In its 2018 Annual Report to the Legislature, the Commission recommends authorizing regional agencies to use alternative project delivery methods. The Construction Manager/General Contractor project delivery method is one such alternative method that allows project sponsors to engage with a construction firm early in the design process and, together, determine any issues with constructability while the design is being completed. This alternative delivery method has proven to be a successful tool for managing project costs. For instance, the California Department of Transportation has found that it saves on project delivery time and provides earlier cost certainty.



Assembly Member Bauer-Kahan  
RE: Support for Assembly Bill 1475  
May 15, 2019  
Page 2

The Commission commends your leadership in seeking avenues to deliver transportation projects more efficiently. Commissioners and staff are available to provide information that may assist you in moving this legislation forward. If we can be of assistance, please contact the Commission's Executive Director, Ms. Susan Bransen, at (916) 654-4245.

Sincerely,

FRAN INMAN  
Chair

c: Commissioners, California Transportation Commission  
The Honorable Jim Frazier, Chair, Assembly Transportation Committee  
Susan Bransen, Executive Director, California Transportation Commission  
Brian Annis, Secretary, California State Transportation Agency

AMENDED IN ASSEMBLY APRIL 12, 2019

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1475**

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**Introduced by Assembly Member Bauer-Kahan**  
(Coauthor: Senator Glazer)

February 22, 2019

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An act to amend Section 6971 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1475, as amended, Bauer-Kahan. Construction Manager/General Contractor method: ~~local transportation authorities: bridge over Bollinger Canyon:~~ *transportation projects.*

Existing law authorizes regional transportation agencies, as defined, including a local transportation authority created pursuant to the Local Transportation Authority and Improvement Act, to use the Construction Manager/General Contractor (CM/GC) project delivery method, as specified, to design and construct *certain* projects, ~~including expressways that are not on the state highway system, and specified bridges, railroad grade separations, and a commuter rail project~~ if there is an evaluation of the traditional design-bid-build method of construction and of the CM/GC method and the board of the regional transportation agency adopts the procurement strategy in a public meeting. Existing law defines the term “project” for these ~~purposes:~~ *purposes to include expressways that are not on the state highway system and specified bridges that are not on the state highway system.*

Existing law requires specified information submitted under the CM/GC method to be verified under oath.

This bill would ~~authorize the use of the CM/GC method for the construction of a bridge over Bollinger Canyon to extend the Iron Horse Trail. The bill would state the intent of the Legislature that the Contra Costa Transportation Authority may effectuate the construction of a bridge over Bollinger Canyon to extend the Iron Horse Trail using the CM/GC authority.~~ *expand the authorization to use the CM/GC project delivery method under these provisions by expanding the definition of the term “project” to include any other transportation project that is not on the state highway system.* By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the Contra Costa Transportation Authority.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1     ~~SECTION 1. It is the intent of the Legislature that the Contra~~  
2     ~~Costa Transportation Authority may effectuate the construction~~  
3     ~~of a bridge over Bollinger Canyon to extend the Iron Horse Trail~~  
4     ~~using the Construction Manager/General Contractor authority. The~~  
5     ~~geography, topography, and location of the bridge presents many~~  
6     ~~potential complex challenges, and the Construction~~  
7     ~~Manager/General Contractor method could reduce delays and~~  
8     ~~ensure that those challenges are fully understood at the outset of~~  
9     ~~construction.~~

10    ~~SEC. 2.~~

11    ~~SECTION 1.~~ Section 6971 of the Public Contract Code is  
12    ~~amended to read:~~

13    ~~6971. (a) The Legislature finds and declares that the County~~  
14    ~~of Riverside should be considered a transportation planning agency~~  
15    ~~for the purposes of this chapter in order to effectuate the~~

1 construction of the railroad grade separations and bridge  
2 rehabilitations and replacements specified in subparagraph (C) of  
3 paragraph (4) of subdivision (b) using Construction  
4 Manager/General Contractor authority. The passage of the Road  
5 Repair and Accountability Act of 2017 (Chapter 5 of the Statutes  
6 of 2017) provides additional transportation revenue to help close  
7 the significant funding shortfalls and address the substantial  
8 backlog of infrastructure projects that are in need of repair. The  
9 geography, topography, and location of these railroad grade  
10 separations and bridge rehabilitations and replacements projects  
11 present many potential complex challenges, and the Construction  
12 Manager/General Contractor method could reduce delays and  
13 ensure that those challenges are fully understood at the outset of  
14 construction.

15 (b) For purposes of this chapter, the following definitions apply:

16 (1) “Construction manager” means a partnership, corporation,  
17 or other legal entity that is able to provide appropriately licensed  
18 contracting and engineering services as needed pursuant to a  
19 Construction Manager/General Contractor method contract.

20 (2) “Construction Manager/General Contractor method” means  
21 a project delivery method in which a construction manager is  
22 procured to provide preconstruction services during the design  
23 phase of the project and construction services during the  
24 construction phase of the project. The contract for construction  
25 services may be entered into at the same time as the contract for  
26 preconstruction services, or at a later time. The execution of the  
27 design and the construction of the project may be in sequential  
28 phases or concurrent phases.

29 (3) “Preconstruction services” means advice during the design  
30 phase, including, but not limited to, scheduling, pricing, and  
31 phasing to assist the regional transportation agency to design a  
32 more constructible project.

33 (4) “Project” means any of the following:

34 (A) The construction of an expressway that is not on the state  
35 highway system.

36 (B) The construction of the following bridges that are not on  
37 the state highway system:

38 (i) Yerba Buena Island (YBI) West Side Bridges Seismic  
39 Retrofit Project.

- 1 (ii) Yankee Jims Road Bridge Project in the County of Placer
- 2 (Replacement/Rehabilitation).
- 3 ~~(iii) Bridge over Bollinger Canyon to extend the Iron Horse~~
- 4 ~~Trail.~~
- 5 (C) The construction of railroad grade separations and bridge
- 6 rehabilitations and replacements in the County of Riverside, as
- 7 specified in Item 2660-110-0042 of Section 2.00 of the Budget
- 8 Act of 2016, as amended by Chapter 7 of the Statutes of 2017.
- 9 (D) The construction, alteration, repair, rehabilitation, or
- 10 improvement of the Golden Gate Bridge, as defined in Section
- 11 27502 of the Streets and Highways Code.
- 12 (E) A Metrolink commuter rail project.
- 13 *(F) Any transportation project that is not on the state highway*
- 14 *system.*
- 15 (5) “Regional transportation agency” means any of the
- 16 following:
- 17 (A) A transportation planning agency described in Section 29532
- 18 or 29532.1 of the Government Code.
- 19 (B) A county transportation commission established under
- 20 Section 130050, 130050.1, or 130050.2 of the Public Utilities
- 21 Code.
- 22 (C) Any other local or regional transportation entity that is
- 23 designated by statute as a regional transportation agency.
- 24 (D) A joint exercise of powers authority established pursuant
- 25 to Chapter 5 (commencing with Section 6500) of Division 7 of
- 26 Title 1 of the Government Code, with the consent of a
- 27 transportation planning agency or a county transportation
- 28 commission for the jurisdiction in which the transportation project
- 29 will be developed.
- 30 (E) A local transportation authority created or designated
- 31 pursuant to Division 12.5 (commencing with Section 131000) or
- 32 Division 19 (commencing with Section 180000) of the Public
- 33 Utilities Code.
- 34 (F) The Santa Clara Valley Transportation Authority established
- 35 pursuant to Part 12 (commencing with Section 100000) of Division
- 36 10 of the Public Utilities Code.
- 37 (G) The County of Placer.
- 38 (H) The County of Riverside.
- 39 (I) The Golden Gate Bridge, Highway and Transportation
- 40 District established pursuant to Chapter 18 (commencing with

1 Section 27500) of Part 3 of Division 16 of the Streets and  
2 Highways Code.

3 (c) Nothing in this section shall extend any other authority to  
4 the County of Riverside or the Golden Gate Bridge, Highway and  
5 Transportation District, as a transportation planning agency under  
6 any other law.

7 ~~SEC. 3.—The Legislature finds and declares that a special statute~~  
8 ~~is necessary and that a general statute cannot be made applicable~~  
9 ~~within the meaning of Section 16 of Article IV of the California~~  
10 ~~Constitution because of the unique circumstances regarding bridge~~  
11 ~~transportation construction projects within the jurisdiction of the~~  
12 ~~Contra Costa Transportation Authority.~~

13 ~~SEC. 4.~~

14 *SEC. 2.* No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

## Attachment C

FRAN INMAN, Chair  
PAUL VAN KONYNENBURG, Vice Chair  
BOB ALVARADO  
YVONNE B. BURKE  
LUCETTA DUNN  
JAMES C. GHIELMETTI  
CARL GUARDINO  
CHRISTINE KEHOE  
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio  
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

SUSAN BRANSEN, Executive Director



## CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52  
SACRAMENTO, CA 95814  
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(916) 654-4245  
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May 15, 2019

The Honorable Todd Gloria  
Member of the Assembly  
State Capitol, Room 2176  
Sacramento, CA 95814

Re: Support for Assembly Bill 1413

Dear Assembly Member Gloria:

As part of its statutory charge, the California Transportation Commission (Commission) advises the Administration and the Legislature on state transportation policies and makes recommendations for legislation to improve California's transportation system.

The Commission adopted a position to support Assembly Bill (AB) 1413 at its May 15, 2019 meeting. This bill authorizes a local transportation authority to impose a sales tax applicable to only a portion of its county if the tax receives approval from two-thirds of voters residing in the portion of the county to which the tax would apply. The bill further requires that revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply.

In its 2016 Annual Report, the Commission recommended the Legislature provide additional, reliable, and sufficient transportation funding. Although Senate Bill 1 (Beall) of 2017 provided critical funding increases for transportation, local governments still expect to face ongoing funding shortfalls to meet their transportation needs. Thus, the Commission supports the financing concept included in AB 1413.

Assembly Member Gloria  
RE: Support for Assembly Bill 1413  
May 15, 2019  
Page 2

The Commission commends your leadership in identifying new funding opportunities for transportation. Commissioners and staff are available to provide information that may assist you in moving this legislation forward. If we can be of assistance, please contact the Commission's Executive Director, Ms. Susan Bransen, at (916) 654-4245.

Sincerely,

FRAN INMAN  
Chair

- c: Commissioners, California Transportation Commission  
The Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee  
Susan Bransen, Executive Director, California Transportation Commission  
Brian Annis, Secretary, California State Transportation Agency



**ASSEMBLY BILL**

**No. 1413**

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**Introduced by Assembly Member Gloria**

February 22, 2019

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An act to amend Sections 120480, 120481, 120483, 120485, 125480, 125481, 125483, 125485, 132301, 132307, 132322, 180201, 180206, and 180207 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, as introduced, Gloria. Transportation: local transportation authorities: transactions and use taxes.

Existing law authorizes the establishment of a local transportation authority in any county and authorizes the authority, with a  $\frac{2}{3}$  vote of the authority and upon approval of  $\frac{2}{3}$  of the voters, to impose a retail transactions and use tax for specified transportation purposes if a county transportation expenditure plan is adopted.

Existing law provides for the consolidation of certain regional transportation planning, programming, and related functions in the county of San Diego from various existing agencies including the San Diego County Regional Transportation Commission, the San Diego Association of Governments, the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System, and the North County Transit District. Existing law authorizes those agencies to impose transactions and use taxes for transportation purposes within their respective jurisdictions, subject to voter approval and various other requirements.

This bill would authorize a local transportation authority to impose a tax applicable to only a portion of its county if  $\frac{2}{3}$  of the voters voting on the measure within the portion of the county to which the tax would

apply vote to approve the tax, as specified, and other requirements are met, including that the revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply. The bill would prohibit an authority from entering into a construction contract over \$1,000,000 that would be in part or wholly financed through a tax applicable to only a portion of the county with any entity unless the entity provides to each agency an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades, except as specified. The bill would also make conforming changes.

This bill would enact similar provisions specifically applicable to the San Diego County Regional Transportation Commission, the San Diego Association of Governments, the San Diego Metropolitan Transit System, and the North County Transit District that would authorize each of those agencies to impose a transactions and use tax applicable to only a portion of each agency’s territory.

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 120480 of the Public Utilities Code is  
2 amended to read:  
3 120480. (a) A retail transactions and use tax ordinance  
4 applicable ~~in~~ *to the entirety of, or a portion of,* the incorporated  
5 and unincorporated territory within the area of the board pursuant  
6 to Section 120054 shall be imposed by the board in accordance  
7 with Section ~~120485 and Part 120485,~~ *the Transactions and Use*  
8 *Tax Law (Part 1.6 (commencing with Section 7251) of Division*  
9 *2 of the Revenue and Taxation Code, Code), and Section 2 of*  
10 *Article XIII C of the California Constitution. The tax ordinance*  
11 *shall take effect at the close of the polls on the day of election at*  
12 *which the proposition is adopted. The initial collection of the*  
13 *transactions and use tax shall take place in accordance with Section*  
14 *120483.*  
15 (b) If, at any time, the voters do not approve the imposition of  
16 the transactions and use tax, this chapter remains in full force and

1 effect. The board may, at any time thereafter, submit the same, or  
2 a different, measure to the voters in accordance with this chapter.

3 *(c) The portion of the area of the board to which the tax would*  
4 *apply shall be determined by the board before the electors vote*  
5 *on the measure.*

6 *(d) If the tax only applies to an area of the board, both of the*  
7 *following shall apply:*

8 *(1) The incorporated area of each city within the area of the*  
9 *board shall be either wholly included within that portion or wholly*  
10 *excluded from that portion.*

11 *(2) (A) The board shall not enter into a construction contract*  
12 *over one million dollars (\$1,000,000) that would be in part or*  
13 *wholly financed through the tax with any entity unless the entity*  
14 *provides to the commission an enforceable commitment that the*  
15 *entity and its subcontractors at every tier will use a skilled and*  
16 *trained workforce to perform all work on the project or a contract*  
17 *that falls within an apprenticeship occupation in the building and*  
18 *construction trades in accordance with Chapter 2.9 (commencing*  
19 *with Section 2600) of Part 1 of Division 2 of the Public Contract*  
20 *Code.*

21 *(B) This paragraph shall not apply if any of the following*  
22 *requirements are met:*

23 *(i) The board has entered into a project labor agreement that*  
24 *will bind all contractors and subcontractors performing work on*  
25 *the project.*

26 *(ii) The board has contracted to use a skilled and trained*  
27 *workforce and the entity has agreed to be bound by that project*  
28 *labor agreement.*

29 *(iii) The project or contract is being performed under the*  
30 *extension or renewal of a project labor agreement that was entered*  
31 *into by the board before January 1, 2019.*

32 *(iv) The entity has entered into a project labor agreement that*  
33 *will bind the entity and all its subcontractors at every tier*  
34 *performing the project or the entity has contracted to use a skilled*  
35 *and trained workforce.*

36 *(C) For purposes of this paragraph, “project labor agreement”*  
37 *has the same meaning as defined in paragraph (1) of subdivision*  
38 *(b) of Section 2500 of the Public Contract Code.*

1 (e) *The revenues derived from the tax shall be spent within, or*  
2 *for the benefit of, the portion of the area of the board to which the*  
3 *tax applies.*

4 (f) *Any revenues derived from the tax shall supplement, and not*  
5 *supplant, other transportation revenues available to the portion*  
6 *of the area of the board to which the tax applies.*

7 SEC. 2. Section 120481 of the Public Utilities Code is amended  
8 to read:

9 120481. (a) The board, in the ordinance, shall state the nature  
10 of the tax to be imposed, the tax rate or the maximum tax rate, the  
11 purposes for which the revenue derived from the tax will be used,  
12 *the portion of the area of the board to which the tax would apply,*  
13 and may set a term during which the tax will be imposed. The  
14 purposes for which the tax revenues may be used shall be limited  
15 to public transit purposes serving the area of jurisdiction of the  
16 board, as determined by the board, including the administration  
17 of this division and legal actions related thereto. These purposes  
18 include expenditures for ~~the~~ planning, environmental reviews,  
19 engineering and design costs, and related right-of-way acquisition.  
20 The ordinance shall contain an expenditure plan that shall include  
21 the allocation of revenues for the purposes authorized by this  
22 section.

23 (b) As used in this section, “public transit purposes” includes  
24 the public transit responsibilities under the jurisdiction of the board  
25 as well as any repair, redesign, or ongoing maintenance of a  
26 right-of-way upon which transit is intended to travel, or any  
27 bikeway, bicycle path, sidewalk, trail, pedestrian access, or  
28 pedestrian accessway.

29 SEC. 3. Section 120483 of the Public Utilities Code is amended  
30 to read:

31 120483. (a) ~~Any~~ *A* transactions and use tax ordinance adopted  
32 pursuant to this article shall be operative on the first day of the  
33 first calendar quarter commencing more than 150 days after  
34 adoption of the ordinance.

35 (b) (1) ~~Prior to~~ *Before* the operative date of the ordinance, the  
36 board shall contract with the California Department of Tax and  
37 Fee Administration to perform all functions incident to the  
38 administration and operation of the ordinance. The costs to be  
39 covered by the contract may also include services of the types  
40 described in Section 7272 of the Revenue and Taxation Code for

1 preparatory work up to the operative date of the ordinance. Any  
2 disputes as to the amount of the costs shall be resolved in the same  
3 manner as provided in that section.

4 (2) Notwithstanding Section 7272 of the Revenue and Taxation  
5 Code, the maximum amount of preparatory costs incurred may  
6 exceed those costs as described in paragraph (1), if the increased  
7 amount reflects necessary preparatory costs.

8 (c) Within 45 days from the date the ordinance is approved by  
9 the voters, the board shall provide the California Department of  
10 Tax and Fee Administration with a complete alphabetical list of  
11 all streets within the affected ~~unincorporated~~ area under the  
12 jurisdiction of the board pursuant to Section 120054, which shall  
13 include beginning and ending street numbers, and shall maintain  
14 that list on its ~~Internet Web site~~: *internet website*. The board shall  
15 also provide a legal description and a map or plat, that both  
16 describe the boundaries of the applicable ~~unincorporated territory~~  
17 ~~within the area of the board pursuant to Section 120054.~~

18 SEC. 4. Section 120485 of the Public Utilities Code is amended  
19 to read:

20 120485. The board, subject to the approval of the ~~voters~~, *voters*  
21 *within the portion of the county to which the tax would apply*, may  
22 impose a maximum tax rate of one-half of 1 percent under this  
23 article and ~~Part the Transactions and Use Tax Law (Part 1.6~~  
24 ~~(commencing with Section 7251) of Division 2 of the Revenue~~  
25 ~~and Taxation Code. Code)~~. The board shall not levy the tax at a  
26 rate other than one-half or one-fourth of 1 percent unless  
27 specifically authorized by the Legislature.

28 SEC. 5. Section 125480 of the Public Utilities Code is amended  
29 to read:

30 125480. (a) A retail transactions and use tax ordinance  
31 applicable ~~in~~ *to the entirety of, or a portion of,* the incorporated  
32 and unincorporated territory within the area of the board pursuant  
33 to Section 125052 shall be imposed by the board in accordance  
34 with ~~Section 125485 and Part 125485, the Transactions and Use~~  
35 ~~Tax Law (Part 1.6 (commencing with Section 7251) of Division~~  
36 ~~2 of the Revenue and Taxation Code, Code)~~, and Section 2 of  
37 Article XIII C of the California Constitution. The tax ordinance  
38 shall take effect at the close of the polls on the day of election at  
39 which the proposition is adopted. The initial collection of the

1 transactions and use tax shall take place in accordance with Section  
 2 125483.

3 (b) If, at any time, the voters do not approve the imposition of  
 4 the transactions and use tax, this chapter remains in full force and  
 5 effect. The board may, at any time thereafter, submit the same, or  
 6 a different, measure to the voters in accordance with this chapter.

7 (c) *The portion of the area of the board to which the tax would*  
 8 *apply shall be determined by the board before the electors vote*  
 9 *on the measure.*

10 (d) *If the tax only applies to an area of the board, both of the*  
 11 *following shall apply:*

12 (1) *The incorporated area of each city within the area of the*  
 13 *board shall be either wholly included within that portion or wholly*  
 14 *excluded from that portion.*

15 (2) (A) *The board shall not enter into a construction contract*  
 16 *over one million dollars (\$1,000,000) that would be in part or*  
 17 *wholly financed through the tax with any entity unless the entity*  
 18 *provides to the commission an enforceable commitment that the*  
 19 *entity and its subcontractors at every tier will use a skilled and*  
 20 *trained workforce to perform all work on the project or a contract*  
 21 *that falls within an apprenticeship occupation in the building and*  
 22 *construction trades in accordance with Chapter 2.9 (commencing*  
 23 *with Section 2600) of Part 1 of Division 2 of the Public Contract*  
 24 *Code.*

25 (B) *This paragraph shall not apply if any of the following*  
 26 *requirements are met:*

27 (i) *The board has entered into a project labor agreement that*  
 28 *will bind all contractors and subcontractors performing work on*  
 29 *the project.*

30 (ii) *The board has contracted to use a skilled and trained*  
 31 *workforce and the entity has agreed to be bound by that project*  
 32 *labor agreement.*

33 (iii) *The project or contract is being performed under the*  
 34 *extension or renewal of a project labor agreement that was entered*  
 35 *into by the board before January 1, 2019.*

36 (iv) *The entity has entered into a project labor agreement that*  
 37 *will bind the entity and all its subcontractors at every tier*  
 38 *performing the project or the entity has contracted to use a skilled*  
 39 *and trained workforce.*

1 (C) For purposes of this paragraph, “project labor agreement”  
2 has the same meaning as defined in paragraph (1) of subdivision  
3 (b) of Section 2500 of the Public Contract Code.

4 (e) The revenues derived from the tax shall be spent within, or  
5 for the benefit of, the portion of the area of the board to which the  
6 tax applies.

7 (f) Any revenues derived from the tax shall supplement, and not  
8 supplant, other transportation revenues available to the portion  
9 of the area of the board to which the tax applies.

10 SEC. 6. Section 125481 of the Public Utilities Code is amended  
11 to read:

12 125481. (a) The board, in the ordinance, shall state the nature  
13 of the tax to be imposed, the tax rate or the maximum tax rate, the  
14 purposes for which the revenue derived from the tax will be used,  
15 *the portion of the area of the board to which the tax would apply*,  
16 and may set a term during which the tax will be imposed. The  
17 purposes for which the tax revenues may be used shall be limited  
18 to public transit purposes serving the area of jurisdiction of the  
19 board, as determined by the board, including the administration  
20 of this division and legal actions related thereto. These purposes  
21 include expenditures for the planning, environmental reviews,  
22 engineering and design costs, and related right-of-way acquisition.  
23 The ordinance shall contain an expenditure plan that shall include  
24 the allocation of revenues for the purposes authorized by this  
25 section.

26 (b) As used in this section, “public transit purposes” includes  
27 the public transit responsibilities under the jurisdiction of the  
28 district as well as any repair, redesign, or ongoing maintenance of  
29 a right-of-way upon which transit is intended to travel, or any  
30 bikeway, bicycle path, sidewalk, trail, pedestrian access, or  
31 pedestrian accessway.

32 SEC. 7. Section 125483 of the Public Utilities Code is amended  
33 to read:

34 125483. (a) ~~Any~~ A transactions and use tax ordinance adopted  
35 pursuant to this article shall be operative on the first day of the  
36 first calendar quarter commencing more than 150 days after  
37 adoption of the ordinance.

38 (b) (1) ~~Prior to~~ Before the operative date of the ordinance, the  
39 board shall contract with the California Department of Tax and  
40 Fee Administration to perform all functions incident to the

1 administration and operation of the ordinance. The costs to be  
2 covered by the contract may also include services of the types  
3 described in Section 7272 of the Revenue and Taxation Code for  
4 preparatory work up to the operative date of the ordinance. Any  
5 disputes as to the amount of the costs shall be resolved in the same  
6 manner as provided in that section.

7 (2) Notwithstanding Section 7272 of the Revenue and Taxation  
8 Code, the maximum amount of preparatory costs incurred may  
9 exceed those costs as described in paragraph (1), if the increased  
10 amount reflects necessary preparatory costs.

11 (c) Within 45 days from the date the ordinance is approved by  
12 the voters, the board shall provide the California Department of  
13 Tax and Fee Administration with a complete alphabetical list of  
14 all streets within the affected ~~unincorporated~~ area under the  
15 jurisdiction of the board pursuant to Section 125052, which shall  
16 include beginning and ending street numbers, and shall maintain  
17 that list on its ~~Internet Web site~~: *internet website*. The board shall  
18 also provide a legal description and a map or plat, that both  
19 describe the boundaries of the applicable ~~unincorporated territory~~  
20 ~~within the area of the board~~ pursuant to Section 125052.

21 SEC. 8. Section 125485 of the Public Utilities Code is amended  
22 to read:

23 125485. The board, subject to the approval of the ~~voters~~, *voters*  
24 *within the portion of the county to which the tax would apply*, may  
25 impose a maximum tax rate of one-half of 1 percent under this  
26 article and ~~Part the Transactions and Use Tax Law (Part 1.6~~  
27 *(commencing with Section 7251) of Division 2 of the Revenue*  
28 *and Taxation—Code: Code)*. The board shall not levy the tax at a  
29 rate other than one-half or one-fourth of 1 percent unless  
30 specifically authorized by the Legislature.

31 SEC. 9. Section 132301 of the Public Utilities Code is amended  
32 to read:

33 132301. (a) A retail transactions and use tax ordinance  
34 applicable ~~in~~ *to the entirety of, or a portion of,* the incorporated  
35 and unincorporated territory of the county shall be imposed by the  
36 commission in accordance with Section 132307 and ~~Part the~~  
37 *Transactions and Use Tax Law (Part 1.6 (commencing with*  
38 *Section 7251) of Division 2 of the Revenue and Taxation—Code;*  
39 *Code)*, if two-thirds of the electors voting on the measure *within*  
40 *the portion of the county to which the tax would apply*, vote to



1 approve its imposition at a special election called for that purpose  
2 by the commission. The tax ordinance shall take effect at the close  
3 of the polls on the day of election at which the proposition is  
4 adopted. The initial collection of the transactions and use tax shall  
5 take place in accordance with Section 132304.

6 ~~¶~~

7 (b) *If, at any time, the voters do not approve the imposition of*  
8 ~~the transactions and use tax~~, this chapter remains in full force and  
9 effect. The commission may, at any time thereafter, submit the  
10 same, or a different, measure to the voters in accordance with this  
11 chapter.

12 (c) *The portion of the county to which the tax would apply shall*  
13 *be determined by the commission before the electors vote on the*  
14 *measure.*

15 (d) *If the tax only applies to a portion of the county, both of the*  
16 *following shall apply:*

17 (1) *The incorporated area of each city within the county shall*  
18 *be either wholly included within that portion or wholly excluded*  
19 *from that portion.*

20 (2) (A) *The commission shall not enter into a construction*  
21 *contract over one million dollars (\$1,000,000) that would be in*  
22 *part or wholly financed through the tax with any entity unless the*  
23 *entity provides to the commission an enforceable commitment that*  
24 *the entity and its subcontractors at every tier will use a skilled and*  
25 *trained workforce to perform all work on the project or a contract*  
26 *that falls within an apprenticeship occupation in the building and*  
27 *construction trades in accordance with Chapter 2.9 (commencing*  
28 *with Section 2600) of Part 1 of Division 2 of the Public Contract*  
29 *Code.*

30 (B) *This paragraph shall not apply if any of the following*  
31 *requirements are met:*

32 (i) *The commission has entered into a project labor agreement*  
33 *that will bind all contractors and subcontractors performing work*  
34 *on the project.*

35 (ii) *The commission has contracted to use a skilled and trained*  
36 *workforce and the entity has agreed to be bound by that project*  
37 *labor agreement.*

38 (iii) *The project or contract is being performed under the*  
39 *extension or renewal of a project labor agreement that was entered*  
40 *into by the commission before January 1, 2019.*

1 (iv) *The entity has entered into a project labor agreement that*  
 2 *will bind the entity and all its subcontractors at every tier*  
 3 *performing the project or the entity has contracted to use a skilled*  
 4 *and trained workforce.*

5 (C) *For purposes of this paragraph, “project labor agreement”*  
 6 *has the same meaning as defined in paragraph (1) of subdivision*  
 7 *(b) of Section 2500 of the Public Contract Code.*

8 (e) *The revenues derived from the tax shall be spent within, or*  
 9 *for the benefit of, the portion of the county to which the tax applies.*

10 (f) *Any revenues derived from the tax shall supplement, and not*  
 11 *supplant, other transportation revenues available to the portion*  
 12 *of the county to which the tax applies.*

13 (g) *As used in this section, “commission” shall refer to the*  
 14 *consolidated agency if the tax is to be imposed by the consolidated*  
 15 *agency pursuant to Section 132360.6.*

16 SEC. 10. Section 132307 of the Public Utilities Code is  
 17 amended to read:

18 132307. (a) The commission, subject to the approval of the  
 19 ~~voters,~~ *voters within the portion of the county to which the tax*  
 20 *would apply,* may impose a maximum tax rate of 1 percent under  
 21 this chapter and ~~Part the Transactions and Use Tax Law (Part 1.6~~  
 22 ~~(commencing with Section 7251) of Division 2 of the Revenue~~  
 23 ~~and Taxation Code, Code),~~ and the commission may state the  
 24 maximum tax rate in terms of not to exceed 1 percent, or any lesser  
 25 percentage thereof. The commission shall not levy the tax at a rate  
 26 other than 1 percent or three-fourths, one-half, or one-fourth of 1  
 27 percent, unless specifically authorized by the Legislature.

28 (b) The tax rate adopted pursuant to this article, unless otherwise  
 29 prohibited, may be increased by the commission by ordinance  
 30 adopted in the manner and by the vote stated in Section 132301  
 31 and approved by a majority of the electors voting on the measure  
 32 at an election called for that purpose by the commission.

33 SEC. 11. Section 132322 of the Public Utilities Code is  
 34 amended to read:

35 132322. (a) An ordinance expanding, extending, or increasing  
 36 the retail transactions and use tax imposed under this chapter shall  
 37 be imposed by the commission and shall be applicable ~~in~~ *to the*  
 38 *entirety of, or a portion of,* the incorporated and unincorporated  
 39 territory of the county, if the constitutionally required percentage  
 40 of the electors voting on the measure *within the portion of the*

1 *county to which the tax would apply* vote to approve its imposition  
 2 at a special election called for that purpose by the commission.  
 3 The ordinance shall take effect on the day immediately following  
 4 the day of the election at which the proposition is adopted.

5 (b) If at any time the voters do not approve the imposition of  
 6 the expansion, extension, or increase of the ~~transactions and use~~  
 7 tax, the commission may, at any time thereafter, submit the same,  
 8 or a different, measure to the voters in accordance with this article.

9 (c) *As used in this section, "commission" shall refer to the*  
 10 *consolidated agency if the tax is to be imposed by the consolidated*  
 11 *agency pursuant to Section 132360.6.*

12 SEC. 12. Section 180201 of the Public Utilities Code is  
 13 amended to read:

14 180201. (a) A retail transactions and use tax ordinance  
 15 applicable ~~in~~ *to the entirety of, or a portion of,* the incorporated  
 16 and unincorporated territory of a county may be imposed by the  
 17 authority in accordance with this chapter and ~~Part the Transactions~~  
 18 ~~and Use Tax Law (Part 1.6 (commencing with Section 7251) of~~  
 19 ~~Division 2 of the Revenue and Taxation Code; Code),~~ if the tax  
 20 ordinance is adopted by a two-thirds vote of the authority and  
 21 imposition of the tax is subsequently approved ~~by a majority of~~  
 22 ~~the electors voting on the measure, or by any otherwise~~ *within the*  
 23 *portion of the county to which the tax would apply, consistent with*  
 24 *the applicable voter approval requirement, requirement under the*  
 25 *California Constitution,* at a special election called for that purpose  
 26 by the board of supervisors, at the request of the authority, and a  
 27 county transportation expenditure plan is adopted pursuant to  
 28 Section 180206.

29 ~~A~~

30 (b) *The* retail transactions and use tax approved by the electors  
 31 shall remain in effect for the period of time specified in the tax  
 32 ordinance. The tax may be continued in effect, or reimposed, by  
 33 a tax ordinance adopted by a two-thirds vote of the authority and  
 34 the reimposition of the tax is approved ~~by any applicable majority~~  
 35 ~~of the electors:~~ *electors consistent with subdivision (a).*

36 (c) *The portion of the county to which the tax would apply shall*  
 37 *be determined by the authority before its adoption of the tax*  
 38 *ordinance.*

39 (d) *If the tax only applies to a portion of the county, both of the*  
 40 *following shall apply:*

1 (1) *The incorporated area of each city within the county shall*  
2 *be either wholly included within that portion or wholly excluded*  
3 *from that portion.*

4 (2) (A) *The authority shall not enter into a construction contract*  
5 *over one million dollars (\$1,000,000) that would be in part or*  
6 *wholly financed through the tax with any entity unless the entity*  
7 *provides to the authority an enforceable commitment that the entity*  
8 *and its subcontractors at every tier will use a skilled and trained*  
9 *workforce to perform all work on the project or a contract that*  
10 *falls within an apprenticeship occupation in the building and*  
11 *construction trades in accordance with Chapter 2.9 (commencing*  
12 *with Section 2600) of Part 1 of Division 2 of the Public Contract*  
13 *Code.*

14 (B) *This paragraph shall not apply if any of the following*  
15 *requirements are met:*

16 (i) *The authority has entered into a project labor agreement*  
17 *that will bind all contractors and subcontractors performing work*  
18 *on the project.*

19 (ii) *The authority has contracted to use a skilled and trained*  
20 *workforce and the entity has agreed to be bound by that project*  
21 *labor agreement.*

22 (iii) *The project or contract is being performed under the*  
23 *extension or renewal of a project labor agreement that was entered*  
24 *into by the authority before January 1, 2019.*

25 (iv) *The entity has entered into a project labor agreement that*  
26 *will bind the entity and all its subcontractors at every tier*  
27 *performing the project or the entity has contracted to use a skilled*  
28 *and trained workforce.*

29 (C) *For purposes of this paragraph, “project labor agreement”*  
30 *has the same meaning as defined in paragraph (1) of subdivision*  
31 *(b) of Section 2500 of the Public Contract Code.*

32 (e) *The revenues derived from the tax shall be spent within, or*  
33 *for the benefit of, the portion of the county to which the tax applies.*

34 (f) *Consistent with Section 180200, any revenues derived from*  
35 *the tax shall supplement, and not supplant, other transportation*  
36 *revenues available to the portion of the county to which the tax*  
37 *applies.*

38 SEC. 13. Section 180206 of the Public Utilities Code is  
39 amended to read:

1 180206. (a) A county transportation expenditure plan shall be  
2 prepared for the expenditure of the revenues expected to be derived  
3 from the tax imposed pursuant to this chapter, together with other  
4 federal, state, and local funds expected to be available for  
5 transportation improvements, for the period during which the tax  
6 is to be imposed.

7 (b) A county transportation expenditure plan shall not be adopted  
8 until it has received the approval of the board of supervisors and  
9 of the city councils representing both a majority of the cities in the  
10 *portion of the county to which the tax would apply* and a majority  
11 of the population residing in the incorporated areas of the ~~county~~.  
12 *portion of the county to which the tax would apply*.

13 (c) The plan shall be adopted ~~prior to~~ *before* the call of the  
14 election provided for in Section 180201.

15 SEC. 14. Section 180207 of the Public Utilities Code is  
16 amended to read:

17 180207. (a) The authority may annually review and propose  
18 amendments to the county transportation expenditure plan adopted  
19 pursuant to Section 180206 to provide for the use of additional  
20 federal, state, and local funds, to account for unexpected revenues,  
21 or to take into consideration unforeseen circumstances.

22 (b) The authority shall notify the board of supervisors and the  
23 city council of each city in the *portion of the county to which the*  
24 *tax applies* and provide them with a copy of the proposed  
25 amendments.

26 (c) The proposed amendments shall become effective 45 days  
27 after notice is given.

AMENDED IN SENATE APRIL 25, 2019

AMENDED IN SENATE MARCH 20, 2019

**SENATE BILL**

**No. 152**

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**Introduced by Senator Beall**

January 22, 2019

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An act to amend Sections 2381, 2382, and 2384 ~~of~~ *of, and to add Section 2384.5 to*, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 152, as amended, Beall. Active Transportation Program.

Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires specified funds for the program to be appropriated to the department in the annual Budget Act and allocated to eligible projects by the California Transportation Commission. Existing law requires the commission to award 50% of available funds to projects competitively awarded by the commission on a statewide basis, 10% of available funds to projects in small urban and rural regions, and the remaining 40% of available funds to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population. Existing law requires the commission to develop guidelines and project selection criteria for the program in consultation with various agencies and interested parties. To ensure that MPOs have sufficient discretion to develop regional guidelines, existing law authorizes the commission to adopt separate guidelines for the state and the MPOs with regard to project selection

criteria. Existing law requires the commission to initially adopt a 2-year program of projects for the program, with subsequent 4-year programs thereafter.

This bill would require that ~~75%~~ 60% of available funds be awarded to projects selected by MPOs in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and ~~10%~~ 25% to projects of a transformative nature competitively awarded by the commission on a statewide basis. The bill would require, rather than authorize, the commission to adopt separate guidelines for the MPOs to ensure that they have sufficient discretion to adopt regional ~~guidelines~~. *guidelines and would not limit those guidelines to project selection criteria.* The bill would authorize an MPO to perform its own competitive project selection process ~~using in accordance with~~ the regional guidelines adopted by the commission, or to request the commission to perform the competitive project selection process on the ~~MPO's~~ MPO's behalf ~~using in accordance with~~ guidelines adopted by the commission for the projects awarded in small urban and rural regions and on a statewide basis. With respect to the funds made available to MPOs, the bill would require the commission to allocate those funds ~~to each MPO~~ as a lump sum *to the department for disbursement to each MPO* for award to projects selected by the applicable MPO, unless the MPO requests the commission to conduct the competitive selection process on behalf of the MPO. *The bill would authorize the commission to authorize the department to allocate a portion of the funds in the small urban and rural and the statewide distribution categories and, if the MPO requests the commission to perform the competitive project selection process on its behalf, to allocate a portion of those funds. The bill would make the provisions of the bill apply only to the 5th and successive funding cycles of the Active Transportation Program.*

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

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

- 1 SECTION 1. Section 2381 of the Streets and Highways Code
- 2 is amended to read:
- 3 2381. (a) The Active Transportation Program shall be funded
- 4 by state and federal funds from appropriations in the annual Budget

1 Act. Notwithstanding subdivision (b) of Section 2032, funds for  
2 the program shall be appropriated to the department, for allocation  
3 by the commission. With respect to funding provided pursuant to  
4 this chapter, it is the intent of the Legislature that any project  
5 savings or funds remaining if a project loses funding provided  
6 pursuant to this chapter remain in the Active Transportation  
7 Program. The amount to be appropriated annually shall include  
8 100 percent of the federal Transportation Alternative Program  
9 funds, except for any federal Recreational Trails Program funds  
10 appropriated to the Department of Parks and Recreation;  
11 twenty-one million dollars (\$21,000,000) of federal Highway  
12 Safety Improvement *Program* funds or other federal funds; one  
13 hundred million dollars (\$100,000,000) from the Road Maintenance  
14 and Rehabilitation Account pursuant to subdivision (b) of Section  
15 2032; and State Highway Account funds. Future funding may be  
16 augmented if state or federal funds increase, or if other funding  
17 sources are identified. Funds appropriated for the Active  
18 Transportation Program shall be distributed as follows:

19 (1) ~~Seventy-five~~ *Sixty* percent to metropolitan planning  
20 organizations in urban areas with populations greater than 200,000,  
21 in proportion to their relative share of population. Funds awarded  
22 under this paragraph shall be obligated for eligible projects selected  
23 through a competitive process by the metropolitan planning  
24 organizations and in accordance with guidelines established  
25 pursuant to this chapter. These funds shall be allocated by the  
26 commission as a lump sum amount to ~~each metropolitan planning~~  
27 ~~organization~~ *the department for disbursement to metropolitan*  
28 *planning organizations* in the same manner as other local assistance  
29 funds, except if the metropolitan planning organization requests  
30 the commission to perform the competitive selection process  
31 pursuant to subdivision (l) of Section 2382. In order to apply for  
32 funding for a project pursuant to this paragraph, a project applicant  
33 is not required to also apply for funding for that project pursuant  
34 to paragraph (3). *If a metropolitan planning organization requests*  
35 *the commission to perform the competitive project selection process*  
36 *on its behalf pursuant to subdivision (l) of Section 2382, the*  
37 *commission may authorize the department to allocate a portion*  
38 *of those funds.*

39 (2) Fifteen percent to small urban and rural regions with  
40 populations of 200,000 or less, with projects competitively awarded



1 by the commission to projects in those regions. *The commission*  
2 *may authorize the department to allocate a portion of the funds to*  
3 *be allocated pursuant to this paragraph.*

4 (3) ~~Ten~~ *Twenty-five* percent to projects of a transformative nature  
5 competitively awarded by the commission on a statewide ~~basis.~~  
6 *basis with consideration of broad geographic balance. The*  
7 *commission may authorize the department to allocate a portion*  
8 *of the funds to be allocated pursuant to this paragraph.*

9 (b) For the purpose of paragraph (1) of subdivision (a), the  
10 following shall apply in the region served by the Southern  
11 California Association of Governments:

12 (1) The Southern California Association of Governments shall  
13 consult with the county transportation commissions created  
14 pursuant to Sections 130050, 130050.1, and 132800 of the Public  
15 Utilities ~~Code, the commission, and the department~~ *Code* in the  
16 development of competitive selection criteria to be adopted by the  
17 Southern California Association of Governments, which should  
18 include consideration of geographic equity, consistent with program  
19 objectives.

20 (2) The Southern California Association of Governments shall  
21 place priority on projects that are consistent with plans adopted  
22 by local and regional governments within the county where the  
23 project is located.

24 (3) The Southern California Association of Governments shall  
25 obtain concurrence from the county transportation commissions,  
26 adopt the projects selected in a comprehensive program of projects,  
27 and make funds available to selected project recipients.

28 (c) The Legislature finds and declares that the program described  
29 in this chapter constitutes a highway purpose under Article XIX  
30 of the California Constitution and justifies the expenditure of  
31 highway funds therefor, and all expenditures of Article XIX funds  
32 under this program shall be consistent with Article XIX.

33 SEC. 2. Section 2382 of the Streets and Highways Code is  
34 amended to read:

35 2382. (a) The commission shall develop guidelines and project  
36 selection criteria ~~applicable to paragraphs (2) and (3) of subdivision~~  
37 ~~(a) of Section 2381~~ for the Active Transportation Program in  
38 consultation with the Active Transportation Program Workgroup,  
39 which shall be formed for purposes of providing guidance on  
40 matters including, but not limited to, development of and

1 subsequent revisions to program guidelines, schedules and  
2 procedures, project selection criteria, performance measures, and  
3 program evaluation. The workgroup shall include, but not be  
4 limited to, representatives of government agencies and active  
5 transportation stakeholder organizations with expertise in  
6 pedestrian and bicycle issues, including Safe Routes to School  
7 programs.

8 (b) The guidelines shall *be the complete and full statement of*  
9 *the policies and criteria that the commission intends to be used in*  
10 *selecting projects to be included in the program. The guidelines*  
11 *shall* address subjects that include, but are not limited to, project  
12 eligibility, application timelines, application rating and ranking  
13 criteria, project monitoring, reporting, and transparency, and project  
14 performance measurement.

15 (c) The guidelines shall include a process to ensure that no less  
16 than 25 percent of overall program funds benefit disadvantaged  
17 communities during each program cycle. The guidelines shall  
18 establish a program definition for disadvantaged communities that  
19 may include, but shall not be limited to, the description in Section  
20 39711 of the Health and Safety Code and the definition of  
21 low-income schools in paragraph (7) of subdivision (b) of former  
22 Section 2333.5, as that section read on January 1, 2013. A project  
23 eligible under this subdivision shall clearly demonstrate a benefit  
24 to a disadvantaged community or be directly located in a  
25 disadvantaged community.

26 (d) The guidelines shall allow streamlining of project delivery  
27 by authorizing an implementing agency to seek commission  
28 approval *or department approval, as applicable*, of a letter of no  
29 prejudice that will allow the agency to expend its own funds for a  
30 project programmed in a future year of the adopted program of  
31 projects, in advance of allocation of funds to the project by the  
32 ~~commission~~, *commission or department*, and to be reimbursed at  
33 a later time for eligible expenditures.

34 (e) The commission shall adopt the guidelines and selection  
35 criteria for, and define the types of projects eligible to be funded  
36 through, the program following at least two public hearings.  
37 Projects funded in this program shall be limited to active  
38 transportation projects, including ancillary costs associated with  
39 the construction of those projects. Ancillary costs may include  
40 costs associated with followup bicycle and pedestrian counts,

1 installation of ongoing bicycle and pedestrian counters, and  
2 changes to underlying utility and sewer systems necessitated by  
3 the active transportation project, if these costs are consistent with  
4 *the eligibility requirements of the funding sources and* requirements  
5 applicable to any federal funding provided for the project. The  
6 guidelines shall ensure that eligible projects meet one or more of  
7 the goals set forth in Section 2380 and may give increased weight  
8 to projects meeting multiple goals.

9 (f) In developing the guidelines with regard to project eligibility,  
10 the commission shall include, but need not be limited to, the  
11 following project types:

12 (1) Development of new bikeways and walkways, or  
13 improvements to existing bikeways and walkways, that improve  
14 mobility, access, or safety for nonmotorized users.

15 (2) Secure bicycle parking at employment centers, park and ride  
16 lots, rail and transit stations, and ferry docks and landings.

17 (3) Bicycle-carrying facilities on public transit, including rail  
18 and ferries.

19 (4) Installation of traffic control devices to improve the safety  
20 of pedestrians and bicyclists.

21 (5) Elimination of hazardous conditions on existing bikeways  
22 and walkways.

23 (6) Maintenance of bikeways and walkways.

24 (7) Recreational trails and trailheads, park projects that facilitate  
25 trail linkages or connectivity to nonmotorized corridors, and  
26 conversion of abandoned railroad corridors to trails.

27 (8) Safe Routes to School projects that improve the safety of  
28 children walking and bicycling to school, in accordance with  
29 Section 1404 of Public Law 109-59.

30 (9) Safe routes to transit projects, which will encourage transit  
31 by improving biking and walking routes to mass transportation  
32 facilities and schoolbus stops.

33 (10) Educational programs to increase biking and walking, and  
34 other noninfrastructure investments that demonstrate effectiveness  
35 in increasing active transportation. *Projects described in this*  
36 *paragraph shall be eligible to receive funding in more than one*  
37 *cycle.*

38 (g) In developing the guidelines with regard to project selection,  
39 the commission shall ~~include~~ *include, but need not be limited to,*

1 the following criteria, unless the particular criteria does not apply  
2 to the type of project:

- 3 (1) Demonstrated needs of the applicant.
- 4 (2) Potential for reducing pedestrian and bicyclist injuries and  
5 fatalities.
- 6 (3) Potential for encouraging increased walking and bicycling,  
7 especially among students.
- 8 (4) Identification of safety hazards for pedestrians and bicyclists.
- 9 (5) Identification of walking and bicycling routes to and from  
10 schools, transit facilities, and community centers.
- 11 (6) Identification of the local public participation process that  
12 culminated in the project proposal, which may include noticed  
13 public meetings and consultation with local stakeholders.
- 14 (7) *(A) Benefit to disadvantaged communities.* ~~It~~
- 15 *(B) In developing guidelines relative to this paragraph, the*  
16 *commission shall consider, but shall not be limited to, the definition*  
17 *of disadvantaged communities as applied pursuant to subdivision*  
18 *(c).*
- 19 *(C) In developing regional guidelines pursuant to paragraph*  
20 *(1) of subdivision (1) relative to this paragraph, a metropolitan*  
21 *planning organization shall consider the definitions of*  
22 *disadvantaged communities included in the state guidelines*  
23 *adopted by the commission. A metropolitan planning organization*  
24 *may adopt an additional definition of disadvantaged communities*  
25 *within its regional guidelines if the commission, in consultation*  
26 *with the metropolitan planning organization, reviews and approves*  
27 *that definition.*
- 28 *(D) A metropolitan planning organization that performs the*  
29 *competitive project selection process in accordance with guidelines*  
30 *adopted by the commission for metropolitan planning organizations*  
31 *shall track and report to the commission the projects that it selects*  
32 *that benefit disadvantaged communities in each program cycle.*
- 33 (8) Cost-effectiveness, defined as maximizing the impact of the  
34 funds provided.
- 35 (9) The adoption by a city or county applicant of a bicycle  
36 transportation plan, pursuant to Section 891.2, a pedestrian plan,  
37 a safe routes to school plan, or an overall active transportation  
38 plan.
- 39 (10) Use of the California Conservation Corps or a qualified  
40 community conservation corps, as defined in Section 14507.5 of

1 the Public Resources Code, as partners to undertake or construct  
2 applicable projects in accordance with Section 1524 of Public Law  
3 112-141.

4 (11) Other factors, such as potential for reducing congestion,  
5 improving air quality, reducing greenhouse gas emissions, and  
6 increasing and improving connectivity and mobility of  
7 nonmotorized users.

8 (h) For the use of federal ~~Transportation Alternative Surface~~  
9 ~~Transportation Block Grant~~ Program funds, or other federal funds,  
10 commission guidelines shall meet all applicable federal  
11 requirements.

12 (i) For the use of federal Highway Safety Improvement Program  
13 funds for active transportation projects specific to reducing  
14 fatalities and serious injuries, the criteria for the selection of  
15 projects shall be based on a data-driven process that is aligned  
16 with the state's Strategic Highway Safety Plan.

17 (j) The guidelines may include incentives intended to maximize  
18 the potential for attracting funds other than program funds for  
19 eligible projects.

20 (k) In reviewing and selecting projects funded by federal funds  
21 in the Recreational Trails Program, the commission shall  
22 collaborate with the Department of Parks and Recreation to  
23 evaluate proposed projects, and to ensure federal requirements are  
24 met.

25 (l) (1) To ensure that ~~regional agencies metropolitan planning~~  
26 ~~organizations~~ charged with allocating funds to projects pursuant  
27 to paragraph (1) of subdivision (a) of Section 2381 have sufficient  
28 discretion to adopt regional guidelines, the commission shall adopt  
29 separate guidelines for the ~~regional agencies state and for the~~  
30 ~~metropolitan planning organizations pursuant to this section~~ to  
31 provide ~~regional agencies metropolitan planning organizations~~  
32 with greater flexibility in the application and evaluation process,  
33 and in the administration of their programs. In the guidelines the  
34 commission ~~adopts pursuant to this subdivision,~~ *adopts for*  
35 *metropolitan planning organizations*, the commission shall ~~require~~  
36 *do both of the following*:

37 (A) *Require* regular reporting on project status and benefits  
38 pursuant to the commission's SB 1 Accountability and  
39 Transparency Guidelines (Resolution G-18-09).

1 (B) Ensure that metropolitan planning organizations comply  
2 with adopted statewide goals and priorities set forth in state law  
3 and by executive order.

4 (2) Each ~~regional agency~~ metropolitan planning organization  
5 may perform the competitive project selection process using in  
6 accordance with the guidelines adopted pursuant to paragraph (1)  
7 for metropolitan planning organizations or may request the  
8 commission to perform the competitive project selection process  
9 on its behalf using in accordance with the commission's guidelines  
10 adopted pursuant to subdivision (a) for the state. Each  
11 metropolitan planning organization that performs its own  
12 competitive project selection process shall share with the  
13 commission its scoring criteria for review and comment to ensure  
14 the criteria are consistent with the guidelines that the commission  
15 adopts for metropolitan planning organizations.

16 SEC. 3. Section 2384 of the Streets and Highways Code is  
17 amended to read:

18 2384. (a) The commission shall adopt a program of projects  
19 to receive funding pursuant to paragraphs (2) and (3) of subdivision  
20 (a) of Section 2381. Each program shall cover a period of four  
21 fiscal years beginning on July 1 of the year of adoption. The  
22 commission shall form a multidisciplinary advisory group to assist  
23 it in evaluating project applications.

24 (b) A ~~regional agency~~ metropolitan planning organization shall  
25 adopt a program of projects to receive funding pursuant to  
26 paragraph (1) of subdivision (a) of Section 2381. A ~~regional agency~~  
27 metropolitan planning organization shall adopt each program no  
28 later than July 1 of each odd-numbered year. Each program shall  
29 cover a period of four fiscal years beginning July 1 of the year of  
30 adoption. If a ~~regional agency~~ metropolitan planning organization  
31 requests the commission to perform the competitive project  
32 selection process on its behalf, as described in subdivision (l) of  
33 Section 2382, the commission shall adopt the program of projects  
34 for the ~~regional agency~~ metropolitan planning organization  
35 pursuant to subdivision (a).

36 (c) To allow additional time for guideline development and  
37 stakeholder input, the commission and metropolitan planning  
38 organizations may adopt the program of projects for the fifth  
39 funding cycle pursuant to this chapter no later than October 31,  
40 2021.

1     *SEC. 4. Section 2384.5 is added to the Streets and Highways*  
2     *Code, to read:*  
3     *2384.5. Any funding awarded pursuant to this chapter in the*  
4     *commission's fourth funding cycle, or in a previous funding cycle,*  
5     *shall be governed by this chapter as it read on December 31, 2019.*

AMENDED IN ASSEMBLY APRIL 8, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1013**

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**Introduced by Assembly Member Obernolte**

February 21, 2019

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An act to add Section 11000.5 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1013, as amended, Obernolte. State agencies: grant applications. Existing law authorizes various state agencies to award grant money for various purposes.

This bill would prohibit ~~any~~ a state agency from selecting as an evaluator of a grant application *a person who, within the five year period preceding receipt of that application, was a representative, former member, or former staff member of an organization or person that is applying to receive grant funding from that state agency.*

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 11000.5 is added to the Government
- 2 Code, to read:
- 3 11000.5. A state agency shall not select as an evaluator of a
- 4 grant application ~~a representative, former member, or former staff~~
- 5 ~~member~~ *a person who, within the five year period preceding*
- 6 *receipt of that application, was a representative, member, or staff*



- 1 *member* of an organization or person that is applying to receive
- 2 grant funding from that state agency.

O