

Memorandum

To: Chairman and Commissioners

Date: October 20, 2000

From: Robert I. Remen

File No: F 9
BOOK ITEM 4.1
ACTION

Ref: BALLOT MEASURES AND FINAL STATUS OF BILLS

There are three measures on the November 7, 2000 ballot that can have significant impacts on the funding and delivery of state transportation programs. The measures are, county transportation sales tax measures in Alameda County and Santa Clara County, and Proposition 35, "Public Works Projects - Use of Private Contractors for Engineering and Architectural Services." A brief description of these measures and the final status of the 30 bills tracked by the Commission is given below.

The Legislature is scheduled to convene the 2001-2002 Regular Session on Monday December 4, 2000.

PROPOSITION 35 - PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES.

Initiative Constitutional Amendment and Statute. Requires majority vote statewide. The initiative would:

- Amend constitution to provide that in the design, development and construction of public works projects, state government may choose to contract with private entities for engineering and architectural services without regard to certain existing legal restrictions which apply to the procurement of other services.
- Specify that local governments may also choose to contract with private entities for engineering, architectural services.
- Impose competitive selection process, which permits but does not require competitive bidding, in awarding engineering and architectural contracts.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Unknown fiscal impact on state spending for architectural and engineering services and construction project delivery. Actual impact will depend on how the state uses the contracting flexibility granted by the proposition in the future.
- Little or no fiscal impact on local governments because they generally can now contract for these services.

Alameda County Measure B

Measure B would extend the current one-half percent sales tax for transportation scheduled to expire in 2002 for 20 years through 2022, raising approximately \$1.42 billion. Requires a two-thirds vote. The expenditure plan would provide the following funding:

Mass Transit - \$612.1 million (43 %)

BART, Altamont Commuter Express, countywide express, local and feeder bus service, ferry service.

Highways - \$236.2 million (17 %)

Interstate 680, Interstate 880, Interstate 580, Interstate 238, State Route 92, State Route 84.

Local Streets and Roads - \$343.3 million (24 %)

Discretionary funds for all cities and the County, specific capital improvements for arterials.

Bicycle and Pedestrian Safety - \$80.6 million (6 %)

Downtown Oakland Streetscape Project, Iron Horse Bicycle, Pedestrian and Transit Route, countywide bicycle and pedestrian improvements.

Special Transit for Senior and People with Disabilities - \$148.6 million (10 %)

Santa Clara County Measure A

Measure A would authorize a 30-year one-half percent sales tax, from 2006 (when the existing sales tax expires) through 2036, which is estimated to raise approximately \$6 billion. Requires a two-thirds vote. The revenues from this sales tax may be used only to finance transit projects, but would free up state and federal transportation funds to advance highway, bicycle, and pedestrian projects. The measure would:

- Connect BART to Milpitas, San Jose, Santa Clara,
- Build a rail connection from San Jose International Airport to BART, Caltrain, and Light Rail,
- Purchase vehicles for disabled access, senior safety, and clean air buses,
- Provide Light Rail through Santa Clara County,
- Expand and electrify Caltrain,
- Increase rail and bus service.

BILLS ENACTED IN 2000

AB 769 (Margett) - Vehicles: Preferential Vehicle Lanes

CHAPTER 63 Statutes of 2000 (07/03/2000)

SUMMARY: Sets the minimum occupancy level on highway lanes for high-occupancy vehicles on that portion of Interstate 10 known as the San Bernardino Freeway at 3 persons, including the driver, during the peak commuting hours of 5:00-9:00 a.m. and 4:00-7:00 p.m., Monday through Friday, inclusive, and 2 persons, including the driver, at all other times.

AB 1419 (Davis) - Highways: Relinquishment: State Highway Route 209

CHAPTER 523 Statutes of 2000 (09/19/2000)

SUMMARY: Authorizes the commission to relinquish State Highway Route 209 to the City of San Diego upon terms and conditions the commission finds to be in the best interests of the state, if the commission and the city enter into an agreement providing for that relinquishment.

AB 1703 (Florez) - High-speed Rail Service

CHAPTER 791 Statutes of 2000 (09/28/2000)

SUMMARY: Extends the termination date of the High-Speed Rail Authority until 12/31/2003 and provides for the expiration of the terms of the members of the authority.

Governor's signing message:

This bill would allow for the reconstituting of the Authority's membership by providing discretion to the Governor, as well as the other appointing powers, to either replace or reappoint existing members. This provision will bring more accountability to the state agency that will be responsible for implementing a statewide high-speed train network in California. I believe it is critical that the Authority balance the extraordinary cost of this system with the long-term commitment of the State to fund other vital transportation projects.

I will seek legislation next session that will authorize the Governor to appoint the Secretary for the Business, Transportation and Housing Agency and the Director of the State Department of Transportation as voting, ex-officio members of the Authority.

Extending the sunset date of the Authority will provide the necessary continuity and resources to complete the first phase of the statewide program environmental impact report that will study high-speed train technology alternatives. The state budget includes \$5 million for this purpose.

AB 1703 would restore Caltrans' responsibility for overseeing the operation of intercity rail passenger trains with speeds up to 125 miles per hour. This provision will allow Caltrans to pursue capital and operational improvements to state-funded intercity rail passenger service that allow these trains to achieve higher speeds, thereby increasing frequency and ridership.

AB 1807 (Longville) - California Environmental Quality Act

CHAPTER 738 Statutes of 2000 (09/27/2000)

SUMMARY: Relates to consultations under the California Environmental Quality Act. Requires the lead agency preparing an environmental impact report to send notice to the Office of Planning and Research, and requires that transportation information resulting from the report be submitted to Caltrans when the project has impacts that are of statewide, regional, or areawide significance.

Governor's signing message:

I am signing Assembly Bill 1807, which amends the California Environmental Quality Act (CEQA) to require a lead agency, which determines that an Environmental Impact Report (EIR) is required, to also send notice to the Office of Planning and Research (OPR). The bill would also require transportation information resulting from a reporting or monitoring program, currently submitted to a regional transportation planning agency, to also be submitted to the Department of Transportation (Caltrans).

In signing this measure, I am also directing OPR and Caltrans to implement the bill using existing staff resources.

AB 1871 (Runner) - Highways: High-Occupancy Vehicle Lanes

CHAPTER 337 Statutes of 2000 (09/08/2000)

SUMMARY: Prohibits until 06/01/02 any high-occupancy vehicle (HOV) lane from being established on State Highway Route 14 between the City of Santa Clarita and the City of Palmdale unless the lane is authorized as an HOV-lane only during the hours of heavy commuter traffic. The bill also requires any existing HOV lane established at the specified location to be modified to conform to those requirements. In addition, the bill requires the Legislative Analyst to report to the Legislature on the impact to traffic by limiting the use of HOV lanes.

AB 1951 (Longville) - Transportation: Public Transit: Funding

CHAPTER 632 Statutes of 2000 (09/26/2000)

SUMMARY: the Southern California Regional Rail Authority consists of 5 member agencies, and the Altamont Commuter Express Authority consists of 3 member agencies. This bill requires each authority to report to the Controller, on an annual basis, the ratio that the fare box revenue of each member agency of the authority during the prior fiscal year bears to the total revenue of the authority during that fiscal year. Require the Controller to allocate to each member agency of the authority, State Transit Assistance funds an amount that is based on the ratio provided by the authority.

AB 2016 (Strom-Martin) - Humboldt Bay Harbor District

CHAPTER 719 Statutes of 2000 (09/27/2000)

SUMMARY: Appropriates \$1,580,000 from the General Fund to the State Lands Commission for allocation in the 2000-01 fiscal year to the Humboldt Bay Harbor District for the purpose of meeting local matching share requirements for federal navigation projects.

Governor's signing message:

This bill would appropriate funding to the Humboldt Bay Harbor district to be used for navigation improvement and safety projects. Normally I oppose such local expenditures, however, the northern region of the state is experiencing unique economic difficulties. This bill would provide one-time economic relief for one of the major regions of the state with an economy that is not thriving. Therefore, I am signing this measure and reducing the appropriation to \$580,000.

AB 2140 (Keeley) - Regional Transportation Plans

CHAPTER 832 Statutes of 2000 (09/29/2000)

SUMMARY: Revises the requirements for the policy and financial elements of the transportation plan and would limit those revised requirements to transportation planning agencies with populations that exceed 200,000 persons. Authorizes those agencies, except as specified, to prepare at least one alternative planning scenario, and would list the requirements for that alternative planning scenario. Does not apply to a transportation plan adopted on or before September 1, 2001, proposed by a transportation planning agency with a population of less than 1,000,000 persons.

AB 2252 (Maldonado) - Aviation: Spaceports

CHAPTER 191 Statutes of 2000 (07/24/2000)

SUMMARY: Amends the California Airport District Act to additionally authorize airport districts to provide and maintain spaceports and landing places for space reentry traffic, and would define various terms. Makes related changes.

Governor's signing message:

I am signing Assembly Bill 2252 because it both promotes and supports an aeronautic future when Reusable Launch Vehicle flights will likely become common in California. However, I do believe that important safety, environmental and community concerns need to be addressed prior to the designation and certification of each site. While it is likely that some existing airports can and will safety meet local, state, and federal requirements, certification and administrative procedures need to be clarified. I have been assured by the author that he will carry follow-up legislation to address these issues. Therefore, I am signing this bill.

AB 2522 (Shelley) - Vehicles: Pedestrians: Bicyclists

CHAPTER 833 Statutes of 2000 (09/29/2000)

SUMMARY: Would establish the Pedestrian Safety Account in the State Transportation Fund to be available, upon appropriation, for allocation by Caltrans to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

AB 2607 (Knox) - Highways: Pilot Project: Contracts

CHAPTER 340 Statutes of 2000 (09/08/2000)

SUMMARY: Increases the number of permissible transportation projects from 6 to 12 for the Caltrans demonstration program to let design-sequencing contracts for the design and construction of transportation projects, and extends the operative date of the program to 01/01/05.

AB 2848 (Firebaugh) - Environmental Impact Reports

CHAPTER 387 Statutes of 2000 (09/11/2000)

SUMMARY: (1) Existing law provides that if a project requires both an environmental impact report prepared pursuant to the California Environmental Quality Act and an environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969, the lead agency, whenever possible, shall use the statement as the report. In that situation, existing law requires the lead agency that will substitute the statement for the report to

consult, as soon as possible, with the federal agency required to prepare the statement. This bill would also require the lead agency to notify the federal agency required to prepare the statement of any scoping meeting for the proposed project.

AB 2928 (Torlakson) - Traffic Congestion Relief Program

CHAPTER 91 Statutes of 2000 (07/07/2000)

SUMMARY: Extends the 4-year state transportation improvement program, including the 4-year fund estimation process, to 5 years. Establishes the Traffic Congestion Relief Fund in the State Treasury and would appropriate the money in the Fund to the commission for allocation to the department and certain regional and local transportation entities for transportation projects listed in the bill, to the Controller for allocation to cities and counties for street and road maintenance.

SB 406 (Ortiz) - Traffic Congestion Relief Program

CHAPTER 92 Statutes of 2000 (07/07/2000)

SUMMARY: Establishes a list of transportation projects eligible for funding with money from the Traffic Congestion Relief Fund, specifies the lead agency for each project, and establishes procedures for implementing the Traffic Congestion Relief Program.

SB 1080 (Sher) - Toll Bridges

CHAPTER 686 Statutes of 2000 (09/27/2000)

SUMMARY: If the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under its jurisdiction to any vehicle pursuant to law, this bill requires the commission to grant the same toll-free and reduced-rate passage to vehicles displaying a valid Ultra Low Emission Vehicle or Super Ultra Low Emission Vehicle identifier issued pursuant to existing law.

SB 1562 (Burton) - Mitigation of Projects through Restoration

CHAPTER 925 Statutes of 2000 (09/29/2000)

SUMMARY: Relates to wetlands restoration as mitigation for expansion of San Francisco International Airport (SFO). Specifies the details to be discussed by the lead agency in evaluating restoration of salt ponds in south San Francisco Bay as mitigation for expanding the runways at SFO. Requires the lead agency, if the project requires more than 1 acre fill in San Francisco Bay, to include in the EIR analysis of joint management of SFO and the Oakland International Airport, as an alternative to the project.

SB 1584 (Schiff) - Highways: Route 110: Relinquishment

CHAPTER 270 Statutes of 2000 (08/31/2000)

SUMMARY: Authorizes the California Transportation Commission to relinquish to the City of Pasadena a specified portion of State Highway Route 110, upon terms and conditions the Commission finds to be in the best interests of the state. Requires the relinquishment would become effective immediately following the recordation by the county recorder of the relinquishment resolution containing the Commission's approval of the terms and conditions of the relinquishment.

SB 1645 (Perata) - Highways: State Highway Route 880: Relinquishment

CHAPTER 538 Statutes of 2000 (09/19/2000)

SUMMARY: Authorizes the California Transportation Commission to relinquish to the City of Oakland a specified portion of the former rights-of-way of State Highway Route 880, upon terms and conditions the commission finds to be in the best interests of the state, including a requirement that the Department of Transportation and the city enter into a cooperative agreement to improve the portion of right-of-way that is to be relinquished, as specified.

SB 1662 (Burton) - Transportation: Finance

CHAPTER 656 Statutes of 2000 (09/26/2000)

SUMMARY: Clean-up of the Traffic Congestion Relief Program enacted July 7, 2000 by AB 2928 (Torlakson, CHAPTER 91 Statutes of 2000).

SB 1772 (Brulte) - Highways: Bicycle Transportation Account: Funds

CHAPTER 834 Statutes of 2000 (09/29/2000)

SUMMARY: Existing law requires that the amount of \$1,000,000 during each of the calendar years 1998, 1999, and 2000, \$2,000,000 during each of the calendar years 2001 and 2002, \$3,000,000 during the calendar year 2003, and \$5,000,000 during the calendar year 2004, and annually thereafter, be transferred from the Highway Users Tax Account in the Transportation Tax Fund to the Bicycle Lane Account in the State Transportation Fund. This bill, commencing on July 31, 2001, and on the last day of each month after that date, to and including June 30, 2006, increases the amount required to be transferred to the Bicycle Lane Account to \$600,000 per month (\$7,200,000 per year). The bill would require that after June 30, 2006, the sum of \$416,667 per month (\$5,000,004 per year) be transferred to the account, on the last day of each month after that date.

SCR 96 (Karnette) - Intermodal Freight Access

RESOLUTION CHAPTER 158 Statutes of 2000 (09/20/2000)

SUMMARY: Requests Caltrans, in cooperation with the Business, Transportation and Housing Agency, the Trade and Commerce Agency, the California Transportation Commission, lead transportation agencies, ports and airports, and other appropriate parties, prepare a proposal for a "Global Gateways Development Program" to improve major freight gateways in California to enhance overall mobility, including increased access at and through international ports of entry, international airports, seaports, other major intermodal transfer facilities and goods movement distribution centers, and trade corridors in California. The Program shall identify high-priority airport and seaport access and intrastate transportation projects which serve to facilitate the movement of intrastate, interstate, and international trade beneficial to the state's economy. Caltrans is requested to prepare and submit to the Legislature a report on the progress in preparing the Global Gateways Development Program, on or before March 1, 2001, and to submit a final report on that program to the Legislature on or before July 1, 2001.

BILLS VETOED IN 2000

AB 1066 (Cardenas) - Department of Transportation: Contracts

VETOED (09/26/2000)

SUMMARY: Authorizes Caltrans to enter into a contract with a federally recognized Indian tribe (Shingle Springs Band of Miwok Indians) for Caltrans to provide services related to the development and installation of freeway on-ramps and off-ramps and related access roads serving State Route 50.

Governor's veto message:

This bill would authorize Caltrans to contract with the Shingle Springs Band of Miwoks Indians to facilitate construction of improvements to Highway 50, benefiting the reservation. Until the second to the last day of the legislative session, this bill related to the display of slot machines at trade shows. I have previously expressed my dislike for bills substantially amended during the waning hours of the legislative session without the benefit of public input. Furthermore, while the contractual arrangement specified in this bill may have merit, I believe it is imperative that the greater community be given the opportunity to participate in the issues surrounding the proposed highway improvements.

AB 1093 (Strom-Martin) - Transportation Funding

VETOED (09/24/2000)

SUMMARY: Creates in the State Transportation Fund the Short Line Railroad Improvement Account to be administered by the Caltrans. Authorizes Caltrans to approve grants to short line railroads to be funded from the account. The funds may be used for the cost of capital improvement projects, state matching portion of federal grants for rail-highway grade crossing improvement projects, rehabilitation of track bed and structures, restoration of railroad facilities damaged or destroyed in circumstances declared as a state of emergency by the Governor, and purchase of railroad equipment necessary to maintain rail service.

Governor's veto message:

This bill would create the Short Line Railroad Improvement Account in the State Transportation Fund, to be administered by Caltrans. The bill would authorize Caltrans to approve grants to privately owned short line railroads for capital costs and related uses.

Neither the Budget Act of 2000 nor the Transportation Congestion Relief Act appropriated funds for the purposes outlined in this bill. Furthermore, because this bill would exclude use of Public Transportation Account and Article XIX funds for these grants, the result would be a greater demand on the general fund.

AB 2091 (Pacheco Rod) - Transportation: State Highway Route 91

VETOED (09/28/2000)

SUMMARY: Authorizes the Orange County Transportation Authority (OCTA) and the Riverside County Transportation Commission (RCTC), mutually, to recommend to the California Transportation Commission (CTC), the Legislature, and the Governor, not later than November 1, 2000, an independent appraiser to conduct an appraisal of the fair market value of the toll facility constructed on State Route 91. If the recommendation has not been made on or before November 1, 2000, the CTC shall make that recommendation to the Legislature and the Governor not later than December 1, 2000. The CTC shall appoint the appraiser recommended by OCTA and RCTC on November 6, 2000, or on December 4, 2000 if selected by the CTC. The sum of \$500,000 is appropriated from the State Highway Account to Caltrans for allocation to the appraiser for the purpose of completing the appraisal. The appraisal of the toll facility may not be funded with local funds.

Governor's veto message:

This bill would authorize Orange County Transportation Authority (OCTA) and the Riverside County Transportation Commission (RCTC) to recommend to the Legislature, the California Transportation

Commission (CTC), and the Governor, by November 1, 2000, an independent appraiser to appraise the fair market value of the State Route 91 toll lanes - a privately funded facility. The bill would provide that, if the recommendation has not been made by November 1, 2000, the CTC would be required to make the recommendation not later than December 1, 2000.

Regardless of how the recommendation is made, the CTC would be responsible for appointing the appraiser by November 6, 2000, if the recommendation is made by OCTA/RCTC or by December 4, 2000, if the recommendation is made by the CTC. The bill would require the appraiser to complete the appraisal at the earliest possible time. The bill, an urgency measure, would appropriate \$500,000 to Caltrans from the State Highway Account for allocation to the appraiser. The bill would prohibit the use of local funds to pay for the cost of the appraisal.

I am returning this bill to the Legislature unsigned for several reasons, most notably, that the State does not need statutory authority to make these resources available. I am, therefore, prepared to make up to \$250,000 available to OCTA and RCTC to conduct a valuation of the franchise for the State Route 91 toll facility at such a time that they mutually agree upon a party to perform such services for them.

The State has a contractual relationship with the owners of the franchise for the SR 91 toll facility. Any participation by the State in abrogating our responsibilities under that agreement makes the State vulnerable to legal action by the franchisees. I applaud local interests and Members of the Legislature who wish to generate a body of knowledge which can be used to determine their potential courses of action with regard to the future of transportation services in this corridor.

The bill would also prohibit the use of local funds to pay for the cost of the study. I see no reason to limit, by law, local interests' ability to use their resources to compile the most beneficial and responsible information for their use. Finally, I am concerned about the time limits imposed by the bill. I see no reason to impose upon local and regional governments a deadline which restricts their ability to obtain the most valuable information by a mutually agreed upon and reputable party.

AB 2199 (Pescetti) - State Highway 99 Study

VETOED (09/28/2000)

SUMMARY: Requires the County of Sacramento, in consultation with the Sacramento Area Council of Governments and Caltrans to conduct and submit the results of a study to the Legislature on or before January 1, 2002 of that portion of State Route 99 between the Grant Line Road exit in Elk Grove and the City of Sacramento to evaluate the (1) the factors that have contributed to an increase in vehicle collisions, (2) whether the high-occupancy vehicle configuration of the freeway is a significant contributor to congestion on the segment, (3) a forecast of the differing impacts on air quality, traffic congestion, and cost to taxpayers between no expansion of SR 99 and continuation of plans to provide alternatives to individual vehicle transportation, and expansion of SR 99 combined with an expansion of public transit and, other congestion reduction alternatives.

Governor's veto message:

This bill would require the County of Sacramento, in consultation with the Sacramento Area Council of Governments (SACOG) and Caltrans, to conduct a study of Route 99 between Grant Line Road in Elk Grove and the City of Sacramento.

The bill is unnecessary. Caltrans and the Sacramento Council of Governments routinely work together to study this corridor as well as other corridors throughout the region.

SB 1629 (Sher) - Highways: Pedestrian and Bicycle Access

VETOED (09/28/2000)

SUMMARY: Requires bicycle and pedestrian access to be included on all highways and toll bridges constructed, as defined, after a specified date unless the responsible agency determines that there are exceptions after an open and public meeting, as prescribed.

Governor's veto message:

This bill would require any new highway or toll bridge and any highway or toll bridge modified to increase the number of vehicle lanes to include sidewalks, pathways, or other equivalent facilities for pedestrians on both sides of the road and bike lanes or adequate shoulders for bicyclists. The bill would exclude freeways, certain previously planned toll bridge work in the San Francisco Bay Area, and all maintenance, rehabilitation, replacement, and seismic retrofit work provided that this work does not increase the number of vehicle lanes. The bill also provides a number of criteria under which a project may be exempted from the requirements of the bill.

I believe that improving conditions for pedestrians and bicyclists on California streets and highways is an important priority. Toward that end I have signed three measures to improve pedestrian and bicycle access and safety: SB 1772 by Senator Brulte, will substantially increase funding to the Bicycle Transportation Account in the State Transportation Fund; AB 2522 by Assemblymember Shelley, will create a new Pedestrian Safety Account to increase funding for pedestrian safety improvements projects; and AB 2140 by Assemblymember Keeley, will encourage transportation planning agencies to prepare alternative planning scenarios, including encouraging public transit usage, walking, and bicycling.

Caltrans' design standards for the State Highway System already require that the needs of pedestrians and bicyclists be considered in the design and development of projects. Furthermore, every regional transportation agency in the state is required to adopt a comprehensive Regional Transportation Plan (RTP) which must include a bicycle and pedestrian Component.

In this regard, SB 1629 would do little more than codify existing practice. However, by imposing a mandate upon local governments, the bill would impose a substantial new burden upon these entities in the form of increased design and construction costs. Local governments could, in turn, seek reimbursement for these state-mandated costs of at least \$25 million from the General Fund. No provisions for these monies were made in the budget. If successful, these claims would substantially impact the General Fund, drawing resources away from other equally important purposes.

SB 1809 (Johnston) - Transportation Enhancement Activities (TEA) Funding

VETOED (09/28/2000)

SUMMARY: Would add a state requirement, where there is no federal requirement, to spend 10% of federal "Minimum Guarantee with Special Limitations" funds for transportation enhancement activities, and would specify that the state's 25% share of the additional funds be used in the statewide competitive portion of the

enhancements program. This would redirect about \$15 million per year now used for transportation projects to increase funding for enhancements, with \$3.75 million programmed by the state and \$11.25 million by the regions. Federal law currently requires that 10% of federal Surface Transportation Program funds (about \$63 million per year in California) be spent for enhancements, broadly defined as bicycle and pedestrian facilities, scenic beautification, historic renovation, and water quality and habitat improvements.

Governor's veto message:

This bill would require that not less than 10 percent of the funds apportioned to the State as the remainder of federal minimum guarantee apportionments be programmed for transportation enhancement activities, as defined in federal law, and would specify how these funds shall be allocated to local agencies for eligible projects.

I am vetoing this bill because it would shift funding that is already programmed for specific capital highway, street, road, and rail projects, to transportation enhancement activities such as beautification and bike trails, for which the need for additional funding has not been established, and for which there are other state and federal funding sources which are not fully committed. In fact, there are more funds available and unused than this bill would redirect. Additionally, by reducing overall funding for transportation improvements, this bill could affect the delivery of projects within this Administration's Traffic Congestion Relief Plan.

SB 1813 (Speier) - CalTrans: Contract Disputes

VETOED (09/26/2000)

SUMMARY: Provides that a claimant against the state seeking payment on a contract is entitled to arbitration if more than 240 days have elapsed since the acceptance of the work by the contracting department, and the claimant has not initiated arbitration under any other provision of law. Establishes procedures affecting Caltrans for the administrative review of disputes involving contractors and subcontractors.

Governor's veto message:

This bill would revise the process for resolving a dispute between Caltrans and its contractors and their subcontractors. Under the bill, a subcontractor would be authorized to initiate arbitration proceedings with Caltrans prior to completion of the contract.

Under existing contract law, Caltrans has no contractual relationship with a subcontractor. Subcontractor claims must be resolved with the prime contractor. This bill circumvents procedures to accelerate subcontractor claims. Additional time spent arbitrating subcontractor claims by Caltrans project staff may lead to project delays and the need for additional personnel.

SB 2019 (Polanco) - Transportation: High-Speed Rail Authority

VETOED (09/28/2000)

SUMMARY: Requires the High-Speed Rail Authority to prepare a plan for the construction and operation of a maglev high-speed train to connect Los Angeles International Airport with downtown Los Angeles, the San Gabriel Valley, Ontario International Airport, March Field in Riverside County, and Palmdale International Airport, and to submit the plan to the Legislature and Governor for review.

Governor's veto message:

This bill would require the California High-Speed Rail Authority to prepare a feasibility study for the construction and operation of a maglev train system in Southern California.

While the general intent of the bill -- to deploy high-speed maglev train service in Southern California -- is laudable, this bill is premature. I recognize that the State of California has applied for and received funding for pre-construction activities under the federal Maglev Deployment Program. I stated at that time that while I support the program, I would withhold judgment as to which high-speed train technology best serves the people of California until after completion of the program studies.

California has subsequently applied for funding under the federal program to perform additional engineering, financial and environmental studies related to the maglev project description submitted to the Federal Railroad Administration. In our recent application letter to the FRA, we specifically stated that these studies needed to be conducted before California commits to construction of the maglev project. SB 2019 would appear to endorse maglev as the technology of choice for California before those studies are even completed.

In conjunction with our application for funding under the federal program, the California High-Speed Rail authority has commissioned a statewide program environmental impact report that includes the study of both maglev and steel-wheel-on-steel-rail technologies.

I do not believe it would be fiscally prudent nor productive for the Authority to be required to expend significant additional funds that will duplicate the pre-construction activities already performed under the federal Maglev Deployment Program and those scheduled under the upcoming statewide program EIR.

SB 2036 (Alarcon) - Airports: Temporary Project

VETOED (09/28/2000)

SUMMARY: Requires Caltrans to establish before 07/01/2001 and through 07/01/2004, a program at the general aviation airport in the state with the largest total number of operations per year (Van Nuys), for the purpose of determining the estimated number of acres, residents, and dwelling units within a certain range of Community Noise Equivalent Level (CNEL), in the immediate vicinity of the airport.

Governor's veto message:

This bill would require Caltrans to establish the number of residents and the number of dwellings within the 60 decibel Community Noise Equivalent Level (CNEL) contours surrounding Van Nuys Airport using a specified modeling tool.

The merits of the study required by this bill are questionable since the state noise standard is 65 decibel CNEL. To the extent the study is even technically feasible, its value is of marginal use. Also, by singling out Van Nuys Airport, the bill would violate one of the defining principles of the State Aeronautics Act to affect uniformity of the laws and regulations relating to aeronautics.