

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 19-20, 2011

Reference No.: 4.1  
Action

From: BIMLA G. RHINEHART  
Executive Director

Subject: **STATE AND FEDERAL LEGISLATION**

## **ISSUE:**

On December 6, 2010, the Legislature convened the 2011 Regular Session to organize, elect officers and adopt rules for the upcoming two-year session, and reconvened on January 3, 2011. The attached list provides bills that have been introduced related to the criteria identified in the Commission's Legislation Review Policy approved on December 9, 2009.

The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) lapsed in September 2009, and was extended by Congress and was to expire on December 31, 2010. On December 21, 2010, Congress approved a measure to extend SAFETEA-LU appropriations until March 4, 2011. On December 22, 2010, the President signed the measure into law.

## **RECOMMENDATION:**

Staff recommends that the Commission accept the staff report.

## **BACKGROUND:**

### **State Legislation**

At its December 2009 meeting, the Commission approved criteria to guide Commission staff in monitoring legislation and selecting bills that should be brought forward for Commission consideration.

### **Criteria to Guide Staff in Monitoring Bills**

An over-arching criterion is that a bill must directly affect transportation on a statewide basis. Bills meeting one or more of the criteria will be brought forward to the Commission for consideration.

A bill must:

- involve funding or a funding mechanism for transportation (capital and operations)
- involve the implementation of green house gas emissions reduction and transportation (e.g., AB 32)
- involve the implementation of transportation and land use and planning (e.g., SB 375)
- involve the environmental process and transportation (e.g., CEQA)
- involve changes to the way transportation projects are delivered

Additional criteria for bringing a bill forward for consideration is a bill that:

- affects the Commission directly (e.g., changes in Commission responsibility, policy impact or operations) or
- is recommended by a Commissioner for consideration by the Commission at its next regularly scheduled meeting

Commission staff will limit monitoring to those bills selected by the Commission. Staff will:

- report at Commission meetings on the bills' progress
- prepare analyses and recommendations
- testify at committee hearings on those bills where the Commission has taken a position
- continue to meet regularly with Caltrans and Legislative staff to discuss bills moving through the legislative process
- inform the Administration of the Commission's position on bills that pass the Legislature

#### Further Guidance by the Commission

Further guidance can be provided to staff by the Chair, Vice-Chair and past Chair, as well as interested Commissioners through the Chair, on bills that meet the aforementioned criteria. Ultimately the Commission may decide to take a position on a bill.

In 2008, the Commission adopted a policy to:

- consider legislation in relation to its overall policy by topic area, prior to taking a position on legislation addressing that topic; and
- remain selective in its use of watch, support or opposition on a bill.

The Commission's rationale for a policy by topic area is it permits the Commission to address a suite of legislative proposals dealing with the same topic by commenting to the author(s) without necessarily taking a position. Rather than taking specific positions on bills in their initial state, the Commission can advise the Legislature on a bill's policy and/or technical aspects, as well as how it helps or hinders transportation. The intent of the Commission's comments is to alert the author of the bill's impact on a policy and/or technical aspect related to transportation planning, programming, financing, mitigation, or project delivery.

The following is the 2011-12 legislative calendar:

2011-12 Regular Session Calendar

- December 6, 2010 – 2011 Regular Session convened (both Houses organized, elected officers and adopted rules for the upcoming two-year session)
- January 3, 2011 – Legislature reconvened
- February 25, 2011 – Deadline to introduce legislation
- September 9, 2011 – Deadline for bills to pass both Houses in first-year session  
Adjournment
- November 9, 2011 – Deadline for Governor’s action on bills passed by both Houses in the first-year session.
- January 2012 – Second-year of two-year session begins
- September 2012 – Deadline for bills to pass both Houses in second-year session
- November 30, 2012 – Adjournment

Federal Legislation

With Congress’s passage and the President’s approval of a measure to extend SAFETEA-LU, Fiscal Year 2010 appropriations will be available until March 4, 2011 for the U.S. Department of Transportation and other government agencies as well as the authorization for federal highway and transit programs. Government funding had expired December 21, 2010, while temporary authorization for highway and transit programs had been scheduled to lapse on December 31, 2010.

When the House previously voted on the SAFETEA-LU continuing resolution on December 8, 2010, it included language to extend appropriations and surface transportation authorization through the end of the fiscal year (September 30, 2011). That timetable was shortened by the Senate, however, after there were not enough votes to move forward on a full-year omnibus appropriations package.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION  
 Status of State Legislation  
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**RELATED TO DIRECT IMPACT TO COMMISSION**

<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>
SB 14	Wolk	State Budget	Requires that the budget submitted by the Governor to the Legislature for the 2014-15 fiscal year and each fiscal year thereafter be developed pursuant to performance-based budgeting. Requires the budget of a state agency to utilize performance-based budgeting. Establishes a task force to develop performance-based budgeting guidelines and procedures, and to review and comment on a training and education program for state agency personnel involved in the budget process.	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Senate

**RELATED TO THE ENVIRONMENT AND PLANNING**

<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>
AB 57	Beall	Transportation Planning	Requires the Department of Transportation to engage in various transportation planning activities, including long-term state highway system planning to identify future highway improvements in consultation with metropolitan planning organizations.	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Assembly

**RELATED TO RAIL**

<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>
AB 16	Perea	High-Speed Rail Authority	Amends existing law that creates the High-Speed Rail Authority. Requires the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws. (Similar Bill: AB 1830 (Jones, 2010) – vetoed by Governor on September 30, 2010)	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Assembly
AB 31	Beall	Land Use: High-Speed Rail: Local Master Plan	Relates to the High-Speed Rail Act. Establishes the High-Speed Rail Local Master Plan Pilot Program. Requires specified cities and counties to adopt, by ordinance, a master plan for development surrounding the high-speed rail system. Requires the plan to include incentives for encouraging investment growth in the areas surrounding the system. Requires participating jurisdictions to develop incentives to encourage development while concurrently reducing greenhouse gas emissions.	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Assembly
AB 41	Hill	Conflicts of interest: disqualification	Amends existing provisions of the Political Reform Act of 1974 that prohibits a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has a reason to know that he or she has a financial interest. Adds members of the <i>High-Speed Rail Authority</i> to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest. (See similar bill SB 50 below)	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Assembly

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**RELATED TO RAIL (Continued)**

<b>Bill #</b>	<b>Author</b>	<b>Bill Title</b>	<b>Subject</b>	<b>Status</b>
AB 58	Galgiani	High-Speed Rail	Amends the High Speed Rail Act which creates the High-Speed Rail Authority. Authorizes the Governor to appoint up to 5 deputy directors exempt from civil service who would serve at the pleasure of the executive director. Requires the Authority to use the proceeds of bonds from the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century to match specified federal funds. (Urgency)	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Assembly
AB 76	Harkey	High-Speed Rail	Reduces the amount of general obligation debt authorized pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2012.	<b><i>Introduced</i></b> December 22, 2010 <b><i>Current Location</i></b> In Assembly
SB 22	La Malfa	High-Speed Rail	Amends provisions regarding general obligation bonds for high-speed rail and related purposes. States the intent of the Legislature to reexamine the bond funding mechanism of the High-Speed Rail Authority relative to the authority's high-speed rail project.	<b><i>Introduced</i></b> December 6, 2010 <b><i>Current Location</i></b> In Senate
SB 50	Correa	Conflicts of Interest: Disqualification	Amends the Political Reform Act of 1974. Adds members of the <i>High-Speed Rail Authority</i> to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. (See similar bill AB 41 above)	<b><i>Introduced</i></b> December 15, 2010 <b><i>Current Location</i></b> In Senate