

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 25-26, 2012

Reference No.: 4.1  
Action

  
From: BIMLA G. RHINEHART  
Executive Director

Subject: STATE AND FEDERAL LEGISLATION

## ISSUE:

The Legislature reconvened on April 9, 2012 from spring recess. Attachment A provides the status of bills that staff is monitoring.

At the March 28-29, 2012 California Transportation Commission (Commission) meeting, staff was directed to prepare letters stating the Commission's adopted positions and/or concerns on legislation.

## Action Item from the March 28-29, 2012 Commission Meeting

### **Assembly Bill 441 (Monning) – State Transportation Improvement Program**

This bill would require that the Commission to, by no later than 2014, include health issues, as specified, voluntary health and health equity factors, strategies, goals, and objectives in the guidelines promulgated by the Commission for the preparation of regional transportation plans.

**Action:** Prepare a letter stating the Commission's concerns on the bill. The Commission's Chair approved the letter that was forwarded to the appropriate legislative members.

**Bill Status:** In Senate Committee on Transportation and Housing. No hearing scheduled at this time.

### **Assembly Bill 1645 (Norby) – State Highways: Naming and Designation by the Legislature**

This bill would transfer the authority for naming highways, bridges, pathways, and other transportation infrastructure from the Legislature to the Commission.

**Action:** Prepare a letter in opposition on the bill. The Commission's Chair approved the letter that was forwarded to the appropriate legislative members.

**Bill Status:** This bill was heard by the Assembly Committee on Transportation on April 9, 2012. The bill failed passage by the Committee.

**Senate Bill 1102 (DeSaulnier) – State Transportation Improvement Program**

This bill would require the Department of Transportation, as part of the annual project delivery report, to report on the difference between the original allocation made by the Commission and the actual construction capital and support costs at project close for all STIP projects completed during the previous fiscal year. Would revise provisions to require project costs to include right-of-way support costs. Would require the Commission to allocate funds for construction support costs for a project in the STIP at the time of allocation of funds for construction capital costs. Would require a supplemental project allocation request to be made for all interregional and regional projects that experience construction support costs equal to more than 120% of the amount originally allocated.

**Action:** Prepare a letter in formal support on the bill. The Commission's Chair approved the letter that was forwarded to the appropriate legislative members.

**Bill Status:** In Senate Committee on Appropriations. No hearing scheduled at this time.

Copies of the letters can be found on Attachment B.

**Amended Legislation**

Following the March 2012 Commission meeting, two bills of interest to the Commission were amended. Staff is currently analyzing these bills.

**SB 1117 (DeSaulnier) – Statewide Passenger Rail Transportation Plan**

**As amended March 29, 2012:** This bill would require the Commission to prepare a statewide passenger rail transportation plan relative to conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. The bill would require the commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. Requires the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the Department of Transportation, the High-Speed Rail Authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. Requires regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the Commission by December 31, 2013. This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.

**SB 1189 (Hancock) – The Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century: Project Funding**

**As amended March 26, 2012:** This bill would appropriate \$523,400,000 from the High-Speed Passenger Train Bond Fund to the Department of Transportation for allocation by Commission as provided for in specified guidelines adopted by the Commission.

The amended bills can be found on Attachment C.

**RECOMMENDATION:**

The Commission is requested to provide direction to staff on legislation of interest to it.

**BACKGROUND:**

The Commission approved criteria to guide Commission staff in monitoring legislation and selecting bills that should be brought forward for Commission consideration. An over-arching criterion is that a bill must directly affect transportation on a statewide basis. Bills meeting one or more of the criteria, provided below, will be brought forward to the Commission for consideration.

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

Additional criteria for bringing a bill forward include:

- Direct Impact to Commission - changes in Commission responsibility, policy impact or operations
- Commissioner Request - recommended by a Commissioner for consideration by the Commission at its next regularly scheduled meeting

The Commission adopted 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 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.

Further direction will be provided to staff, by the Chair, on bills that meet the aforementioned criteria.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION  
Status of State Legislation  
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**FUNDING/FINANCING**

Bill #	Author	Bill Title	Subject	Status
AB 1229	Feuer	California Transportation Financing Authority Fund: local agency revenue bonds	Provides the term eligible transportation project in existing law may include projects programmed by a regional transportation planning agency using specified federal funds. Authorizes a minimum percentage of bonding capacity of GARVEE bonds from being made available for these projects. Requires such agency to commit to repaying the state for debt service if that agency's share of federal regional surface transportation program funds or federal congestion mitigation and air quality funds is insufficient.	<i>Last Action</i> In Senate Committee on Appropriations Held in Committee August 25, 2011 <i>Current Location</i> Senate Committee on Appropriations
<u>AB 1770</u>	Lowenthal B.	California Transportation Financing Authority	The bill provides that a rail project may consist of, or include, rolling stock for the purpose of the issuance of bonds to fund transportation projects. Requires a project to be supplemental to or improve existing facilities currently owned or operated by the project sponsor.	<i>Last Action</i> In Assembly Committee on Transportation Do Pass April 9, 2012 <i>Current Location</i> Assembly Committee on Appropriations
SB 475	Wright & Emmerson	Infrastructure Financing	Authorizes a local governmental agency to enter into an agreement with a private entity for financing (public private partnership) for specified types of revenue-generating infrastructure projects (including commuter and light rail and highways or bridges). Requires an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would permit the agreements to lease or license to, or provide other permitted uses by the private entity.	<i>Last Action</i> In Assembly Committee on Local Government Failed Passage Reconsideration granted June 29, 2011 <i>Current Location</i> Assembly Committee on Local Government
SB 633	Huff	Bond: Fine for Unauthorized Use	Amends the State General Obligation Bond Law. Provides that if the Department of Finance determines that funds from a bond act are expended for a purpose not authorized by the bond act, and the entity responsible for the funds does not take the corrective action prescribed by the department within a time to be determined by the department, then the Department of Finance may prohibit the entity that was responsible for the unauthorized use from allocating any additional funds from the bond act.	<i>Last Action</i> In Assembly Read first time Held at desk January 23, 2012 <i>Current Location</i> Assembly

CALIFORNIA TRANSPORTATION COMMISSION  
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FUNDING/FINANCING (Continued)

Bill #	Author	Bill Title	Subject	Status
SB 907	Evans	Master Plan for Infrastructure Financing and Development Commission	Would create the Master Plan for Infrastructure Financing and Development Commission, consisting of specified members, and would require the commission to prepare and submit a strategy and plan for infrastructure development in California that meets certain criteria to the Legislature and the Governor by December 1, 2013. This bill would provide that the commission would dissolve 30 days after submission of its final report. This bill would repeal these provisions upon the dissolution of the commission. Would provide that these provisions become operative only if the funds required to support the commission are appropriated and made available in the annual Budget Act.	<p><i>Last Action</i> In Senate Read third time Do Pass to Assembly June 1, 2011</p> <p><i>Current Location</i> Assembly Committee on Jobs, Economic Development and the Economy</p>
<u>SB 1102</u>	DeSaulnier	State Transportation Improvement Program	This bill would require the Department of Transportation, as part of the annual project delivery report, to report on the difference between the original allocation made by the Commission and the actual construction capital and support costs at project close for all STIP projects completed during the previous fiscal year. Would revise provisions to require project costs to include right-of-way support costs. Would require the Commission to allocate funds for construction support costs for a project in the STIP at the time of allocation of funds for construction capital costs. Would require a supplemental project allocation request to be made for all interregional and regional projects that experience construction support costs equal to more than 120% of the amount originally allocated.  Similar Bill: SB 1499 (Anderson, 2012) – See below  <b>Action Item: March 28-29, 2012 – Send letter expressing the Commission’s support. Completed</b>	<p><i>Last Action</i> Senate Committee on Transportation and Housing Do Pass March 27, 2012</p> <p><i>Current Location</i> Senate Committee on Appropriations</p>
<u>SB 1189</u>	Hancock	The Safe, Reliable High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century: project funding	<p><del>This bill would state the intent of the Legislature to enact legislation that would appropriate funding from the \$950 million net proceeds of bonds described above to projects that eligible operators have requested and that have been approved by the California Transportation Commission. Existing law requires the Commission to allocate those funds to eligible recipients, as defined, and to develop guidelines to implement those provisions. This bill would appropriate \$523,400,000 from the High-Speed Passenger Train Bond Fund to the Department of Transportation for allocation by the Commission as provided for in specified guidelines adopted by the Commission.</del></p>	<p><i>Last Action</i> In Senate Read second time and amended March 26, 2012 In Senate Committee on Rules Withdraw and re-referred to Committee March 29, 2012</p> <p><i>Current Location</i> Senate Committee on Transportation and Housing <u>Hearing Scheduled</u> April 17, 2012</p>

CALIFORNIA TRANSPORTATION COMMISSION  
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**FUNDING/FINANCING (Continued)**

Bill #	Author	Bill Title	Subject	Status
<u>SB 1499</u>	Anderson	California Transportation Commission: review of expenditures	This bill would require the Commission to allocate funds for construction support costs for a project in the state transportation improvement program at the time of allocation of funds for construction capital costs. The bill would require a supplemental project allocation request to be made for all state transportation improvement program projects that experience construction support costs equal to or more than 120% of the amount originally allocated. The bill would also require the department, as part of the annual project delivery report, to report on the difference between the original allocation made by the Commission and the actual construction support costs at project close for each state transportation improvement program project completed during the previous fiscal year. Similar Bill: SB 1102 (DeSaulnier, 2012) – See above	<b>Last Action</b> Referred to Committee March 30, 2012 <b>Current Location</b> Senate Committee on Transportation and Housing <b>Hearing Scheduled</b> April 17, 2012

**PROJECT DELIVERY**

Bill #	Author	Bill Title	Subject	Status
AB 294	Portantino	Transportation Projects: Procurement	Requires the Department of Transportation to use specified persons for highway projects. Authorizes the department to let contracts for the design and construction of not more than 5 transportation projects utilizing the design-sequencing method, and to use department employees or consultants under contract for these design services. Requires the department to compile data on the transportation projects awarded under these provisions and to include that information in a report to the Legislature.	<b>Last Action</b> In Senate Ordered to third reading To inactive file September 2, 2011 <b>Current Location</b> Senate
<u>AB 2498</u>	Gordon	Department of Transportation: Construction Manager/General Contractor project method	Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by state agencies for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. This bill would authorize Caltrans to engage in a Construction Manager/General Contractor project delivery method, as specified, for projects for the construction of a highway, bridge, or tunnel, and would require specified information to be verified under oath, thus imposing a state-mandated local program by expanding the scope of an existing crime. Similar Bill: SB 1549 (Vargas, 2012) – See below	<b>Last Action</b> Referred to Committee March 15, 2012 <b>Current Location</b> Assembly Committee on Transportation <b>Hearing Scheduled</b> April 23, 2012
<u>SB 1549</u>	Vargas	Transportation Projects: construction Manager/General Contractor project method	Would, upon authorization by the Commission, allow a consolidated San Diego regional transportation entity, as specified, or Caltrans to engage in a Construction Manager/General Contractor project delivery method, as specified, for up to 20 total projects for either local street or road, bridge, tunnel, or public transit projects within the jurisdiction of the local transportation entity or state highway, bridge, or tunnel projects by Caltrans. Require a transportation entity, as defined, to pay fees related to prevailing wage monitoring and enforcement into the State Public Works Enforcement Fund, a continuously appropriated fund, except as specified, and, thus, would make an appropriation. Require a progress report to be submitted by the transportation agency to the Commission every year following the award of a contract under these provisions, and require the Commission to submit an annual report to the Legislature that includes the information in the report submitted by the transportation agency. Require specified information to be verified under oath, thus imposing a state-mandated local program by expanding the scope of an existing crime. Provide that its provisions are severable. Makes legislative findings and declarations as to the necessity of a special statute for San Diego regional transportation entities. Similar Bill: AB 2498 (Gordon, 2012) – See above	<b>Last Action</b> Referred to Committee March 30, 2012 <b>Current Location</b> Senate Committee on Transportation and Housing <b>Hearing Scheduled</b> April 17, 2012

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DIRECT IMPACT TO COMMISSION

Bill #	Author	Bill Title	Subject	Status
<u>AB 441</u>	Monning	State Planning	This bill would require that the Commission to, by no later than 2014, include health issues, as specified, voluntary health and health equity factors, strategies, goals, and objectives in the guidelines promulgated by the Commission for the preparation of regional transportation plans.  <b>Action Item: March 28-29, 2012 – Send letter expressing Commission’s the concerns. Completed</b>	<i>Last Action</i> In Senate Committee on Rules Assigned to Committee February 16, 2012  <i>Current Location</i> Senate Committee on Transportation and Housing
AB 845	Ma	Transportation: Bond Funds	Requires the guidelines adopted by the Commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables in the National Transit Database of the Federal Transit Administration. Requires the Commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds for bond fund allocation purposes.	<i>Last Action</i> In Senate Ordered to third reading To inactive file August 22, 2011  <i>Current Location</i> Senate
<u>AB 1645</u>	Norby	State Highways: Naming and Designation by the Legislature	This bill would transfer the authority for naming highways, bridges, pathways, and other transportation infrastructure from the Legislature to the Commission.  <b>Action Item: March 28-29, 2012 – Send letter expressing the Commission’s opposition. Completed</b>	<i>Last Action</i> Assembly Committee on Transportation Failed Passage April 9, 2012
SB 103	Liu	State government: meetings	Authorizes a state body, to the extent practicable, to conduct teleconferencing meetings. Requires a state body to provide a supplemental live audio broadcast on the Internet Web site of its board meetings that are open to the public unless it is determined to be too costly. Prohibits teleconference meetings as a matter of convenience. Requires a body that operates an Internet Web site to provide a supplemental live audio or video broadcast on the Web site of board meetings open to the public.	<i>Last Action</i> In Assembly Committee on Appropriations Held in Committee August 25, 2011  <i>Current Location</i> Assembly Committee on Appropriations
SB 749	Steinberg	California Transportation Commission: guidelines	Establishes specified procedures that the Commission will be required to utilize when it adopts guidelines regarding transportation capital improvement projects. Provides exceptions. Exempts the adoption of those guidelines from the requirements of the Administrative Procedure Act.  Similar Bills: SB 1348 (Steinberg, 2010) – Vetoes by Governor on September 30, 2010 SB 126 (Steinberg, 2011) – Amended to relate to agriculture labor relations	<i>Last Action</i> In Assembly Read first time Head at desk January 23, 2012  <i>Current Location</i> Assembly

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DIRECT IMPACT TO COMMISSION (Continued)

Bill #	Author	Bill Title	Subject	Status
<u>SB 1117</u>	DeSaulnier	Transportation Commission: Passenger-Rail Planning Statewide Passenger Rail Transportation Plan	This bill would require the Commission to prepare a statewide passenger rail transportation plan relative to conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. <i>The bill would require the Commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. Requires the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. Requires regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the Commission by December 31, 2013. This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.</i>	<i>Last Action</i> In Senate Read second time and amended Referred to Committee March 29, 2012  <i>Current Location</i> Senate Committee on Transportation and Housing <u>Hearing Scheduled</u> April 24, 2012

OTHER

Bill #	Author	Bill Title	Subject	Status
AB 286	Berryhill	State Highways: Route 108 and 120	Requires the proceeds from the sale of excess properties acquired for improvements to State Highway Route 120, less any reimbursements due to the federal government and all costs include in the sale of those properties, to be used for improvements to State Highway Route 108 in Stanislaus County, the North County Corridor. Authorizes the Commission to allocate funds to the Stanislaus Council of Governments or any agency designated by that entity to deliver the North County Corridor project.	<i>Last Action</i> In Senate Order to third reading To inactive file September 6, 2011  <i>Current Location</i> Senate
<u>AB 1780</u>	Bonilla	Department of Transportation: Project Study Reports	This bill would <del>make a technical, nonsubstantive change to these provisions</del> <i>revise these provisions to authorize the department to prepare project study reports or equivalent planning documents for any projects on the state highway system, limited by the resources available to the department. Require the department to pay for the costs of its review and approval of project study reports or equivalent regional transportation plan, a voter-approved county sales tax measure that are in an adopted regional transportation program, a voter-approved county sales tax measure expenditure plan, or other voter-approved transportation program. In other cases, the bill would require the cost of the department's review and approval to be paid by the entity preparing the project study report or equivalent planning document. Delete the provisions relating to the guidelines adopted by the Commission and would instead require open and continuous communications between the parties during the development of project study reports or equivalent planning documents.</i>	<i>Last Action</i> In Assembly Read second time and amended Referred to Committee March 29, 2012  <i>Current Location</i> Assembly Committee on Transportation <u>Hearing Scheduled</u> April 23, 2012

CALIFORNIA TRANSPORTATION COMMISSION  
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RELATED TO RAIL

Bill #	Author	Bill Title	Subject	Status
AB 16	Perea (D)	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.	<i>Last Action</i> In Senate Order to third reading To inactive file September 9, 2011 <i>Current Location</i> Senate
<u>AB 41</u>	Hill	High-Speed Rail Authority; Conflicts of Interest; Disqualification: Ex Parte Communications	Amends existing provisions of the Political Reform Act of 1974. Adds members of the High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest, and recuse themselves accordingly. <del>Prohibits a board member and any defined interested person from conducting an ex parte communication, as defined unless the board member and makes public the communication, as specified. Requires the agency overseeing the authority to enforce these provisions under specified conditions.</del> (Urgency)	<i>Last Action</i> In Senate Read third time and amended March 29, 2012 Read second time To third reading April 9, 2012 <i>Current Location</i> Senate
AB 145	Galgiani and Lowenthal	High-Speed Rail	Repeals all of the State High-Speed Train Act and enacts a new act. Continues the High-Speed Rail Authority with limited responsibilities within the Business, Transportation, and Housing Agency. Requires specified personnel matters. Requires the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, and select alignments for the routes of the trains system, award franchises, and provide for fares.	<i>Last Action</i> In Senate Committee on Appropriations Held in Committee August 25, 2011 <i>Current Location</i> Senate Committee on Appropriations
AB 292	Galgiani	High Speed Rail: Agricultural Lands	Requires the High-Speed Rail Authority to appoint an agricultural advisory committee with a specified number of members recommended by the Secretary of Food and Agriculture. Requires the Authority to consult with the committee and to reflect the committee's comments on policies and related matters in any action item brought before the Board of the Authority.	<i>Last Action</i> In Senate Ordered to third reading To inactive file August 30, 2011 <i>Current Location</i> Senate
AB 492	Galgiani	High-Speed Rail Authority	Requires the High-Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs and participation by small business enterprises in the state when awarding major contracts or purchasing high-speed trains. Requires the authority to appoint a small business enterprise advisory committee.	<i>Last Action</i> In Senate Read second time and amended Referred to Committee on Rules June 27, 2011 <i>Current Location</i> Senate Committee on Rules

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RELATED TO RAIL (Continued)

Bill #	Author	Bill Title	Subject	Status
AB 1092	Lowenthal	High-Speed Rail	Requires the High-Speed Rail authority to report biannually to the Legislature beginning on a specified date on the status of the project, including overall progress, the 20065 project budget, expenditures to date, a comparison of the current and project work schedule and the baseline schedule.	<i>Last Action</i> In Senate Read first time To Senate Committee on Rules for assignment June 2, 2011  <i>Current Location</i> Senate Committee on Rules
<u>AB 1455</u>	Harkey	High-Speed Rail	This bill would reduce the amount of general obligation debt authorized for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013.	<i>Last Action</i> In Assembly Read second time and amended Referred to Committee February 9, 2012  <i>Current Location</i> Assembly Committee on Transportation <u>Hearing Scheduled</u> April 23, 2012
<u>AB 1523</u>	Perca	Preapprenticeship Training Program: High-Speed Rail	Appropriates funds from the High-Speed Passenger Train Bond Fund to the High-Speed Rail Authority for the purposes of funding a pilot project in the Central Valley to train unemployed workers for high-speed rail construction jobs. Requires the Authority to work with various labor organizations to train a total of 400 clients in preapprenticeship programs that will lead to direct referrals to building trade unions.  <i>Amended April 9, 2012 – Career Technical Education: Partnership Academies: Green Technology</i>	<i>Last Action</i> Referred to Committee January 26, 2012  <i>Current Location</i> Assembly Committee on Transportation and Labor and Employment
<u>AB 1574</u>	Galgiani	High-Speed Rail	This bill would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act. The bill would continue the High-Speed Rail Authority in existence with limited responsibilities and would place the authority within the Business, Transportation and Housing Agency. The 5 members of the authority appointed by the Governor would be subject to Senate confirmation, but existing members could continue to serve the remainder of their terms. The bill would authorize the authority to appoint an executive director, and would provide for the Governor to appoint up to 6 additional individuals exempt from civil service as authority staff. The bill would require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or establish guidelines for the setting of fares.	<i>Last Action</i> In Assembly Introduced and read first time February 2, 2012  <i>Current Location</i> Assembly Committee on Transportation <u>Hearing Scheduled</u> April 23, 2012

CALIFORNIA TRANSPORTATION COMMISSION  
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RELATED TO RAIL (Continued)

Bill #	Author	Bill Title	Subject	Status
SB 517	Lowenthal	High-Speed Rail Authority	Places the High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the Secretary to propose an annual budget for the authority. Requires the members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. Vacates the membership of the authority. Provides for the appointment or reappointment of members on a specified date. Provides that the executive director is subject to appointment with the advice and consent of the Senate.	<i>Last Action</i> In Assembly Committee on Appropriations Held in Committee August 25, 2011 <i>Current Location</i> Assembly Committee on Appropriations
<u>SB 985</u>	LaMalfa	Transportation Bonds	Provides that no further bonds shall be sold for high-speed rail and related rail purposes pursuant to the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century. Authorizes redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this act, to retiring the debt incurred from the issuance and sale of those outstanding bonds.	From Senate Committee on Rules Assigned to Committee February 16, 2012 <i>Current Location</i> Senate Committee on Transportation and Housing <u>Hearing Scheduled</u> April 17, 2012

JOSEPH TAVAGLIONE, Chair  
JAMES C. GHIEMMETTI, Vice Chair  
BOB ALVARADO  
DARIUS ASSEMI  
YVONNE B. BURKE  
LUCETTA DUNN  
JAMES EARP  
DARIO FROMMER  
CARL GUARDINO  
FRAN INMAN  
JAMES WARING

STATE OF CALIFORNIA



SENATOR MARK DESAULNIER, Ex Officio  
ASSEMBLY MEMBER BONNIE LOWENTHAL, Ex Officio

BIMLA G. RHINEHART, Executive Director

## CALIFORNIA TRANSPORTATION COMMISSION

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April 6, 2012

The Honorable William W. Monning  
Member of the Assembly  
P.O. Box 942849, Room 4116  
Sacramento, CA 94849-0072

Re: Assembly Bill (AB) 441

Dear Assemblymember Monning:

As part of its statutory charge, the Commission reviewed a number of bills at its March 28, 2012 meeting. I am writing to express the Commission's concerns on AB 441.

AB 441 requires the Commission to include voluntary health and health equity factors, strategies, goals and objectives in the Regional Transportation Plan (RTP) Guidelines prescribed by the Commission for the preparation of RTPs. The Commission's concerns with the bill include:

- Current RTP Guidelines, adopted by the Commission in April 2010, already provide information and best practices regarding health and equity factors and issues in the following specific sections : Complete Streets; Context Sensitive Solutions, Public Participation; Consultation and Coordination; Social Equity and Environmental Justice; Local Streets and Roads, Bicycle and Pedestrian Modes; Transit; Land Use Transportation Strategies to Address Regional Greenhouse Gas, and Sustainable Communities Strategies.
- Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) already partner with local government organizations, cities and counties, and appropriate health oriented agencies, to support any health factors, strategies, objectives and goals as appropriate for their particular region. With the current RTP Guidelines, the MPO and RTPAs also continue to be able to determine at a regional level what is practical and financially feasible for their regions.

- Public health concerns are addressed via the California Environmental Quality Act (CEQA). Since RTPs undergo CEQA programmatic review, public health impacts are addressed at that time.
- MPOs and RTPAs currently develop performance objectives and measures in policies and regional planning where public health issues are addressed.
- The bill states that the inclusion of health and health equity factors in the planning process is voluntary. However, with “voluntary” programs becoming “mandates” on several occasions in recent history, the Commission questions how long these factors will truly be voluntary.
- As projects are presented by the MPOs and RTPAs for programming and allocation by the Commission, it will be nearly impossible for the Commission to question the health benefits of each individual project several years after an RTP is adopted by the region. This would most likely lead to project delays as these issues are debated and challenged by potential opponents of a project, thus negating the public review process afforded during the CEQA process.
- The bill’s Legislative Counsel’s Digest indicates that the Commission shall “by no later than 2014, include voluntary health and health equity factors, strategies, goals and objectives” in the RTP Guidelines, although the bill itself requires the Commission to include such factors in the next revision of the guidelines.
- This bill does not provide resources for MPOs or RTPAs to address additional health and health equity factors, strategies, objective and goals, nor does it address the impact on Commission resources to update the RTP Guidelines. The Commission’s update would require close coordination with the MPOs, RTPAs, Caltrans and a myriad of affected agencies, stakeholders, and advocates to develop and reach consensus on public health and health equity factors.

If you have questions in regard to the Commission’s concerns, please call the Commission’s Executive Director, Ms. Bimla Rhinehart, at 916-654-4245.

Sincerely,



JOSEPH TAVAGLIONE  
Chair

c: The Honorable Bonnie Lowenthal, Assembly Transportation Committee Chair  
The Honorable Mark DeSaulnier, Senate Transportation and Housing Committee Chair  
California Transportation Commissioners

JOSEPH TAVAGLIONE, Chair  
JAMES C. GHIEMMETTI, Vice Chair  
BOB ALVARADO  
DARIUS ASSEMI  
YVONNE B. BURKE  
LUCETTA DUNN  
JAMES EARP  
DARIO FROMMER  
CARL GUARDINO  
FRAN INMAN  
JAMES WARING

STATE OF CALIFORNIA

ATTACHMENT B  
EDMUND G. BROWN Jr., Governor



SENATOR MARK DESAULNIER, Ex Officio  
ASSEMBLY MEMBER BONNIE LOWENTHAL, Ex Officio

BIMLA G. RHINEHART, Executive Director

## CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52  
SACRAMENTO, CA 95814  
P. O. BOX 942873  
SACRAMENTO, CA 94273-0001  
FAX (916) 653-2134  
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April 6, 2012

The Honorable Chris Norby  
Member of the Assembly  
P.O. Box 942849, Room 4116  
Sacramento, CA 94849-0072

Re: Oppose Assembly Bill (AB) 1645

Dear Assemblymember Norby:

The California Transportation Commission (Commission) is responsible for the programming and allocating of funds for the construction of highway, passenger rail and transit improvements throughout California. The Commission also advises and assists the Secretary of Business, Transportation and Housing Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs. The Commission is also an active participant in the initiation and development of State and Federal legislation that seeks to secure financial stability for the State's transportation needs.

As part of its statutory charge, the Commission reviewed a number of bills at its March 28, 2012 meeting. I am writing to inform you that the Commission expressed concerns about AB 1645, and formally adopted an oppose position on this bill.

AB 1645 would transfer the authority of naming highways, bridges, pathways, and other transportation infrastructure from the Legislature to the Commission. In 2008, the Legislature authorized the naming of 50 transportation infrastructure facilities. Although the signs are paid for with private donations, it has been estimated that it costs \$15,000 in staff time for every transportation infrastructure naming resolution that is approved. If the authority to transfer the naming of transportation infrastructure to the Commission was approved, the Commission would need to develop and adopt guidelines on the submission of naming requests and screening criteria for naming nominations. Commission staff would then be required to review the requests, develop written recommendations for Commission approval, and write and issue the approving resolution.

The Honorable Chris Norby

April 6, 2012

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Due to limited staff and budget resources it would be extremely difficult for the Commission to carry out the intent of this bill.

If you have questions concerning the Commission's oppose position, please call the Commission's Executive Director, Ms. Bimla Rhinehart, at 916-654-4245.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Tavaglione".

JOSEPH TAVAGLIONE

Chair

c: The Honorable Bonnie Lowenthal, Assembly Transportation Committee Chair  
The Honorable Mark DeSaulnier, Senate Transportation and Housing Committee Chair  
California Transportation Commissioners

JOSEPH TAVAGLIONE, Chair  
JAMES C. GHIEMMETTI, Vice Chair  
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LUCETTA DUNN  
JAMES EARP  
DARIO FROMMER  
CARL GUARDINO  
FRAN INMAN  
JAMES WARING

STATE OF CALIFORNIA



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April 4, 2012

The Honorable Mark DeSaulnier  
Member of the Senate  
State Capitol, Room 5035  
Sacramento, CA 95814

Re: Support Senate Bill (SB) 1102

Dear Senator DeSaulnier:

As part of its statutory charge, the California Transportation Commission (Commission) advises the Administration and the Legislature in formulating and evaluating state policies and plans for California's transportation programs.

I am writing to inform you that the Commission, at its March 28, 2012 meeting, formally adopted a support position on SB 1102.

The Commission looks forward to continuing to work with you on this bill. If you have any questions, please call the Commission's Executive Director, Ms. Bimla Rhinehart, at 916-654-4245.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Tavaglione".

JOSEPH TAVAGLIONE  
Chair

c: The Honorable Bonnie Lowenthal, Assembly Transportation Committee Chair  
California Transportation Commissioners

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1117

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**Introduced by Senator DeSaulnier**February 17, 2012

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An act to add Section ~~14537~~ 14521.5 to the Government Code, and to add Section 185033.1 to the Public Utilities Code, relating to transportation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1117, as amended, DeSaulnier. ~~California Transportation Commission: passenger rail planning. Statewide passenger rail transportation plan.~~

*Existing law creates the California Transportation Commission, with various powers and duties relating to the programming and allocation of certain funds available for transportation capital improvement projects and various other transportation policy matters. Existing law creates the Department of Transportation with various powers and duties relating to the state highway system and other transportation modes, including the authority to contract for conventional rail passenger service. Existing law requires the department to prepare a 10-year State Rail Plan on a biennial basis. Existing law creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including preparation of a business plan on a biennial basis. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.*

*This bill would require the California Transportation Commission to prepare a statewide passenger rail transportation plan relative to*

conventional and high-speed intercity passenger rail, commuter rail, and urban rail transit containing various elements. The bill would require the commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. The bill would require the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. The bill would require regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the commission by December 31, 2013.

This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.

~~Existing law requires the California Transportation Commission to submit an annual report to the Legislature summarizing the prior year's transportation capital outlay appropriations and transportation issues facing the state.~~

~~This bill would require the commission to also prepare a statewide passenger rail transportation plan.~~

~~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 14521.5 is added to the Government Code,
- 2     to read:
- 3     14521.5. (a) The commission shall prepare a statewide
- 4     passenger rail transportation plan, with the following elements:
- 5     (1) A statement of the goals for an integrated rail passenger
- 6     system consisting of high-speed intercity rail, conventional intercity
- 7     rail, commuter rail, and urban rail transit services and facilities.
- 8     (2) Identification of all of the following:
- 9     (A) Proposed investments in high-speed intercity rail and
- 10    conventional intercity rail services and facilities.
- 11    (B) Proposed investments in commuter rail and urban rail
- 12    transit services and facilities.

1 (C) Corridors in which new or enhanced improvements will be  
2 made.

3 (D) A demonstration of the plan's consistency with the  
4 requirements of Senate Bill 375 (Chapter 728 of the Statutes of  
5 2008) and subsequent amendments.

6 (E) An assessment of transportation energy requirements for  
7 high-speed intercity rail, conventional intercity rail, commuter  
8 rail, and urban rail transit services.

9 (F) An assessment of the ability of passenger rail transportation  
10 services to reduce regional and intercity highway congestion, and,  
11 in the case of high-speed rail, an assessment of the ability of the  
12 service to reduce intercity passenger airline travel and congestion.

13 (G) Identification of rail corridors and expected impediments  
14 to their development, including the availability of rights-of-way  
15 for tracks, stations, and maintenance facilities.

16 (b) In preparing the plan, the commission shall adopt policies  
17 and guidelines for developing high-speed intercity rail,  
18 conventional intercity rail, commuter rail, and urban rail transit  
19 services and facilities, as follows:

20 (1) Performance goals related to passenger capacity, financial  
21 capacity, and service performance, and frequency of passenger  
22 rail services based on the estimated size of statewide, regional,  
23 and local travel markets.

24 (2) Performance goals for connections between rail systems to  
25 ensure convenience and to increase travel opportunities for  
26 passengers connecting between various rail systems.

27 (3) Capital and operating revenue estimates for the development  
28 of high-speed intercity rail, conventional intercity rail, commuter  
29 rail, and urban rail transit services and facilities. The estimates  
30 shall be for 5-, 10-, and 20-year time horizons.

31 (c) The policies and guidelines shall be developed in  
32 consultation with the department, the High-Speed Rail Authority,  
33 regional transportation planning agencies, and the agencies  
34 administering or operating commuter rail and urban rail transit  
35 systems.

36 (d) The policies and guidelines shall be used by regional  
37 transportation planning agencies when developing the rail mass  
38 transportation element of their regional transportation plans. The  
39 regional agencies shall not take actions that are inconsistent with  
40 the policies and guidelines adopted by the commission.

1 (e) *The regional transportation planning agencies shall submit*  
2 *their rail plans for commuter rail and urban rail transit to the*  
3 *commission on or before December 31, 2013.*

4 (f) *The policies and guidelines shall be used by the department*  
5 *when preparing the conventional State Rail Plan pursuant to*  
6 *Section 14036 and the High-Speed Rail Authority, or its successor,*  
7 *when preparing the High-Speed Rail Business Plan pursuant to*  
8 *Section 185033 of the Public Utilities Code. Neither the department*  
9 *nor the authority shall take actions that are inconsistent with the*  
10 *policies and guidelines adopted by the commission.*

11 (g) *The commission shall incorporate statewide and regional*  
12 *rail plans into the statewide passenger rail transportation plan*  
13 *prepared pursuant to this section, provided the other plans are*  
14 *consistent with the policies and guidelines adopted by the*  
15 *commission.*

16 (h) *The peer review group established pursuant to Section*  
17 *185034 of the Public Utilities Code may be convened by the*  
18 *commission to provide an independent review and comment on*  
19 *the proposed policies and guidelines, and on issues encountered*  
20 *during the preparation of the plan.*

21 (i) *The commission shall submit a draft plan developed pursuant*  
22 *to this section to the department, the High-Speed Rail Authority,*  
23 *regional transportation planning agencies, and the Legislature*  
24 *on or before April 30, 2014, for review and comment. The*  
25 *commission shall hold at least two public workshops, with at least*  
26 *one workshop in northern California and one in southern*  
27 *California, to secure public comments on the draft plan.*

28 (j) *The final plan shall be adopted at the September 2014*  
29 *meeting of the commission and updated every four years thereafter.*  
30 *The commission may extend the adoption date by up to 60 days.*

31 SEC. 2. *Section 185033.1 is added to the Public Utilities Code,*  
32 *to read:*

33 185033.1. (a) *Consistent with Proposition 1A (2008) and the*  
34 *policies and guidelines of the California Transportation*  
35 *Commission relative to the high-speed intercity rail element of the*  
36 *statewide passenger rail transportation plan adopted pursuant to*  
37 *Section 14521.5 of the Government Code, the authority shall plan*  
38 *for implementation of an incremental high-speed rail development*  
39 *program with the following features:*

1 (1) Investments in passenger rail projects in the Phase I  
2 high-speed rail corridor (San Francisco Transbay Terminal-Los  
3 Angeles Union Station-Anaheim) that benefit conventional intercity  
4 and commuter rail services but that are compatible with being  
5 upgraded to high-speed rail service in the future.

6 (2) Investments in operable segments in the Phase I high-speed  
7 rail corridor that generate sufficient passenger revenue to be  
8 attractive to private investors, that will be electrified, and that will  
9 be converted to high-speed rail service in the future.

10 (3) Proposed upgrades to conventional intercity and commuter  
11 rail segments that connect with Phase I projects and would enhance  
12 the performance of future high-speed rail service, such as Anaheim  
13 to San Diego and San Jose to Oakland and Sacramento.

14 (4) Maximization of state, local, federal, and private funds to  
15 support intercity and commuter passenger rail development,  
16 including high-speed rail.

17 (5) Projects that will create employment opportunities and meet  
18 rail development goals.

19 (b) In developing the incremental high-speed rail development  
20 program, the authority shall consult with the department, regional  
21 transportation planning agencies, agencies administering or  
22 operating commuter rail, freight railroads operating in the  
23 conventional intercity and commuter rail corridors and in the  
24 Phase I corridors, and firms that have experience in commercial  
25 high-speed intercity rail operations.

26 (c) The authority shall identify one or more possible operating  
27 segments in the Phase I corridor as a candidate for a public-private  
28 partnership. This shall be done in cooperation with a regional rail  
29 agency and a private rail development consortium. The selected  
30 segment shall have substantial existing intercity or commuter rail  
31 ridership. There shall be a competitive procurement process  
32 consistent with the existing procurement authority of the authority  
33 to select the consortium. In pursuing a public-private partnership,  
34 the authority shall minimize the capital and operating risks to the  
35 state.

36 (d) The authority shall submit a draft of its incremental  
37 development program to the California Transportation Commission  
38 and the Legislature on or before December 31, 2013. The program  
39 shall subsequently be incorporated into the authority's business  
40 plan prepared pursuant to Section 185033.

1 SECTION 1. ~~Section 14537 is added to the Government Code,~~  
2 ~~to read:~~  
3 ~~14537. The commission shall prepare a statewide passenger~~  
4 ~~rail transportation plan.~~

O

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1189

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**Introduced by Senator Hancock**  
*(Principal coauthor: Assembly Member Ma)*  
**(Coauthor: Senator Alquist)**  
*(Coauthor: Assembly Member Beall)*

February 22, 2012

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An act relating to high-speed rail, *and making an appropriation therefor.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 1189, as amended, Hancock. The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century: project funding.

*Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed train capital projects and other associated purposes. Existing law makes \$950 million of the proceeds of those bonds available for capital improvements to intercity and commuter rail lines and urban rail systems that provide direct connectivity to the high-speed train system and its facilities, or that are part of the construction of the high-speed train system, as specified, or that provide capacity enhancements and safety improvements. Existing law requires the California Transportation Commission to allocate those funds to eligible recipients, as defined, and to develop guidelines to implement those provisions.*

*This bill would appropriate \$523,400,000 from the High-Speed Passenger Train Bond Fund to the Department of Transportation for*

*allocation by the California Transportation Commission as provided for in specified guidelines adopted by the commission.*

~~Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides that \$950 million of net proceeds of bonds issued pursuant to the bond act shall be allocated to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail systems that provide direct connectivity to high-speed rail, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation that would appropriate funding from the \$950 million net proceeds of bonds described above to projects that eligible operators have requested and that have been approved by the California Transportation Commission.~~

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

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

1 SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*

3 (a) *In approving the Safe, Reliable High-Speed Passenger Train*  
4 *Bond Act for the 21st Century at the November 4, 2008, general*  
5 *election, California voters approved \$950 million in general*  
6 *obligation bonds to be available for capital improvements to the*  
7 *state's intercity and commuter rail lines and urban rail systems.*  
8 *The funds, available upon appropriation by the Legislature, are*  
9 *for improvements that provide direct connectivity to the high-speed*  
10 *train system and its facilities, are part of the construction of the*  
11 *high-speed train system, or are improvements that provide capacity*  
12 *enhancements and safety improvements on the existing intercity,*  
13 *commuter, or urban rail lines.*

14 (b) *Of the \$950 million authorized for expenditure by the voters*  
15 *for the purposes described in subdivision (a), 20 percent, or \$190*  
16 *million, is to be allocated among the three state-supported intercity*  
17 *rail lines known as the Capitol Corridor line, the San Joaquin line,*  
18 *and the Pacific Surfliner line (Intercity Rail Program). Eighty*  
19 *percent, or \$760 million, is to be allocated to other commuter and*  
20 *urban rail line operators based on a formula outlined in the bond*  
21 *act (Commuter and Urban Rail Program).*

1 (c) *The approved bond act requires commuter and urban rail*  
2 *line operators that are eligible recipients of these state bond funds*  
3 *to provide matching funds in an amount not less than the amount*  
4 *of bond funds allocated to the recipient. This match requirement*  
5 *means for every dollar of state bond funds invested in an eligible*  
6 *local project, at least one dollar of nonbond funds will also be*  
7 *invested in the project.*

8 (d) *The Safe, Reliable High-Speed Passenger Train Bond Act*  
9 *for the 21st Century requires the California Transportation*  
10 *Commission to develop guidelines for the implementation of both*  
11 *the Intercity Rail Program and the Commuter and Urban Rail*  
12 *Program. The commission is also responsible for allocating the*  
13 *available funds to eligible recipients in each program.*

14 (e) *On February 24, 2010, the commission adopted the program*  
15 *guidelines for the \$950 million High-Speed Passenger Train Bond*  
16 *Program, consisting of the \$190 million Intercity Rail Program*  
17 *and the \$760 million Commuter and Urban Rail Program.*

18 (f) *On May 20, 2010, the commission adopted the initial*  
19 *program of projects to be funded by the High-Speed Passenger*  
20 *Train Bond Program, a program that proposed to fund \$262.4*  
21 *million in projects in the 2011–12 fiscal year alone.*

22 (g) *While the Budget Act of 2011, passed by the Legislature on*  
23 *June 28, 2011, included an appropriation totaling more than \$262*  
24 *million to begin funding eligible projects in the*  
25 *commission-adopted High-Speed Passenger Train Bond Program,*  
26 *all but \$28 million of the appropriation was vetoed.*

27 (h) *Notwithstanding the veto of a significant portion of the bond*  
28 *funds appropriated for the High-Speed Passenger Train Bond*  
29 *Program, it remains imperative for the Legislature to appropriate*  
30 *bond funds to eligible recipients so that project contracts can be*  
31 *signed, mobility and safety improvements can commence, and*  
32 *immediate job opportunities for Californians can be made*  
33 *available.*

34 (i) *According to commuter and urban rail service providers*  
35 *throughout the state, the bond funds from the \$760 million*  
36 *Commuter and Urban Rail Program alone are estimated to fund*  
37 *no less than 15 capital improvement and safety projects in*  
38 *California, leveraging more than \$4.9 billion in nonstate*  
39 *transportation funds, and creating nearly 200,000 jobs.*

1 (j) *The mobility and safety improvements funded by these bond*  
2 *funds will benefit Californians in all regions of the state.*

3 (k) *The appropriation of bond funds for the High-Speed*  
4 *Passenger Train Bond Program, as adopted and updated by the*  
5 *commission, is a necessary precursor for rail mobility and safety*  
6 *improvements and for job creation in California. It is, therefore,*  
7 *the intent of the Legislature to appropriate these funds for*  
8 *allocation by the commission to eligible rail operators requesting*  
9 *an allocation.*

10 SEC. 2. *Pursuant to Section 2704.095 of the Streets and*  
11 *Highways Code, the sum of five hundred twenty-three million four*  
12 *hundred thousand dollars (\$523,400,000) is hereby appropriated*  
13 *from the High-Speed Passenger Train Bond Fund to the*  
14 *Department of Transportation for allocation by the California*  
15 *Transportation Commission as provided for in the guidelines*  
16 *adopted by the commission in Resolution HST1A-G-0910-01 on*  
17 *February 24, 2010, and as those guidelines may be updated by*  
18 *the commission.*

19 ~~SECTION 1. It is the intent of the Legislature to enact~~  
20 ~~legislation that would appropriate funding from the net proceeds~~  
21 ~~of nine hundred fifty million dollars (\$950,000,000) from the~~  
22 ~~issuance of bonds authorized by the Safe, Reliable High-Speed~~  
23 ~~Passenger Train Bond Act for the 21st Century to be allocated for~~  
24 ~~intercity and commuter rail lines and urban rail systems, in~~  
25 ~~accordance with subdivision (a) of Section 2704.095 of the Streets~~  
26 ~~and Highways Code, for projects that have been requested by~~  
27 ~~eligible operators and have been approved by the California~~  
28 ~~Transportation Commission.~~