Memorandum

Tab 67

To: Chairman and Commissioners **Date:** January 20, 2004

From: Diane C. Eidam

BOOK ITEM 4.1
TAB 67
ACTION

State Legislation

Attached is a short listing of currently active bills in the State Legislature that staff are following. The Commission has sent letters of support for three of the bills: ACA 7, ACR 152, and SB 7.

AB 392 is a newly introduced bill that would mandate the continuance of a current discretionary program established administratively by Caltrans to provide grants for Community Based Transportation Planning and Environmental Justice Grants. The criteria and project selection would be the responsibility of the department. This bill is currently being amended; staff will present a position recommendation at the February meeting.

Federal Legislation

The Federal transportation budget is still operating under a continuing resolution. The House of Representatives (House) passed the FY04 Consolidated Appropriations bill for FY04 as agreed to in conference. The Senate is expected to take up the conference report on January 20, 2004.

In the meantime the temporary TEA-21 extension is set to expire on February 29, 2004. House leaders have indicated they hope to mark up their bill, HR 3550, the Transportation Equity Act: A Legacy for Users (TEA-LU), the first or second week of February. Although the bill was introduced November 21, 2003, several sections were left blank to be filled in later, including language on environmental streamlining. In addition, before the reauthorization bill can go to the House floor, the House Ways and Means Committee must be ready to provide the revenue title that addresses how the proposed $375 billion transportation program will be financed.

The Senate plans to move quickly to the bill reported out November 12 by the Senate Environment and Public Works Committee (S. 1072 SAFETEA) and have scheduled two weeks of debate beginning February 2nd. In the meantime the Senate EPW Committee will meet to provide state by state information on the formula distribution of funds and the minimum guarantee.

The President's federal FY 2005 proposed budget is due for release in early February. As reported by AASHTO the FY 2005 budget resolution may have significant impacts on a reauthorization bill, particularly with regard to funding firewalls created in TEA 21. Prior to TEA 21, Congress could reduce transportation funding levels in order to find funds to offset spending in other domestic discretionary programs. The TEA 21 firewalls ensured that any savings from reduced transportation spending could not be used for other programs. Combined with the revenue aligned budget authority (RABA), TEA 21 also made it possible to increase budget caps to accommodate increased highway spending based upon new revenues accumulated in the federal Highway Trust Fund. The most recent spending caps on domestic discretionary spending have lapsed, and are unlikely to be brought up in the FY 2005 budget resolution. While that would appear to make the firewalls unnecessary, there is a possibility that if they are not retained, future spending caps could reduce transportation funding below levels that the revenue to the Trust Fund could support.

California Transportation Commission
Status of State Legislation

Bill #	Spreadsheet	Status	Bill Title	Subject	Bill Current Status
204	Transportation	Active	AB 204 (Nation) Motor vehicles: environmental impacts: mitigation	AB 204 authorizes the Coastal Conservancy, until 1/1/15, to impose a fee of up to $6 on motor vehicle registrations within the nine county San Francisco Bay Area to address environmental impacts caused by motor vehicles. (Introduced 1/28/03) (Amended 3/13,03 3/20,03 1/5/04, 1/15/04)	Assembly Committee on Appropriations HEARING DATE : 01/21/2004
392	Transportation	Active	AB 392 (Montanez) Environmental justice and community based transportation	*AB 392: (1) codifies a Caltrans' policy to provide $6 million per year in funding divided equally in amounts of $3 million to the Community Based Transportation Planning (CBTP), Environmental Justice (EJ), and Grant Programs; and (2) requires the CTC to provide a list of projects funded from the EJ and CBTP during the previous fiscal year to the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review.* (Introduced 2/13/03) *(Amended 1/6/04)*	1/13/04: Re-referred to Assembly Committee on Appropriation
463	Transportation Land Use	Active	AB 463 (Oropeza) Transit facilities: infill housing	*AB 463 1) states findings and declarations of the Legislature relating to public transit facilities development; and 2) requires the department to require the incorporation of bicycle and pedestrian oriented design elements in all residential and mixed-use development projects approved for funding on or after 12/15/05* . (Introduced 2/14/03) *(Amended 1/5/04)*	1/12/04: Assembly Committee on Housing and Community Development
775	Transportation	Active	AB 775 (Parra) Smog check program Highways: federal funding of safety projects	AB 775 extends the Safe Routes to School program from 1/1/05 through 1/1/10, after which time the federal transportation funds received by the state would be spent for highway purposes other than projects for bicycle and pedestrian safety and traffic calming measures in high-hazard locations. This program directs 1/3 of a specific category of federal transportation safety funds to local bicycle and pedestrian safety projects. In the analysis it was noted that although the benefits of this program are substantial, arguments can be made that its $20 million annual diversion of federal safety funds precludes the most cost-effective use of those dollars. Introduced 2/19/03 (Amended 4/30/03 and 1/5/05)	Assembly Committee on Appropriations HEARING DATE : 01/21/2004
1063	Transportation	Active	AB 1063 (Firebaugh) South Coast Air Quality Management District: retrofit controls: mitigation fees	AB 1063 authorizes the imposition of fees on, and the mandated retrofit of, locomotives and heavy-duty vehicle engines in the South Coast Air Basin. This bill is intended to grant the SCAQMD emission reduction authority - retrofit controls and mitigation fees - over locomotives and older onroad and offroad engines, absent federal or state action. (Introduced 2/20/03) (Amended 4/10/03; 1/5/04)	1/12/04: Re-referred to Assembly Committee on Transportation
1183	Land Use	Active	AB 1183 (Ridley-Thomas) California & Mexico Border economic infrastructure financing: study	AB 1183 requires BT&H to provide Legislature, by 1/1/2006, a study regarding infrastructure development along the border between this state and Mexico and the feasibility of establishing the California and Mexico Border Economic Infrastructure Financing Authority. (Introduced 2/21/03) *(Amended 1/6/04)*	1/6/04: Re-referred to Committee on J., E.D. & E.
1233	Transportation	Active	AB 1233 (Horton) Highway capacity enhancement demo projects: consolidated environmental permit	AB 1233, requires Caltrans to identify and the CTC select, prior to 7/1/06, three demonstration projects that decrease congestion and increase highway capacity, including the resulting environmental benefits. (Introduced 2/21/03) *(Amended 3/27/03)*	1/13/04: Assembly Committee on Appropriations

California Transportation Commission
Status of State Legislation

Bill #	Spreadsheet	Status	Bill Title	Subject	Bill Current Status
1320	Transportation	Active	AB 1320 (Dutra) Transit Village Plan: Design	AB 1320 authorizes a city or county to prepare plans for a transit village development district that demonstrates any *5* of the *specified* demonstrable public benefits. This bill is intended to facilitate the creation of more transit villages by easing existing restrictions on local governments. (Introduced 2/21/03) (Amended 4/1/03, 1/5/04, 1/16/04)	1/16/04: Assembly; Second Reading
7	Transportation	Inactive	ACA 7 (Dutra & Wolk) Transportation Funding: transactions and use tax. 55% vote	ACA 7 (1) authorizes local and regional transportation agencies to impose an additional transactions and use tax for 20-30 years at 0.5% exclusively for transportation purposes if the tax passes 55% voter approval; (2) requires tax revenues to be deposited in the Local Transportation Infrastructure Account created in the State Transportation Fund; (3) requires the State Board of Equalization to collect and administer the tax revenue; and (4) requires moneys in the account to be transmitted by the State Board of Equalization to the local or regional transportation agency imposing the tax to be used for specified transportation purposes. (Introduced 1/14/03) *(Amended 3/19/03, 5/14/03 & 5/22/03)*	9/8/03: Assembly inactive file The CTC supports this bill.
152	Transportation	Active	ACR 152 (Diaz) Michael P. Evanhoe Interchange	ACR 152 designates Routes 85 and 101 interchange in the City of San Jose as the Michael P. Evanhoe Interchange. Caltrans would determine the costs of the plaques and markers. The donations from nonstate sources would be used to erect these plaques and markers. (Introduced 1/8/04)	1/15/04: Referred to Assembly Committee on Transportation CTC Letter of Support
957	Transportation	Active	SB 957 (McClintock) Highways: Transportation gridlock emergencies	SB 957 (1) authorizes the Governor to declare a "transportation gridlock emergency" for the purpose of constructing new highways without regard to existing statutes, regulations, or similar requirements; and (2) requires Caltrans to determine the average hours of vehicle delay on all state highways and issue a report annually for the purpose of declaring transportation gridlock emergencies. (Introduced 2/21/03)	1/7/04: Returned to Secretary of Senate pursuant to Joint Rule 62(a).
7	Transportation	Active	SCA 7 (Murray) Loans of Transportation Revenues and Funds	SCA 7 requires any amounts loaned from the State Highway Account (SHA) or the Public Transportation Account (PTA) be repaid with interest calculated at the Pooled Money Investment Account rate. An amendment to clarify that the interest repayment provisions apply to loans made after the constitutional amendment is approved has been suggested. (Introduced 2/19/03) *(Amended 4/28/03)*	5/29/03: Senate Committee on Appropriations. The CTC supports this Constitutional Amendment