



October 1, 2022

TO: Director Elsa Ortiz, President, and
Members of the Board

Michael Hursh, General Manager

Beverly Greene, Executive Director, External Affairs, Marketing & Communications

FR: Steve Wallauch, Platinum Advisors

RE: Legislative Update – Final Status on AC Transit Legislation

TABLE 1: BOARD ADOPTED POSITIONS

	Subject	Status	Adopted Position
<u>AB 455</u> (Wicks D) Bay Bridge Fast Forward Program.	AB 455 requires Caltrans, no later than July 1, 2024, in consultation with MTC, BATA, relevant transit operators, and relevant local transportation agencies, to establish speed and reliability performance targets for buses traveling through the Bay Bridge corridor. The bill also requires Caltrans to establish an online reporting process to publicly share bus speed and reliability performance results, and to submit a report to the Legislature that identifies a strategy for achieving the bus speed and reliability performance targets in the Bay Bridge corridor.	DEAD	SUPPORT
<u>AB 1389</u> (Reyes D) Alternative and Renewable Fuel and Vehicle Technology Program.	During the final week of session, AB 1389 was removed from the Inactive File and gutted and amended. As amended, AB 1389 adds to the list of criteria that the Energy Commission is required to provide preference to while evaluating projects for the Clean	Signed Into Law Chapter 339, Statutes of 2022	WATCH

	Subject	Status	Adopted Position
	<p>Transportation Program. The new preferences include:</p> <ul style="list-style-type: none"> • Whether a project is in a nonattainment area pursuant to the federal Clean Air Act, and, if applicable, requires preference to be given to projects in the highest designation of nonattainment. • Whether the project advances the comprehensive strategy developed by CARB for deployment of medium duty and heavy-duty (MD/HD) vehicles. 		
<p><u>AB 1919</u> <u>(Holden D)</u> Transportation: free student transit passes.</p>	<p>As amended, AB 1919 creates a five-year Youth Transit Pass Pilot Program to provide grants to transit agencies to create or expand free fare transit programs for college and K-12 students.</p> <p>The Governor stated in his veto message, <i>“(AB 1919) costs will likely exceed \$115 million annually. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing.”</i></p> <p>Contingent upon funds being appropriated the bill would allow transit operators to apply to Caltrans for funds to create or expand existing free fare programs. The funds would be awarded based on the operator’s proportional share fare box revenues based on the 2018-19 fiscal year. The bill also stipulates that an educational institution may not participate if the receipt of the funds would invalidate an existing free</p>	VETOED	SUPPORT

	Subject	Status	Adopted Position
	fare funding program.		
<u>AB 1938</u> <u>(Friedman D)</u> Traffic safety, speed limits	<p>AB 1938 was gutted and amended to now allow local governments to round down to the nearest 5 miles per hour increment based on the 85th percentile speed survey.</p> <p>Previously, AB 1938 proposed to create the Transit Recovery Task Force. The Task Force would be comprised of representatives from the University of California, local governments, MPOs, transit operators, labor, bike and pedestrian groups, and transportation advocacy groups.</p>	Signed Into Law Chapter 406, Statutes of 2022	WATCH Prior version
<u>AB 1944</u> <u>(Lee D)</u> Local government: open and public meetings.	<p>AB 1944 remained in the Senate Committee on Governance & Finance and did not move forward this year. The Committee had concerns about the significant flexibility granted the members of local legislative bodies to participate remotely.</p> <p><i>The Governor has signed into law AB 2449 (Rubio). While similar to AB 1944, this bill would allow for remote participation if at least a majority of the governing board participate at a single location. The bill also places restrictions on the reasons to participate remotely.</i></p> <p>AB 1944 would allow members of legislative body to continue to participate in a Brown Act meeting remotely, and if from a non-public location the member is not required to disclose the address. In addition, AB 1944 requires the governing body if it chooses to allow for remote participation of its members, to also provide video streaming and offer public comment via video or phone.</p>	DEAD	SUPPORT IF AMENDED

	Subject	Status	Adopted Position
<u>AB 1993</u> <u>(Wicks D)</u> Employment: COVID-19 vaccination requirements.	<p><i>Assemblywoman Wicks announced that she does not plan to move this measure forward.</i></p> <p>AB 1993 would require an employer to require each of their employees or independent contractors that is eligible to receive the COVID-19 vaccine to demonstrate that they have been vaccinated against COVID-19. Employees or independent contractors that have been deemed ineligible to receive the vaccine for either medical or religious reasons are exempted from the bill.</p>	DEAD	WATCH
<u>AB 2097</u> <u>(Friedman D)</u> Residential and commercial development: remodeling, renovations, and additions: parking requirements.	<p>AB 2097 would generally prohibit public agencies from enforcing minimum automobile parking requirements for residential, commercial, and other developments if the parcel is located within one-half mile walking distance of either a “high quality transit corridor” or a “major transit stop.”</p> <p>In a rare signing message, Governor Newsom stated, <i>“While this bill will undoubtedly have a positive impact in reaching our state’s climate and housing goals, we must be vigilant in guarding against earnestly unintended consequences. In the absence of this important state policy change, many local governments have rightly taken it upon themselves to craft transit-oriented housing incentive programs. It is not our intent in creating this new law to undermine the efficacy of these local initiatives. Therefore, I am directing the Department of Housing and Community Development to closely monitor implementation of this bill and identify any unintended outcomes, including impacts to affordable housing</i></p>	Signed Into Law Chapter 459, Statutes of 2022	SUPPORT

	Subject	Status	Adopted Position
	<p><i>development in downtown-oriented development areas.”</i></p> <p>AB 2097 was amended to allow local governments to maintain parking minimums if the local entity makes findings that the exemption would have substantial negative impacts. The bill also categorically exempts specified projects such as a hotel or motel.</p> <p>“Major transit stop” includes an existing rail or BRT station, ferry terminal, or the intersection of two or more bus routes with peak commute period headways of 15 minutes or less. “High-quality transit corridor” includes a corridor with fixed route bus service with peak commute headways of less than 15 minutes.</p>		
<p><u>AB 2147</u> (Ting D) Pedestrians.</p>	<p>AB 2147 amends existing law to direct a peace officer shall not stop a pedestrian for a violation involving an illegal crossing the street unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.</p>	<p>Signed Into Law Chapter Number Pending</p>	<p>WATCH</p>
<p><u>AB 2237</u> (Friedman D) Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.</p>	<p>Assemblywoman Friedman will likely hold an informational hearing on this measure and AB 2438, which was vetoed. The release of the CAPTI Implementation Progress Report sometime this month will likely influence the direction Assemblywoman Friedman will take on reintroducing these measures.</p> <p>This bill would require regional transportation planning agencies (RTPA) to include in its regional transportation improvement program projects to be funded in whole or in part that are consistent with its most recently</p>	<p>DEAD</p>	<p>WATCH</p>

	Subject	Status	Adopted Position
	prepared sustainable communities strategy and the state's climate goals.		
<u>AB 2336</u> <u>(Friedman D)</u> Vehicles: Speed Safety System Pilot Program.	<p>Assemblywoman Friedman has said she is considering reintroducing this measure.</p> <p>AB 2336 would establish a five-year pilot program to give local transportation authorities in the Cities of San Jose, Oakland, Los Angeles, Glendale, Palm Springs, and the City and County of San Francisco the authority to install speed safety systems. AB 2336 would implement one of the recommendations from the Vision Zero Task Force report.</p> <p>AB 2336 would allow the placement of a speed safety system in school zones, and on streets with the highest injuries and fatalities, or on street determined to have a high number of vehicle speed exhibitions. In addition, the speed safety system may not continue if after 18 months the percentage of violations has not dropped by 25%. The bill contains other significant public education and signage requirements as well as privacy protections.</p>	DEAD	SUPPORT
<u>AB 2441</u> <u>(Kalra D)</u> Public employment: local public transit agencies: new technologies.	<p>AB 2441 requires a public transit employer to notify labor representatives of its intention to begin, or substantive progress toward initiating the use of autonomous vehicles.</p> <p>In his veto message, Governor Newsom stated, <i>"I am supportive of ensuring workers affected by new technology are consulted and have input upon decisions that will impact their job. However, I am returning this bill without my signature because it contains some ambiguous terms that may lead to more</i></p>	VETOED	WATCH

	Subject	Status	Adopted Position
	<p><i>adjudications than intended, and I believe more work is needed to clearly define the scope and application of the bill."</i></p> <p>The bill also requires that following a written request by the exclusive employee representative, the public transit employer must commence collective bargaining in which both parties must bargain over the development and implementation of the use of autonomous vehicles.</p>		
<p><u>AB 2357</u> (Ting D) Surplus land.</p>	<p>AB 2357 remains in the Senate Governance & Finance Committee and will not move forward this year.</p> <p>This bill makes several changes intended to improve the process under the Surplus Lands Act (SLA). Assemblyman Ting has championed legislation in the past to increase the use of surplus locally owned land for affordable housing development. Past efforts have raised concerns with AC Transit regarding the impact past proposal would have on property owned for future expansion.</p>	DEAD	WATCH
<p><u>AB 2449</u> (Rubio, Blanca D) Open meetings: local agencies: teleconferences.</p>	<p>AB 2449 would authorize the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participates in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.</p> <p>The provisions made in AB 2449 would sunset on January 1, 2028.</p>	Signed Into Law Chapter 285, Statutes of 2022	WATCH
<p><u>AB 2622</u> (Mullin D) Sales and use taxes:</p>	<p>AB 2622 would extend the exemption from the state portion of the sales tax the purchase zero emission transit vehicles. This bill is sponsored by the</p>	Signed Into Law Chapter 353, Statutes of 2022	SUPPORT

	Subject	Status	Adopted Position
exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.	California Transit Association and would extend the sunset date on the sales tax exemption from January 1, 2024, to January 1, 2026.		
<u>ACA 1</u> <u>(Aguilar-Curry D)</u> Local government financing: affordable housing and public infrastructure: voter approval.	Identical to last session's proposal, ACA 1 would lower the voter threshold for property tax increases, parcel taxes and sales taxes to 55% if the funds are used for affordable housing and infrastructure projects. This includes capital improvements to transit and streets and highways. However, ACA 1 does not allow for the 55% local measure to use the tax revenue for transit operations.	DEAD	SUPPORT
<u>SB 18</u> <u>(Skinner D)</u> Green hydrogen.	SB 18 requires CARB to develop plans for the hydrogen industry in California. <ul style="list-style-type: none">• By 2023 incorporate hydrogen production in its scoping plan and in consultation with the Workforce Development Board (WDB) identify the role of hydrogen, and particularly the role of "green hydrogen," in helping to achieve the state's existing climate goals.• By June 1, 2023, in consultation with the California Energy Commission (CEC) the California Public Utilities Commission (CPUC), and the WBD prepare and place on its website policy recommendations and strategies regarding production and uses of hydrogen and, in particular, green hydrogen.	DEAD	SUPPORT

	Subject	Status	Adopted Position
	<ul style="list-style-type: none"> By June 1, 2023, in conjunction with CEC and CPUC, to jointly develop recommendations to the Legislature on definitions of distinct categories of hydrogen and provide guidance to the Legislature on which categories of hydrogen may be used to meet eligibility requirements for various state programs. 		
<u>SB 551</u> (Stern D) California Electric Vehicle Authority.	<p>As amended SB 551 would create the Zero Emission Vehicle Authority within the Governor's Office of Business and Economic Development.</p> <p>The amendments make the bill technology neutral and equally promote the use of both battery electric and fuel cell technologies. The goal of SB 551 is to create state coordinator of transportation electrification and zero-emission goods movement efforts to be the lead entity to remove barriers and accelerate progress towards the state's ZEV goals.</p>	DEAD	SUPPORT
<u>SB 726</u> (Gonzalez D) Alternative fuel and vehicle technologies: Sustainable Transportation Strategy.	<p>SB 726 requires CARB and the CEC to develop by January 1, 2024, a sustainable transportation strategy. The purpose of the strategy is to identify plans, actions and required funding needed to meet California's GHG reduction and criteria pollutant reduction goals in a cost effective and efficient manner.</p> <p>The bill also specifies that Clean Transportation Program (CTP) shall give funding priority to medium- and heavy-duty vehicle infrastructure, research, demonstration, and deployment projects, as permitted by federal law. The CEC required to expend at least 50% of the CTP funds for projects that benefit</p>	DEAD	WATCH

	Subject	Status	Adopted Position
	low-income and disadvantaged communities.		
<u>SB 878</u> (<u>Skinner D</u>) School transportation.	<p>SB 878 was gutted and amended by the Assembly Appropriations Committee to become a study bill. Therefore, Senator Skinner chose not to move the bill forward.</p> <p>Previously, SB 878 would create a program to provide home-to-school transportation to all students, by providing school bus service or by contracting with public transit operators.</p> <p>As amended, SB 878 directs the California Department of Education to convene a workgroup that includes school transportation stakeholders and school transportation providers to develop recommendations pertaining to safety standards for drivers of unaccompanied minors to school.</p>	DEAD	SUPPORT & SEEK AMENDS
<u>SB 917</u> (<u>Becker D</u>) Seamless Transit Transformation Act.	<p>SB 917 directs MTC to work with transit operators to develop the Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive regional transit wayfinding system, and establish an open-source real-time transit information system.</p> <p>Recent amendments address some of the concerns expressed by Bay Area operators with respect to the time deadlines, and concerns regarding the integrated fare plan requirements. However, additional amendments are needed with respect to transit governing board approval of the integrated fare plan, and the need to secure funding to implement the plan.</p> <p>Based on the recent amendments, the Assembly Transportation Committee</p>	DEAD	SUPPORT IF AMENDED

	Subject	Status	Adopted Position
	approved SB 917, and it now moves to the Appropriations Committee.		
<u>SB 922</u> (Wiener D) California Environmental Quality Act: exemptions: transportation-related projects.	<p>SB 922 expands CEQA exemptions for specified transit, bicycle, and pedestrian projects, and extends these exemptions from 2023 to 2030.</p> <p>Specifically, the bill makes the following changes:</p> <ul style="list-style-type: none"> • Exempts from CEQA, until January 1, 2030, active transportation plans and pedestrian plans, if the lead agency holds noticed public hearings • For the SB 288 projects, this bill extends the January 1, 2023, sunset until 2030, but these projects shall not add infrastructure or striping that increases automobile capacity. • Expands the type of transit prioritization projects. 	Signed Into Law Chapter 987, Statutes of 2022	SUPPORT
<u>SB 942</u> (Newman D) Low Carbon Transit Operations Program: free or reduced fare transit program.	<p>SB 946 would allow transit agencies who use Low Carbon Transit Operations Program (LCTOP) moneys to fund free or reduced fare transit programs to continue using those moneys for ongoing operating costs.</p> <p>As amended in the Assembly Transportation Committee, operators would be required to submit the initial allocation request and then for the next three year annually submit documentation that the program is meeting the GHG reduction requirements.</p>	Signed Into Law Chapter 988, Statutes of 2022	SUPPORT
<u>SB 1075</u> (Skinner D) Hydrogen: green hydrogen: emissions of	SB 1075 was amended to remove the provisions relating to the California Clean Hydrogen Hub Fund, because similar provisions were added to a budget trailer	Signed Into Law Chapter 363, Statutes of 2022	SUPPORT

	Subject	Status	Adopted Position
greenhouse gases.	bills as part of the climate package. As sent to the Governor, SB 1075 requires the California Air Resources Board (CARB) and the California Energy Commission (CEC) to analyze options for using hydrogen as part of decarbonization strategies.		
<u>SB 1100</u> (Cortese D) Open meetings: orderly conduct.	SB 1100 would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfully interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.	Signed Into Law Chapter 171, Statutes of 2022	WATCH
<u>SB 1121</u> (Gonzalez D) State and local transportation system: needs assessment.	SB 1121 would require the California Transportation Commission (CTC) in cooperation with Caltrans and CalSTA to biennially develop a needs assessment of the cost to operate, maintain, and provide for the future growth and resiliency of the state and local transportation system. The bill defines “state and local transportation system” to include public transit systems, including operations, as well as bicycle and pedestrian facilities. The CTC would also be required to consult with transit operators, transportation planning agencies, and local governments in developing the assessment.	Signed Into Law Chapter 508, Statutes of 2022	SUPPORT
<u>SB 1161</u> (Min D) Transit districts: street harassment	The Assembly Appropriations Committee significantly back scaled SB 1161. As amended the bill requires the Mineta Transportation Institute (MTI) to develop and make available on its internet	Signed Into Law Chapter 318, Statutes of 2022	SUPPORT

	Subject	Status	Adopted Position
initiatives.	website a survey for the purpose of promoting consistency in the collection of survey data by transit agencies to inform efforts to improve the safety of riders and reduce street harassment on public transit.		
<u>SB 1230</u> <u>(Limón D)</u> Zero-emission and near-zero-emission vehicle incentive programs: requirements.	<p>SB 1230 has been significantly amended to remove the area of concern expressed by AC Transit regarding the use of mobility options to purchase transit passes.</p> <p>As amended the bill removes the requirement that the mobility options, which allows funds to be used for purchasing transit passes among other options, must be applied to the other vehicle incentive programs. It was determined that applying this requirement to the other programs was not feasible because the other incentive programs provided financing assistance or purchase rebates.</p> <p>As amended SB 1230 directs CARB to do the following:</p> <ul style="list-style-type: none"> • Requires ARB to create a single unified education and application portal that enables an applicant for an incentive from the Clean Cars 4 All, the California Vehicle Rebate Program, and the California Vehicle Assistance Program to access information about the program and to submit one application for all the programs. • Requires, on or before July 1, 2024, CARB, where feasible, to adopt revisions to the requirements of zero-emission and near-zero-emission vehicle incentive programs to ensure 	Signed Into Law Chapter 371, Statutes of 2022	SUPPORT IF AMENDED Prior version

	Subject	Status	Adopted Position
	<p>both of the following:</p> <ul style="list-style-type: none">- An opportunity to become prequalified for an incentive and that the incentive is guaranteed to the applicant before the applicant purchases a vehicle, mobility option, or other item or service for which the incentive is provided.- An application that is submitted through the portal is approved or denied within 24 hours of submission of the application.		