

# PLATINUM | ADVISORS

June 28, 2023

TABLE 1: BOARD ACTION ITEMS

| Bill   | Subject   | Status  | Recommended Position | Rationale   |
|--|---|---|----------------------|---|
| <b><u>SB 747</u></b><br><b>(Caballero D)</b><br>Land use:<br>economic<br>development:<br>surplus land. | SB 747 makes numerous changes to the Surplus Land Act (SLA) to clarify procedures and provide local agencies with economic development opportunities pursuant to Economic Opportunity Law (EOL). SB 747 continues to prioritize affordable housing production while also providing much needed statutory clarity to allow for a more tailored, community-driven approach to disposal and development of surplus land. | Assembly<br>Housing &<br>Community<br>Development | SUPPORT              | The District supports actions that encourage transit oriented development (TOD). SB 747 would simplify the process for transit agencies to develop on transit properties. |

TABLE 2: BOARD ADOPTED ITEMS

| Bill   | Subject   | Status       | Adopted Position |
|--|---|--------------|------------------|
| <b><u>AB 96</u></b> (Kalra D)<br>Public employment:<br>local public transit<br>agencies:<br>autonomous transit<br>vehicle technology | AB 96 proposes a process that would require a transit operator to inform labor representatives of the operators' intent to use autonomous vehicle technology. | Senate Floor | WATCH            |

| Bill  | Subject  | Status                | Adopted Position |
|---|--|-----------------------|------------------|
| <b><u>AB 241</u></b><br><b>(Reyes D)</b><br>Clean Transportation Program: Air Quality Improvement Program: funding. | <p>AB 241 extends the sunset date from January 1, 2024, to January 1, 2035 , on the collection of various fees that are used to fund the Clean Transportation Program administered by the California Energy Commission and the Air Quality Improvement Program administered by the Air Resources Board. These funds are used to fund a variety of medium and heavy-duty zero emission vehicle programs.</p> <p>AB 241 would also require that 50% of the CTP funds be used for projects that directly benefit disadvantaged and low-income communities. Among the listed improvements to meet this goal includes investment in public transportation infrastructure and zero emission transit.</p> | Assembly Floor        | SUPPORT          |
| <b><u>AB 316</u></b><br><b>(Aguiar-Curry D)</b><br>Vehicles: autonomous vehicles.                                   | <p>AB 316 would prohibit the operation of an autonomous vehicle with a gross vehicle weight of 10,001 pounds or more on public roads for testing purposes, transporting goods, or transporting passengers unless a human safety operator is physically present at the time operation.</p> <p>Similar to AB 96, this bill would apply to the operation of any large autonomous vehicles on California roads without an operator in the vehicle.</p>   | Senate Transportation | WATCH            |
| <b><u>AB 540</u></b><br><b>(Wicks D)</b><br>Social Service Transportation Improvement Act:                          | <p>Assemblywoman Wicks has decided to make AB 540 a two-year bill, meaning it will not move forward this year. The author's office will continue to work with interested parties to build consensus on addressing paratransit service needs.</p>   | Two-Year Bill         | WATCH            |

| Bill   | Subject   | Status | Adopted Position |
|--|---|--------|------------------|
| <p>coordinated transportation services agencies.</p> | <p>AB 540 would make changes to the Social Services Transportation Improvement Act and impose a \$10 vehicle registration fee. The new fee would require a 2/3 vote of the legislature.</p> <p>Specifically, the bill would require the coordination, rather than the consolidation, of social service transportation services under the act and would recharacterize consolidated transportation service agencies in the act as coordinated transportation service agencies. The \$10 vehicle fee proposed in the bill would be allocated to each county based on population.</p> <p>In addition, the bill would allow a county Board of Supervisors to allocate this new revenue to a public transit operator if all the following are met:</p> <ul style="list-style-type: none"> <li>• The county board of supervisors, by not less than a two-thirds vote, adopts biennial findings that the allocation of funds is in the best interest of that county's senior and disabled population.</li> <li>• The recipient transit agency commits to and produces documentation biennially that: <ul style="list-style-type: none"> <li>- Establishes that the funding has and shall be used only for the senior and disabled population.</li> <li>- Establishes that a financial and operational maintenance of effort is in place and that funding is being used solely for expanded or</li> </ul> </li> </ul> |        |                  |

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|   | improved services for the target population and not as a backfill for other, redirected funds.  |                  |                  |
| <b><u>AB 557</u></b><br><b>(Hart D)</b><br>Open meetings: local agencies: teleconferences.  | <p>AB 557 would extend indefinitely the existing authorization for local legislative bodies with a majority vote to hold remote meetings if a proclaimed state of emergency exists.</p> <p>Specifically, AB 557 would eliminate the January 1, 2024, sunset date on provisions of law authorizing remote meetings during a proclaimed state emergency. The bill also changes the requirement to reauthorize the use of remote meetings from every 30 days to every 45 days.</p>   | Senate Judiciary | SUPPORT          |
| <b><u>AB 645</u></b><br><b>(Friedman D)</b><br>Vehicles: speed safety system pilot program. | <p>AB 645 was approved by the Senate Transportation Committee and is now pending in the Senate Judiciary Committee.</p> <p>AB 645 was amended on March 16th to create the Speed Safety System Pilot Program. The program would authorize the Cities of Oakland, Los Angeles, San Jose, Glendale, Long Beach, and San Francisco to use an automated system to detect and issue citations for speeding.</p> <p>The bill includes provisions specifying the steps each city must comply with, such as adopting a Speed Safety System Use Policy and Speed Safety System Impact Report. These steps include conducting a 30-day public education campaign before commencing, and issuing only warning citations for the first 60 days</p> | Senate Judiciary | SUPPORT          |

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|   | <p>of operation. The bill also includes privacy protection provisions.</p> <p>AB 645 also limits the number of automated systems that can be used based on the population of the city. The bill also limits placement of the systems to school zones, areas where a high number of speed contests occur, and streets designated as a safety corridor as specified in existing law.</p>   |                       |                  |
| <p><b><u>AB 719</u></b><br/><b>(Boerner D)</b><br/>Medi-Cal benefits.</p> | <p>Current law establishes a schedule of benefits under the Medi-Cal program, including nonmedical transportation for a beneficiary to obtain covered Medi-Cal services. Current law requires nonmedical transportation to be provided by the beneficiary's managed care plan or by the department for a Medi-Cal fee-for-service beneficiary.</p> <p>This bill would require the State Department of Health Care Services to require managed care plans to contract with public transit operators for the purpose of establishing reimbursement rates for nonmedical and nonemergency medical transportation trips provided by a public transit operator. The bill would require the rates reimbursed by the managed care plan to the public transit operator to be based on the department's fee-for-service rates for nonmedical and nonemergency medical transportation service.</p> | Senate Health         | SUPPORT          |
| <p><b><u>AB 761</u></b><br/><b>(Freidman D):</b><br/>Transit</p>          | <p>Significant portions of AB 761 were incorporated into the budget trailer bill on transportation, AB 125. It is</p>  | Senate Transportation | WATCH            |

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| Transformation Task Force.  | <p>unlikely the current version of AB 761 will move forward this year.</p> <p>AB 761 would require the California Transportation Agency (CalSTA) to convene, by July 1, 2024, a statewide task force to explore opportunities to regrow ridership through strategies such as integrated fares, coordinated service planning to adapt to changing travel needs, consistent wayfinding, improvements to transit priority on roads, and workforce training and retention. The Task Force would also review the state’s systems for oversight and reporting to improve accountability.</p> <p>CalSTA is required to report the task force’s findings and recommendations to the Legislature on or before January 1, 2025. The provisions of the bill would be repealed on January 1, 2028.</p> |   |                  |
| <p><b><u>AB 817</u></b><br/><b><u>(Pacheco D)</u></b><br/>Open meetings:<br/>teleconferencing:<br/>subsidiary body.</p> | <p>AB 817 would authorize a “subsidiary body” to remotely hold a public meeting if specified conditions are met. The bill defines a subsidiary body to include:</p> <ul style="list-style-type: none"> <li>• certain types of commissions, committees, or other body as defined in paragraph (b) of Government Code Section 54952,</li> <li>• a body that serves exclusively as an advisory body,</li> <li>• a body that is not authorized to take final action on any contract, legislation, regulation, or permit.</li> </ul> <p>AB 817 would also require the members of the body to participate through both audio and visual technology. The public must be able to participate in</p>  | <p>Assembly Local Government</p> <p>2-Year Bill</p> | SUPPORT          |

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|  | the body's proceedings either by phone line or through an internet-based platform.  |   |                  |
| <b><u>AB 819</u></b><br><b>(Bryan D)</b><br>Crimes: public transportation: fare evasion.     | <p>AB 819 would remove the option of incarcerating and charging someone with a misdemeanor for fare evasion. Specifically, the bill provides that a third or subsequent fare evasion violation, as specified, is no longer a misdemeanor punishable by imprisonment in county jail for a period of not more than 90 days and shall be a fine of not more than \$400.</p> <p>This change is consistent with AC Transit's policy to impose only an administrative penalty for fare evasions, among other offenses.</p>  | Senate Appropriations                                 | SUPPORT          |
| <b><u>AB 1379</u></b><br><b>(Papan D)</b><br>Open meetings: local agencies: teleconferences. | <p>AB 1379 would amend the Brown Act to allow a legislative body to hold meetings in any combination of in person or remote participation. The hearing on AB 1379 scheduled in the Local Government Committee this week was cancelled, making this a two-year bill that will not be heard this session.</p> <p>The bill specifies a quorum can be established by any of the following:</p> <ul style="list-style-type: none"> <li>• Consisting of members participating remotely.</li> <li>• Consisting of members participating at a designated location.</li> <li>• Consisting of members participating remotely and at a designated location.</li> </ul> | <p>Assembly Local Government</p> <p>Two-Year Bill</p> | SUPPORT          |

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|   | AB 1379 specifies that the “singular designated physical meeting location” must be open to the public and located within the legislative body’s jurisdiction.  |   |                    |
| <b><u>AB 1525</u></b><br><b>(Bonta D)</b><br>Transportation<br>Agency: allocations<br>for projects in priority<br>populations | <p>AB 1525 requires at least 60 percent of all moneys allocated for projects administered by the State Transportation Agency (CalSTA), the Department of Transportation (Caltrans), or the California Transportation Commission fund projects located in disadvantaged communities and benefit priority populations.</p> <p>While this bill was approved by the Assembly Transportation Committee, several members expressed concerns with the structure of the bill and encouraged Assemblywoman Bonta to work with the opposition. The general tone from the committee was this is a very difficult but necessary issue to tackle.</p> <p>The bill requires that, by July 1, 2024, CalSTA have a system in place to evaluate every project to ensure specified benefits accrue to disadvantaged communities. It further requires a “third-party governmental entity” to audit how CalSTA, Caltrans and the CTC evaluate, select, and fund projects in disadvantaged communities.</p> | Assembly Appropriations<br>Held on Suspense File<br>2-Year Bill | SUPPORT IN CONCEPT |
| <b><u>ACA 1</u></b><br><b>(Aguiar-Curry D)</b><br>Local government<br>financing: affordable<br>housing and public             | 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   | Assembly Local<br>Government                                    | SUPPORT            |



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| infrastructure: voter approval.   | includes capital improvements to transit and streets and highways.<br><br>However, ACA 1 does not allow for the 55% local measure to use the tax revenue for transit operations.  |                           |                  |
| <b><u>SB 411</u></b><br><b>(Portantino D)</b><br>Open meetings:<br>teleconferences:<br>bodies with<br>appointed<br>membership | As introduced SB 411 would add additional flexibility by authorizing a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency.<br><br>SB 411 was substantively amended in the Senate Committee on Governance & Finance. As amended, SB 411 would only allow neighborhood advisory councils located within the City of Los Angeles to conduct meetings remotely.  | Assembly Local Government | WATCH            |
| <b><u>SB 434</u></b><br><b>(Min D)</b><br>Transit operators:<br>street harassment survey.                                     | SB 434 requires the top ten public transit operators, upon appropriation of funds by the Legislature for this purpose, to collect and publish survey data, as specified, and conduct outreach activities, as specified, for the purpose of informing their efforts to improve the safety of riders and reduce street harassment on public transit. Requires transit operators, by December 31, 2024, to publish the survey data on their websites and inform the Governor and the Legislature.<br><br>SB 434 furthers the goals of SB 1161 (Min) from last session. AC Transit adopted a support position on SB 1161. As signed into law SB 1161 directed the Mineta Transportation Institute to develop the survey | Assembly Transportation   | SUPPORT          |

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|  | content. If funding is available, SB 434 would require the top ten transit operators to conduct and publish the results of the survey.  |                         |                  |
| <b><u>SB 532</u></b><br><b>(Wiener D)</b><br>San Francisco Bay area toll bridges: toll increase: transit operating expenses. | <p><b><i>SB 532 was gutted and amended to raise bridge tolls to fund transit operations.</i></b></p> <p>The Board had previously adopted a support position on SB 532 when it proposed changes to expand the information included on the ballot regarding local measures. That language is provided below under the heading “Original Bill Intent.”</p> <p>In light of the fiscal crisis facing public transit, Senator Wiener has amended SB 532 to now propose a \$1.50 increase in tolls paid on all state-owned toll bridges in the Bay Area. The toll increase would be imposed starting January 1, 2024, and the increase would stop on December 31, 2028.</p> <p>The bill directs 90% of the revenue generated would be used to avoid service cuts and maintain service levels, including safety and security needs. The remaining 10% of revenue would be used to assist transit operators in planning and reconfiguring transit service.</p> <p><u>Original Bill Intent</u></p> <p><i>SB 532 would permit the proponents of a local initiative measure, or a local jurisdiction submitting a local ballot measure, which imposes or increases a tax with more than one rate, or authorizes the issuance of</i></p> | Assembly Transportation | SUPPORT          |

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|   | <p><i>bonds, to choose how specific information will appear on the ballot label.</i></p> <p><i>The intent of SB 532 is to expand transparency for local tax measures by providing the option to include key financial measures in the voter information guide, while amending ballot label requirements that have proven problematic or even impossible for tiered tax rates and bond issuances. The goal is for the improved financial disclosures created by SB 532 will help voters better understand the potential financial impacts of a proposed bond or tiered tax measure.</i></p>  |              |                  |
| <p><b><u>SB 537</u></b><br/><b>(Becker D)</b><br/>Open meetings: multijurisdictional, cross-county agencies: teleconferences.</p> | <p>This bill allows for remote participation for legislative bodies that are a board, commission, or advisory body of a “multijurisdictional,” cross county agency, the membership of which board, commission, or advisory body is appointed. Additional restrictions were added to the bill when the Senate Governance &amp; Finance Committee heard it. The new restrictions include:</p> <ul style="list-style-type: none"> <li>- The legislative body adopts a resolution authorizing the use of teleconferencing at regular meetings.</li> <li>- At least a quorum of the legislative body shall participate from “locations” within the local agency’s jurisdiction.</li> <li>- A member shall not participate remotely unless both the following are met:</li> </ul> | Senate Floor | WATCH            |

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|   | <ol style="list-style-type: none"> <li>1. The remote location must be more than 40 miles away from the in-person meeting location, and:</li> <li>2. The member participates from their office or a location in a publicly accessible building.</li> </ol>   |                           |                  |
| <b>SB 617</b><br><b>(Newman D)</b><br>Public contracts:<br>progressive design-build: local and regional agencies. | <p>SB 617 authorizes transit agencies and regional transportation planning agencies (RTPA) to utilize progressive design-build procurement method, through January 1, 2029.</p> <p>Current law authorizes transit agencies to utilize design-build procurement until January 1, 2025, on contracts in excess of \$1 million. SB 617 allow for the use of “progressive design-build procurement.”</p> <p>Progressive design-build procurement is a new variation of design-build that utilizes a two-step process. In the first step, the local agency uses a best value process to select a design-build entity who completes preliminary plans and preconstruction services necessary to provide a cost estimate and final design proposal. The project then “progresses” to the second step, where the local agency and the design-build entity agree to a final design, project cost, and schedule. If an agreement cannot be reached the local agency and the design-build entity can part ways, but the local agency can still use the work acquired during the initial phase.</p> | Assembly Local Government | SUPPORT          |