



August 29, 2019

Table 1: Board Action Positions

Bills	Subject	Status	Client - Position
<u>AB 147 (Burke-McGuire)</u> Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. (A-3/11/2019)	AB 147 was signed into law, and took effect immediately. This bill enacts changes to implement the South Dakota v. Wayfair decision. Under Wayfair, the U.S. Supreme Court found that online retailers are required to collect and remit sales tax regardless of whether the online retailer has a physical presence in the state where the order is delivered. AB 147 imposes a \$500,000 statewide threshold. State and local sales taxes would both be collected once a statewide total of \$500,000 in sales is reached. This bill would also require sales tax to be collected on all sales made through an intermediary, such as eBay or Amazon. Under AB 147 an entity that sales items through "marketplace facilitator," such as eBay, the marketplace facilitator is required to collect and remit the tax on all sales regardless of the threshold. The local sales tax revenue would be allocated to the local tax districts.	Signed Into Law Chapter #5, Statutes of 2019	SUPPORT (Position Taken 2/27/19)
<u>AB 784 (Mullin D)</u> Sales and use taxes: exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit bus vehicles.	AB 784 was approved by the Senate Governance & Finance Committee on a 6-0 vote. This bill would exempt medium and heavy duty zero emission transit vehicles from the state's sales tax. Locally imposed sales taxes would still apply, as well as specified statewide taxes. Specifically, AB 784 would exempt from the state sales tax any zero-emission technology medium or heavy-duty transit bus vehicle that is eligible for a rebate from the Hybrid and Zero Emission Truck and Bus Voucher Incentive Program (HVIP). This sales tax exemption would sunset on January 1, 2024.	SENATE APPR – SUSPENSE FILE – Approved with clarifying amendments	SUPPORT

AB 1112 (Friedman D) Shared mobility devices: local regulation.	AB 1112 remains in the Senate Transportation Committee, making it a two-year bill that will not move until next year. This bill would define in statute what a local authority may require a shared mobility device provider to provide regarding trip data within the jurisdiction of the local authority. As amended the bill focuses on allowing a local government to condition its approval of a shared mobility device program with a requirement that the provider share aggregate trip data with local governments. This trip data would be limited to de-identified data and provided to the local government in the aggregate. AB 1112 also limits a local authority from imposing on a shared mobility device provider any unduly restrictive requirements, including requiring operation below cost or requiring providers to pay unreasonable fees, or requirements more restrictive than those applicable to riders of personally owned similar transportation devices. An Oppose Unless Amended position is recommended because the bill defines aggregate data to be a group of trips, from which the start points, stop points, routes, and times of individual trips have been removed and that cannot be used or combined with other information to isolate details of an individual trip. This definition would be too restrictive to provide data that could be used is a useful way for transportation planning purposes.	SENATE TRANSP – Two-Year Bill	Oppose Unless Amended
ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.	ACA 1 failed passage on the Assembly Floor. Reconsideration was granted, and another attempt is possible, but the measure was 8 votes short of the 54 needed for passage. A few Democrat members voted No, and several others abstained. Given the stigma that this measure erodes Prop 13 protections makes it unlikely it will secure the needed support to move to the Senate. ACA 1 would lower the voter threshold for property tax increases, parcel taxes and sales taxes to 55% if	ASSEMBLY FLOOR Failed Passage – Reconsideration Granted	SUPPORT (Position Taken 1/23/19)

	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.		
SB 44 (Skinner D) Medium-duty and heavy-duty vehicles: comprehensive strategy.	SB 44 directs CARB, no later than January 1, 2021, to develop a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles in the state to meet the following: • Bringing the state into compliance with federal ambient air quality standards. • A reduction of motor vehicle GHG emissions by 40% by 2030. • A reduction of motor vehicle GHG emissions by 80% by 2050. Prior versions of SB 44 proposed funding the implementation of this strategy by annually allocating 10% of cap & trade auction revenue beginning with the 2019-20 fiscal year and ending with the 2024-25 fiscal year to implement CARB's plan. This provision has been removed from the bill.	ASSEMBLY APPR – Suspense File – Approved	SUPPORT
SB 137 (Dodd D) Federal transportation funds: state exchange programs.	SB 137 would allow any city or county to swap federal transportation funds for state funds. The current exchange program is limited to regional transportation planning agencies with a population below 200,000. This measure is sponsored by CSAC, and it is aimed at streamlining project delivery by removing the federal review process associated with using federal funds. With the additional SB 1 funds in state accounts, the resources should be enough to allow interested cities and counties to exchange federal funds for state dollars, thus eliminating the need to complete both NEPA and CEQA reviews.	ASSEMBLY APPR – Suspense File – Approved	SUPPORT
SB 152 (Beall D) Active Transportation Program.	SB 152 would implement some of the findings made by the Legislative Analyst's Office (LAO) regarding the administration of the Active Transportation Program (ATP). The goal is to	SENATE APPR – Held on Suspense File Two-Year Bill	SUPPORT

	streamline the administrative process for awarding ATP funds. The bill includes the following changes: • Modifies the distribution formula to increase from 40% to 60% that is allocated to metropolitan planning organizations (MPO), increase the rural county share from 10% to 15%, and reduce the statewide pot that is administered by the CTC from 50% to 25%. • Shift greater administrative control for the regional share to the MPOs. • Increase reporting requirements from the MPOs to the CTC.		
SB 277 (Beall D) Road Maintenance and Rehabilitation Program: guidelines.	SB 277 would amend existing law to require 85% of SB 1 Local Partnership Program (LPP) funds be allocated by formula, and 15% for a small county competitive program. Under current CTC guidelines half the LPP funds are allocated by formula and half are reserved for a competitive program. Current law provides the CTC administrative control over LPP funds. Starting with Cycle 3 of the LPP, SB 277 directs the CTC to adopt guidelines and implement the apportionment formula specified in the bill as follows: • 15% of LPP funds is set aside in the Small Counties and Uniform Developer Fees Competitive Subaccount. This competitive program is for eligible entities located in a county with a population of less than 750,000, or entities that administer a voter approved uniform developer fee. • 85% of LPP funds would be allocated to the Local Partnership Formula Subaccount. The funds would be split into a southern and northern California pots. The north-south split would be based on the proportional share of the statewide total of voter approved sales tax, parcel/property tax and toll revenue. The north-south categories are based on the STIP definition where all counties from Kern and San Louis Obispo Counties south are in the southern group,	ASSEMBLY APPR – Suspense File – Approved with Amendments	SUPPORT

	and all remaining counties are in the northern group. ○ The southern allocation formula distributes the funds to eligible entities with 75% of the funds allocated based on its proportional share of the southern population, and 25% distributed based on the entity's proportional share of voter approved transportation sales tax revenue. ○ The northern allocation formula distributes the funds to eligible entities through two pots. Of the total amount of revenue in the northern share, eligible entities that administer voter approved bridge tolls and parcel/property taxes shall receive it proportional share of the northern fund. For eligible entities that administer a voter approved sales tax, these entities' proportional share is based on 75% of the entities proportional of the northern population and 25% based on the entity's proportional share of sales tax revenue.		
<u>SB 328</u> <u>(Portantino D)</u> Pupil attendance: school start time.	SB 328 has been referred to the Assembly Education Committee. The Chair of Assembly Education is Assemblyman Patrick O'Donnell, who is a former teacher and opposed this proposal last year. Assemblyman O'Donnell has not decided whether to hear SB 328 in his committee. The last hearing date for Assembly Education is July 10th. SB 328 would require all middle to start no earlier than 8:00 a.m. and high schools shall start no earlier than 8:30. Schools would be required to implement this new start time on July 1, 2022, or when the collective bargaining agreement in place on January 1, 2020 expires, whichever is later. A rural school is exempt from these requirements.	ASSEMBLY APPR – Suspense File – Approved	OPPOSE
<u>SB 336</u> <u>(Dodd D)</u>	SB 336 aims to address safety and customer service issues by requiring at least one public transit	ASSEMBLY TRANSP – Two-Year Bill	SUPPORT

Transportation: fully-automated transit vehicles.	employee to be present on any fully-automated transit vehicle. The public transit employee shall be trained in passenger safety, communications, emergency preparedness, and assisting the disabled and elderly. SB 336 would also require any transit operator that deploys an autonomous vehicle to submit a report to the legislature on that deployment by March 31 st , 2025. SB 336 would sunset on January 1, 2025.		
<u>SB 397</u> (Glazer D) Public transit operators: passengers with pets: evacuation orders.	As recently amended SB 397 would require the Office of Emergency Services and the Department of Food & Agriculture, in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles when serving evacuation areas. The bill previously directed each transit operator to develop best practices for allowing pets on public transit vehicles serving evacuation areas. The bill limits pets to cats or dogs.	ASSEMBLY FLOOR	SUPPORT
<u>SB 742</u> (Allen D) Intercity passenger rail services: motor carrier transportation of passengers.	SB 742 would repeal specific statutes that require intercity rail feeder bus service to only carry passengers that had prior movement by rail or will have subsequent movement by rail. As amended the bill requires the intercity rail joint powers authorities that operate feeder bus service to do the following prior to entering into a contract for feeder bus service: • Consult with and consider relevant public transit operators to determine if an operator can provide the planned service and to avoid conflicts with existing public transit service; • Make a good faith effort to coordinate with private motor carrier services to provide timely connections with intercity rail services, including through agreements to fund modifications or expansion of service to better coordinate with existing rail service; and • Document the differences between the proposed private motor carrier service and existing service in communities served.	ASSEMBLY FLOOR	SUPPORT

	The bill also authorizes state agencies and departments, public and private transit operators, intercity motor carriers of passengers, Amtrak, and the JPAs to enter into revenue sharing and ticket selling agreements with each other to provide intercity transportation and connections at rail stations to and from local transit systems and intermodal and intercity motor carrier terminals.		
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Table 2: Board Watch Positions

Bills	Subject	Status	Client - Position
<u>AB 11</u> (Chiu D) Community Redevelopment Law of 2019.	AB 11 would enact the Community Redevelopment Act of 2019, and allow local governments to form a housing and infrastructure agency that would focus on affordable housing and infrastructure investments. The bill requires a seat on the governing board for each affected taxing entity, and it allows an affected taxing entity to elect to contribute to the RDA or not. In addition, the bill also allows an RDA to capture the growth on the school's share (i.e. ERAF) of the property tax growth. AB 11 does require any new RDA to be approved by the Strategic Growth Council, which must find that the redevelopment plan furthers GHG reduction goals and the fiscal impact to the state for backfilling the lost ERAF growth does not exceed a yet to be specified amount. The new RDA could finance housing, transit, transit priority projects, interchanges, bridges, parks and port infrastructure, to name a few. The projects do need to be located within the redevelopment area but must have a nexus to the project area.	ASSEMBLY APPR Two-Year Bill	WATCH (Position Taken 1/23/19)
<u>AB 252 (Daly-Frazier)</u> Department of Transportation: environmental review process: federal program.	AB 252 continues to move without opposition or negative votes. This bill would repeal the sunset date on current law that delegates to Caltrans the authority for NEPA decision making. The existing NEPA Assignment Program authority would sunset on January 1, 2020. This program started as part of a pilot program under federal SAFETEA-LU legislation and has been extended twice so far. AB 252 would make it a permanent program. The NEPA	Signed Into Law – Chapter 160, Statutes of 2019	WATCH (Position Taken 2/27/19)

	Assignment Program has streamlined the environmental process for both state and local transportation projects without compromising compliance with environmental laws and regulations.		
<u>AB 285</u> <u>(Friedman D)</u> California Transportation Plan.	AB 285 updates requirements of the California Transportation Plan (CTP) to reflect the state's recent environmental legislation. In particular, the bill requires Caltrans to include in the CTP the following: • An overview of all sustainable communities and an assessment of how implementation of these strategies will influence the configuration of the statewide integrated multimodal transportation system. • A review of the potential impacts and opportunities for coordination of specified transportation grant programs, such as the Low Carbon Transit Operators Program and the Transit and Intercity Rail Program. • A forecast of the impacts of advanced and emerging technologies, including shared, autonomous, connected, and electric transportation options, over a 20-year horizon on infrastructure, access, and transportation systems.	SENATE APPR – SUSPENSE FILE – Approved with Amendments	WATCH
<u>AB 410</u> <u>(Nazarian D)</u> Vehicles: motor vehicle sideshow.	As amended, AB 410 provides that any person who actively participates in, or aids and abets, a motor vehicle sideshow is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed 90 days, by a fine of not less than \$355 and not more than \$1,000. or by both imprisonment and fine. In addition, a second violation of this provision within 5 years is a misdemeanor with a fine ranging from \$500 to \$1,000, and/or imprisonment of 6 months. While many of the acts that occur at sidoshows are already illegal under California's reckless driving laws, speed contest laws, or laws prohibiting the blocking of a highway, the author contends that a specific crime for sidoshows is necessary. According to the author, "Clearly defining a motor vehicle sidoshow will deter participation and keep our	ASSEMBLY PUB. S. Two-Year Bill	WATCH

	roads safer. As social media evolves and creates new avenues for event organizers, law enforcement should be given clear direction on how to combat the proliferation of motor vehicle sideshows. AB 410 is a simple and necessary step to protect public safety.”		
<u>AB 314</u> <u>(Bonta D)</u> Public employment: labor relations: release time	This bill would consolidate and uniformly apply existing laws to grant reasonable time-off with compensation for public employees for activities related to employee-employer relations. Existing law on release time does not cover public transit employees, but AB 314 would expand these release time provisions to include public transit employees. The bill would require a public employer to grant reasonable time off for employee representatives to testify at hearings before the personnel boards, participate in labor/management committees, investigate grievances, or participate at new employee orientations.	SENATE APPR – SUSPENSE FILE -- Approved	WATCH
<u>AB 752</u> <u>(Gabriel D)</u> Public transit: transit centers: lactation rooms.	AB 752 was substantially amended to clarify its application to multimodal transit facilities. As amended the bill lists existing intercity rail stations, as well as the <i>Sales Force Transit Center</i> and the Anaheim Regional Transportation Intermodal Center. It would also apply to any intercity rail station, or station proposed to be served by high-speed rail with an enclosed lobby of 5,000 square feet or more. The bill would require these multimodal transit stations that commence operations or a renovation on or after January 1, 2021, to include a lactation room.	SENATE APPR – Suspense File -- Approved	WATCH
<u>AB 934</u> <u>(Gipson D)</u> Schoolbuses: video monitoring systems.	AB 934 was pulled from the Assembly Transportation Committee agenda at the request of the author, thus becoming a two-year bill. This bill would authorize any school bus to be equipped with an internal video camera, and a school bus equipped with a stop signal arm shall be equipped with an external video camera. Based on the review by a school official, local law enforcement may issue a citation for each vehicle	ASSEMBLY TRANS. Two-Year Bill	WATCH

	that passes a bus when the stop signal arm is deployed.		
AB 1198 (Stone, Mark D) Public employees' retirement: pension reform: excepted employees: transit workers.	With enactment of the Public Employees' Pension Reform Act of 2013 (PEPRA), all state and local employees hired on or after January 1, 2013, are subject PEPRA. However, a limited exception was added for certain transit workers while the courts clarified whether federal labor laws preempted applying PEPRA to specified transit workers. With the legal issues resolved, AB 1198 amends the transit worker exception in PEPRA to clarify for those employees hired after January 1, 2013 and before January 1, 2016 are exempt from PEPRA. This addresses the "limbo" nature of these employees.	ASSEMBLY P.E. & R. Two-Year Bill	WATCH
AB 1350 (Gonzalez D) Youth Transit Pass Pilot Program.	AB 1350 would create the Youth Transit Pass Pilot Program. This bill is similar to prior efforts to create a funding program to provide free transit passes to persons under 25 years old. AB 1350 does not include an appropriation, but points to a future appropriation of greenhouse gas reduction funds. The bill directs Caltrans to create the program that would allocate grants to eligible entities. The grants would be capped at \$5 million and be no smaller than \$20,000. UCLA is currently undertaking a study to examine and summarize the various types of student transit pass programs in California. As you may recall, former Governor Brown vetoed a similar bill because of the need for additional information on existing programs. The UCLA study is not expected to be completed until the end of this year.	ASSEMBLY TRANS. Two-Year Bill	WATCH
AB 1351 (Lackey R) Transit operators: paratransit and dial-a-ride services.	AB 1351 was significantly amended due to concerns expressed by transit operators and policy consultants. Assembly Transportation Committee in consultation with the author drafted amendments that direct CalSTA to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities whom are visiting their service territory.	SENATE APPR – Suspense File – Approved with Amendments	WATCH

	<i>AB 1351 was amended on June 14th, to require CalSTA to development statewide guidelines regarding reciprocity in using paratransit services. Previously the guidelines were an option, and not a requirement.</i>		
<u>SB 5</u> (Beall D) Local-State Sustainable Investment Incentive Program.	SB 5 creates the Affordable Housing and Community Development Investment Program (Program), which would allow an Enhanced Infrastructure Finance District (EIFD) the authority to divert a portion of the ERAF property tax share to the EIFD. SB 5 would require any EIFD that wants to capture the ERAF share to apply to the Sustainable Investment Incentive Committee, which SB 5 creates. The bill would limit the amount of ERAF tax revenue the Committee can approve to \$200 million each year, with the annual impact not to exceed \$1 billion. These limits are increased in future years. SB 5 generally promotes the construction of housing and infill development that promotes transit use.	ASSEMBLY APPR – Suspense File – Approved	WATCH (Position Taken 1/23/19)
<u>SB 50</u> (Wiener D) Planning and zoning: housing development: equitable communities incentive.	SB 50 was substantively amended in the Senate Governance & Finance Committee. As introduced SB 50 would override local zoning and grant developers incentives to build multi-family housing near transit and job centers. The bill requires a local government to grant an “equitable communities incentive,” which reduces specified local zoning standards, such as height, density, and parking requirements, in “jobs-rich” and “transit rich areas,” as defined, when a development proponent meets specified requirements. As amended the definition of a high-quality bus corridor must peak headways of 10 minutes in both directions. A lower development requirement is imposed in counties with a population under 600,000. The provisions in the bill are exempt in fire hazard zones, flood plains, historic districts, and in coastal zone cities with 50,000 or fewer residents.	SENATE APPR – Held In Committee Two-Year Bill	WATCH (Position Taken 1/23/19)
<u>SB 127</u> (Wiener D) Transportation	SB 127 (Wiener) updates existing laws relating to the programing of funds in the State Highway Operation and Protection Program (SHOPP) to	ASSEMBLY APPR – Suspense File –	WATCH (Position Taken 2/27/19)

funding: active transportation: complete streets	require the state to consider and invest in bicycle, pedestrian, and transit facilities when programming SHOPP projects. The bill would focus these complete street investments on urban arterials and where a state highway serves as the main street.	Approved with Amendments	
<u>SB 278</u> (Beall D) Metropolitan Transportation Commission.	SB 278 is a spot bill that may become the Bay Area Council's proposal for a regional tax for transportation projects. While the bill was amended enough to refer the measure to the Senate Transportation Committee, SB 278 remains in the committee and is a two-year bill. As currently drafted, the bill makes minor changes to statutes governing the development of guidelines for county transportation plans.	SENATE TRANSP Two-Year Bill	WATCH
<u>SB 371</u> (Caballero D) Schoolbuses: stop requirements.	SB 371 was moved from the Senate Floor back to the Appropriations Committee. Similar to AB 934, SB 371 would also authorize the use of video evidence to issue tickets for illegally passing a school bus when the stop signal arm is deployed. However, SB 371 contains more details on how the video system must be set-up and operated, as well as how citations are issued.	SENATE APPR Two-Year Bill	WATCH