
SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 512	Hearing Date:	6/28/2022
Author:	Holden		
Version:	5/24/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: State highways: relinquishment: infrastructural barriers

DIGEST: This bill authorizes the California Transportation Commission to relinquish a portion of a state highway that contains an infrastructural barrier, as defined, to a city or county under specified conditions.

ANALYSIS:

Existing law establishes a process whereby the California Transportation Commission (CTC) may relinquish to any county or city any portion of any state highway within that county or city. Specified public notice is required and the highway must be in a state of good repair. (SHC §73)

This bill authorizes the CTC to relinquish a portion of a state highway that contains an infrastructural barrier, as defined, to a city or county if Caltrans and the applicable city or county enter into an agreement subject to the following conditions:

- The portion of the state highway is located within the territorial limits of the city or county entering into the agreement.
- The CTC determines the relinquishment is in the best interest of the state.
- The CTC holds a public hearing on the proposed relinquishment
- The purposes of the relinquishment are for restorative economic and social justice
- The infrastructural barrier shall be removed or retrofit in a manner that enhances community connectivity
- Any land made available to the removal or retrofit of the infrastructural barrier shall be redeveloped with a focus on implementing improvements that will benefit the populations impacted by or previously displaced by the infrastructural barrier.

- A part of the relinquished portion of the highway shall be used for transportation purposes to ensure the continuity of traffic flow
- The relinquishment is consistent with federal law and regulations
- The city or county determines that the construction of the infrastructural barrier had a significant impact on a disadvantaged community.

COMMENTS:

- 1) *Purpose.* The author is concerned about the detrimental impacts of the highway system and that the state should provide a relinquishment solution to repair the damaged communities.
- 2) *Freeway Impacts.* There's been increasing recognition that freeways can be harmful to the adjacent neighborhoods and that the construction of freeways has broken apart communities. This is one of several reasons that it is rare to build new highways. Moreover, there are efforts underway to undo some of the damage. In 2021 the federal Infrastructure Investment and Jobs Act established a \$1 billion grant program known as the Reconnecting Communities Pilot Grant Program to restore community connectivity through the removal, retrofit, mitigation or replacement of eligible transportation infrastructure that creates barriers in communities. A similar program has been proposed by the Newsom Administration, known as the Highways to Boulevards program.
- 3) *Some Strings Attached.* Property that was acquired using federal funds must continue to be used for that purpose even if relinquished to a city or county. This bill contemplates using relinquished property for affordable housing, green space and transit-oriented development. Some of these purposes may conflict with the restrictions on the use of the federal funds. If so, the federal government will seek reimbursement which would be a surprise bill for the city or county. ***The author may wish to clarify that any relinquishment pursuant to this bill does not require reimbursement to the federal government.*** Similarly, the California Constitution limits the use of gas taxes, and some of the purposes authorized with this bill may conflict with those limitations. ***The author may wish to clarify that any relinquishment pursuant to this bill does not conflict with the Constitution.***
- 4) *Clarifying Amendments.* The bill language isn't clear that the relinquishment process established in this bill is a new process that is in addition to the existing relinquishment process. The definition of "infrastructural barrier" is unclear. The committee understands that the author intends this to mean state highways that displace residences or create obstacles to connectivity. ***The author may wish to clarify these points.***

5) *Opposition.* The City of Pasadena has been concerned that the bill impacts its current relinquishment process. That is not the intent of the author. ***The author may wish to clarify that the relinquishment process established in this bill does not impact a relinquishment process that has commenced prior to January 1, 2023.*** With this amendment the committee understands that the City of Pasadena will remove its opposition.

RELATED LEGISLATION:

AB 950 (Ward, 2021) — Authorizes Caltrans to sell excess real property to the city or county, where the real property is located, for development of affordable housing. *This bill is a 2 year bill in the Senate Appropriations Committee.*

SB 7 (Portantino, Chapter 835, Statutes, 2019) — This bill restricted the California Department of Transportation (Caltrans) from considering a freeway or tunnel as a feasible alternative for State Route (SR) 710 between Interstate (I-) 10 and I-210, and makes other changes related to the SR 710 corridor.

AB 29 (Holden, Chapter 791, Statutes, 2019) — This bill restricts the California Department of Transportation (Caltrans) from considering a freeway or tunnel as a feasible alternative for State Route (SR) 710 between Interstate (I-) 10 and I-210, and redefines, as of January 1, 2024, which portions of SR 710 are included in the state freeway and expressway system to exclude the section of SR 710 generally between I-10 and I-210.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

Unknown

POSITIONS: (Communicated to the committee before noon on Friday, June 22, 2022.)

SUPPORT:

Activesgv, a Project of Community Partners
California Apartment Association
Union Station Homeless Services

OPPOSITION:

California Coalition for Rural Housing
California Council for Affordable Housing
California Housing Consortium
California Housing Partnership
City of Pasadena
Housing California
Non Profit Housing Association of Northern California
Southern California Association of Nonprofit Housing

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- 4) Authorizes an operator to satisfy farebox recovery requirements by supplementing its fare revenues with local funds and calculating all free and reduced transit fares at their current full retail value, if fare revenues are insufficient to meet the applicable ratio of fare revenues to operating cost.
- 5) Defines “local funds” to mean any non-state grant funds or other revenues generated by, earned by, or distributed to an operator.
- 6) Establishes the Low Carbon Transportation Operations Program (LCTOP), administered by the California Department of Transportation (Caltrans), and continuously appropriates 5% of GGRF fund proceeds to the program for transit operating and capital assistance to reduce GHG emissions and improve mobility, with a priority on serving DACs.

This bill:

- 1) Defines “department” to mean the Department of Transportation.
- 2) Defines “educational institution” to mean a local educational agency, as defined, the California Community Colleges, the California State University, or the University of California.
- 3) Defines “eligible purposes” to mean those purposes specified in the bill.
- 4) Defines “free youth transit pass” to mean a pass that enables a person attending an educational institution to use, without limitation, a transit agency’s bus and rail services without paying any additional fare or charge.
- 5) Defines “program” to mean the Youth Transit Pass Pilot Program created by the bill.
- 6) Defines “transit agency” to mean the same as an “operator,” as defined.
- 7) Creates the Youth Transit Pass Pilot Program, upon an appropriation for purposes of the program, to be administered by Caltrans, for purposes of awarding grants to transit agencies for eligible purposes, as specified.
- 8) Requires, on or before June 30, 2023, Caltrans to develop guidelines for the administration of the program, in consultation with transit agencies, educational institutions, metropolitan planning organizations (MPO)s, and RTPAs.

- 9) Authorizes a transit agency to submit, in partnership with one or more educational institutions, a single-year or multiyear application for the program, as specified.
- 10) Authorizes a transit agency to submit a single-year or multiyear application for the program, as specified.
- 11) Requires Caltrans to award a grant to each eligible transit agency applicant based on its proportional share, relative to the other eligible transit agency applicants, of total statewide farebox revenues in the 2018–19 fiscal year.
- 12) Authorizes Caltrans to use no more than 2% of the moneys appropriated for purposes of the program to recover its costs of administering the program.
- 13) Requires that grant moneys awarded to the transit agency and education institutions may only be used for the following purposes agreed to by a transit agency and the relevant educational institutions in their grant application, until fully expended:
 - a) The costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes pursuant to the program.
 - b) The costs of providing free transit service to holders of free youth transit passes pursuant to the program.
 - c) The costs of maintaining, subsidizing, or expanding an existing fare free program.
 - d) Other costs of administering and participating in the program.
- 14) Stipulates that an educational institution shall be prohibited from participating in, and receiving funds from, the program, if its participation in the program would invalidate an existing agreement with a transit agency for free youth transit passes entered into before the operative date the bill. Also, stipulates that an educational institution that receives funds from the program and that invalidates an existing agreement with a transit agency for free youth transit passes before this chapter is repealed shall be required to reimburse the state for funds received.
- 15) Authorizes a transit agency with an existing free fare program that enables a person 18 years of age or younger to use, without limitation, a transit agency's

bus and rail services without paying any additional fare or charge to submit an application for the program without an educational institution partner.

- 16) Requires that grant moneys awarded to a transit agency with existing free fare program may only be used for the following purposes:
 - a) The costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes pursuant to the program.
 - b) The costs of providing free transit service to holders of free youth transit passes pursuant to the program.
 - c) The costs of maintaining or expanding the existing fare free program.
 - d) The costs of enhancing or expanding transit service by supporting new or expanded bus, rail, or ferry services.
 - e) The cost associated with other operational improvements to improve access to transit service or to increase transit mode share.
 - f) Other costs of administering and participating in the program.
- 17) Requires that for purposes of calculating farebox recovery requirements, if fare revenues are insufficient to meet the applicable ratio of fare revenues to operating cost, transit agencies participating in the program can calculate all free and reduced transit fares at their current full retail value.
- 18) Requires Caltrans, on or before January 1, 2027, to submit a report to the Legislature on the outcomes of the program and the status of transit pass programs statewide. Requires the report to be produced in consultation with transit agencies and educational institutions that participated in the program. Requires the report to include, but is not limited to, all of the following:
 - a) The number of free transit passes provided to persons attending an educational institution.
 - b) Any change in transit ridership among persons attending an educational institution.
 - c) An assessment of how many transit agencies and educational institutions have created or expanded a transit pass program.

- d) Recommendations to expand transit pass programs to ensure that all persons attending an educational institution have access to a transit pass program.
- e) Whether, over its lifetime, the program achieved reductions in vehicle miles traveled, reduced emissions of greenhouse gases, enhanced transit accessibility for pupils and students, and ensured equity.
- f) Whether the program minimized administrative requirements for both program management and user access.
- g) Identification of best practices being implemented to enhance youth transit ridership.

19) Sunsets the program on January 1, 2028.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “California transit agencies have been battered by the Covid-19 pandemic as public transit ridership has nose-dived since 2020. Providing grants to transit agencies to fund fare-free passes for our youth and students will help expand transit access across California. This will reduce transportation inequity, reduce financial strain on students, improve educational equity and outcomes for transit dependent students, reduce personal vehicle congestion, and help achieve clean air standards across the state.”
- 2) *Transit ridership on the decline.* Prior to COVID-19, nationwide, based on data from the American Public Transit Association, transit ridership for both light rail and buses had declined to levels seen in 2012 for light rail and ridership for buses has dropped to the levels of the early 1990s. California, except for the Bay Area which has seen flat ridership levels, had experienced similar declines.

According to a University of California, Los Angeles Institute of Transportation Studies (UCLA ITS) report *Falling Transit Ridership: California and Southern California*, California lost 62.2 million annual transit rides between 2012 and 2016. Ridership declines were worse in southern California, with the six-county Southern California Association of Governments region losing 72 million annual rides, representing 120% of the state’s total losses.

With the onset of the COVID-19 pandemic, during the first half of 2020, transit ridership plunged 50% to as much as 94%. In efforts to stave off financial losses from declining transit ridership the federal government provided relief

for transit operators across the country. In March 2020, Congress passed and the President signed into law the Coronavirus Aid, Relief and Economic Security (CARES) Act, which provided \$25 billion in relief to transit agencies. The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 added an additional \$14 billion in transit relief. The American Rescue Plan in March of 2021 provided an additional \$30.5 billion.

Transit ridership has improved since March 2020, but is still far below 2019 levels. As of January of 2021, transit ridership nationally was at 56% of what it was prior to the pandemic. LA Metro still has 500,000 fewer weekday boarding than they did pre-pandemic. BART's weekly ridership is still at 31% of previous levels. San Diego Metropolitan Transit District is at 61%.

- 3) *Recent free fare program had unintended consequences.* Free or reduced fare transit has had mixed results on increasing transit ridership. The COVID-19 pandemic recovery funds allowed many transit agencies to provide free fares to bring riders back. For example, LA Metro provided free transit rides on all bus services, paid for by emergency funding grants from the Federal Government. However, transit agencies experienced some unintended consequences. According to a recent report by UCLA ITS, *Transit(ory) Finance, The Past, Present, and Future Fiscal Effects of COVID-19 on Public Transit in Southern California*, transit agencies that offered free transit during the early stages of the pandemic “cited benefits of charging fares and expressed a desire to maintain them. Some staff mentioned an observed rise in homelessness on fare-free vehicles as one significant reason, especially given increases in homelessness during the pandemic. Homelessness was the second-most commonly given drawback in our survey. In the view of several interviewees, housed travelers stopped riding transit, decided not to start riding, or felt unsafe when they did ride, due to behaviors of unhoused riders (or those perceived to be unhoused).”
- 4) *Focused programs have more success.* Currently, transit agencies offer a wide variety of free and reduced fare programs. In 2019, UCITS conducted a statewide survey of transit agencies to learn more about these programs. UCITS found that three quarters of the respondent transit agencies offered one or more free or reduced fare programs, with the most common being programs for students and for the elderly, and only a few programs targeting a certain income level. The study found that free or reduced fare transit programs increase ridership, but transit agencies had concerns over the long term fiscal health of their agency to support them. Most transit agencies subsidize the free or reduced fare programs as part of their existing operating budget or utilize funding from other state, local, or private sources. They determined that the most successful programs are ones that are partnerships between the recipients and the transit agencies, such as a University. As noted, many transit agencies

offer free or reduced transit passes for specific student groups. In many cases, students pay a portion of the fare through student fees and the transit agencies subsidizes the remainder of the cost. This is referred to as an “insurance model.”

The report concluded that “free or reduced transit fare programs have an important role to play in transportation policy at a time when transit ridership remains well below its peak and keeps on declining in many parts of California. In particular, the “insurance” model, where a large group of potential transit riders (such as all students at a college or all employees in a large firm) periodically pays a lump sum to a transit agency while only a subset of that group actually uses transit, has the potential to enhance mobility and increase transit ridership, while improving the financial health of the participating transit agency.”

Additionally, many transit agencies are launching more programs for younger students. For example, SF MUNI offers the Free Muni for Youth Program to all youth 18 and under, with the City of San Francisco subsidizing transit at \$2 million for lost revenue a year. More recently, LA Metro launched the GoPass program for fareless transit for K-14 students. According to LA Metro, GoPass provides students from participating schools a free transit pass, unlimited access to public transportation to school, extracurricular activities, and work; and removal of transportation cost barrier, improving student attendance. GoPass has enrolled 51 K-12 school districts and charter school networks and five community college districts, providing over 1 million students eligible for the pass.

In 2019, the City of Sacramento provided \$1 million to Sacramento Regional Transit (SacRT) to offer free transit to students, the “RydeFreeRT” program. Sacramento City Council state that the program was to an effort to combat chronic absenteeism in schools and support young people’s overall success. The University of Austin, Texas evaluated SacRT free transit program, sending surveys to students before and after the program’s implementation. Key findings from the report include the program increased ridership, created more access to non-schools destinations, and increased use for after school activities. Specifically, the data found that a statistically significant increase in the share of students reporting SacRT use to get to and from school as well as a corresponding statistically significant decrease in the share of students reporting automobile use.

- 5) *AB 1919 aims to build on successful partnerships.* According to the author, “transit use has been found to be heavily associated with ‘student status,’ especially including university and college students. Additionally, it is during

this period of life when important transit habits are developed, solidified, and reinforced.” A 2016 UCLA study posited, “What might explain higher transit use among younger adults relative to older adults? For one, lower average incomes tend to be associated with lower levels of automobile access. Young adults, on average, are getting driver licenses at a later age than in previous decades. And, finally, young adults are more likely to reside in central city, transit-rich neighborhoods.”

AB 1919 would create a Youth Transit Pass Pilot Program to provide free transit passes students from K-12 schools, community colleges, CSU, and UC. Upon appropriation by the Legislature, the program, administered by Caltrans, would provide grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes. Funding can also be used to maintain, subsidize, or expand existing fare free programs. Transit agencies can partner with an educational institution for the grant application. As resources for the program would be limited, the program would work to expand but not supplant existing funding agreements with educational institutions. Therefore, the bill prohibits educational institutions from participating in the program if it would invalidate existing agreements with transit agencies.

Additionally, a transit agency that has an existing fare free program for 18 and younger can apply alone to maintain or expand the program or enhance service and access to increase transit mode share. Overall, the funds would be allocated based upon the transit agency’s proportional share, relative to the other eligible transit agency applicants, of the statewide farebox revenues from the 2018-19 fiscal year.

Finally, the pilot would sunset on January 1, 2028 and prior to that date, Caltrans is required to submit a report to the Legislature on the outcomes of the program and the status of transit pass programs statewide, including whether the program helped reduce vehicles miles traveled and greenhouse gas emissions.

- 6) *How do we pay for it?* As noted, transit agencies a wide variety of existing free or reduced fare transit pass programs. Transit agencies can utilize almost any of the current state funding streams to help support these programs, including TDA and LCTOP. Additionally, local governments, through local tax measures or other funds, contribute to success. The biggest concerns for transit agencies is how to keep the programs going. The program created by AB 1919 would be funded by General Fund dollars requested through the state budget process. Specifically, the author is requesting \$115 million in ongoing funding for the five year pilot.

Writing in support, the Orange County Transportation Authority (OCTA), “Transit agencies across the State have already started exploring methods to regain ridership following the pandemic, resulting in many implementing free- or reduced-fare programs for youth, including OCTA. OCTA has been successfully operating its Youth Ride Free program since September 2021 and has recently approved extending it beyond its initial promotional period. This program has helped support the economic recovery of Orange County and mitigate the financial impacts from the coronavirus pandemic on low-income and diverse populations.”

“At the same time, OCTA partners with local community colleges to offer a college pass program that provides significantly reduced fares for those attending community colleges throughout the county. AB 1919 would provide for a supplemental means of funding these programs and other operational costs. Introducing new opportunities for transit agencies to pursue these fare programs provides several benefits, including expanding public transit utilization by creating lifelong transit riders, reducing congestion on our streets and roads, and ultimately, bringing increased benefit to the environment, all of which are top priorities for the State.”

A broad coalition of transit and environmental advocates state, “AB 1919 is a cost-effective public policy that expands access to fare-free transportation for students because it will reduce current transportation inequities affecting millions of Californians. As public transit fares have risen statewide so too have the socioeconomic barriers to reliable transportation for Californians. In turn, this is affecting Californians’ capacity to work, go to school, and live in a way that is both economically and socially uplifting.”

“AB 1919 will provide access to quality public transit options during school-age years and increase the likelihood that students will develop lifelong ridership habits which, in turn, help reduce the GHG emissions that result from driving personal vehicles in the short and long-term. This bill would also help to facilitate improvements to our state’s transit systems with inclusivity and equity at its core.”

RELATED/PREVIOUS LEGISLATION:

AB 1938 (Friedman, 2022) – Would have created the Transit and Intercity Rail Recovery Task Force (Task Force) to make recommendations to the Legislature on ways to improve public transit. *This bill was amended to deal with speed limits and will be heard by this committee on June 28, 2022.*

SB 942 (Newman, 2022) – Authorizes a transit agency that uses LCTOP program moneys to fund a free or reduced fare transit program to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements. *This bill is pending in the Assembly Transportation Committee.*

AB 2176 (Holden, 2020) – Would have required transit agencies to offer free student transit passes to persons attending the California Community Colleges, the California State University, or the University of California in order to be eligible for state transit funding. *This bill was held in the Assembly Transportation Committee.*

AB 1350 (Gonzalez, 2019) – Would have required transit agencies to offer free youth transit passes to persons under 18 years of age in order to be eligible for state funding transit funding. *This bill was amended into a bill related to high school diplomas and was signed into law.*

AB 1543 (Holden, 2019) – Would have required a transit fare paid pursuant to a reduced fare transit program to be counted as a full adult fare for purposes of calculating any required ratios of fare revenues to operating costs. *This bill was held in the Assembly Transportation Committee.*

AB 2034 (Holden, 2018) – Would have requested UC ITS to prepare and submit a report on reduced fare transit pass programs to the Governor and Legislature by January 1, 2020. *This bill was held in the Senate Rules Committee.*

AB 17 (Holden, 2017) – Would have created a reduced fare transit pass pilot program funded at \$20 million to be administered by Caltrans to provide free or reduced fare transit passes to low income students. *This bill was vetoed by Governor Brown.*

AB 2222 (Holden, 2016) – Would have created a reduced fare transit pass program to be administered by Caltrans for low income students. *AB 2222 was held on the Senate Appropriations Committee suspense file.*

AB 1555 (Gomez, 2016) – Would have appropriated \$800 million from the GGRF to fund a variety of programs including \$10 million for active transportation and transit pass investments. *This bill was referred to the Assembly Committee on Budget and Fiscal Review and returned to the Chief Clerk without being heard.*

SB 951 (McGuire, 2016) – Would have created and appropriated \$3 million annually from the GGRF through 2020-21 for the Golden State Patriot Passes pilot

program to provide veterans with free access to transit. *SB 951 was held on the Senate Appropriations Committee suspense file.*

SB 862 (Committee on Budget and Fiscal Review, Chapter 36, Statutes of 2014) – Created and funded with GGRF, the Affordable Housing and Sustainable Communities, the Low Carbon Transportation, and the LCTOP programs.

AB 1002 (Bloom, 2013) – Would have increased the tax on vehicle registrations by \$6. 40% of the revenues would have been appropriated to transportation commissions and transit operators to support transit operations and maintain and expand reduced fare programs, including transit passes for students, low-income youth, seniors, and persons with disabilities. *This bill was held in the Assembly Local Government Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Activesgv
California Catholic Conference
California Community Colleges Chancellor's Office
California Environmental Voters (formerly Clcv)
California Transit Association
California Walks
Center for Community Action and Environmental Justice
Center for Farmworker Families
Cerritos College (UNREG)
Circulate San Diego
Citizens' Climate Lobby Santa Cruz
Climate Resolve
Climateplan
Coalition for Clean Air
Coastal Rail Santa Cruz
Community College League of California
Greenlining Institute
Investing in Place
Long Beach Community College District
Los Angeles County Bicycle Coalition
Los Angeles County Metropolitan Transportation Authority

Los Angeles Neighborhood Initiative
Mid-city Community Advocacy Network
Move LA
National Association of Social Workers, California Chapter
Orange County Transportation Authority
Pasadena Area Community College District
Policylink
Rio Hondo College
Safe Routes Partnership
SAJE
San Francisco Transit Riders
San Jose-Evergreen Community College District
Santa Cruz Climate Action Network
Santa Cruz County Friends of The Rail & Trail
Santa Monica College
Sierra Club California
Streets for All
Sunrise Santa Cruz
Transform
Youth for Climate Justice

OPPOSITION:

None received

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2773	Hearing Date:	6/28/2022
Author:	Holden		
Version:	6/13/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Stops: notification by peace officers

DIGEST: This bill requires a peace officer making a traffic or pedestrian stop to state the reason for the stop before asking investigatory questions unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat. This bill also requires the Department of Motor Vehicles (DMV) to add information regarding this requirement to the DMV Driver’s Handbook. Further, this bill requires local law enforcement agencies to report additional stop information to the Department of Justice (DOJ).

ANALYSIS:

Existing law:

- 1) Authorizes specified peace officers, including agents of the Department of the California Highway Patrol, county sheriffs, and city police officers, to require a driver to stop and submit to an inspection in specified circumstances.
- 2) Requires the DMV to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways, known as the California Driver’s Handbook.
- 3) Requires the DMV to include specified information in the handbook, including a person’s civil rights during a traffic stop.
- 4) Creates the Racial and Identity Profiling Advisory Board (RIPA), which, among other duties, is required to conduct and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.

This bill:

- 1) Requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.
- 2) Requires the officer to document the reason for the stop on any citation or police report resulting from the stop.
- 3) Requires that the Handbook include information regarding the requirement above.
- 4) Requires local law enforcement agency, in their reports to DOJ regarding stops, to include information regarding the reason given to the person stopped at the time of the stop.

COMMENTS:

- 1) *Purpose.* According to the Author "To promote equity and accountability in communities across California – that is my goal. AB 2773 brings transparency to service of protecting our public."
- 5) *Stating the reason for a stop.* Existing law defines “stop” as any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control. Generally, an officer is not required to state the reason for a stop, absent a departmental policy, and may ask the individual who has been stopped, what they believe the reason for the stop is. Thus, potentially inducing them to illicit an incriminating response.

AB 2773 requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

AB 2773 was recently amended in the Senate Public Safety Committee to include the language “before engaging in questioning related to a criminal investigation or traffic violation” as a precursor to stating the reason for the stop. This language was included by the author to help alleviate concerns that the opposition has voiced that an officer would not be able to ask questions regarding how the person is doing – to establish a relationship – or to ask the

individual to pull over their car – as a safety precaution. For further analysis on the public safety aspects of this bill, including the Fourth Amendment, refer to the public safety committee analysis.

- 2) *DMV Handbook*. Every year, the DMV publishes an updated version of the Handbook, which provides a synopsis of existing law and rules of the road. The Handbook provides a more accessible means for potential and current drivers to understand the rules of the road and is used as the basis for a written exam when an applicant applies for a driver’s license. The DMV is solely responsible for compiling this document in compliance with state statutes.

In 2018 the Legislature passed AB 2918 (Holden), Chapter 723, which required DMV to include in the Handbook a section written by the DOJ about a person’s civil rights during a traffic stop and the legal rights of the drivers and passengers. The 2021 Handbook includes two pages on the subject.

AB 2773 requires that the DMV publish the requirements of this bill into the Handbook.

- 3) *Racial and Identity Profiling Act (RIPA)*. In 2015, the Legislature passed AB 953 (Weber, Ch. 466, Stats. of 2015), known as the Racial and Identity Profiling Act (RIPA). RIPA requires law enforcement agencies to collect specified demographic data for civilian complaints and enforcement stops (“stop data”) and report it to the DOJ. There are 16 separate data elements law enforcement agencies are required to collect and report, including the completion of a narrative box for every stop made. All agencies employing 1,000 or more peace officers, including the California Highway Patrol, were required to begin collecting data on July 1, 2018. The data reporting requirements were phased in—based on the size of the particular law enforcement agency—beginning July 1, 2018, and reaching full implementation by all California law enforcement agencies by January 1, 2022. In response, the CHP developed an electronic Activity Tracking System to allow for the collection of newly required demographic data for all public contacts, to ensure compliance with all facets of the Racial and Identity Profiling Act.

AB 2773 requires law enforcement agencies, when submitting their annual RIPA reports to the DOJ, to additionally include, for each stop reported, the reason given to the person stopped at the time of the stop.

RELATED LEGISLATION:

AB 2537 (Gipson, 2022) — this bill requires Department of Motor Vehicles, in conjunction with the Department of Justice and the Commission on Peace Officer Standards and Training, to develop and create a video showing the proper conduct by a peace officer during a traffic stop and to post the video on its internet website. *This bill is pending in the Senate Public Safety committee.*

AB 2918 (Holden, Chapter 723, Statutes of 2021) — this bill required the DMV to include within the Handbook a section on a person’s civil rights during a traffic stop.

AB 953 (Weber, Ch. 466, Stats. of 2015) — this bill required local law enforcement agencies to report specified information on stops to the Attorney General's office; and establishes the Racial and Identity Profiling Advisory Board.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

- ACLU California Action
- California Federation of Teachers Afl-cio
- California for Safety and Justice
- California Hawaii State Conference of The NAACP
- California Public Defenders Association
- Californians United for A Responsible Budget
- Ella Baker Center for Human Rights
- Initiate Justice
- National Association of Social Workers, California Chapter
- Oakland Privacy
- Sister Warriors Freedom Coalition
- The Young Women's Freedom Center

OPPOSITION:

- Arcadia Police Officers Association
- Burbank Police Officers' Association
- California Association of Highway Patrolmen
- California Coalition of School Safety Professionals
- California Police Chiefs Association

California State Sheriffs' Association
City of Thousand Oaks
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Inglewood Police Officers Association
Los Angeles School Police Officers Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officer Association
Public Risk Innovation, Solutions, and Management (PRISM)
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Upland Police Officers Association

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 1037	Hearing Date:	6/28/2022
Author:	Grayson		
Version:	6/13/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Infrastructure construction: digital construction management technologies

DIGEST: This bill requires the Department of Transportation (Caltrans) to develop an implementation plan for the use and integration of digital construction management technologies, as defined, for use on transportation infrastructure projects.

ANALYSIS:

Existing law:

- 1) Vests Caltrans with the full possession and control of all state highways and all property and rights in property acquired for state highway purposes.
- 2) Authorizes Caltrans to develop the full potential of all resources and opportunities that are now, and may become, available to the state for meeting California's transportation needs and to plan, design, construct, operate, and maintain those transportation systems that the Legislature has made, or may make, the responsibility of the department.

This bill:

- 1) Defines "digital construction management technologies" to mean cloud-based mobile platforms used on construction sites by owners and contractors for the collection and organization of and managed accessibility to, accurate data and information related to a construction project, including for project site preparation, field execution, construction project management, document management, coordination and collaboration among stakeholders, inspection, and commissioning and handover to owner.

- 2) Requires Caltrans to develop an implementation plan for the use and integration of digital construction management technologies for use on a transportation infrastructure project.
- 3) Requires the implementation plan to include:
 - a) A timeline of the development of guidance, policies, and procedures to use digital construction management technologies from preconstruction to asset life cycle.
 - b) A description of any metrics or data necessary to quantify the benefits of using this technology.
- 4) Requires Caltrans to post the implementation plan on its internet website by January 1, 2024.
- 5) States the goal of the implementation plan is to begin using digital construction management technologies on transportation infrastructure projects, when deemed appropriate by Caltrans, by July 1, 2029.
- 6) Requires the implementation plan to include the following milestone goals:
 - a) Development, and posting on Caltrans' website, of guidance, policies, and procedures to use digital construction technologies by January 1, 2025.
 - b) Begin using digital construction management technologies during the predevelopment stage of project development by July 1, 2026.
 - c) Begin using digital construction management technologies through final design of project development by January 1, 2028.
 - d) Begin using digital construction management technologies through construction by July 1, 2029.
- 7) Stipulates that the bill only applies to transportation infrastructure projects planned, programmed, designed, built, or managed by Caltrans.
- 8) Requires Caltrans to submit a report to the Legislature, by December 1, 2029, to include, at a minimum, all of the following:
 - a) The status of the implementation of digital construction management technologies.

- b) Relevant details of any projects using or planning to use digital construction management technologies.
 - c) Expected or actual quantifiable benefits from the use of digital construction management technologies as identified by Caltrans pursuant to its implementation.
 - d) Any challenges or barriers to the implementation of the use of digital construction management technologies.
- 9) Makes various findings and declarations supporting its purposes.
- 10) Includes a repeal date of January 1, 2032.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “construction management technologies or tools (also known as “e-construction”) are cloud-based platforms used on construction sites and support digitized construction administration, management, and collaboration. Digitizing construction sites by using construction management technologies “improves workflow, increases transparency, improves safety, enhances quality, and saves time and money.” State Departments of Transportation (DOTs) across the country are now using digital construction management technologies to reduce project costs, accelerate project delivery, enhance construction safety, and build more innovative, resilient, and sustainable infrastructure.

The construction industry is undergoing a digital transformation to improve the manner by which projects are designed and constructed in order to reduce the risk to those who fund the projects – the California taxpayers. Taxpayer dollars can be maximized when transportation agencies deploy construction management technologies and realize the benefits of increased project coordination, safety, and waste reduction. With the immediate need to address the economic and social impact of COVID-19, we must find opportunities that drive towards our state goals of wise spending, getting Californians back to work, and building more sustainable and resilient structures. Using digital construction technologies will assist in advancing our state goals. AB 1037 will help California uniformly implement digital construction management technologies by directing Caltrans to develop an implementation plan for the use and integration of these technologies.”

- 2) *What are digital construction management technologies?* Digital construction management technologies, sometime referred to as e-Construction, are cloud-based mobile platforms used on construction projects by project managers for the organization of data and other information related to the project. In simpler terms, such technology is a paperless construction administration delivery process that allows the electronic submission of all construction documentation by all stakeholders, electronic signatures, and digital management of all construction documentation in a secure environment allowing distribution to all project stakeholders through mobile devices.

Advocates of digital construction management technology argue that such technology has the ability to modernize construction document management through the elimination of the cumbersome paper-based approach. In addition, supporters argue that digital construction management methods can provide additional project efficiencies over traditional project management methods by reducing contract modifications processing time, better enabling remote work, and other efficiencies.

- 3) *U.S. Department of Transportation and State DOTs get in the game.* The USDOT, joined by the American Association of State Highway Transportation Officials (AASHTO), launched an initiative to promote the use of e-Construction. According to USDOT, ‘the administration of highway projects requires a significant amount of documentation. This has traditionally been accomplished through extensive paper-based documentation systems involving conventional postal delivery, project journals, note taking, stamped plan sets, design and construction submittals, and physical signatures on multiple copies of many documents. A paper-based system requires significant time and money to create process and store documentation. In an era of instant communication, on-the-fly information access, and a tech-savvy workforce, this state of affairs is fast becoming obsolete. This initiative aims to employ readily available established technologies which are available to the transportation community, such as digital electronic signatures, electronic communication, secure file sharing, version control, mobile devices, and web-hosted data archival and retrieval systems to improve construction documentation management.’”

Numerous state departments of transportation have deployed the use of e-Construction and seen numerous benefits. For example, Michigan DOT has applied e-Construction routinely to design-bid-build projects. They estimate that the agency saves approximately \$12 million in added efficiencies and 6,000,000 pieces of paper annually by using electronic document storage for its

\$1 billion construction program, while reducing its average contract modification processing time from 30 days to three days. Other states deploying e-Construction include Minnesota, Florida, Utah, Texas, Pennsylvania, North Carolina, Wisconsin and Iowa, applying this technology to both design-build projects and design-bid-build projects.

- 4) *California is already trying it too.* AB 1037 requires Caltrans to develop an implementation plan for the use and integration of digital construction management technologies for use on a transportation infrastructure project. The implementation plan must include a timeline of the development of guidance, policies, and procedures to use digital construction management technologies from preconstruction to asset life cycle, with the goal of full deployment by 2029. AB 1037 sets certain benchmarks for when e-Construction would be used in various phases of transportation infrastructure project development, including predevelopment, final design, and finally through construction by 2029. The bill also requires a report to the Legislature so that outcomes can be examined. The report will include quantifiable benefits of the use of the technologies and identify and challenges or barriers to implementation.

Caltrans is already implementing e-Construction. Specifically, Caltrans issued a Project Delivery Directive in 2016 requiring that electronic copies of certain design documents be available to internal and external entities throughout the project delivery process for projects on the State Highway System. Additionally, in 2021, Caltrans issued a directive requiring all project records for construction projects awarded after July 1, 2021, be stored electronically in the Caltrans Falcon electronic document management system (Falcon DMS). The projects using the Falcon DMS are no longer required to retain redundant hard copies or create a hard copy project history file.

In addition to Caltrans, some local transportation agencies in California are using e-construction technologies. The Contra-Costa Transportation Authority (CCTA), known as a leader in technology innovation, began allowing “e-inspections” on highway projects in 2019. CCTA also began migrating more information to the cloud for easy access by all parties. As a result, CCTA had reduced its paper use by 70%. CCTA uses iPads that can attach date, time, and location data to photos, and allow for choice transcribing by inspectors.

According to Trimble, writing in support of the bill, “Californians see first-hand the negative impact on our economy and our environment that is the result of insufficient or decaying infrastructure. We understand that California seeks to remedy these impacts, but we also know all too well that projects designed to address these problems often suffer from cost overruns and delayed delivery

due to inefficiencies that today can be resolved by employing current digital construction management technologies. Using these technologies, the state can not only maximize taxpayer dollars and deliver desperately needed projects faster but can also reduce waste and negative environmental impact while also providing a safer working environment on the jobsite.”

RELATED LEGISLATION:

AB 639 (Oberholte, 2017) – Would have required DGS to develop procedures authorizing the submittal of electronic signatures and documents on contracts that are covered by the State contracting Manual. *This bill was vetoed by Governor Brown.*

AB 2746 (Oberholte, Chapter 334, Statutes of 2016) – Required the Public Utilities Commission to adopt procedures authorizing the submittal of electronic signatures and documents by all parties on contracts involving the commission.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Autodesk, INC.
Trimble

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 1713	Hearing Date:	6/28/2022
Author:	Boerner Horvath		
Version:	3/21/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Vehicles: required stops: bicycles

DIGEST: This bill permits a person, 18 years of age or older, to treat stop signs as yield signs when riding a bicycle under certain conditions.

ANALYSIS:

Existing law:

- 1) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles, including stopping at stop lights and stop signs.
- 2) Requires a driver of a vehicle to stop at the marked limit line for a red light or a stop sign, and allows a driver to proceed with a right hand turn or left hand turn from a one-way street onto a one-way street after stopping, if no vehicles or pedestrians have approached or are approaching the intersection.
- 3) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 4) Requires all pedestrians to obey all official signs and signals, as defined.
- 5) Requires a vehicle approaching a “yield right-of-way” sign to yield the right-of-way to any vehicles which have entered the intersection, which have entered the intersection, or which are approaching the intersection, and to continue to yield the right-of-way until they can proceed with reasonable safety.

This bill:

- 1) Requires a person who is 18 years of age or older riding a bicycle upon a two-lane highway when approaching a stop sign at the entrance of an intersection, with another roadway with two or fewer lanes, where stop signs are erected upon all approaches, to yield the right-of-way to any vehicles that have either

stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed.

- 2) Requires other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection.
- 3) Provides that the changes made by this bill shall not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.
- 4) Provides that a bicyclist under 18 that failed to stop at a stop sign shall receive a warning ticket for their first violation.
- 5) Requires California Highway Patrol (CHP) report to the Legislature on January 1, 2028, on the safety effects of this bill.
- 6) Repeals the provisions of this bill on January 1, 2029.

COMMENTS:

- 1) *Purpose.* According to the author, “we must do a better job in improving a cyclist's safety at stop signs. This pandemic has resulted in a significant increase of residents opting for bicycling whether for recreation, commuting to work, or getting their shopping done. As ridership continues to increase, it is imperative we make stops at intersections safer for bicyclists. Yielding is already law in California. AB 1713 uses this common understanding of a yield sign to allow bicyclists, 18 year of age or older, approaching an intersection with a stop sign to slow down, evaluate the traffic flow, and yield to any cars and pedestrians already at the intersection. If it is safe to do so, bicyclists can then proceed through the intersection without making a complete stop. Rolling through a stop sign is illegal now and would continue to be illegal under AB 1713. Rolling through a stop sign is not yielding.”
- 1) *The “Idaho stop.”* In the state of Idaho, a bicyclist who approaches a stop sign is permitted to treat the stop sign as a yield sign, to treat a traffic signal as a stop sign when no other traffic is present, and to treat the traffic signal as a yield sign when making a right turn. Idaho codified this rule of the road back in 1982 and it has lived infamously as the “Idaho stop.” Other states have followed Idaho’s example and codified ideations of the “Idaho stop.” In 2017, Delaware changed its laws to allow a bicyclist travelling on a one-lane or two-lane road to treat a

stop sign as a yield sign, known colloquially as the “Delaware yield.” More recently, Arkansas, Oregon and Washington have adopted rules similar to the “Idaho stop” or the “Delaware yield.”

After Idaho adopted the law, bicyclist injuries from traffic crashes declined by 14.5% the following year. In Delaware, traffic crashes involving bicyclists at stop sign intersections fell by 23% in the 30 months after the law’s passage, compared to the previous 30 months.

However, in California, existing law requires any vehicle, including a bicycle that approaches an intersection with a stop sign, to make a complete stop before entering the intersection. In California, bicyclists are required to abide by all vehicle rules of the road. AB 1713 attempts to increase bicyclist safety in intersections by allowing them to treat the stop sign as a yield sign, aligning the state with Idaho and Delaware.

- 2) *Take Two.* In 2021, AB 122 (Boerner Horvath), which was substantially similar to AB 1713, was vetoed by Governor Newsom. The veto message stated in part, “while I share the author's intent to increase bicyclist safety, I am concerned this bill will have the opposite effect. The approach in AB 122 may be especially concerning for children, who may not know how to judge vehicle speeds or exercise the necessary caution to yield to traffic when appropriate.”

To address concerns raised by the Governor, AB 1713 only authorizes cyclists over 18 to treat stop signs as a yield signs. Consequently, those under the age of 18 who treat a stop sign as a yield sign will potentially face a \$238 ticket from law enforcement. Law enforcement will be required to distinguish the age of a cyclist when enforcing the law. Additionally, AB 1713 is narrower than AB 122 as a cyclist may only yield at a stop sign if they are on a two lane road approaching an intersection with stop signs at every intersection. Delaware’s law only applied to two lane roads, but applied at any stop sign regardless of whether there was a stop sign at every intersection.

- 3) *Bicyclist habits and safety.* The author contends that changing the law to remove the requirement for cyclists to stop at stop signs recognizes the behavior of cyclists today. Specifically, that when a bicyclists stops for a stop sign they lose their momentum going forward. This contention is supported by research conducted at DePaul University, where it observed the behavior of nearly 900 cyclists in Chicago, only 4% of cyclists come to a full stop at four-way stops. The report also found that 65% of cyclists stop at traffic lights and then proceed through them, regardless of the light, if there is no cross traffic, and that 66% of cyclists yield at stop signs when cross traffic is present. However, in California

bicyclists must abide by the rules of the road followed by motorists. Thus, when a bicyclist fails to stop, they break the law.

According to the National Highway Traffic Safety Administration (NHTSA), from 2011 to 2020, bicyclist and other cyclist fatalities increased by 38% from 682 in 2011 to 938 in 2020. In 2020, 26% of bicyclist and other cyclist fatalities occurred at intersections.

According to CHP, since 2015, a total of 3,543 crashes have occurred involving bicycles at an intersection, in which the primary crash factor and cause were failure to stop at a stop sign. In 25 of the 30 crashes (83 percent) in which a fatal injury was sustained, the investigation determined the bicyclist was at fault for failure to stop at a stop sign. In 1,995 of the 3,188 crashes (63 percent) that resulted in injuries, the investigation determined the bicyclist was at fault for failure to stop at a stop sign. This data illustrates that when bicyclists fail to stop at a stop sign and comply with the rules of the road, accidents occur.

- 4) *Committee Concerns.* Although AB 1713 attempts to align California law with current cycling habits and increase safety, the bill could have the opposite effect and increase bicycling accidents at intersections. If bicyclists have the ability to bend this rule of the road it may lead to bicyclists ignoring other rules. Similarly, because bicyclists are currently required to follow all of the existing rules that motorists need to follow, any one motorist not being privy to this change in the law could lead to potential dangers for the bicyclist. AB 1713 does not provide any public information campaigning to inform California motorists and bicyclists of this change in the law. Moreover, the data from both Idaho and Delaware are not necessarily applicable to California, as California has more motorists and bicyclists.
- 5) *Opposition.* The California Association of Highway Patrolmen (CAHP) writes in opposition to the bill stating, “There is a lot going on at intersections and we feel that allowing bicyclists to simply yield rather than stop will create a public safety risk.” Similarly the California Coalition for Children’s Safety and Health (CCCSH) writes in opposition stating, the “bill continues to create unsafe bicycle riding behaviors and will lead to more bicycle crash fatalities, including children and teens. The bill would create opportunities for children and teens to learn dangerous bicycle riding behaviors as they observe adults not stopping at stop signs.”

RELATED LEGISLATION:

AB 122 (Boerner Horvath, 2021) — this bill was substantially similar to AB 1713 except it did not include that the person must be over 18 years of age. *This bill was vetoed by the Governor.*

AB 1103 (Olberholte, 2017) — this bill would have allowed a person operating a bicycle to make a turn or to proceed through an intersection without stopping if no vehicle or pedestrian is in the intersection or constitutes an immediate hazard to the cyclist while they are in the intersection. *This died in the Assembly Transportation Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Berkeley; City of
California Association of Bicycling Organizations
Civicwell (formally the Local Government Commission)
Lake Tahoe Bicycle Coalition
North Westwood Neighborhood Council
Sacramento Trailnet
Streets for All
Transportation Agency for Monterey County (TAMC)

OPPOSITION:

California Association of Highway Patrolmen
California Bicycle Coalition
California Coalition for Children's Safety and Health

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SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: AB 1778 **Hearing Date:** 6/28/2022
Author: Cristina Garcia
Version: 6/20/2022 Amended
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: State transportation funding: freeway projects: poverty and pollution:
Department of Transportation

DIGEST: This bill prohibits the California Department of Transportation (Caltrans) from using any state funds or personnel time for specified transportation projects if any census tract within or bordering upon the project footprint has a percentile score that falls within the zero to 40th percentile score on specified indicators of the California Healthy Places Index.

ANALYSIS:

Existing law:

- 1) Declares that it is essential to the future development of the State of California to establish and construct a statewide system of freeways and expressways and connections thereto without regard to present jurisdiction over the highways, roads, and streets that might be included. (SHC §250)

- 2) Requires that funds in the State Highway Account in the State Transportation Fund shall be spent to maximize the use of federal funds and shall be based on the following sequence of priorities (SHC §167):
 - a) Operation, maintenance, and rehabilitation of the state highway system.

 - b) Safety improvements where physical changes, other than adding additional lanes, would reduce fatalities and the number and severity of injuries.

 - c) Transportation capital improvements that expand capacity or reduce congestion, or do both.

 - d) Environmental enhancement and mitigation programs.

- 3) Requires that funds in the Road Maintenance and Repair Account, established pursuant to SB 1 (Beall; Chapter 5 of 2017) shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects. (SHC §2030)
- 4) Limits the expenditure of funds in the State Highway Operation and Protection Program (SHOPP) Projects to improvements relative to the maintenance, safety, operation, and rehabilitation of state highways and bridges that do not add a new traffic lane to the system. (Gov §14526.5)
- 5) Requires the California Air Resources Board (CARB) to ensure that statewide greenhouse gas (GHG) emissions are reduced to at least 40% below the 1990 level by 2030.
- 6) Establishes a framework for state transportation policy, based on Executive Orders, known as the California Action Plan for Transportation Infrastructure (CAPTI). A CAPTI goal is that when addressing congestion, the state shall consider alternatives to highway capacity expansion, such as providing multimodal options in the corridor, employing pricing strategies, and using technology to optimize operations.

This bill:

- 1) Prohibits the Caltrans from using any state funds or personnel time for projects if any census tract within or bordering upon the project footprint has a percentile score that falls within the zero to 40th percentile score on specified indicators of the California Healthy Places Index.
- 2) Provides that the limitation applies only to census tracts with a population of 5,000 or more per square mile.
- 3) Defines projects to mean freeway widening, interchange expansion projects that facilitate increases flows to industrial or warehouse facilities, freeway extensions, displacement of residents or businesses occurring due to freeway projects, whether temporary or permanent.
- 4) Excludes from the definition of “project”:
 - a) Projects that expand multimodal transit services on a freeway
 - b) Auxiliary lanes no more than 2 miles long
 - c) Deployment of intelligent transportation technologies

- d) Projects for public safety purposes or that repair structurally deficient infrastructure.

COMMENTS:

- 1) *Author's Statement.* “Freeway expansion projects are sold as a means to reduce congestion, however research shows us that they increase congestion by encouraging more driving, thus increasing harmful emission. Data also shows that these projects also tend to displace low-income communities and communities of color who are already housing insecure. It is outrageous and feels criminal to use state resources to choke and displace communities like mine when the data and research clearly show that this practice is just another example of the systemic racism that is normalized in our policies and practices. Departments, agencies, and officials like to use words like equity, now is the chance to put action behind this word to ensure communities like mine are at the forefront of these decisions, policies, and practices. We can no longer allow state dollars to fund expansion projects that kill us faster and displace us from our homes in the middle of a housing crisis.”
- 2) *Conflicting Goals.* California has a long history of encouraging the development of our freeway system to the pursuit of economic development. The transportation spending priorities in state law support this with an emphasis on operations and maintenance expenditures as well as capital improvement to expand capacity and reduce congestion. More recently, concerns about climate change have caused policymakers to focus on reducing greenhouse gas emissions (GHG) from the transportation system. Adding to this concern is the recognition that freeways have been detrimental to the health of neighboring communities and that the construction of freeways has severed low income neighborhoods and upended communities. At the same time, supply chain bottlenecks and backups at our ports have made improving goods movement a priority. Balancing these often conflicting and changing priorities requires policy flexibility that isn't the stuff of statute. The bill attempts to deal with this by exempting certain types of projects, such as auxiliary lanes or projects for public safety purposes.
- 3) *Freeway Expansion Today.* Current state policy discourages freeway expansion. The CAPTI specifically addresses it:

“However, highway investments over many years have contributed to a dependence on automobiles, supporting development patterns that have made walking, cycling and transit use inefficient, challenging, and sometimes dangerous in many parts of the state.

“Highway investments have also contributed to the displacement and division of some neighborhoods, and imposed noise, emissions and safety hazards on many others.

“Further, research over the past several decades has demonstrated that highway capacity expansion has not resulted in long-term congestion relief and in some cases has worsened congestion, particularly in urbanized regions. Projects in urbanized areas that add travel lanes result in changes in travel behavior due to a short-term reduction in travel time and improved reliability. This phenomenon, known as “induced travel,” explains why adding capacity has rarely succeeded in reducing congestion over the long term or supported alternatives to driving and more transportation-efficient land uses.

“Finally, highway expansions are costly. Expansion of the existing highway system means less available funding for other transportation needs and priorities, as well as continued increases to long-term maintenance costs of the existing system.

“As a result, we cannot continue the same pattern of highway expansion investment in California and expect different results. Rethinking our approach to highway expansion projects will be a critical part of ensuring we are working towards equitably meeting our climate change goals.”

In his confirmation interviews, the Secretary of the State Transportation Agency echoed this perspective saying that freeway widening was to be considered as a last resort. These words have been followed by actions as the long-planned expansion of the 710 in Los Angeles has stopped. However, the CAPTI policy recognizes that freeway expansion can sometimes be desirable. For example, SR 46 in Fresno County is widening from two lanes to four to reduce accidents and decrease congestion.

Efforts are also underway to undo some of the damage done to communities as a result of freeway construction. In 2021, the federal Infrastructure Investment and Jobs Act established a \$1 billion grant program known as the Reconnecting Communities Pilot Grant Program to restore community connectivity through the removal, retrofit, mitigation or replacement of eligible transportation infrastructure that creates barriers in communities. A similar program has been proposed by the Newsom Administration, known as the Highways to Boulevards program.

- 4) *Project Pipeline Halted.* Transportation projects are planned years in advance and can take years to fund and build. Under this bill, a freeway widening project that had been previously approved would be halted unless federal or local substitute funding were obtained, as Caltrans participation would cease if the project wasn't otherwise exempted by the bill.
- 5) *California Healthy Places Index.* The California Healthy Places Index (CHPI) is a project of the Public Health Alliance of Southern California, a coalition of 10 local health departments in Southern California including the Los Angeles County Department of Public Health, the Orange County Health Care Agency, the San Bernardino County Department of Public Health, and the County of San Diego Health and Human Services Agency. The CHPI looks at census tracts based on economic resources, education, housing, transportation, clean environment, neighborhood conditions, social resources, and health care access, with economic resources and education representing 50% of the total weight. These criteria are weighed and combined to provide a score, or index. The lower the index the worse the census tract is compared to the rest of the state. For example, a score of 1% means that the area is better off than 1% of census tracts. The author has chosen this index to reflect housing costs and air quality degradation.

This bill prohibits Caltrans from participating in any project that goes through or is adjacent to a census track with a score of 40% or below on the CHPI based on two indicators of housing affordability and two indicators of air quality. As examples, using these metrics the city of Los Angeles has a score of 37.7%, Long Beach has a score 43.1% and San Jose has a score of 77.4%, though all three cities have census tracts below 40%.

The CHPI is a health based index created by public health agencies. This is the first time that the CHPI has been considered as a transportation project screening tool so its impact has yet to be understood, though based on the indicators selected in this bill it presumably prohibits projects where housing affordability is relatively poor and air pollution relatively bad. But the CHPI also has indicators for economic health, education levels, social aspects, transportation access, neighborhood characteristics and health care access. Would any of these metrics be a more appropriate measure of where to prohibit transportation projects? It is also unclear whether the 40% threshold, a high bar, is appropriate. Should the threshold be set at 10% so that it is focused on only the worst off, or should it be set at 60% to be protective of more people? Moreover, this is an index, not an absolute threshold. No matter how much progress is made on cleaning the air or improving housing affordability, 40% of census tracts will still be off limits for specified transportation projects.

California has had experience using a mapping tool to screen program eligibility. But the CalEnviroScreen mapping tool has caused some controversy as it has been applied without a complete understanding of its purpose and limitations.

- 6) *Population Density*. This bill applies only to census tracts with a population density of 5,000 or more per square mile based on the U.S. Census Demographic Data Map. According to the author's office, the average census track density is about 4,000.

RELATED LEGISLATION:

AB 1001 (C. Garcia, 2021) – Would have amended CEQA to require mitigation to compensate for adverse air or water quality impacts in a disadvantaged community (DAC), to mitigate those impacts directly in the affected community, and required all public agencies implementing CEQA to give consideration to the principles of environmental justice by ensuring the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins. *This bill died in Senate Rules Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee:

- 1) Ongoing costs of an unknown amount, but potentially in the millions of dollars, to Caltrans to consult the California Healthy Places Index and assess projects' performance on the index.
- 2) Forgone of hundreds of millions of dollars in state transportation funds that would go to projects that do not meet the minimum index criteria, as prescribed in the bill.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

350 Humboldt: Grass Roots Climate Action
Abundant Housing LA
California Environmental Voters (formerly CLCV)
California Yimby

Community Action to Fight Asthma

SUPPORT IF AMENDED:

Active San Gabriel Valley
California Bicycle Coalition
California Environmental Justice Alliance
California Walks
Center for Community Action and Environmental Justice
Central California Environmental Justice Network
Climate Resolve
Communities for A Better Environment
Happy City Coalition
Investing in Place
Leadership Counsel for Justice and Accountability
Little Manila Rising
Marin County Bicycle Coalition
National Resources Defense Council
Pasadena Environmental Advocates
Puente Latino Association
Safe Routes Partnership
Streets for All
Telegraph for People
Transform
Western Center on Law & Poverty

OPPOSITION:

California Business Roundtable
Orange County Transportation Authority
Madera County Transportation Commission
San Luis Obispo Council of Governments
Santa Barbara County Association of Governments
State Building and Construction Trades Council of Ca
Transportation Agency for Monterey County (TAMC)
Transportation California

- 2) Requires DMV to enter into a MOU with the National Marrow Donor Program on the language to be included on the DL application form, including definitions of enrollment and donor requirements, as well as legal disclosures.
- 3) Requires DMV to transmit applicants' full name, mailing address, date of birth, telephone number, and email address on a weekly basis to the National Marrow Donor Program's registry.
- 4) Requires DMV to post the enrollment form on DMV's website.
- 5) Requires the California Health and Human Services Agency to post the enrollment form on their website.
- 6) Becomes effective January 1, 2027.

COMMENTS:

- 1) *Purpose.* According to the author, "In the United States, less than 30% of patients can find a fully matched bone marrow donor in their family or network. It is especially hard for people of color to find a donor due to the lack of diversity in donors. In order to make bone marrow more accessible to save the lives of patients, it is chief that we increase the number of donors. AB 1800 would predictably increase the number of bone marrow donors by expanding awareness for the ability to donate. Educating Californians through the DMV has been proven effective by the increase of organ donors in the United States following the DMV's option to enroll. Increasing the number of donors will not only save lives but will also increase equality among all recipients."
- 2) *Anatomical Donations.* The Uniform Anatomical Gift Act (Act) was passed in the US in 1968 and has since been revised in 1987 and in 2006. The Act sets a regulatory framework for the donation of organs, tissues, and other human body parts in the US pursuant to state statutes. An individual who is at least 18 years of age may make an anatomical gift by a signed document on the Donate Life California website or an interested individual can sign up electronically by checking "YES!" at the DMV when applying for or renewing a DL or ID. Since 2001, the DMV has provided Californians the opportunity to register as Organ and Tissue Donors using its DL and ID application forms. Today, there are over 17.5 million Californians registered to be organ donors, over 95% of whom enrolled when they applied for a DMV DL or ID card.

The National Marrow Donor Program (NMDP) is a nonprofit organization founded in 1986 that operates the Be the Match Registry of volunteer hematopoietic cell donors and umbilical cord blood units in the United States.

According to Be the Match, there are 25 million donor registrants, nearly 12.5 million of which are in the United States. 1.1 million are in California. From 2016-2020, 1,691 Californians were donors, while 5,339 California patients were looking for a donor.

According to *Getting to the Heart of Being the Match: A Quantitative Analysis of Bone Marrow Donor Recruitment and Retention Among College Students*, in the U.S. over 20,000 individuals each year have been diagnosed with severe or life threatening diseases that can be treated by a bone marrow or umbilical cord blood transplant from matched donors. Only 30% of people needing a bone marrow transplant are able to get one from a family member. The other 70% have to rely on the registry.

AB 1800 would require the DMV to include a question during application for a new or renewed DL for the applicant to opt-in to register with the NMDP during the application for a new or renewed drivers' license. AB 1800 is an attempt to facilitate more marrow donors across to the state to keep up with the rising demand.

- 3) *DMV Modernization*. Currently, the DMV is modernizing their IT systems. This update requires the DMV to place its "core legacy" IT system in "freeze mode," meaning that all new laws that require the DMV to make any IT updates must be delayed to accommodate the modernization efforts. AB 1800 would require the DMV to program into their systems a database of individuals who have agreed to share their information, including contact information, with Be the Match. Contact information is not currently collected by the DMV during the DL application process, this alone would cause programming challenges for the DMV. In addition, DMV will need to work with the National Marrow Donor Program to develop an MOU governing the language to be included on the driver's license application. This update would be both costly and timely for the DMV.

RELATED LEGISLATION:

AB 1374 (Mullin, Chapter 211, Statutes of 2021) — this bill required the language on DL application regarding enrollment in the Donate Life California Organ and Tissue Donor Registry to reflect mutually agreed upon language between DMV and Donate Life California.

SB 108 (Speier, Chapter 740, Statutes of 2001) — this bill authorized the establishment of an Organ and Tissue Donor Registry in the California Health and Human Services Agency and requires DMV to provide an enrollment form to anyone coming to obtain or renew their driver's licenses.

SB 112 (Speier, Chapter 405, Statutes of 2003) — this bill transferred responsibility for establishing the registry to a private, non-profit organization. Required DMV to provide donor registration forms to those applying for drivers' licenses or identification cards. These forms included instructions to mail the completed form to Donate Life California.

SB 689 (Speier, Chapter 665, Statutes of 2005) — this bill required DMV to include on its applications for drivers' licenses and identification cards a space for the applicant to give his or her consent to be an organ or tissue donor.

SB 1395 (Alquist, Chapter 217, Statutes of 2010) — this bill required DMV to update its applications with specified language asking the applicant to check yes or no to add his/her name to the organ donor registry.

AB 1045 (Low, 2022) — this bill was identical to this bill. *That bill was held on Suspense in Assembly Appropriations Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California Catholic Conference
Leukemia & Lymphoma Society; the
Stanford Health Care

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 1938	Hearing Date:	6/28/2022
Author:	Friedman		
Version:	6/16/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Traffic safety: speed limits

DIGEST: This bill would, if the speed limit needs to be rounded down to the nearest 5 miles per hour increment of the 85th-percentile speed, authorize Caltrans or a local authority to lower the speed limit by 5 miles per hour from the nearest 5 miles per hour of the 85th percentile, as specified.

ANALYSIS:

Existing law:

- 1) Prohibits driving at a speed greater than is reasonable or prudent having due regard for weather, visibility, traffic, and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property. This is known as California's Basic Speed Law.
- 2) Establishes a maximum speed of 65 mph under most circumstances and allows for lower speed limits under numerous specified conditions.
- 3) Defines "engineering and traffic survey" (ETS) as a survey of highway and traffic conditions in accordance with methods determined by Caltrans for use by state and local authorities. An ETS must consider prevailing speeds, accident records, and conditions not readily apparent to the driver. An ETS may consider residential density and bicycle and pedestrian safety.
- 4) Authorizes Caltrans and local authorities to establish a speed limit on most streets of between 25 mph to 60 mph in 5 mph increments on the basis of an ETS.
- 5) Authorizes a local authority to lower the speed limit from the level established by an ETS under specified conditions.

- 6) Prohibits the use of speed traps, as defined, in arresting or prosecuting any violation of the Vehicle Code including speeding.

This bill clarifies the circumstances where and how much a local authority may lower the speed limit below that indicated by an ETS.

COMMENTS:

- 1) *Author's Statement.* “Last year the Governor signed my bill AB 43 to give cities more flexibility to lower speed limits. Unfortunately, some have interpreted AB 43 in a manner that removed pre-existing authority to deviate from the 85th percentile speed, an interpretation that would give cities less, not more flexibility on setting speed limits. AB 1938 simply codifies the pre-existing authority on setting speed limits and clarifies that the additional authority granted by AB 43 was meant to supplement, not supplant, that authority.”
- 2) *Speed Limit Setting.* Last year the Legislature enacted major reforms, in the form of AB 43, to the process for setting speed limits with the intent of giving local governments specified authority to lower speed limits to reduce crashes and accidents. The implementation of those reforms has hit a speed bump with the Administration requesting a change in the law to implement the bill as intended. Without this change local government supporters of AB 43 are concerned that they will be required to increase speed limits rather than decrease them.
- 3) *Clarifying amendments.* There is some uncertainty about the impact of this bill, particularly if the provisions are challenged in court. Since there is widespread agreement that the purpose of this bill is to implement AB 43 as intended, and the intent of AB 43 was to lower speed limits by not more than 12.4 miles per hour from what would have resulted from an ETS, ***the author may wish to state this intent in the text of the bill.*** Also, subdivision (b) of the bill would be clearer if the reference to Sections 22358.3 and 22360 were deleted as they stand alone and are not related to the ETS. Finally, in subdivision (d) the reference to “22358.7 and 22358.8” should be replaced with “22358.7 or 22358.8” so that it’s clear their either subdivision can be used to lower the speed limit but that the two sections cannot be combined to lower the speed limit twice.

RELATED LEGISLATION:

AB 43 (Friedman; Chapter 690 of 2021) – Authorized local governments to lower speed limits under specified circumstances.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Bike East Bay
California Bicycle Coalition
California City Transportation Initiative
California Walks
City of Long Beach
City of Sacramento
City of San Jose, Mayor Sam Liccardo
Eric Garcetti, Mayor of Los Angeles
League of California Cities
Mayor of City & County of San Francisco London Breed
Move LA
Oakland; City of
Safe Routes to School National Partnership
San Francisco Municipal Transportation Agency (SFMTA)
SPUR
Streets for All
Walk Oakland Bike Oakland
Walk San Francisco

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2438	Hearing Date:	6/28/2022
Author:	Friedman		
Version:	6/16/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Transportation funding: guidelines and plans

DIGEST: This bill requires various state transportation programs to incorporate strategies from the Climate Action Plan for Transportation Infrastructure (CAPTI) into program guidelines. Also requires various state agencies to establish new transparency and accountability guidelines for certain transportation funding programs, as specified.

ANALYSIS:

Existing law:

- 1) Vests the Department of Transportation (Caltrans) with the full possession and control of all state highways and all property and rights in property acquired for state highway purposes.
- 2) Creates the California State Transportation Agency (CalSTA) and vests it various responsibilities including, but not limited to, the implementation and programming of the Transit and Intercity Rail Capital (TIRCP) program, which is a competitive program to fund transformative transit capital improvements that will modernize California's intercity, commuter, and urban rail systems and bus and ferry transit systems.
- 3) Creates the California Transportation Commission (CTC) and vests it with various responsibilities, including programming and allocating funds for the construction of highway, passenger rail, transit, and active transportation improvements through various transportation programs.
- 4) Requires Caltrans to prepare a State Highway System Management Plan (SHSMP) that consists of both a 10-year state highway rehabilitation plan and a 5-year maintenance plan. Requires Caltrans to submit the draft plan to the CTC for review and comment by February 15 of each odd-numbered year, and to

transmit the final plan to the Governor and the Legislature by June 1 of each odd-numbered year.

- 5) Requires Caltrans to develop the State Highway Operations and Protection Program (SHOPP) based on the Transportation Asset Management Plan, to guide expenditures of federal and state funds for major capital improvements to preserve and maintain the state highway system. Limits SHOPP projects to capital improvements relative to maintenance, safety, and rehabilitation of state highways and bridges that do not add a new lane to the system.
- 6) Enacts the Road Repair and Accountability Act of 2017, SB 1 (Beall), Chapter 5, Statutes of 2017, which provides roughly \$5.2 billion annually to fund the state's highways, local streets and roads, public transportation, and active transportation programs. SB 1 created new transportation competitive programs, to be allocated by the CTC, including:
 - a) Local Partnership Program (LPP), funded at \$200 million annually, for local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, for which those taxes or fees are dedicated solely to transportation improvements.
 - b) Trade Corridor Enhancement Program (TCEP), funded at \$300 million annually, for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement.
 - c) Solutions for Congested Corridors (SCCP), funded at \$250 million annually, for projects that implement specific transportation performance improvements and are part of a comprehensive corridor plan, by providing more transportation choices while preserving the character of local communities and creating opportunities for neighborhood enhancement.
- 7) Provides for the funding of projects for state highway improvements, intercity rail, and regional highway and transit improvements, through the State Transportation Improvement Program (STIP), which consists of two broad sub-programs: the Regional Transportation Improvement Program (RTIP) and the Interregional Transportation Improvement Program (ITIP).
- 8) Requires Caltrans to produce, and update every five years, the California Transportation Plan (CTP), a long-range transportation planning document

intended to integrate state and regional transportation planning while considering specified pertinent subject areas.

- 9) Requires, Caltrans to update the CTP, as specified, and requires the Strategic Growth Council (SGC), by January 31, 2022, to submit a report to the Legislature on interactions of the CTP and SCS/APS plans, and a review of the potential impacts and opportunities for coordination between specified programs.
- 10) Establishes the California Air Resources Board (ARB) as the air pollution control agency in California and requires ARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality.
- 11) Requires ARB to determine the 1990 statewide greenhouse gas (GHG) emissions level, and achieve that same level by 2020 (AB 32), and achieve a 40% reduction from that level by 2030 (SB 32).

This bill:

CalSTA

- 1) Requires CalSTA to, no later than January 1, 2024, to establish guidelines to ensure transparency and accountability, including the project selection processes, for the transportation funding programs it administers, including, but not limited to, the TIRCP.
- 2) Requires the guidelines to do all of the following:
 - a) Ensure project nominations are publicly available for public review before a decision to award funds.
 - b) Ensure the project selection process incorporates strategies established in the CAPTI, adopted by CalSTA in July 2021 that are applicable to the transportation funding program.
 - c) Require that a recommendation for a project to be funded be released in an accessible format at least 20 days before a decision to award funds.
 - d) Include any other best practices identified through public input solicited, as specified.

- 3) Requires CalSTA to hold public workshops to solicit public input prior to developing the guidelines to ensure that they will provide the public with the information necessary for meaningful participation in CalSTA's actions to award funds for the transportation funding programs that it administers.
- 4) Stipulates that this shall not supersede any conflicting provision of an existing guideline process or existing maintenance and rehabilitation requirements.

Caltrans

- 5) Requires Caltrans to, no later than January 1, 2024, to establish guidelines to ensure transparency and accountability, including the project selection processes, for the transportation funding programs it administers, including, but not limited to, the ITIP and the SHOPP.
- 6) Requires the guidelines to do all of the following:
 - a) Ensure project nominations are publicly available for public review before a decision to award funds.
 - b) Ensure the project selection process incorporates strategies established in the CAPTI, adopted by CalSTA in July 2021 that are applicable to the transportation funding programs.
 - c) Require that a recommendation for a project to be funded be released in an accessible format at least 20 days before a decision to award funds.
 - d) Include any other best practices identified through public input solicited, as specified.
- 7) Requires Caltrans to hold public workshops to solicit public input prior to developing the guidelines to ensure that they will provide the public with the information necessary for meaningful participation in Caltrans' actions to award funds for the transportation funding programs that it administers.
- 8) Stipulates that this shall not supersede any conflicting provision of an existing guideline process or existing maintenance and rehabilitation requirements.

CTC

- 7) Requires CTC to, no later than January 1, 2024, to establish guidelines to ensure transparency and accountability, including the project selection

processes, for the transportation funding programs it administers, including, but not limited to, TCEP and SCCP.

- 8) Requires the guidelines to do all of the following:
 - a) Ensure project nominations are publicly available for public review before a decision to award funds.
 - b) Ensure the project selection process incorporates strategies established in the CAPTI, adopted by CalSTA in July 2021 that are applicable to the transportation funding program.
 - c) Require that a recommendation for a project to be funded be released in an accessible format at least 20 days before a decision to award funds.
 - d) Include any other best practices identified through public input solicited, as specified.
- 9) Requires CTC to hold public workshops to solicit public input prior to developing the guidelines to ensure that they will provide the public with the information necessary for meaningful participation in CTC's actions to award funds for the transportation funding programs that it administers.
- 10) Stipulates that this shall not supersede any conflicting provision of an existing guideline process or existing maintenance and rehabilitation requirements.

Transportation Programs

- 11) Requires, that no later than January 1, 2024, program guidelines include the strategies established in CAPTI as adopted by CalSTA in July 2021, for the following state transportation programs:
 - a) Interregional Transportation Improvement Program;
 - b) State Highway System Management Plan;
 - c) Local Partnership Program;
 - d) Trade Corridor Enhancement Program; and
 - e) Solutions for Congested Corridors.

- 12) Clarifies that the comprehensive corridor plans required for projects to receive funding from the SCCP be “multimodal” corridor plans.

CTP

- 13) Requires the CTP to include a financial element that contains:
 - a) A summary of the full cost of the implementation of the plan.
 - b) A summary of available revenues through the planning period.
 - c) An analysis of what is feasible within the plan if constrained by a realistic projection of available revenues.
 - d) An evaluation of the feasibility of any policy assumptions or scenarios included in the plan.

The financial element may also include a discussion of tradeoffs within the plan considering financial constraints.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “AB 2438 requires the state’s largest transportation funding sources to incorporate the administration’s Climate Action Plan on Transportation Infrastructure (CAPTI) into the guidelines process for project selection for transportation funding. The strategies and principles of CAPTI are something we have been trying to accomplish at the state and federal level in order to build a more connected transportation infrastructure based on efficient land use, equity, and reducing greenhouse gas emissions. We cannot ignore that a \$30 billion sector of state funding is directly tied to 40% of California's greenhouse gas emissions. It is time for California to reassess our transportation funding and planning system to put people before the car.”
- 2) *Transportation and climate change.* California’s transportation network consists of streets, highways, railways, bicycle routes, and pedestrian pathways. This network provides people and businesses the ability to access destinations and move goods and services throughout the state. Construction, operations, and maintenance responsibilities are shared amongst state, regional, tribal and local governments. Funding for these activities comes from federal, state, and local taxes, fees and assessments, private investments and tribal investments. This collaborative effort results in a well-integrated transportation network that

provides mobility for 40 million people, while helping California sustain its position as the world's fifth largest economy. Currently, roughly \$35 billion (federal, state, and local funds combined) is spent annually in California on building and maintaining the transportation network. Additionally, with the passage of the federal Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58), California is expected to receive approximately \$40 billion over five years.

Emissions from the transportation sector, the state's largest source of GHGs, are still on the rise despite statewide GHG emission reduction efforts and increasingly ambitious targets. According to ARB's GHG emission inventory, transportation sector emissions have grown to 41% of California's total emissions as of 2017. A 2018 Legislative Analyst's Office report found that roughly 90% of the transportation sector's emissions were from on-road sources – 69% passenger vehicles and 22% heavy-duty vehicles. Within the transportation sector, measures to reduce GHG emissions include requiring the use of low carbon fuels, cleaner vehicles, and strategies to promote sustainable communities and improved transportation choices that reduce growth in the number of vehicle miles traveled (VMT). California has targeted a 22% reduction in VMT per capita below 2019 levels by 2045 as part of its larger strategy to reduce GHG emissions. According to the U.S. Federal Highway Administration December 2021 Traffic Volume Trends data, after a sharp drop in 2020, total VMT and per capita VMT surged back to pre-pandemic levels in 2021.

- 3) *What is CAPTI?* On September 20, 2019, Governor Newsom issued Executive Order (EO) N-19-19, which called for actions from multiple state agencies to reduce GHG emissions and mitigate the impacts of climate change. The EO detailed the role the transportation sector must play in combating climate change.

Specifically, the EO empowered CalSTA to leverage the more than \$5 billion in annual state transportation spending for construction, operations, and maintenance to help reverse the trend of increased fuel consumption and reduce GHG emissions associated with the transportation sector. The EO directed CalSTA to work to align transportation spending with the state's Climate Change Scoping Plan, where feasible; direct investments to strategically support smart growth to increase infill housing production; reduce congestion through strategies that encourage a reduction in driving and invest further in walking, biking, and transit; and ensure that overall transportation costs for low-income Californians do not increase as a result of these policies.

To that end, CalSTA adopted the CAPTI in July 2021. The CAPTI is the action plan to implement the EO. Specifically, the CAPTI is “a framework and statement of intent for aligning state transportation infrastructure investments with state climate, health, and social equity goals, built on the foundation of the ‘fix-it-first’ approach established in SB1”. Additionally, CalSTA notes that CAPTI is a living document that can “adapt, pivot, and modify approaches and actions, as needed.” The CAPTI contains an overall transportation investment framework and specific strategies to implement the plan through state agency actions.

In August 2021, the CTC endorsed CAPTI's framework and strategies and began a process of incorporating it into program guidelines for the programs they administer.

- 4) *AB 285 report says we need to better align traditional funding programs with state climate goals.* AB 285 (Friedman, Chapter 605, Statutes of 2019), required the SGC to develop a report to look at various aspects of state and regional transportation planning and funding. The *California Transportation Assessment Report* was developed through work of the University of California Institute for Transportation Studies (UCITS). Specifically, the report includes findings and provides recommendations to help the state align transportation funding with state climate goals.

The report focused on transportation programs funded mostly through the state’s cap-and trade program. According to the report, these “newer” programs only make up roughly 2% of transportation funding expenditures -- the Sustainable Transportation Planning Grant program (STPG), Transformative Climate Communities (TCC), Affordable Housing and Sustainable Communities (AHSC), TIRCP, and Low-Carbon Transit Operations Program (LCTOP). STPG, TCC, and TIRCP were all found to have a high levels of alignment with state goals and particularly with climate adaptation goals, reducing GHG emissions and VMT, transitioning away from fossil fuels, and improving air quality to enable healthy vibrant communities. The report also purported that other, more long-standing funding programs, including the SHOPP and ITIP, tend to be in higher alignment with other state goals, such as “fix it first” maintenance. The report states that “the state’s contemporary commitments to values such as environmental sustainability and social justice have attached more goals to the more recently enacted programs without necessarily providing more funding or by providing only modest amounts.”

The report includes numerous recommendations to better align transportation funding and the state’s climate goals. Specifically, the report suggest this could

be done through, “the reviewing and prioritizing various state goals within transportation funding program guidelines or statute. For example, the statute that governs State Highway Operation and Protection Program (SHOPP) and State Transportation Improvement Program (STIP) funding has its goals based on rehabilitation and maintenance, safety, operations, and expansion, but no reference to climate or equity. This revisiting of goals could also involve ensuring that additional funds or future funds (including federal infrastructure funds) are spent in ways that align with priority goals.”

The AB 285 process is still ongoing as SGC is in final stages of meeting with stakeholders to discuss the findings of the report and ultimately produce recommendations for the administration and lawmakers to fully consider.

- 5) *SB 1 and “fix it first.”* In 2017, the Legislature passed and Governor Brown signed into law, SB 1 (Beall, Chapter 5, Statutes of 2017), which provides roughly \$5.2 billion annually for highways, local streets and roads, public transit, and bicycle and pedestrian facilities. SB1’s guiding principle was “fix it first,” or focusing the state’s transportation spending to maintain a state of good repair of the existing system. Specifically, SB 1 included specific performance outcomes for Caltrans to meet for the state highway system by 2027, through investments in the SHOPP and maintenance programs, including not less than 98 percent of pavement on the state highway system in good or fair condition; not less than 90 percent level of service achieved for maintenance of potholes, spalls, and cracks; not less than 90 percent of culverts in good or fair condition; not less than 90 percent of the transportation management system units in good condition; and to fix not less than an additional 500 bridges.

SB 1 created new competitive programs to focus on key areas, including 1) TCEP, funded at \$300 million annually, for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement; 2) SCCP, funded at \$250 million annually, for projects that implement specific transportation performance improvements and are part of a comprehensive corridor plan, by providing more transportation choices while preserving the character of local communities and creating opportunities for neighborhood enhancement; and 3) LPP, funded at \$200 million annually, for local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, for which those taxes or fees are dedicated solely to transportation improvements.

The state’s climate goals are already reflected in some of the SB 1 programs criteria, especially the SCCP, which includes “furtherance of state and federal

ambient air standards and GHG emissions reduction standards,” as scoring criteria for project awards. Additionally, both the TCEP and SCCP require that nominated projects must be included in a regional transportation plan, including a sustainable communities strategy if in an MPO area.

- 6) *AB 2438 codifies the CAPTI.* One of the recommendations of the AB 285 report is to “align existing funding programs with state goals.” AB 2438 tries to implement this goal by requiring numerous state funding programs, including the ITIP, which is 25% of the STIP; the SHSMP, which informs the development of the SHOPP; and the SB 1 competitive programs, LPP, TCEP, and SCCP, to incorporate strategies established by the CAPTI.

As mentioned, the CAPTI details specific strategies relevant to various state transportation programs. For example, the CAPTI recommends Caltrans, “update the 2023 SHSMP’s SHOPP and maintenance investment strategies and performance outcomes to align with CAPTI investment framework. The update will include the following approaches or considerations, at a minimum: active transportation, climate resiliency, nature-based solutions, greenhouse gas emission reduction, and climate smart decision-making.”

Further, for TCEP, the CAPTI recommends, “pursue updated TCEP Guidelines to prioritize projects that improve trade corridors by demonstrating a significant benefit to improving the movement of freight and also reduce emissions by creating or improving zero-emission vehicle charging or fueling infrastructure either within the project itself or within the larger trade corridor.”

Additionally, some of the CAPTI strategies are cross cutting, such as, updating SHOPP and SB 1 competitive program guidelines to incentivize climate adaptation and climate risk assessments/strategies. Specifically, “CalSTA and CTC will evaluate OPR/Caltrans Climate Risk Assessment Planning and Implementation Guidance and pursue inclusion in SHOPP, TIRCP, and SB 1 Competitive Program Guidelines.”

As previous noted, the CalSTA describes the CAPTI a living document that can “adapt, pivot, and modify approaches and actions, as needed.” It is unclear how codifying the specific 2021 version of the CAPTI may affect the agency’s ability to update and modify the plan and how that would be incorporated into these programs.

- 7) *The work has already begun.* Much of the work required by AB 2438 has already begun or been adopted. As noted, in August 2021, the CTC endorsed CAPTI’s framework and strategies. As such, it has already begun to incorporate

CAPTI into the update for the guidelines of the SB 1 competitive programs. For example, the guidelines now state that the CTC encourages projects that align with the state's climate goals. As part of the evaluation criteria for LPP, CTC will give higher priority to projects that, among other things, "address how a proposed project will reduce GHG emissions and criteria pollutants and advance the state's air quality and climate goals; and how a proposed project will minimize VMT while maximizing person throughput." For TCEP, CTC is requiring each project applicant to, "communicate a project's benefits related to advancing climate change resilience, by identifying both the climate change impacts that are occurring or anticipated, and the adaptive strategies."

TCEP will also be informed by the Clean Freight Corridor Efficiency Assessment required by SB 671 (Gonzalez, Chapter 769, Statutes of 2021), which is now being developed by the CTC. The assessment will identify freight corridors and the infrastructure needed to support the deployment of zero-emission medium and heavy-duty vehicles. CTC, and other relevant state agencies, are required to then incorporate the recommendations into their respective programs for freight infrastructure.

The CTC will give an update on its incorporation of CAPTI into the SB1 program guidelines at their upcoming meeting on June 29, 2022. In fact, over the three programs named in the bill, SCCP, LPP, and TCEP, CTC reports they have incorporated 11 recommended short-term implementation strategies, with working beginning on the medium-term strategies.

Additionally, at its March 2022 CTC meeting, changes to the SHOPP guidelines were presented, which include a requirement that, "Caltrans shall take Climate Action Plan for Transportation Infrastructure (CAPTI) strategies as well as the Caltrans Equity Statement into consideration in the development and implementation of the State Highway System Management Plan."

In fact, in the 2021 SHSMP, for the first time, Caltrans included needs identified for the statewide expansion of bicycle and pedestrian facilities and to address statewide sea level rise impacts associated with climate change. Caltrans estimates the cost to operate and maintain state highways for the next 10 years will be \$116.8 billion. Caltrans also estimates that only \$55.3 billion in funding will be available, leaving a deficit of \$61.5 billion. The addition of climate adaptation considerations increased the funding needed by \$11.1 billion over 10 years. Building these components into the future needs for the SHOPP is important for a holistic look and understanding of the possible competing priorities of the state.

- 8) *Increased transparency.* AB 2438 also includes provisions aimed at increasing transparency and accountability. Specifically, the bill requires CalSTA, Caltrans, and CTC to establish guidelines to ensure transparency and accountability for the funding programs they administer. The bill requires that prior to the guidelines being developed each of the departments must hold public workshops to solicit public input to ensure the guidelines will provide the public with the information necessary for meaningful participation in the department's actions to award transportation funding.

Specifically, the guidelines would have to 1) ensure project nominations are publicly available prior to any awards; 2) ensure project selection process incorporates applicable CAPTI strategies; 3) require project recommendations be released in an accessible form at least 20 days prior to award; and 4) include any best practices identified through the public workshop process.

The CTC already conducts extensive year-long stakeholder outreach, including numerous workshops, as part of the guidelines process for all of the programs they administer. Additionally, they publish staff recommendations of awards prior to adoption by the commissioners in a public meeting. The SHOPP statute requires Caltrans to provide a draft SHOPP program to regional transportation agencies and the CTC, and requires the CTC to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. Finally, the SHOPP is adopted at a public CTC meeting. To recognize this work, the bill states that the requirements shall not supersede any conflicting provision of existing guideline processes or existing maintenance and rehabilitation requirements. It is unclear how this will be interpreted by the implementing departments.

Although the bill attempts to target these guidelines, including that project selection process incorporates CAPTI, to the programs called out in the bill, such as TIRCP, ITIP, SHOPP, and SB 1 competitive programs, concerns have been raised that the bill says, "including, but not limited to," which could be interpreted to be much more expansive and cover more programs.

According to Transportation California, "many of our concerns with the measure have been addressed with the June 16 amendments. To remove our opposition however, we need further amendments to reflect the compromise we reached during negotiations with the author and her staff over the past few months."

"Specifically, we request that the language 'including, but not limited to' be removed from Sections 1, 2, and 3 of the bill to ensure state statute references

the specific transportation funding programs for which the appropriate strategies within the Climate Action Plan for Transportation Infrastructure will apply.”

- 9) *Fiscally constrain the CTP.* Approved in February of 2021, the latest update of the California Transportation Plan, CTP 2050, is the state’s statutorily fiscally unconstrained long-range transportation roadmap for policy change. CTP 2050 is designed to provide a unifying and foundational policy framework for making effective, transparent, and transformational transportation decisions in California and identify a timeline, roles, and responsibilities for each plan recommendation. The CTP does not contain specific projects, but rather policies and strategies to close the gap between what regional plans aim to achieve and how much more is required to meet 2050 goals. The CTP is seen as an aspirational document and is difficult to evaluate when compared to regional plans are required to provide an assessment of expected future funding to implement the plan.

One of the recommendations of the AB 285 report that is universally supported by stakeholders is “updating and better aligning among existing state and regional plans,” including adding a fiscal constraint analysis to the CTP. AB 2438 requires the CTP to include a financial element that summarizes the full cost of plan implementation constrained by a realistic projection of available revenues. Additionally, the financial element may include a discussion of tradeoffs with the plan considering financial constraints.

- 10) *Climate goals vs. Fix it First.* According to the author, AB 2438 is attempting to implement the recommendations of both CAPTI and the AB 285 report. Adding CAPTI goals to existing transportation funding programs may set up a difficult debate about state priorities for funding transportation. As noted in the AB 285 report, some transportation funding programs are considered “older programs” that prioritized rehabilitation and maintenance, safety, operations, and expansion, however, many of the programs covered by the bill were created in the last few years. These programs, specifically those created by SB 1, were debated by the Legislature with a full understanding of the state’s climate goals at that time, which is why some of these contain climate criteria. As discussed, Governor Newsom, through executive actions, has amplified the state’s commitment to combat climate change. Even with the infusion of new federal money and historic state investment in transportation, the SHSMP show us that there is still a great need. Pending legislation, SB 1121 (Gonzalez), calls for the CTC develop a needs assessment, covering a 10 year horizon, of the cost to operate, maintain, and provide for the future growth and resiliency of the state and local transportation system. The assessment,

which includes a look at climate change impacts to infrastructure, will help inform the conversation.

Writing in support of the bill, a coalition of clean air advocates, such as the American Lung Association, state, “California is home to the most difficult air pollution challenges in the United States, and climate change impacts our clean air progress through more extreme heat, drought and wildfire smoke impacts. A recent report from the Strategic Growth Council found that there remains significant misalignment between State-funded transportation projects and our climate standards. California’s ability to reach climate standards (and clean air standards) is significantly impacted by continued investment in land use and transportation projects that increase our dependence on vehicle travel. We must focus transportation investments on projects and programs that increase affordable, clean mobility choices for all communities that clean our air and reduce greenhouse gases.

“AB 2438 would support transportation investments that align with California climate standards by requiring state transportation funding guidelines to be updated to align with the California Transportation Plan (CTP), the Climate Action Plan for Transportation Infrastructure (CAPTI) and state clean air and climate standards. The bill would also require relevant state agencies (CalSTA, Caltrans, CTC) to include CAPTI strategies in funding program guidelines by January 1, 2024, and ensure accountability and transparency measures for those programs and project selection.”

Writing in opposition, the State Building and Construction Trades Council, AFL-CIO, states, “AB 2438 subverts the fundamental purpose for which all projects in the State Highway Operation and Protection Program (SHOPP) were authorized. At the same time, it is not clear how these maintenance, rehabilitation, and safety programs interfere with achievement of the state’s climate goals. Even under a scenario where vehicles are zero-emission and significant majorities of Californians shift from single occupancy vehicles to biking, walking, and taking transit, Californians will still need highways, streets and roads, and bridges in a safe and well-maintained condition. And the shift to these alternative modes of transportation are still years away, necessitating ongoing maintenance of our existing infrastructure and creation of new roads, bridges, and highways to handle the state’s current transportation needs.”

RELATED/PREVIOUS LEGISLATION:

AB 285 (Friedman, Chapter 605, Statutes, 2019) — Updated requirements of CTP to reflect the state's recent environmental legislation and requires SGC to review implementation of CTP.

SB 1 (Beall, Chapter 5, Statutes of 2017) – Increased several taxes and fees to raise the equivalent of roughly \$5 billion per year in new transportation revenues and makes adjustments for inflation every year; directs the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities.

SB 150 (Allen, Chapter 646, Statutes, 2017) — Required ARB to prepare a report to assess the progress of the state’s 18 MPOs in meeting their regional GHG targets.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

350 Bay Area Action
Acton & Agua Dulce Democratic Club
American Lung Association in California
California Alliance for Retired Americans
California Nurses for Environmental Health and Justice
Center for Climate Change & Health
Central California Asthma Collaborative
City of La Mesa
Climateplan
Communities Actively Living Independent & Free
Glendale Democratic Club
Ground Game LA
Nextgen California
People Organized for Westside Renewal
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Progressive Caucus of The California Democratic Party
Public Health Institute
San Diego350
Spur

Streets for People Bay Area
U.S. Rep. Nanette Diaz Barragán
Unite Here Local 30
Urban Environmentalists
Yimby Action

OPPOSITION:

Auto Care Association
Building Owners and Managers Association of California
California Automotive Wholesalers' Association
California Building Industry Association
California Business Properties Association
California Business Roundtable
California Manufacturers & Technology Association
California Retailers Association
California State Council of Laborers
Chemical Industry Council of California
City of Blythe
City of Colton
City of Corona
City of Highland
City of Indian Wells
City of Lake Elsinore
City of Menifee
City of Moreno Valley
City of Palm Desert
Contra Costa Transportation Authority
Inland Empire Economic Partnership
Mono County Local Transportation Commission
Naiop of California, the Commercial Real Estate Development Association
Orange County Business Council
Orange County Transportation Authority
Riverside County Transportation Commission (RCTC)
San Bernardino Associated Governments
Self-help Counties Coalition
State Building & Construction Trades Council of California
Town of Yucca Valley
Western Independent Refiners Association

OPPOSE UNLESS AMENDED:

American Council of Engineering Companies
Associated General Contractors of California
California Alliance for Jobs
California State Association of Counties
International Union of Operating Engineers
League of California Cities
Madera County Transportation Commission
Rebuild Social Partnership
Rural County Representatives of California
San Joaquin Valley Policy Council
San Luis Obispo Council of Governments
Santa Barbara County Association of Governments
Southern California Contractors Association
Stanislaus Council of Governments
Town of Danville
Transportation Agency for Monterey County (TAMC)
Transportation Authority of Marin
Transportation California
United Contractors (UCON)
Urban Counties of California
Western Regional Association for Pavement Preservation

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2344	Hearing Date:	6/28/2022
Author:	Friedman		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Wildlife connectivity: transportation projects

DIGEST: This bill requires the Department of Fish and Wildlife (DFW) in coordination with the Department of Transportation (Caltrans) to establish a wildlife connectivity action plan, and requires Caltrans to establish a wildlife connectivity project list and prioritize implementation of projects from the list, among other provisions related to reducing wildlife-vehicle collisions and enhancing wildlife connectivity.

ANALYSIS:

Existing law:

- 1) Vests the DFW with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.
- 2) Authorizes the DFW to approve compensatory mitigation credits for wildlife connectivity actions taken under specified programs.
- 3) Requires the DFW to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change.
- 4) Vests Caltrans with full possession and control of the state highway system, and requires Caltrans to make improvements to and maintain the state highway system.
- 5) Requires Caltrans to prepare an annual report to the Legislature describing the status of progress in locating, assessing, funding, and remediating barriers to fish passage, and requires an assessment of potential barriers to fish passage prior to commencing project design.

- 6) Creates the Advance Mitigation Program (AMP) in Caltrans to enhance communications between Caltrans and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable environmental requirements, to accelerate project delivery, and to mitigate, to the maximum extent required by law, environmental impacts from transportation infrastructure projects.
- 7) Creates the Advance Mitigation Account (account) and continuously appropriates moneys in the account for purposes of the AMP. Authorizes funds in the account to be used for specified activities, including, among others things, for purchasing, or funding the purchase of, credits from mitigation banks, conservation banks, or in-lieu fee programs approved by one or more regulatory agencies and, under certain circumstances, for implementing, or funding the implementation of, advance mitigation.

This bill:

- 1) Require CDFW, in consultation with Caltrans, to establish a wildlife connectivity action plan that includes all of the following:
 - a) Data on wildlife-vehicle collisions;
 - b) Maps that identify the locations of migration, daily movement and dispersal patterns of existing populations of species at risk of habitat fragmentation or barriers to movement; natural landscape areas; connectivity areas; existing wildlife crossings; potential barriers to wildlife movement, including priority barriers already identified; and areas requiring additional monitoring or research;
 - c) Protocols for post-completion monitoring of wildlife connectivity projects in order to evaluate their effectiveness;
 - d) An assessment of existing and potential opportunities to collaborate with and enter into agreements with Native American tribes, relevant state and federal agencies, land conservancies, and local governments;
 - e) An assessment of existing and potential opportunities to work with private property owners to connect high-value connectivity habitat and preserve important connectivity areas, as specified;
 - f) The wildlife connectivity project list, as defined;

- g) The status of the department's progress in locating, assessing, and remediating barriers to wildlife movement and the measured effectiveness of completed crossings, as provided;
 - h) Input from relevant state agencies, local government, federal agencies, nongovernmental conservation organizations, and academic institutions; and
 - i) Any additional information that CDFW and Caltrans deem necessary, as provided.
- 2) Require CDFW and Caltrans to consult with and seek the involvement of federally and non-federally recognized Native American tribes in the development of the wildlife connectivity action plan.
 - 3) Require CDFW to complete the initial wildlife connectivity action plan on or before January 1, 2024 and update the action plan at least once every five years. Authorize the action plan to be updated as new information becomes available between full updates, as specified.
 - 4) Require CDFW and Caltrans to publish the completed or updated action plan on their respective internet websites and require CDFW to submit the completed or updated action plan to the Governor and the Legislature, as specified.
 - 5) Require Caltrans, in consultation with CDFW, to establish a wildlife connectivity project list where implementation of the projects would reduce wildlife-vehicle collisions and enhance wildlife connectivity, as provided.
 - 6) Require Caltrans to complete the first wildlife connectivity project list on or before January 1, 2024, and update the list no later than January 1, 2025, and every two years thereafter.
 - 7) Require Caltrans to make a draft project list publicly available and provide an opportunity for public comment on the draft list prior to finalizing the project list per (6).
 - 8) Require Caltrans and CDFW to make the project list or updated project list publicly available on their respective internet websites, and require Caltrans to submit the list to the Governor and the Legislature, as provided.
 - 9) Require Caltrans, in consultation with CDFW, to prioritize the implementation of projects on the project list based upon all of the following:
 - a) Connectivity enhancement, as provided;

- b) Implementation logistics of the wildlife passage feature, including the ease or capability to acquire necessary land acquisitions, and public support, among other things, as provided;
 - c) Whether the project would increase climate-resilient wildlife connectivity or substantially decrease the likelihood of vehicle-wildlife collisions, or contribute to the recovery or survival of a species protected by the federal Endangered Species Act or the California Endangered Species Act, as provided; and
 - d) Any other relevant considerations.
- 10) Authorize Caltrans to develop a programmatic environmental review process for remediating barriers to wildlife movement to streamline the permitting process, as provided.
- 11) Require Caltrans, for any project programmed after January 1, 2024, to ensure that an assessment of potential barriers to wildlife movement is done before commencing project planning and again during project design, as specified. Require Caltrans to submit the assessment to CDFW. Require that remediation of any structural barrier to wildlife movement be designed into the project by the implementing agency. Require new projects or improvements to existing infrastructure or projects be constructed so they do not present a barrier to fish and wildlife movement. Require plans and projects to be developed in consultation with CDFW when addressing barriers to wildlife movement.
- 12) Establish the policy of the state to protect, restore, and enhance the functioning of fish, wildlife, and habitat connectivity in connection with the planning and construction, among other activities, related to the transportation infrastructure state-wide.
- 13) State legislative intent that in carrying out the policy of the state, Caltrans is required, in consultation with CDFW, to consider, and to the maximum extent feasible, incorporate measures for the avoidance, minimization, and mitigation of impacts to wildlife connectivity from the construction, improvement, operation, and maintenance of transportation infrastructure statewide.
- 14) Define numerous terms, including:
- a) A “connectivity area” means a “roadkill hotspot” or an area identified by CDFW as an area important for ecological connectivity between natural landscape areas, as defined, or both.

- b) A “roadkill hotspot” is a location where vehicle collisions with large or small animals exceed a certain rate per year per mile or where high volume traffic conditions are likely to inhibit wildlife approach to the roadway.
 - c) “Wildlife passage features” are culverts, underpasses, overpasses, bridges, directional fencing, barrier breaks, fish ladders, wildlife monitoring devices, roadside animal detection systems, elevated road segments, or other features, supported by a functional or potentially functional ecological buffer of habitat on either side to ensure use of the feature. Wildlife passage features are required to be designed or have the potential to be managed or restored using the best available science to improve the ability of fish or wildlife to move safely across transportation infrastructure in the future.
- 15) Make extensive and relevant legislative findings and declarations.

COMMENTS:

- 1) *Purpose.* According to the author, “The lack of wildlife connectivity on California’s highway system poses a major threat, not only to drivers and passengers, but to the imperiled species that contribute to the state’s rich biodiversity. In 2018, reported wildlife-vehicle collisions resulted in 314 injuries and an estimated five deaths. Many more crashes with wildlife are believed to go unreported. Wildlife-vehicle collisions also take an economic toll. The reported collisions in 2018 alone resulted in more than \$230 million in economic and social costs. Wildlife crossings have been shown to reduce wildlife vehicle collisions by up to 98% and facilitate wildlife movement. AB 2344 requires Caltrans and the California Department of Fish and Wildlife to identify areas with high rates of wildlife-vehicle collisions and implement 10 priority projects per year that improve connectivity with passage features like overpasses, underpasses and directional fencing. These projects will make roads and highways much safer while giving mountain lions, desert tortoises, California tiger salamanders and other iconic species of California a chance at survival.”
- 2) *Background.* Executive Order No. N-82-20 declared that it is the goal of the state to conserve at least 30 percent of California’s land and coastal waters by 2030 in a manner that protects and restores biodiversity, enables enduring conservation measures on a broad range of landscapes, builds climate resilience, reduces risk from extreme climate events, and contributes to the state’s efforts to combat climate change. Wildlife connectivity contributes to the preservation and restoration of biodiversity by ensuring that wildlife has the opportunity to move through the landscape to forage, find mates and reproduce,

seek shelter from stochastic events like flooding or wildfires, and adapt to the impacts of climate change.

The state highway system is under the full possession and control of the Department of Transportation and, as currently maintained, it imposes significant barriers to wildlife habitat connectivity. It is therefore the policy of the state to protect, restore, and enhance the functioning of fish, wildlife, and habitat connectivity in connection with the planning, construction, improvement, operation, and maintenance of transportation infrastructure throughout the state.

- 3) *Wildlife at risk.* The state's transportation system can adversely impact wildlife movement. When an animal attempts to cross a road or highway, it often results in a vehicle collisions which results in death or injury for the animal and potentially the motorist. Intact biological corridors, such as wildlife crossings, facilitate genetic exchange, species migration, reducing wildlife collisions, reducing the impacts of roads on imperiled species, improving climate change resilience by facilitating migration, and making travel on roadways safer.

According the California Highway Patrol (CHP), more than 8,000 large game wildlife-vehicle collisions have occurred statewide from 2014 to 2020 resulting in over 1,500 injuries and at least 24 fatalities to motorists and passengers. In contrast to the CHP data, researchers at the UC Davis Road Ecology Center estimate that about 20,000 California vehicles collide with deer annually, accounting for about 90 percent of wildlife collisions. State Farm Insurance estimated that California had more than 23,000 collisions with large wildlife a year based on insurance claim rates for 2017-2018. The Road Ecology Center estimates that the total cost of reported wildlife-vehicle collisions for 2017 was at least \$300 million and could be as high as \$600 million if accidents claimed to insurance companies but not reported to law enforcement are included.

The required development and regular updating of the wildlife connectivity action plan and wildlife connectivity priority list will both raise awareness of and provide transparency regarding where the state should take action on wildlife corridors first. While the initial deadlines are aggressive, there are existing materials for DFW and Caltrans to build upon. The regular updates will help to publicly track progress, although it is not clear what size project could be completed within the time frame of a single update cycle. Perhaps most importantly, the framework established by the bill will broaden and deepen the ongoing coordination between Caltrans and DFW regarding wildlife connectivity which itself builds upon their mutual efforts to address mitigation

and advanced mitigation for transportation projects, such as compensatory mitigation credits per SB 790 (Stern, Chapter 738, Statutes of 2021).

- 4) *Caltrans' Advance Mitigation Program.* Under SB 1 (Beall), Chapter 5, Statutes of 2017 the AMP was created at Caltrans to protect natural resources through transportation project mitigation, among other things. The program is intended to mitigate environmental impacts from transportation infrastructure projects to the maximum extent required by law. In implementing the program, Caltrans is required to consult with the DFW. Currently no more than 25% of the funds in the Caltrans Advance Mitigation Account may be allocated for fish passage and wildlife connectivity that would provide credits for permit-required mitigation. The DFW is required every two years to report to the Legislature on the quality and effectiveness of habitat mitigation provided by Caltrans under the AMP. In its September 2020 report, the DFW indicated that no habitat mitigation AMP-specific projects had been completed; however, DFW had reviewed the first Regional Advance Mitigation Needs Assessment for one Caltrans' district, several more were in progress, and up to 12 were expected to be completed within two years. The DFW also recommended that projects that benefit multiple species and habitat be maximized through the AMP, where feasible; that the AMP take advantage of DFW programs that generate advance mitigation; and that local expertise be leveraged for specific advance mitigation projects, among other things.
- 5) *Barriers to Fish and Wildlife Movement.* SB 857 (Kuehl, Chapter 589, Statutes of 2005) requires Caltrans to prepare an annual report describing the status of the department's progress in locating, assessing, and remediating barriers to fish passage on the State Highway System. Currently, Caltrans has remediated 51 barrier locations. Those 51 locations account for an estimated 795 miles of improved access to salmon and Steelhead habitat.

Although Caltrans does not have an official position on AB 2344, they have noted that the last section of the measure relating to barriers to fish and wildlife movement lacks specificity in relation to potential remediation of any structural barriers. As written, pursuant to the last provision of the bill, AB 2344 would require all "new projects or *improvements* to existing infrastructure or projects shall be constructed so that they do not present a barrier." The word "improvements" is vague and could be construed to include needed maintenance, which could make routine maintenance extremely costly if it required rebuilding facilities to remove barriers. The author has clarified that this section of the bill is modeled after Streets and Highway Code (SHC) 156.3. However, this code section only utilizes the language "new projects" and does

not include “improvements.” *The author may wish to remove the word “improvements”.*

- 6) *Opposition.* Transportation California writes in opposition to the bill stating concerns with the last provision of the bill. Specifically “This new and expanded mandate is premature as the cost implications are not fully understood to comply with this directive and won’t be until at least the bill’s connectivity plan is adopted and the Department has complied with the bill’s requirement to identify and prioritize a wildlife connectivity project list. Whether a project flows from either the Department’s main funding programs, State Highway Operation and Protection Program (SHOPP) or State Transportation Improvement Program (STIP), the extra cost to comply with proposed SHC 158.1. This will come at the expense of the limited state transportation system revenue base as augmented by SB 1 (Beall- 2017). This will undoubtedly reduce the amount of program funds available for major repairs, safety improvements or routine maintenance activity. Therefore, we respectfully request the removal of the following sentence contained in proposed SHC 158.1 ***New projects or improvements to existing infrastructure or projects shall be constructed so that they do not present a barrier to fish and wildlife movement.***”

The Riverside County Transportation Commission writes in opposition of the bill due to concerns with the last provision of the bill. They also suggest the language be amended to read “ For any project using state or federal transportation funds programmed after January 1, 2024, the department shall ensure that, if the project is located in an area identified as a connectivity area or a natural landscape area in the wildlife connectivity action plan pursuant to Section 1961 of the Fish and Game Code ***and not in an area covered by a Natural Community Conservation Plan pursuant to Section 2800 of the Fish and Game Code or a habitat conservation plan***, an assessment of potential barriers to wildlife movement is done before commencing project planning and again during project design.”

- 7) *Costs.* While the cost of a wildlife crossings can be significant, and range from \$1.5 million to \$150 million within the state, California spends approximately \$30 billion annually on transportation projects. Recent state and federal allocations for wildlife crossings can aid in incorporating wildlife crossings more regularly as part of the state’s transportation infrastructure. As part of the 2021 Budget, Governor Newsom allocated \$61 million to build wildlife crossings across the state. President Biden’s Infrastructure Investment and Jobs Act (IIJA) includes \$350 million nationwide over five years for a wildlife

crossing pilot program, and adds wildlife crossings as eligible for funding under the Nationally Significant Freight and Highway (NSFH) program.

Likewise, Proposition 68 provided funding to the Wildlife Conservation Board (WCB) for grants related to wildlife corridors, among other things. The list of priority wildlife crossing barriers to address developed in 2020 supports the WCB program. Twelve wildlife crossing grants were approved by the WCB in 2021 and there is a solicitation that is currently open (also under Proposition 68). The WCB's existing program means that some progress and funding for wildlife connectivity is already under way.

RELATED LEGISLATION:

SB 790 (Stern, Chapter 738, Statutes of 2021) — This bill authorized the DFW to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration, such as adding an overpass or underpass for a roadway, as provided.

AB 1189 (Bloom, 2022) — This bill would have prohibited Caltrans from charging administration indirect cost recovery for any wildlife crossing project that receives private funding for more than 50% of the project cost, as provided. *The bill was never set for hearing in the Assembly Transportation Committee.*

SB 1372 (Monning, 2022) — This bill would have instituted structural reforms at the DFW and Caltrans to facilitate wildlife corridors, among other things. *The bill was not moved by the author due to the COVID-19 pandemic.*

SB 395 (Archuleta, Chapter 869, Statutes of 2019) — This bill authorizes the Fish and Game Commission, upon appropriation, to establish a pilot wildlife salvage permit program authorizing the roadkill of certain game species to be taken for human consumption, and, upon appropriation, authorizes the DFW to take certain actions to support the salvage pilot program.

SB 1 (Beall, Chapter 5, Statutes of 2017) — This bill increased several taxes and fees to raise roughly \$5.2 billion in new transportation revenues annually, and establishes the AMP.

SB 857 (Kuehl, Chapter 589, Statutes of 2005)— This bill required Caltrans to prepare an annual report to the Legislature describing the status of Caltrans' progress in locating, assessing, and remediating barriers to fish passage, as defined. SB 857 requires Caltrans to also complete assessments of potential barriers to

anadromous fish prior to commencing any project using state or federal transportation funds.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Abundant Housing LA
Amah Mutsun Land Trust
Animal Legal Defense Fund
Animazonia Wildlife Foundation
Arroyos & Foothills Conservancy
Audubon California
Born Free USA
Brentwood Alliance of Canyons & Hillside
Cal-ore Wetlands and Waterfowl Council
California Academy of Sciences
California Bowmen Hunters/state Archery Association
California Chaparral Institute
California Chapter Wild Sheep Foundation
California Council for Wildlife Rehabilitators
California Deer Association
California Environmental Voters (formerly Clcv)
California Houndsmen for Conservation
California Institute for Biodiversity
California Native Plant Society
California North Coast Chapter of The Wildlife Society
California Rifle and Pistol Association, INC.
California State Parks Foundation
California Waterfowl Association
California Wilderness Coalition
California Wildlife Center
California Wildlife Foundation
California Yimby
Center for Biological Diversity
Channel Islands Restoration
Chileno Valley Newt Brigade
Citizens for Los Angeles Wildlife (CLAW)
City of Thousand Oaks

Coastal Ranches Conservancy
Conservation Society of California, Oakland Zoo
Defenders of Wildlife
East Bay Zoological Society
Eastwood Ranch Foundation
Ecologistics
Endangered Habitats League
Environmental Protection Information Center
Felidae Conservation Fund
Forest Unlimited
Friends of Ballona Wetlands
Friends of Griffith Park
Friends of Harbors, Beaches and Parks
Friends of Plumas Wilderness
Friends of The Inyo
Green Foothills
Greenbelt Alliance
Hills for Everyone
Hillside Federation
Housing Action Coalition
Humane Society of The United States; the
In Defense of Animals
Klamath Forest Alliance
Klamath Siskiyou Connectivity Project
LA Waterkeeper
Las Virgenes Homeowners Federation, INC.
Laurel Canyon Association
Laurel Canyon Land Trust
Lisc San Diego
Live Oak Associated, Inc,
Live Oak Associates, INC.
Living Systems
Los Angeles Waterkeeper
Los Padres Forest Watch
Los Padres Forestwatch
Midpeninsula Regional Open Space District
Mojave Desert Land Trust
Mount Shasta Bioregional Ecology Center
Mountain Lion Foundation
Natural Resources Defense Council (NRDC)
New Way Homes
North Bay Bear Collaborative

Ojai Valley Green Coalition
Pacific Forest Trust
Patagonia INC.
Peninsula Open Space Trust
People for The Ethical Treatment of Animals (PETA)
Pew Charitable Trusts; the
Planning and Conservation League
Poison Free Agoura
Poison Free Malibu
Predator Defense
Preserve Wild Santee
Project Coyote
Protect San Benito County
Raptors are The Solution
Ronald & Donna Thompson
San Bernardino Valley Audubon Society
San Diego County Wildlife Federation
San Diego Humane Society and Spca
Santa Barbara Audubon Society
Santa Clara Valley Audubon Society
Santa Clara Valley Habitat Agency
Santa Clara Valley Open Space Authority
Santa Susana Mountain Park Association
Save Open Space & Agricultural Resources
Sequoia Riverlands Trust
Shasta Trinity Wildlife Group
Sierra Business Council
Sierra Club California
So Cal 350 Climate Action
Socal 350 Climate Action
Social Compassion in Legislation
Sonoma County Agricultural Preservation and Open Space Authority
Sonoma County Agricultural Preservation and Open Space District
Sonoma Land Trust
Temescal Canyon Association
The Big Wild
The Cougar Fund
The Human Society of The United States
The River Otter Ecology Project
The Wildlands Conservancy
True Wild LLC
Trust for Public Land

Unchainedtv
Urban Wildlife Research Project
Ventana Wilderness Alliance
Ventura Citizens for Hillside Preservation
Ventura Land Trust
Volcan Mountain Foundation
Voters for Animal Rights
Western Sonoma County Rural Alliance
Western Watersheds Project
Wildfutures
Wildlands Network
Wildlife Emergency Services
Women United for Animal Welfare

OPPOSITION:

Riverside County Transportation Commission (RCTC)
Transportation California

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2746	Hearing Date:	6/28/2022
Author:	Friedman		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Driving privilege: suspension

DIGEST: This bill, beginning January 1, 2027, lowers the penalties for driving without a license and removes the ability for a court to suspend a person's driver's license for failure to appear.

ANALYSIS:

Existing law:

- 1) Requires a driver's license to drive on public roads.
- 2) Makes it a misdemeanor or an infraction to drive without a driver's license (DL).
- 3) Makes it an infraction for a driver to fail to provide a DL to a peace officer when stopped while driving.
- 4) Requires law enforcement to issue a correction violation for failing to have a DL if charged with an infraction.
- 5) Makes it a crime to willfully fail to appear in court. If the underlying offense was a misdemeanor or an infraction, the failure to appear is a misdemeanor with a six month jail sentence and a potential \$300 civil assessment fine.

This bill:

- 1) Provides that the first and second offense for driving without a license shall be an infraction with a \$100 fine unless the person has prior, safety-related suspensions or revocations on their license.
- 2) Provides that the Department of Motor Vehicles (DMV) shall not suspend a driver's license for a person failing to appear. Maintains suspensions issued prior to January 1, 2027.

- 3) Repeals the requirement for courts to notify DMV of a violation of a written promise to appear or a lawfully granted continuance of their promise to appear in court.
- 4) Takes effect on January 1, 2027.

COMMENTS:

- 1) *Purpose.* “California law currently allows driving without possession of a license to be punished as a misdemeanor, even though it is a technical violation and not connected to unsafe driving. Meanwhile, driving-related offenses that carry risk of serious harm to others— such as speeding or unsafe lane changes — can be punished only as infractions. This distinction is significant: People convicted of misdemeanors can face jail time and significant fines, while infractions carry only fines and are not criminal convictions. These more serious sanctions are not only disproportionate with the severity of the offense but also fall disproportionately on low-income people.”
- 2) *Background.* California law defines a misdemeanor as a crime for which the maximum sentence is no more than one year in jail and can carry a fine of up to \$1,000. In contrast, an infraction is considered a lesser violation of the law wherein courts cannot impose jail time for an infraction but can impose a fine of up to \$250. California also permits some crimes to be charged as a misdemeanor or a felony, or a misdemeanor or an infraction, these crimes are commonly known as “wobblers.”

Under existing law, it is a misdemeanor or an infraction to drive without a license. If the crime is charged as an infraction, the offense carries a \$400 ticket. However, law enforcement officers are required to offer a correction violation to individuals if they are charged with an infraction for driving without a license, unless the driver refused to correct the violation. Under a correction violation, an individual can pay \$25 and show proof that they have a valid DL.

This bill specifies that the first two offenses for driving without a license may be charged as an infraction (only) unless the defendant has had a prior lapsed suspension for safety related reasons, including reckless driving, driving under the influence, or vehicular manslaughter. Because this bill allows the first two offenses to be charged as an infraction, the drivers will be eligible for a fix-it ticket of \$25, far less than the \$400 penalty they may face if they fail to get a driver's license after the offense.

- 3) *Recommendation of the Committee on Revision of the Penal Code.* In it 2020, the Committee on Revision of the Penal Code released its annual report, which included a recommendation to eliminate incarceration and reduce fines for certain traffic offenses, including failure to appear.¹ A person can be convicted of a misdemeanor and incarcerated for driving without a license or driving with a license suspended for failure to pay a fine or appear in court. The Committee noted that these offenses are primarily financial in nature, not connected to unsafe driving. These violations can also result in other consequences, including serving as the basis for arrest or vehicle impounding. The Committee recommended reducing the punishment for the offenses of driving without a license and driving with a license suspended for failure to pay a fine or appear in court from a misdemeanor to an infraction. The Committee also recommended reducing the fines and fees for the offenses as well as eliminating the DMV “points” associated with the offenses.

The report shows that the vast majority of all criminal filings in California are traffic cases — more than 81% or 3.6 million filings a year. Annually, almost 260,000 traffic offenses are charged as misdemeanors and the people arrested and jailed for these offenses are disproportionately people of color. Additional data confirms that license suspensions for failure to appear are correlated with high poverty rates and race, with the highest rates of suspensions in poorer neighborhoods with a high percentage of Black and Latinx residents.

According to data provided to the Committee from the DMV, approximately 600,000 people currently have their licenses suspended solely for failure to appear in court. Further, the number of prosecutions for driving without a license and driving on a suspended license is also large. In Los Angeles County, between 2010 and 2019, there were more than 180,000 charges for driving without a license and more than 92,000 charges filed for driving on a license suspended for failure to appear or pay a fine.

AB 2746 would lower the penalties for driving without a license and remove the ability to suspend a person’s driver’s license for failure to appear in court. Lowering the penalty for these offenses is consistent with other actions taken by the Legislature in recent years. Specifically, the Legislature has repealed the ability to suspend licenses for reasons unrelated to unsafe driving, including unpaid traffic fines, high school truancy, vandalism, and controlled substance or alcohol use unrelated to driving.

¹ http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2020.pdf

4) *Support.* Writing in support of the bill, the California Public Defenders Association (CPDA) contends “the charging and jailing people with license offenses that are unrelated to safe driving, while imposing only fines on many unsafe drivers is unjust. It is a modern-day version of debtors’ prison to jail individuals for being financially unable to pay fines. In representing indigent criminal defendants, public defenders are particularly attuned to the inequitable and disproportionate burdens imposed on their clients by the criminal justice system solely based on their poverty. The poor will never experience the advantages that their wealthier brethren enjoy in the halls of justice, but there is no just cause for them to be treated less favorably due to financial constraints beyond their control. AB 2746 will take a much-needed step toward righting that inequity.”

RELATED LEGISLATION:

SB 485 (Beall, Chapter 505, Statutes of 2019) — this bill repealed various DL suspensions for reasons unrelated to unsafe driving, including vandalism, controlled substance or alcohol use, firearm use, soliciting or engaging in prostitution.

AB 2685 (Lackey, Chapter 717, Statutes of 2018) — this bill eliminated license suspensions for minors who are found to be habitually truant.

AB 103 (Committee on Budget, Chapter 17, Statutes of 2017) — this bill removed the DL suspension for failure to pay a traffic fine.

AB 907 (Santiago, 2021) — this bill would have made it a \$100 fine with penalty assessments waived for driving without a license and would have eliminated driver’s license suspensions for failure to appear if it stemmed from an infraction offense or from a misdemeanor failure to appear charge. *This bill was held on suspense in Assembly Appropriations Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California for Safety and Justice
California Public Defenders Association
Community Legal Services in East Palo Alto

Ella Baker Center for Human Rights
Initiate Justice
Lawyers' Committee for Civil Rights - San Francisco
Legal Services of Northern California
Prosecutors Alliance California
Rubicon Programs
Starting Over, INC.
The Young Women's Freedom Center
Tides Advocacy
Western Center on Law & Poverty

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 1983	Hearing Date:	6/28/22
Author:	Fong		
Version:	4/18/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Melissa White		

SUBJECT: Department of General Services: best value procurement: vehicles and equipment

DIGEST: This bill reinstates the Best Value Procurement (BVP) for the purchase of heavy fleet vehicles and special equipment for the Department of Transportation (Caltrans) by the Department of General Services (DGS), as specified.

ANALYSIS:

Existing law:

- 1) Generally requires public contracts to be awarded by competitive bidding pursuant to procedures set forth, as specified.
- 2) Requires DGS to adopt, publish, and apply uniform standards on rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid.

This bill:

- 1) Authorizes DGS to purchase and equip heavy mobile fleet vehicles and special equipment for use by Caltrans by means of best value procurement, using specifications and criteria developed in consultation with Caltrans.
- 2) Defines “best value procurement” to mean a contract award determined by objective criteria related to price, features, functions, and life-cycle costs that may include the following:
 - a) Total cost of ownership, including warranty, under which all repair costs are borne solely by the warranty provider, repair costs, maintenance costs, fuel consumption, and salvage value.

- b) Product performance, productivity, and safety standards.
 - c) The supplier's ability to perform to the contract requirements.
 - d) Environmental benefits, including reduction of greenhouse gas (GHG) emissions, reduction of air pollutant emissions, or reduction of toxic or hazardous materials.
- 3) Requires the solicitation document to specify, in addition to disclosure of the minimum requirements for qualification, what business performance measures in addition to price shall be given a weighted value, as specified, and requires DGS to use a scoring method based on those factors and price in determining the successful bid.
- 4) Requires any evaluation and scoring method to ensure substantial weight is given to the contract price, the solicitation document to provide for submission of sealed price information, and evaluation of all criteria other than price to be completed before the opening of price information.
- 5) Requires, upon written request of any bidder who has submitted a bid, notice of the proposed award to be posted in a public place in the offices of DGS at least 24 hours before awarding the contract or purchase order, prohibits DGS from making an award if any bidder who has submitted a bid files a protest, as specified, and requires a protesting bidder to file a full and complete statement to DGS within 10 days of filing a protest, as specified.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, "billions of taxpayers' dollars are spent each year on equipment and services, and the lowest bidder should be selected where it makes sense. In some cases, however, the bid is not always the best value for the money spent. The former law was repealed on January 1, 2022. To save taxpayer monies, this law must be reinstated. This bill would allow DGS and Caltrans to consider multiple factors, in addition to price, when purchasing heavy and special equipment to achieve cost savings to the state and environmental benefits, including reduction of greenhouse gas emissions and reduction of air pollutant emissions. In their report to the Legislature, DGS and Caltrans reported the Best Value Procurement (BVP) pilot program was an overall success and recommended that permanent BVP authority be granted to DGS and Caltrans."

- 2) *State Procurement.* The majority of public sector contracts in California are awarded on a low-bid basis where the contractor submitting the lowest bid that meets specified criteria is awarded the contract. While the low-bid procurement system has promoted open competition, there are concerns that a system based strictly on the lowest price does not provide the best overall product value and can result in higher costs over the long-term. In California, DGS sets state procurement policies and provides purchasing services for all state departments. However, in certain circumstances DGS delegates purchasing authority to individual state departments, such as Caltrans for the procurement of heavy mobile fleet vehicles and special equipment.
- 3) *DGS and Caltrans team up for better outcomes.* AB 1857 (Frazier, Chapter 381, Statutes of 2014), created the BVP pilot program, authorizing DGS to test the effectiveness of the “best value procurement” method when purchasing heavy fleet vehicles and special equipment for Caltrans. The bill also required DGS to evaluate the BVP program and recommend whether the process should be continued on June 1, 2020. Subsequent legislation extended the sunset date to January 1, 2022, and increased the BVP cap from \$20 million to \$50 million per fiscal year.

DGS and Caltrans created a team to collaborate on various aspects of the procurement process. For each procurement, Caltrans was responsible for selecting the equipment type and specifications for purchase and defining a “performance and productivity” criteria for point allocation. DGS was responsible for specification review to ensure competition; drafting the solicitation package; and conducting the solicitation, including any protested awards.

In their report on the BVP program, DGS and Caltrans stated the benefits of BVP, including that the program allowed participation from bidders who would normally be priced out of competition and the ability to use BVP to ensure purchased equipment would meet environmental requirements. DGS and Caltrans also noted lessons learned from the BVP program, including the need to streamline the Request for Proposal (RFP) solicitation package for bidders, and determining the appropriate scoring criteria and timeframes for solicitations. The report also noted that while legislation set the purchasing limit at \$50 million, the BVP threshold should instead be based on Caltrans’ delegated budget authority of purchasing equipment.

In conclusion, DGS and Caltrans stated, “the BVP project was an overall success. Twenty-nine of the 30 projects were awarded to bidders who offered performance and productivity upgrades. DGS and Caltrans were also able to determine what factors worked well and what factors need to be improved upon

to encourage more participation. By implementing what we’ve learned, we hope to accomplish even greater success in the future.”

- 4) *AB 1983 and the budget.* The BVP pilot program sunset on January 1, 2022. AB 1983 would reinstate the BVP program on a permanent basis and remove the purchasing cap of \$50 million a year. Separately, the Newsom Administration submitted budget trailer bill language (TBL) as part of the May Revision that is identical to AB 1983. It is unclear whether that TBL will be incorporated into the final 2022-2033 state budget.
- 5) *Double Referral.* AB 1983 was approved by the Senate Governmental Organization Committee on June 14, 2022 by a vote of 14-0.

RELATED/PREVIOUS LEGISLATION:

AB 1810 (Committee on Transportation, Chapter 636, Statutes of 2019) – Extended the BVP authorization until January 1, 2022; increased the cap on the total value of the vehicles and equipment purchased through this BVP authorization to \$50 million; and, clarified that this limit applied to the fiscal year.

AB 1857 (Frazier, Chapter 381, Statutes of 2014) – Created the BVP pilot program, authorizing DGS to test the effectiveness of the “best value procurement” method when purchasing heavy fleet vehicles and special equipment for Caltrans. The BVP pilot sunset on January 1, 2021 and limited purchases to \$20 million annually.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

According to the Assembly Appropriations Committee, “DGS estimates ongoing costs of \$707,000 (GF) annually, to support four staff positions to cover the responsibilities of the program.”

SUPPORT:

California Manufacturers & Technology Association
 California Taxpayers Association
 California-Nevada Conference of Operating Engineers
 Caterpillar Inc.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2125	Hearing Date:	6/28/2022
Author:	Fong		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Driver's licenses: motorcycle licensing pilot program

DIGEST: This bill requires the Department of Motor Vehicles (DMV) to establish a two-year pilot program to evaluate the use of Motorcycle Safety Program Service Providers to administer the driving exam to obtain a motorcycle and motor-driven cycles (M1) license.

ANALYSIS:

Existing law:

- 1) Requires a class M1 license in order to operate a motorcycle.
- 2) Authorizes DMV to accept a certificate of satisfactory completion of a motorcyclist training program approved by the California Highway Patrol (CHP) in lieu of a driving test for applicants applying for a M1 license.
- 3) Authorizes CHP to adopt standards for a novice motorcycle rider training course and a premier motorcyclist training program, as specified.
- 4) Requires a person under 21 years of age to show proof of completion of a Motorcyclist Safety Program administered by CHP before receiving a motorcycle license.

This bill:

- 1) Require the DMV to establish a pilot program in order to evaluate use of motorcycle safety program service providers and grant recipients to administer the driving demonstration portion of an exam to receive a license to drive a motorcycle.

- 2) Requires a minimum of 25% of motorcycle safety program service providers and grant recipient sites to participate in the program.
- 3) Requires the DMV, if it determined that participating-instructors were passing applicants without administering the examination, to revoke the instructors' participation in the pilot program, among other consequences.
- 4) Requires the provisions of the bill be repealed on January 1, 2025.
- 5) Requires the DMV, in conjunction with the Department of the California Highway Patrol, to report specified information to the Legislature, including the number of participants, a comparison of the pass and failure rates, and a recommendation as to whether the program should be extended, among other things.
- 6) Requires these provisions would be repealed on January 1, 2028.

COMMENTS:

- 1) *Purpose.* According to the author, “road safety is critical to keep our communities safe. AB 2125 will provide an alternative pathway for motorcyclists to get their license to drive safely and legally. Fatalities and accidents have continued to decrease every year as motorcyclist safety program courses provide quality training and allow for faster licensure. This bill will keep riders, drivers, and pedestrians safe.”
- 2) *Background.* Existing law defines class M1 vehicles as two-wheeled motorcycles and motor-driven cycles. The testing requirements for obtaining an M1 license in California depend on the applicant's age. However, all applicants must complete written and visual tests but may take either a DMV issued skills test or utilize the CHP-approved Motorcycle Training Course (MTC). Applicants under 21 are required to take a MTC, which provides both classroom and hands-on motorcycle training. Currently the MTC is a 15 hour course split into 10 hours of riding and 5 hours of in-class instruction, as well as an extended MTC called the Premier Program, which features an additional 3.5 hours of riding and 2.5 hours of in-class instruction. The CHP Commissioner is responsible for administrating the MTC and currently it is contracted out through a primary contractor.

Upon completion of the training, the applicant receives a Certificate of Completion of Motorcycle Training (DL 389 waiver) which can then be used to

waive the DMV motorcycle skills test. Applicants 21 and older are not required to take the MTC and can complete the DMV motorcycle skills test instead, in addition to the written test. The skills test demonstrates handling ability, requiring the rider to weave through cones, ride in a circle, ride slowly, ride in a tracked path, and shift gears. If the applicant does not already have a driver's license, they must also complete an observation road test. For applicants over 21, the standard price for the MTC course is \$350 and for applicants under 21, the cost is \$295.

AB 2125 would authorize DMV to conduct a pilot program authorizing Motorcycle Safety Program Service Providers (MSPSP) to offer the driving examination for an M1 license, allowing those seeking a M1 license to bypass taking the safety examination course if they want to avoid going to DMV to take the driver's test.

- 3) *Motorcycle-Involved Crash Data.* In California as of 2020, there are 785,424 registered motorcycles. According to the CHP, via the California's Statewide Integrated Traffic Records System (SWITRS), statewide motorcycle involved crashes remain relatively constant, with a slight dip in the last two years data was available. In 2021, there were 14,049 crashes and 567 fatalities. In 2020, there were 13,016 crashes and 567 fatalities. In 2019, there were 15,874 crashes and 480 fatalities. In 2018, there were 17,316 crashes and 514 fatalities. In 2017, there were 17,422 crashes and 566 fatalities. The CHP notes that the 2021 data is still considered preliminary due to the normal 12-18 month delay of data being delivered to SWITRS from local agencies.

The CHP has provided the committee with motorcycle-involved crash data reflecting only CHP reported crashes, not obtained via SWITRS. According to the CHP's data, in 2021 there were 7,035 crashes and 1,853 individuals were unlicensed. In 2020, there were 6,436 crashes and 1,607 were unlicensed riders. In 2019, there were 8,416 crashes and 1,433 were unlicensed. In 2018, there were 9,282 crashes and 1,541 were unlicensed. In 2017, there were 9,655 crashes with 1,569 individuals being unlicensed.

- 4) *Need for the bill?* The author contends that the current issue "is that third party providers can only administer the training course through the current service providers and DMV wait times have increased over the COVID-19 pandemic, with some prospective licensees waiting two to three months. Some motorcyclists have instead opted to ride without a license or have to continue to extend their permit." The author argues that many of the motorcycle crashes involve unlicensed riders and the reason they are unlicensed is due to their

inability to schedule a DMV test. Essentially, the argument is that the DMV wait times are too long, thus there is a need for third party providers to provide MTC courses. The author similarly contends that the use of these service providers will allow individuals to take the MTC on weekends and after business hours further providing more flexibility in scheduling. Hence, AB 2125 permits DMV to conduct a two-year pilot program authorizing service providers to offer the driving examination for an M1 license, allowing those seeking a M1 license to bypass taking the safety examination course if they want to avoid going to DMV to take the driver's test.

However, booking an appointment with DMV for this examination is not difficult. Both the Senate Transportation Committee and the Assembly Transportation Committee were successfully able to book appointments at several DMV offices across the state to take the driving test for an M1 license within two days generally within a couple miles of residence. It is likely that inability of applicants to book appointments was during the height of the COVID-19 closures when the state had shut down for anything aside from essential work.

Likewise, the CHP data does not support the argument that many of the crashes involve unlicensed riders. However, there is merit to the argument that having more MSPSPs, translates to easier pathways in becoming licensed.

- 5) *Committee Concerns.* AB 2125 requires the DMV to report to the Legislature after the first year of the program and include recommendations on whether the program should continue. The DMV may conduct oversight and inspect all participating testing sites to ensure participating instructors are not passing applicants on the examination without administering the examination. The DMV can revoke a pilot participant from both the pilot program and as a service provider participant if they are found to be passing individuals without administering the examination. However, in order for the DMV to do all of this it would require the DMV to create a regulatory package that provides the scope of the oversight. AB 2125 does not include any funding allocation to the DMV for this regulatory package and existing staff will need to be taken away from their current post to implement the provisions of AB 2125. Implementation of AB 2125 would be both time and labor intensive for the DMV.

RELATED LEGISLATION:

AB 1027 (Acosta, Chapter 204, Statutes of 2017) — This bill authorized DMV to accept a certificate of completion of an approved motorcyclist training program

of any difficulty in lieu of a driving test and specifies that persons under 21 must complete a novice program.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Abate of California, INC.
American Motorcyclist Association
Bay Area Riders Forum
Cnda-california Motorcycle Dealers Association
Liberty Mutual Insurance
Personal Insurance Federation of California

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2039	Hearing Date:	6/28/2022
Author:	Luz Rivas		
Version:	6/20/2022 Amended		
Urgency:	No	Fiscal:	No
Consultant:	Melissa White		

SUBJECT: Los Angeles County Metropolitan Transportation Authority: job order contracting: pilot program

DIGEST: This bill authorizes the Los Angeles County Metropolitan Transportation Authority (LA Metro) to enter into job order contracts (JOCs).

ANALYSIS:

Existing law:

- 1) Requires, pursuant to the Local Agency Public Construction Act (LAPC Act), local officials to invite bids for construction projects and then award contracts to the lowest responsible bidder under the traditional design-bid-build project delivery system.
- 2) Authorizes certain state and local agencies to enter into JOCs, including counties, school districts, community college districts, the California State University, and the Department of Transportation through the Clean California State Beautification Program of 2021, as specified

This bill:

- 1) Authorizes LA Metro to use the procurement method outlined in this bill for JOCs.
- 2) Prohibits LA Metro from contracting for work that is protected by applicable collective bargaining agreements. Requires all JOCs to comply with all LA Metro collective bargaining agreements.
- 3) Requires JOCs of LA Metro to be competitively bid and awarded to bidders providing qualified responsive bids.

- 4) Requires JOCs to be for construction that is repetitive, for repair, or for renovation or modification, to be done according to unit prices.
- 5) Prohibits JOC annual contracts from being awarded for new construction.
- 6) Requires JOCs to be subject to the project labor agreement (PLA) between LA Metro and the Los Angeles/Orange Counties Building and Construction Trades Council or an amendment or extension of that agreement if the amount of the job order contract exceeds the threshold amount to which that PLA is applicable.
- 7) Requires solicitations for JOCs to progress as follows:
 - a) LA Metro shall prepare a set of solicitation documents for JOCs. The documents shall include a unit price catalog or other established unit prices, JOC terms, JOC technical specifications, and any other information LA Metro deems necessary to adequately describe LA Metro's needs.
 - b) An architect, engineer, consultant, or contractor retained by LA Metro to assist in the development of the JOC solicitation documents shall not be eligible to bid or to participate in the preparation of a JOC bid.
 - c) LA Metro may award multiple JOCs in response to a single JOC solicitation.
- 8) Requires LA Metro to develop a system for evaluating JOC bids for award of JOCs.
- 9) Requires the award of a JOC to progress as follows:
 - a) LA Metro shall prepare a request for bids for specific job orders based on the solicitation documents prepared under the solicitation process that invites job order contractors to submit sealed bids in the manner prescribed by LA Metro.
 - b) Each bidding job order contractor shall include in its bid one or more adjustment factors to the established unit prices provided in the request for bids based on the contract technical specifications.
 - c) The job order contractor's bids for job orders shall identify any subcontractors to be used for the performance of the JOC.

- d) The award of the JOC, if any, shall be made to a job order contractor or to job order contractors that LA Metro determines to be qualified and responsive based upon pre-established criteria to be determined by LA Metro. However, LA Metro, by a process determined by LA Metro, may award any job order for repair or renovation work with a value equal to or less than \$250,000 to a job order contractor that is also a certified small business enterprise (SBE), as established by LA Metro's SBE certification process or any similar certification process acceptable to LA Metro, or to a job order contractor that is also a disabled veterans business enterprise (DVBE), as certified by the Department of General Services (DGS).
- e) The job order contractors shall comply with LA Metro's PLA, as applicable.
- 10) Provides that the maximum total dollar amount that may be awarded under a single JOC shall not exceed \$5 million dollars in the initial contract term of the JOC. No single job order may exceed \$1 million.
- 11) Provides that JOCs may be executed for a contract term of no more than 12 months and may be extended or renewed for two subsequent annual terms and a maximum of \$10 million over the subsequent two terms of the contract.
- 12) Prohibits work from being split or separated into smaller job orders for the purpose of evading the cost limitation provisions of this bill.
- 13) Authorizes LA Metro to adjust the amounts in the bill to the California CPI.
- 14) Provides that all work bid under JOCs shall comply with the Subletting and Subcontracting Fair Practices Act and is subject to all of the penalties and provisions set forth in that Act.
- 15) Requires, if a job order contractor chooses to use a subcontractor, the job order contractor to verify that the subcontractor possesses and maintains the appropriate licenses and credentials required.
- 16) Provides that, if LA Metro, after conducting an administrative due process review, determines that there has been a violation of the Subletting and Subcontracting Fair Practices Act, including, but not limited to, bid shopping by the job order contractor, LA Metro may terminate the job order, declare the contractor ineligible for future job orders for a period of time to be determined by LA Metro, or withdraw authorization for the contractor to proceed with awarded work.

- 17) Requires a JOC to set forth in the general conditions of the JOC the party or parties responsible for seeing that existing law governing prevailing wages on public works projects, Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code, is complied with.
- 18) Requires, for purposes of job order contracting, prevailing wages to apply to all work ordered under the JOC regardless of thresholds set forth in Section 1771.5 of the Labor Code.
- 19) Requires the job order contractor to pay the prevailing wage in effect at the time the job order is issued by LA Metro and all increases as published by the Department of Industrial Relations (DIR) for the term of the JOC, including all overtime, holiday, and shift provisions published by the DIR.
- 20) Requires LA Metro to designate one individual to act as a monitor to inspect job sites for labor compliance violations at the request of the designated labor representative in its PLA.
- 21) Requires, in order to prevent fraud, waste, and abuse, LA Metro to prepare for each individual job order developed under a JOC an independent cost estimate. The estimate shall be prepared prior to the receipt of any job order contractor's bid for the work and shall be compared to the job order contractor's bid price to determine the reasonableness of that price before issuance of any job order. If LA Metro finds the job order contractor's bid to perform work for a given job order to be unreasonable, not cost effective, or undesirable, LA Metro may elect not to issue the job order to the job order contractor, and may, instead, utilize any other available procurement procedures or choose not to move forward with the work.
- 22) Requires LA Metro to submit to the appropriate policy and fiscal committees of the Legislature, on or before January 1, 2027, a report on the use of job order contracting under this bill. The report shall include, but shall not be limited to, all of the following information:
 - a) A description of LA Metro's system for evaluating JOC bids for award of JOCs, including, but not limited to, the criteria used by LA Metro to determine a qualified and responsive job order contractor.
 - b) A description of each JOC awarded and the contractor awarded the contract.
 - c) An assessment of the use of job order contracting under this bill.

- 23) Provides a sunset date of January 1, 2028.
- 24) Contains a number of findings and declarations supporting its purposes.
- 25) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need for a pilot program to determine the potential benefits of job order contracting to a large transportation agency without setting policy for smaller local agencies.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “As Los Angeles County Metropolitan Transportation Authority (LA Metro) continues to deliver critical transportation infrastructure projects, AB 2039 would help them deliver smaller construction projects by streamlining their procurement process, similar to authorities that exist at other agencies. Job order contracting (JOC) will allow LA Metro to more rapidly and efficiently deliver these construction projects. This measure will also allow LA Metro to better address local community contracting concerns such as providing contracting opportunities for small and emerging contractors in a geographic area to execute work providing contracting opportunities for small and emerging contractors to become JOC contractors.”
- 2) *Who is LA Metro?* LA Metro is a county transportation commission created to fund, plan for, coordinate, build, and operate public transportation systems within Los Angeles County. LA Metro also serves as the regional transportation planning agency for the county, and administers local sales taxes levied to fund transportation projects within the county.
- 3) *What is Job order contracting?* A JOC is a competitively bid, fixed price, indefinite quantity contract for the performance of minor construction, as well as the renovation, alteration, painting, and repair of existing public facilities. A JOC is generally a multi-year contract that includes a base year and multiple "option years," and is awarded before the awarding agency has identified specific work that it needs the contractor to perform. A typical JOC involves a variety of tasks such as roofing, electrical work, plumbing, and painting that are required for all of a public agency's buildings for a period of years.

A JOC is a fixed price agreement in that it is based upon specified charges contained in a Unit Price Book (UPB), which is prepared by the public agency or by independent commercial sources. The UPB sets forth detailed repair and

construction tasks, including task descriptions, specifications, units of measurement, and unit prices for each task. Unit price refers to the amount paid for a single unit of an item of work. A contractor's bid is expressed in terms of a percentage of the specified UPB charges. The UPB is then used to determine the costs of each proposed project during the term of the contract. As an example, if a procuring agency's per unit catalog price for an HVAC installation is \$1,000, and a contractor submits a bid to do that work with an adjustment factor of 1.13, the contractor is agreeing to install the HVAC for \$1,130.

The total JOC value may be specified as a range with a certain guaranteed minimum. The award of annual contracts on a unit price basis enables what would otherwise be multiple separately-bid projects to be combined into one bid. This contracting method is intended to reduce costs and accelerate completion of smaller projects. It is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during construction. JOCs are typically used for well-defined, recurring or repetitive work where quick execution is essential, not for single larger projects.

- 4) *Job order contracting in California.* The Legislature has authorized multiple agencies to use job order contracting, some state and some local, including counties, school districts, community college districts, and the California State University system. California counties have enjoyed the authority to use job order contracting since 1983. Counties may award annual JOCs of up to \$3 million, adjusted annually to reflect the California CPI, to the lowest responsible bidder or using best value (for specified counties).

Last year, as part of the budget 2021-2022 state budget, the Legislature authorized Caltrans to use JOC, but the authority is limited to the new Clean California Beautification Program. The Administration recently submitted a trailer bill proposal, as part of the Governor's May Revision, to expand JOC for all Caltrans work.

- 5) *LA Metro wants to join the club.* AB 2039 authorizes LA Metro to develop a process for and use JOCs. Specifically the bill, authorizes LA Metro to enter into JOCs on a competitive basis for construction that is repetitive, for repair, or for renovation or modification. The maximum total dollar amount that may be awarded under a single JOC shall not exceed \$5 million dollars in the initial contract term, and no single job order may exceed \$1 million. JOCs may be executed for a contract term of no more than 12 months and may be extended or renewed for two subsequent annual terms and a maximum of \$10 million over the subsequent two terms of the contract.

The bill also prohibits LA Metro from contracting for work that is protected by applicable collective bargaining agreements, requires all JOCs to comply with all LA Metro collective bargaining agreements, and requires job order contractors to comply with LA Metro's PLA.

Additionally, the bill provides for specified subcontracting practices, the payment of prevailing wages, and labor compliance consistent with existing law, as specified. The bill also outlines the process for LA Metro to follow in soliciting and awarding JOCs, including the ability to award job orders of \$250,000 or less to SBE or DVBE contractors.

Finally, the bill requires LA Metro to submit to the appropriate policy and fiscal committees of the Legislature, on or before January 1, 2027, a report on its use of job order contracting, as specified; and provides a sunset date of January 1, 2028.

According to LA Metro, the sponsor of the bill, "Metro is working aggressively to deliver transit infrastructure projects to help Los Angeles County meet the transportation needs of Los Angeles County's 10 million residents.

"AB 2039 would help us deliver these projects by streamlining our procurement process, similar to authorities that exist at other agencies. Job order contracting allows for a more efficient procurement process and will enable Metro to rapidly and efficiently address smaller construction projects as our properties."

RELATED/PREVIOUS LEGISLATION:

AB 2763 (Kalra, 2022) -- Authorizes the Santa Clara Valley Transportation Authority (VTA) to enter into job order contracts (JOCs). *This bill will be heard in this committee on June 28, 2022.*

AB 2271 (Gipson, 2022) -- Expands the LA Metro's ability to facilitate bid preferences to small business enterprises (SBEs), local small business enterprise (LSBEs), and medium business enterprises (MBEs). *This bill will be heard in this committee on June 28, 2022.*

SB 1366 (McGuire, 2022) -- Authorizes the Department of General Services to engage in job order contracting as an alternative procurement procedure for certain public works projects, until July 1, 2027. *This bill was put on the Senate Inactive file.*

AB 149 (Budget Committee, Chapter 81, Statutes of 2021) -- Among other things, authorized Caltrans to utilize job order contracting for the Clean California Beautification Program of 2021, as specified.

AB 846 (Low, Chapter 303, Statutes of 2021) – Extended the authorization from to January 1, 2027, for job order contracting for school districts and community college districts.

SB 793 (Hill, Chapter 627, Statutes of 2017) – Allowed specified counties to use the best value construction contracting method to award JOCs for up to \$3 million, adjusted for inflation.

SB 744 (Hughes, Chapter 431, Statutes of 1997) – Increased the annual maximum contract amount that counties may award for county JOCs from \$1 million to \$3 million.

AB 680 (La Follette, Chapter 164, Statutes of 1983) – Authorized counties to award annual JOCs of up to \$1 million.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Los Angeles County Metropolitan Transportation Authority (sponsor)
Gordian Group (support if amended)

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2061	Hearing Date:	6/28/2022
Author:	Ting		
Version:	4/18/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Transportation electrification: electric vehicle charging infrastructure

DIGEST: This bill requires entities receiving state or ratepayer funding for electric vehicle (EV) infrastructure to report specified information about that infrastructure's uptime to the California Energy Commission (CEC) and authorizes the CEC to adopt uptime requirements and incentives to encourage EV adoption.

ANALYSIS:

Existing state policy, as expressed in Executive Order (EO) N-79-20, states the goal that 100% of new passenger vehicles sales in California will be ZEVs by 2035 and directs the California Air Resources Board (CARB) to propose regulations to meet that goal.

Existing state law:

- 1) Creates the Clean Transportation Program (CTP), administered by the California Energy Commission (CEC), to provide competitive grants, loans, or other funding to various entities to develop and deploy technologies that transform California's fuel and vehicle types to help attain the state's climate change policies.
- 2) Requires CEC, working with the California Air Resources Board (CARB) and CPUC, to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its EV deployment goals and to update that assessment every two years (PRC §25229).
- 3) Requires CEC, in consultation with CARB, to assess whether charging station infrastructure is disproportionately deployed by population density, geographical area, or population income level.

- 4) Requires CEC to collect the following data from recipients of zero-emission vehicle (ZEV) infrastructure funding provided by the Budget Act of 2021:
 - a) Number, type, date, and location of chargers or hydrogen refueling stations installed.
 - b) Nameplate capacity of the installed equipment, in kilo Watt for chargers and kilograms/day for hydrogen.
 - c) Number and type of outlets per charger.
 - d) Location type, such as street, parking lot, hotel, restaurant, or multi-unit housing
 - e) Total cost per charger or refueling station, the subsidy from CEC per charger or refueling station, federal subsidy per charger or refueling station, utility subsidy per charger or refueling station, and privately funded share per charger or refueling station.
 - f) Data on the chargers over a 12 month period including:
 - i) Number of charging or refueling sessions
 - ii) Average session duration
 - iii) Average kWh or kg dispensed
 - iv) Average charger or refueling station downtime

This bill:

- 1) Requires entities that receive state agency or ratepayer funding to install, own, or operate a charging station to report uptime information to the CEC starting July 1, 2023.
- 2) Authorizes the CEC to develop different reporting requirements for certain types of charging stations, including non-networked charging stations, Level 1 charging stations, and mobile solar charging stations.
- 3) Exempts charging stations at residential properties with four or fewer dwelling units from the bill's reporting requirements.
- 4) Requires the CEC to work with the California Public Utilities Commission (CPUC) to develop a formula to calculate charger uptime and determine what events that take a charger offline can be excluded from the calculation of a charger's uptime. Under this bill, only those events that are beyond a software or hardware provider's control or events needed to ensure equitable infrastructure distribution can be considered exempt from uptime calculations.
- 5) Requires the CEC, starting January 1, 2025, to include an evaluation about the uptime of public and ratepayer funded charging infrastructure in the biennial

charging infrastructure needs assessments and CTP investment plan assessments about the equitable distribution of EV infrastructure.

- 6) Requires the CEC to consider adopting uptime incentives or requirements if the CEC determines that charging stations' uptime is a barrier to ZEV adoption.

COMMENTS:

- 1) *Charge!* EV sales will not happen unless customers feel like they can recharge their vehicles conveniently. As those sales extend beyond customers who have their own garages with electric outlets, the need for publicly available chargers grows. EVs, as well as other ZEVs, can be expected to be adopted at an increasing rate as more auto manufacturers develop more models at increasingly competitive prices, adding more pressure for EV infrastructure growth.

The EV charging industry is still nascent dependent on substantial subsidies. California's Clean Transportation Program has provided most of its \$100 million in annual funding to ZEV infrastructure. More recently, last year's 2021-22 Budget approved \$500 million for the CTP to fund charging and hydrogen refueling infrastructure for light-duty and medium- and heavy-duty ZEVs vehicles. This year's 2022-23 Proposed Governor's Budget includes \$390 million General Fund investments to deploy infrastructure to support 1,000 drayage trucks and 1,600 transit buses and \$500 million General Fund for ZEV infrastructure across a range of vehicle classes. The federal government has also recognized the need, providing \$7.5 billion in EV infrastructure funding in the recently passed Infrastructure Investment and Jobs Act.

- 2) *EV Charger Outages Commonplace.* While California taxpayers and ratepayers have made significant investments in EV charging infrastructure, recent studies have indicated that publicly available chargers may experience frequent outages impacting consumers' ability to use this infrastructure. An April 2022 report by researchers at the University of California at Berkeley indicates that charger outages and malfunctions reduce charger availability significantly. The report studied all publicly accessible direct current fast chargers (DCFCs) in the greater Bay Area and found that only 72.5 percent of the chargers' had functional electric vehicle service equipment (EVSE). (This analysis excludes Tesla chargers and other chargers which are not open to the public.) Inoperable charging stations can be much more than an annoyance as there may be few alternative places to charge, potentially stranding a driver, and contribute to driver hesitation to switch to an EV.

- 3) *Establishing a Standard.* The CEC, which is responsible for administering the EV charger programs, has recently required EVSE providers to commit to 97% availability during standard operating hours for the first five years of operation in some of its EV charging programs. And the CEC is looking more broadly at EV charging standards, having opened a proceeding (Docket 21-TRAN-03) to assess Zero Emission Vehicle Infrastructure Barriers and Opportunities. In March 2022, the CEC held a workshop and solicited comments from stakeholders about barriers to EV adoption and issues the CEC should address in its Zero Emission Vehicle Infrastructure Plan. Some stakeholders have recommended that the CEC develop reliability standards for EV chargers to ensure that fewer service outages occur.
- 4) *When Will We Be Done?* Policymakers often subsidize industries that help achieve important public policy goals. The rooftop solar industry enjoyed subsidies through the California Solar Initiative (CSI). Electric vehicles are eligible for a substantial federal tax credit as well as state rebates. Often, governmental support is intended to aid new industries, helping them get to sufficient size and scale, until they can stand and compete on their own. They aren't intended to be permanent. That's why the CSI sunset after 10 years and why the federal EV tax credit winds down when the manufacturer sells its 200,000th vehicle. But the end to subsidies for EV charging infrastructure is not in sight. Policymakers should be thinking about what the end game for governmental support of EV charging looks like.
- 5) *Clarification Needed.* The bill is unclear which EV charging stations the standards apply to. Is it existing stations or just new ones? If it is existing stations, is it fair to retroactively impose new standards? Why weren't availability standards included in the original specifications? ***The author may wish to clarify this.***
- 6) *Double Referral.* The bill was heard on June 21, 2022 in the Energy, Utilities and Communications Committee and passed 13-0.
- 7) *Related Legislation.* This committee will also hear AB 2703 (Muratsuchi) which establishes a low-income incentive program for using EV chargers and requires the CEC to adopt reliability standards for EV chargers. The policy in the two bills doesn't conflict though there is some overlap. ***The authors may wish to work with the committees*** to ensure consistency between the bills.

RELATED LEGISLATION:

AB 2703 (Muratsuchi) of 2022 – Requires a person who receives state funding or other incentives to deploy ZEV infrastructure to agree, as a condition of receiving the incentive, to operate the station in compliance with reliability standards that would be developed by CEC. *This bill is pending in the Senate Transportation Committee.*

SB 129 (Skinner), Chapter 65, Budget Act of 2021 – Required CEC to collect the specified data from recipients of ZEV infrastructure funding from that year's appropriation.

AB 1424 (Berman, 2019) – Would have required CARB to modify its EV billing standards to allow a person to pay via a toll-free telephone number to process a credit card payment or via an onsite capacity for credit card payment by a contactless credit card, EMV chip, or magstripe card reader. The bill would have also delayed the adoption of specified interoperability standards for network roaming payment methods for EV charging stations until January 1, 2021. *This bill was held in the Senate Appropriations Committee.*

AB 2127 (Ting, Chapter 365, Statutes of 2018) – Required the CEC to conduct a statewide assessment every two years of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030, and of reducing emissions of GHG to 40 percent below 1990 levels by 2030.

SB 454 (Corbett, Chapter 418, Statutes of 2013) – Established the Electric Vehicle Charging Stations Open Access Act, which prohibits EV charger owner-operators from requiring individuals to join clubs or pay subscription fees to use a charger. The bill also authorized the CARB to establish interoperable billing standards for EV chargers if a national organization has not adopted such standards by 2015.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee:

- 1) Costs to the CEC in the low hundreds of thousands of dollars annually (special fund) to collect, manage and analyze data and to provide information technology (IT) programming and support. The CEC anticipates it will need 2 additional permanent positions at an annual cost of approximately \$150,000. One permanent position will be required to collect, manage and analyze data. An additional permanent position will also be required for IT. The CEC may

need additional funding to procure server / cloud storage to store sizable amounts of data associated with this bill.

2) Minor, absorbable costs to CPUC to consult with the CEC.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

350 Bay Area Action
Advanced Energy Economy
Amplify Power
California Center for Sustainable Energy
California Environmental Voters (formerly CLCV)
Calstart INC.
Coalition for Clean Air
Cruise LLC
Edison International and Affiliates, Including Southern California Edison
Flo
Plug in America

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 2594 **Hearing Date:** 6/28/2022
Author: Ting
Version: 6/22/2022 Amended
Urgency: No **Fiscal:** Yes
Consultant: Melissa White

SUBJECT: Vehicle registration and toll charges

DIGEST: This bill makes numerous changes to the administration of bridge and toll roads.

ANALYSIS:

Existing law:

- 1) Requires every vehicle using a toll bridge or toll highway to be liable for any tolls or other charges that may be prescribed and prohibits a person from evading or attempting to evade the payment of those tolls or charges.
- 2) Requires toll operators, or processing agencies, to issue a notice of toll evasion violation to the registered owner of the vehicle within 21 days of the violation if a vehicle is found, by automated devices (including cameras), by visual observation, or otherwise, to have evaded a toll.
- 3) Prescribes toll evasion penalties to include any late payment penalty, administrative fee, fine, assessment, and costs of collection. Limits toll evasion violation penalties to \$100 for the first offense, \$250 for a second violation within one year, and \$500 for each additional violation within one year.
- 4) Establishes a process for contesting a notice of toll evasion violation. Within 21 days from the issuance of the notice or within 15 days from the mailing of the notice, whichever is later, a person may contest the notice in which case the toll operator is required to conduct an administrative investigation. If the person is not satisfied with the results of the investigation, he or she may, within 15 days of the mailing of the results and after paying the penalty for toll evasion, request an administrative hearing. If the person is not satisfied with the results, he or she may, within 20 days of the mailing of the results, appeal to the court.

- 5) Authorizes the Department of Motor Vehicles (DMV) to make vehicle registration contingent upon compliance with a toll evasion violation.
- 6) Requires a person, if after applying for or receiving a driver's license moves to a new residence, or acquires a new mailing address to notify DMV within 10 days of the address change.
- 7) Requires the application for an original driver's license or renewal of a driver's license to contain specified information, including the applicant's name, age, gender category, mailing address, and residence address.
- 8) Authorizes the following penalties to be transferred to the registration of a vehicle: parking tickets, court-imposed fine or penalties, and toll violations.
- 9) Defines "pay-by-plate toll payment" as an issuing agencies' use of on-road vehicle license plate identification recognition technology to accept payment of tolls in accordance with policies adopted by the issuing agency.

This bill:

- 1) Generally requires implementation of the provisions of the bill, become operative on July 1, 2024, except as specified.

DMV

- 2) Requires DMV, commencing January 1, 2027, to include a statement as part of an application for an original or renewal driver's license informing the person that they may also need to change their address for purposes of their vehicle registration. Also requires DMV to give the same information orally if the driver's license application or renewal is done in person.

Toll notices for bridges

- 3) For toll bridges, requires an issuing agency that permits pay-by-plate toll payment, as defined, that permits payment by a transponder or other electronic toll payment device to send an invoice by mail for any unpaid toll to the registered vehicle owner. Requires the invoice to include a notice to the registered owner that, unless the registered owner pays the toll by the due date shown on the invoice, a toll evasion penalty will be assessed. Requires the invoice due date shall not be less than 30 days from the invoice date.

- 4) For toll bridges, stipulates that if a toll invoice is not paid by the due date shown on the invoice, the nonpayment shall be deemed an evasion of tolls and the issuing agency, or processing agency as the case may be, shall mail a notice of toll evasion violation to the registered owner, as specified.

Caps on penalties

- 5) For toll bridges, limits toll penalties to \$25 for the notice of violation (1st), \$50 for the notice of delinquency of evasion (2nd) for a cumulative total of \$50 for each individual toll evasion violation. Allows the penalties to include any administrative fee, fine, or assessment imposed by the state in addition to the cumulative \$50 limit per each individual toll evasion violation.
- 6) For toll roads and express lanes, limits toll penalties to \$60 for the notice of violation (1st), with a maximum cumulative toll evasion penalty not to exceed \$100 for each individual toll evasion violation.
- 7) Requires that if the registered owner, by appearance or by mail, makes a payment to the processing agency within 15 days of the mailing of the notice, the amount owed shall consist of the amount of the toll without any additional penalties, administrative fees, or charges.
- 8) Authorizes the toll penalties amounts to be adjusted by the California Consumer Price Index.
- 9) Requires an issuing agency to waive the toll evasion penalty for a first violation if the person contacts the customer service center within 21 days from the mailing of the notice, and the person is not currently an account holder with the issuing agency and signs up for an account. Clarifies that if the issuing agency waives the toll evasion penalty, the person shall still be liable for payment of the toll.

Contesting tolls violations

- 10) Makes changes to existing provisions for contesting tolls violations, including allowing 30 days, instead of 15 days, from the mailing of the notice for a person to contest the toll violation; requires the processing agency or issuing agency to review evidence of the alleged violation, including photographs; allows the agency to email, in addition to mail, the results; requires a person that qualifies under the payment plan only be required to pay the toll amount, not the penalty, while awaiting an administrative review.

Payment Plans

- 11) Requires issuing agencies to make a payment plan option available to a person whose monthly income is 200% of the current poverty guidelines, or less, as specified.
- 12) Stipulates that the agency is not be required to offer more than one payment plan to a person at any given time, nor to offer a person more than two payment plans in a six-year period.
- 13) Requires the issuing agency, for purposes of verifying a person's eligibility, to accept all of the following: an unexpired proof of enrollment of participation in the CalFresh program, Medi-Cal, or another low-income program with the same or more exacting low-income requirement; or an unexpired county benefit eligibility letter. Allows for other evidence of the persons' income may also be accepted, as determined by the issuing agency.
- 14) Requires the payment plan option apply to toll evasion penalties in excess of \$100; the payment of no more than \$25 per month for total outstanding toll evasion penalties \$600 or less; include no prepayment penalty for paying off the balance prior to the payment period expiring; and include a process for removal of any DMV registration hold. Stipulates that the agency is not be required to offer a payment plan if the person has more than \$2,500 in outstanding toll evasion penalties.
- 15) Requires information regarding the issuing agency's payment plan to be posted on an internet website.
- 16) Stipulates that the agency may go above the payment plans required minimums.
- 17) Contains an operative date, for payment plans, July 1, 2023 for toll bridges, and July 1, 2024 for toll roads.
- 18) Requires DMV to not make vehicle registration contingent upon compliance with a toll evasion violation if the person is entered into a payment plan, as specified, and has made the first payment. If the person is delinquent on the payment plan for more than 10 business days, requires DMV to refuse to renew vehicle registration until the payment plan is satisfied.

Toll collection options and customer service

- 19) Requires an issuing agency that operates an electronic toll collection system that permits payment by a transponder or other electronic toll payment device to, directly or through a third-party vendor, make the transponder or other electronic toll payment device available for acquisition online, by mail, and in person at a retail outlet, the office of an issuing agency or processing agency, as defined, or customer service center. Requires at least one retail outlet, kiosk, or customer service be located within the jurisdiction of the issuing agency.
- 20) Requires the issuing agency to post on an internet website related to its electronic toll collection system locations where tolls may be paid with cash, and locations at which a transponder or other electronic toll payment device may be acquired. Requires the price of the transponder or other electronic toll payment device to not exceed the reasonable cost to the issuing agency based on the estimated cost to procure and distribute the device.
- 21) Defines “retail outlet” to include a store managed by the issuing agency, a cash payment location, or other locations not managed by the issuing agency.
- 22) Requires that if issuing agency offers a transponder or other electronic toll payment device, a person be allowed to acquire a transponder or other electronic toll payment device with cash, or with a credit or debit card, and be allowed to load a minimum of one hundred dollars (\$100) onto the associated account with cash or with a credit or debit card. Stipulates, there shall be no additional transaction fee charged to acquire the transponder or other electronic toll payment device except, as specified. Prohibits issuing agency from assessing any additional transaction fee to the amount a person is charged by a cash payment network company to load funds to an account using cash through a cash payment network.
- 23) Requires the issuing or processing agency’s offices or customer service centers, subject to extenuating circumstances and holidays, to be open at least five hours per week between the hours of 6 a.m. to 8 a.m. or 5 p.m. to 7 p.m., or on a Saturday. Stipulates that a person shall be able to conduct all of the following transactions: (1) acquire the issuing agency’s transponder or other electronic toll payment device; (2) load money onto an account with the issuing agency; (3) pay a toll notice, including fines and penalties; (4) register or remove a license plate to or from a transponder or other electronic toll payment device account with the issuing agency for payment of tolls. Stipulates the issuing agency cannot charge persons paying cash an additional transaction fee for any transaction listed.

- 24) Requires at least one issuing or processing agency's office or customer service center within the issuing agency's jurisdiction and have two or more physical locations within each county in which a toll facility operated for purposes of conducting the transactions, as specified.
- 25) Requires the issuing agency, or through a third-party vendor, subject to extenuating circumstances and holidays directly, to maintain a customer service telephone line that shall be operated by a live person for at least 35 hours per week between the hours of 8 a.m. to 5 p.m. and an additional 5 hours per week between the hours of 6 a.m. to 8 a.m., from 5 p.m. to 7 p.m., or on a Saturday. Requires the customer service telephone line to be available to address questions related to acquiring a transponder or other electronic toll payment device, paying toll notices, disputing tolls and penalties, setting up payment plans, and registering the license plate of a vehicle to a transponder or other electronic toll payment device account. Requires the customer service telephone line to provide language interpreter services and assistance for deaf or hard-of-hearing individuals.

Rental car companies

- 26) Requires an issuing agency to allow a driver of a rental vehicle to register the rental vehicle to a transponder or other electronic toll payment device account with the issuing agency prior to traveling on the issuing agency's toll facility for the purpose of paying all tolls with a credit or debit card. Authorizes the issuing agency to require the use of a transponder for this purpose.
- 27) Requires public entities operating or planning to implement a toll facility in this state to cooperate to publish an internet website at which the public and rental car agencies can view and download, or that provides direct links to, information about how to open an account or acquire a transponder or other electronic toll payment device, for use of each issuing agency's toll facility.
- 28) Requires the rental car agency to provide the customer with a written or electronic notice, including the electronic link for the internet website. Requires the notice to be separate from the rental contract and, if an electronic notice, emailed to the rental customer.

One time waiver

- 29) Requires an issuing agency to provide a one-time waiver of outstanding toll evasion penalties for toll evasion violations on a toll bridge occurring from March 20, 2020, to January 1, 2023, inclusive, upon request, for those

individuals whose monthly income is 200% of the current poverty guidelines. Requires eligible applicants to pay the total amount of the outstanding tolls, and the agency may require the applicant to open an account and acquire a transponder or other electronic toll payment device. Clarifies that this only applies to vehicles registered in California.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “As toll agencies have shifted from in person toll payment to a mailed invoice, the process must change to accommodate this reform. Several circumstances can hinder a person’s ability to pay the fines associated with an unpaid toll. One outstanding issue with the switch to electronic payment is its direct impact on people who do not have a debit or credit card to pay their invoice online. The Metropolitan Transportation Commission’s (MTC) data shows that between January and August of 2021, 5.1 million second notice violations were sent out and only 12 percent were actually paid. Under current law, agencies have the authority to charge hundreds of dollars in fines. Such penalties create significant financial burden and consequences such as a DMV hold on an individual’s vehicle registration. Those most impacted are lower income individuals, people of color, and non-English speaking Californians. AB 2594 provides a comprehensive solution to address toll penalties by creating a process to instill equity in the payment process, and addressing the needs of unhoused and unbanked drivers.”
- 2) *Tolls in California.* Individuals may encounter tolls on bridges, toll roads, and express lanes while driving in California. Revenue from these tolls is used to pay for maintenance and other costs, such as debt service, improvements to the corridor, and seismic retrofitting of bridges. There are 13 tolling agencies in the state that administer at least one and in some cases two types of tolls: 1) tolls to use bridges and 2) tolls for using express lanes or toll roads. The two types of tolls are distinct from each other in that generally bridges cannot be avoided by choosing an alternate route. In contrast, the use of express lanes is optional, intended to ease congestion, and provides a faster travel option to those who pay the toll. Despite the prevalence of tolls in the state and their expansion, laws related to collecting tolls and ensuring there is due process have remained stagnant.

For example, toll operators in the state include the Bay Area Toll Authority (BATA) which manages toll revenues from the Bay Area’s seven state-owned bridges and administers FasTrak toll tags for non-stop travel through Bay Area bridges and to pay for express lane access and parking at the San Francisco International Airport. The Riverside County Transportation Commission

(RCTC) operates more than 70 lane miles of tolled express lane facilities on the 91 Corridor and more recently on Interstate 15. The Toll Roads of Orange County operate on state routes 73, 133, 241, and 261.

Toll systems rely on a few methods for registering a person's use of a toll facility and payment of the tolls. First, is via a vehicle-mounted toll tag or sticker transponder that is read by antennae and associated electronically to a person's FasTrak account. Second, license plate readers are cameras that are positioned in various entrances and/or exits to the toll lane or bridge to record images of your license plate as a vehicle passes and tolls are assessed electronically to a person's account or to a one-time payment transaction. Additionally, on a handful of toll bridges, if a person has no transponder, the license plate information can be used to send a toll invoice to the registered owner of the vehicle.

- 3) *Impact of toll fines and penalties.* The cost of fines and fees associated with tolls has steadily increased over the last few decades. For tolls, after notice of an unpaid toll violation, toll agencies are allowed to use the DMV to collect unpaid debt. DMV can require payment in full for unpaid tolls in order to renew vehicle registration. This can cause the cost of a person's vehicle registration to increase to potentially unaffordable levels. Drivers who do not renew their vehicle registration, lose access to their main commute option or risk breaking the law and driving an unregistered vehicle.

In November 2021, SPUR released a report called *Bridging the Gap* that looked at tolls in the Bay Area and their impacts on low-income people. According to SPUR, there are four key problems with the current system for dealing with unpaid tolls: mailing address errors, accessibility barriers, high fines and fees, and a lack of payment plan options. SPUR found that in 2019 there were 5 million unpaid tolls resulting in fines and fees in the Bay Area and 70% were sent to the DMV or collection agencies, with each violation accruing at least \$70 in fines and fees for a \$6 toll.

The cost from being late on payment of a toll could easily spiral out of control. For example, in Orange County each violation is assessed a \$57.50 penalty in addition to the toll amount due, therefore an unpaid \$3.50 toll could wind up costing a person \$61. If you fail to pay the first violation a second notice would be mailed with an additional \$42.50 penalty.

If the Orange County Transportation Authority (OCTA) then were to ask DMV to collect the unpaid debt, DMV would add the entire cost of the outstanding toll and fines (\$103.50) to vehicle registration fees. If someone were unable to

pay the outstanding amount all at once on top of their vehicle registration fees, then late fees for vehicle registration increase by 60% of the original fee for payments over 30 days late, which can increase the registration fee as much as \$100. If a person is then pulled over for having an unregistered vehicle, the fine for driving unregistered vehicles is currently \$285.

4) *How do we make the system better?* The SPUR report made the following recommendations to improve the Bay Area's tolling and collection processes:

- Eliminate the fee that accompanies a second notification for nonpayment and implement a fine that is no more than half of the original toll.
- Cap total fines per drivers.
- Waive fines for low-income drivers.
- End the use of collection agencies.
- Implement free payments plans for drivers who have missed toll payments.
- Improve the toll violation notification system to ensure that bridge users receive timely notice when they have unpaid tolls.
- Do not put DMV car registrations on hold.
- Provide immediate amnesty for all existing toll debt and end all existing DMV registration holds until a more equitable system is implemented.
- Collect more information about Bay Area bridge users to assist in the development of more effective policies.
- Pilot reduced-cost bridge tolls for low-income drivers similar to those created for transit and those being piloted for express lane tolls.

It is important to note that some of these recommendations are more applicable to toll agencies that operate no-choice facilities such as bridges, than those operating choice facilities such as express lanes.

5) *AB 2594 updates the current toll collection and payment systems.* AB 2594 attempts to address many of the concerns raised by SPUR and others in order to develop more equitable and usable tolling collection and payment system. Recent amendments to the bill represent the culmination of discussions with the toll agencies, DMV, and reform supporters. As noted, California has no-choice toll facilities, such as bridges, and choice facilities, such as HOT lanes. The bill treats these facilities differently for some of the fines and penalties. Overall, the bill delays implementation for a year and a half, until July 1, 2024. Specifically, the bill addresses the following areas:

- *Up-to-date contact information.* Ensuring that contact information for drivers is up-to-date could help to reduce the number of inadvertently unpaid

tolls. As many of the toll agencies use license plate reader technology, having accurate address is critical. The bill requires DMV, starting January 1, 2027, as part of the application for a new or renewal driver's license, to provide a statement informing the person that they also need to change their address for purposes of vehicle registration. The bill also requires this information to be communicated orally if the driver's license renewal is done in person. The implementation for this piece of the bill is delayed until 2027, as DMV is currently undergoing an update of its legacy IT systems that is expected to be completed by then.

- *Invoices and notifications.* To allow for an increased amount of time for the payment of bridge tolls before penalties are incurred, the bill provides a process for the mailing of invoices for notification of toll use and violations. Specifically, a person would be mailed an invoice for use of the toll bridge. If it is not paid in 30 days, the person would be sent a second notice, constituting a first notice of toll violation. If that is paid in full within 15 days, the person only has to pay the toll amount. If it is not paid, a penalty of maximum of \$25 can be attached to the toll amount. If the person still has not paid, in no less than 30 days, a 3rd notice is sent. Within the first 15 days of receipt of the notice of delinquent toll evasion, only the toll and the second penalty assessed of maximum of \$25 would be due. If the total is not paid in 15 days, the toll agency can charge another fee, capped at \$50 cumulative, and the agency may contact the DMV to place a hold on the person's vehicle registration.
- *Penalties.* As mentioned, the bill caps penalties for each individual toll violation for bridges at a maximum of \$25 for the first notice of toll evasion and a cumulative total of \$50. For toll roads, the bill caps penalties at a maximum of \$60 for the first notice of toll evasion and a cumulative total of \$100. The bill allows for the penalties to be adjusted by the California CPI.
- *Contesting toll violations.* The bill makes various changes to the existing appeals process for contesting toll violations, including doubling the amount of time, from 15 days to 30 days, to contest the toll. The bill also requires the toll agency to review evidence of the violation, including photographs. It also allows agencies to email, instead of just mail, the results of the process.
- *Toll collection options and customer service.* The bill makes it easier for people to either purchase a transponder or other electronic toll payment device for toll collection or pay tolls and penalties by codifying the location and operating hours of physical locations within a service area and operating hours for customer service telephone lines. Toll agencies would also be

required to make the transponders available for purchase online, by mail, or through a third party retail vendor. Currently, some toll agencies have agreements with retail partners, such as Walgreens and Costco, to provide for payment of tolls, adding money to existing account, and purchasing of payment devices. The bill also ensures that toll agencies cannot add additional transaction costs.

- *Payment plans.* The bill requires the toll agencies to set up payment plans for low income individuals, defined as 200% of the federal poverty level to be verified using relevant state program participation. The payment plan must be available for people with at least \$100 in toll penalties to a maximum of \$2,500. People can pay \$25 a month for all outstanding penalties of \$600 or less. The bill also puts a stop to a DMV hold on vehicle registration if the person is participating in and keeping up with a payment plan.
 - *Rental car and toll payment.* To help make sure people who are renting cars don't inadvertently not pay for the use of toll facilities, the bill requires toll agencies to allow people to register a rental vehicle to their existing transponder or other electronic toll payment device account prior to travel. Many toll agencies, like BATA, already allow for this through their agency website. It also requires the toll agencies to cooperate to publish an internet website at which the public and rental car companies can view and download information about how to open an account or acquire a payment device. The rental car companies would provide customers with written or electronic notice to direct people to the website or include information regarding the tolls when renting a car.
- 6) *One time waiver.* In early June 2022, BATA announced it would try to collect more than \$180 million in unpaid bridge tolls, about \$50 million comes from unpaid tolls and \$130 million in late fees, after its Oversight Committee voted to crack down on more than 400,000 drivers. According to the author, "Bay Area drivers should not be penalized because BATA chose to remove their operators from the tolls at Bay Area bridges as a result of the COVID-19 pandemic."

In reaction to this announcement, the bill requires a one-time waiver of outstanding toll evasion violation penalties on a toll bridge occurring March 20, 2020 to January 1, 2023 for low income people, defined the same as the payment plans, that request the waiver. It requires the applicant to pay the outstanding toll amount only.

7) *State calls for more road pricing to help combat climate change.* As AB 2954 focuses on updating the current toll collection and payment structure, the State of California is planning to greatly expand roadway pricing as it is considered one of the most effective strategies for reducing statewide vehicles miles traveled (VMT) and greenhouse gas (GHG) emissions. Specifically, the California Transportation Plan 2050 details roadway pricing options which include congestion pricing, tolling, parking pricing, or cordon pricing. However, as discussed, roadway pricing brings up equity concerns. To that end, the CTP contains numerous guiding principles for roadway pricing, including prioritizing fair and equitable payment by implementing means-based fee structures, exemptions, or tax deduction for low and middle income people, and ensuring that revenues generated from the pricing program be invested in alternatives to driving.

The California State Transportation Agency (CALSTA) is currently convening a group of stakeholders to discuss a possible statewide pricing policy.

Writing in support of the bill, the Western Center on Law and Poverty states, “AB 2594 is a very important reform to current state law when it comes to collecting tolls and punishing violators. While toll agencies have expanded in recent decades in California, the law related to collecting tolls and ensuring there is due process have remained stagnant. In short, California has virtually no legal standards when it comes to how toll violations are collected (outside of limited notice requirements). There are no payment plans, no ability to pursue a review without paying up front and excessive fines for relatively small toll amounts. AB 2594 will create statewide, uniform standards and payment levels to insure that low income Californians are not subject to egregious penalties or loss of a vehicle.”

RELATED/PREVIOUS LEGISLATION:

SB 1250 (Limon, 2022) – Requires a rental company to provide a written notice to its customers stating the amount a customer may be charged by the rental company if tolls are not paid by the customer, whether there are any methods to avoid those charges, and if there are, instructions as to how the customer can use those methods. *This bill is pending in the Assembly Privacy and Consumer Protection Committee.*

SB 623 (Newman, 2021) – Would have made numerous amendments to the laws related the use of personally identifiable information (PII) for the purposes of an electronic toll collection system or an electronic transit fare collection system. *This bill was held in the Senate Judiciary Committee.*

SB 664 (Allen, 2019) – Would have made several changes to laws regarding the ability of a transportation agency that uses electronic toll collection or electronic transit fare collection to use and share PII and limitations on that ability. *This bill was held in the Assembly Privacy and Consumer Protection Committee.*

AB 628, (Block, Chapter 459, Statutes of 2009) – Defined “pay-by-plate toll payment” and establishes what constitutes evidence of a toll evasion violation where a toll operator offers this method of toll payment. This bill also provided that a toll operator offering pay-by-plate toll payment must communicate the amount of toll in the same manner as it does for other methods of toll payment.

AB 344 (Melendez, 2017) – Would have deferred the payment requirements for a person contesting a notice of toll evasion violation through an administrative review hearing. *This bill was held in the Senate Transportation and Housing Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Western Center on Law & Poverty, INC.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 2071 **Hearing Date:** 6/28/2022
Author: Patterson
Version: 2/14/2022
Urgency: No **Fiscal:** Yes
Consultant: Katie Bonin

SUBJECT: Vehicles: distracted driving awareness grant

DIGEST: This bill requires the Office of Traffic Safety to administer a grant program to combat distracted driving, upon appropriation by the Legislature.

ANALYSIS:

Existing law:

- 1) Prohibits driving a vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device, unless the device is designed to allow voice operated, hands-free operation and is used in that manner.
- 2) Allows a driver to activate or deactivate a feature on the device with a single swipe or tap of the driver's finger if the device is mounted, as specified.
- 3) Exempts manufacturer-installed systems that are embedded in the vehicle.
- 4) Exempts emergency services professionals operating an emergency vehicle.
- 5) Treats violations as an infraction punishable by a base fine of \$20 (\$162 with other fees and assessments) for a first offense and \$50 for subsequent offenses.
- 6) Authorizes the Department of Motor Vehicles (DMV) to assess a point on someone's license for driving a vehicle while holding and operating a handheld wireless telephone or communication device on the second violation.

This bill:

- 1) Requires the Office of Traffic Safety (OTS) to administer a grant program to combat distracted driving, upon appropriation by the Legislature.

- 2) Requires the grants to be awarded to qualifying law enforcement agencies, including the California Highway Patrol (CHP).
- 3) Restricts the grant funds to be used to increase public awareness of the dangers of distracted driving.

COMMENTS:

- 1) *Purpose.* According to the author, "distracted driving is growing more and more common with the public seemingly unaware of the potential dangers and risks to everyone's safety on the road. AB 2071 will provide local governments with the tools necessary to educate the public on the dangers of distracted driving because we must take action to make our roads a safer place."
- 2) *Background.* The Highway Safety Act of 1966 is a federal law enacted to establish a coordinated national highway safety program to reduce the death toll on the nation's roads. The act was motivated primarily by growing public concern over the rising number of traffic fatalities in the U.S. It authorized states to use federal funds to develop and strengthen their highway traffic safety programs in accordance with uniform standards promulgated by the secretary of transportation. In 1967, the California Traffic Safety Program was enacted to provide authority to the State to implement the requirements of the national legislation. The Office of Traffic Safety (OTS) was established to create a comprehensive plan in conformity with state laws to reduce traffic collisions and deaths, injuries, and property damage.
- 3) *Driver Safety.* Distracted driving is a common issue on California roadways. For that reason, current law prohibits a person from driving a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking. According to OTS, a 2016 survey revealed that more than 56% of California drivers said they had been hit or nearly hit by a driver who was talking or texting on a cell phone. In addition, the survey indicated that 40% of drivers admitted to making a driving mistake while talking on a cell phone. According to the National Highway Traffic Safety Administration (NHTSA), there were 3,477 people killed and an estimated additional 391,000 people injured in motor vehicle crashes involving distracted drivers in 2015 alone. Even more unsettling, nine people in the United States are killed every day in crashes that are reported to involve a distracted driver according to the Centers for Disease Control and Prevention (CDC).

AB 2071 is an attempt to combat distracted driving by providing more funding sources to OTS which shall then distribute grants to qualifying law enforcement agencies, including, but not limited to, the Department of the California Highway Patrol. The grant funds shall be used to increase public awareness of the dangers of distracted driving.

- 4) *Funding Sources.* OTS is exclusively funded by federal dollars, including personnel costs. In 2021, OTS awarded \$93.7 million in federal funding to support 415 traffic safety grants, \$2.5 million of that was for public information grants for distracted driving. A majority of OTS funding goes towards California Traffic Safety Enforcement Plan (STEP) grants, which help fund traffic enforcement operations across the state. STEP grants funded 1,499 distracted driving enforcement operations. These operations resulted 23,444 vehicle stops or contacts, 5,959 hand held cell phone citations issued, 9,142 texting citations issued, and 137 tickets to minors operating with a cell phone (minors are prohibited from using a cell phone while driving, regardless of whether its hands-free). This accounts for 19% of the total citations issued under the STEP grants for 2021.

CHP received three distracted driving grants in 2021. Two were for education and public awareness campaigns, and one was for enforcement. The grants are expected to help CHP complete at least 400 traffic safety presentations statewide and a minimum of 80 distracted driving enforcement operations between October 1, 2021 and September 30, 2022.

Again, OTS is entirely funded by federal monies. Should AB 2071 become law, OTS would need to track its work related to this state-funded grant program and ensure associated costs are paid from state funds, not federal funds. This could potentially increase OTS's administrative workload.

RELATED LEGISLATION:

AB 2073 (Patterson, 2022) — This bill permits a driver who has received a point on their license for distracted driving to have that point removed if they successfully complete a distracted driving course that has been approved by DMV. *This bill is pending before the Assembly Transportation Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

AAA Northern California, Nevada & Utah
Automobile Club of Southern California
California Association of Highway Patrolmen
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	ACR 130	Hearing Date:	6/28/2022
Author:	Patterson		
Version:	3/14/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Ambassador Phillip V. Sanchez Memorial Bridge

DIGEST: This measure designates the Alluvial Avenue undercrossing located at Fre-041-R30.949, State Route 41 at Postmile R30.949, in the County of Fresno as the Ambassador Phillip V. Sanchez Memorial-Bridge.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This measure designates the Alluvial Avenue undercrossing located at Fre-041-R30.949, State Route 41 at Postmile R30.949, in the County of Fresno as the Ambassador Phillip V. Sanchez Memorial-Bridge.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of Ambassador Phillip V. Sanchez.
- 2) *Background.* Phillip V. Sanchez was born on July 28, 1929, in Pinedale, a small community less than a mile's distance from what is now the interchange of State Highway 41 and Herndon Avenue in the County of Fresno. He graduated magna cum laude from Clovis High School and Coalinga City College, and summa cum laude from California State University, Fresno.

Mr. Sanchez was accepted by the United States Army to attend Officer Candidate School at Fort Benning, Georgia, was commissioned as a Second Lieutenant eventually rising to Colonel. He retired after more than 40 years of military service in the United States Army, the United States Army Reserve, and the California Army National Guard.

Mr. Sanchez became the highest ranking Hispanic official in the administrations of Presidents Richard Nixon, Gerald Ford, and Ronald Reagan, as a United States Ambassador and Director of the United States Office of Economic Opportunity. While serving as the Director of the United States Office of Economic Opportunity, Ambassador Sanchez was frequently lauded by members of Congress, from both sides of the aisle, for his leadership and accountability to taxpayers. Ambassador Sanchez was President and Founder of the first Sigma Chi Fraternity Chapter at California State University, Fresno, and was a trustee and former president of the National Hispanic University. He became a member of the Board of Trustees for the Clovis Unified School District, and served with distinction before being appointed by Governor Ronald Reagan to serve on the Board of Governors of the California Community Colleges, and, subsequently, was appointed to the Trustees of the California State University.

3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	ACR 142	Hearing Date:	6/28/2022
Author:	Patterson		
Version:	2/16/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Dr. Fareed Wade Nader Memorial Interchange

DIGEST: This measure designates a specified interchange of State Highway Route 168 in the City of Clovis as the Dr. Fareed Wade Nader Memorial Interchange.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This measure designates the interchange of State Highway Route 168 at Fowler Avenue, postmile R8.042, in the City of Clovis as the Dr. Fareed Wade Nader Memorial Interchange. The Department of Transportation is requested to determine the cost of appropriate signs, consistent with the signage requirements for the state highway system, showing this special designation and, upon receiving donations from non-state sources sufficient to cover the cost, to erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of Dr. Fareed Wade Nader.
- 2) *Background.* Dr. Fareed Wade Nader was born September 27, 1938, in the City of Miami, Arizona. He became an accomplished scholar, earning a bachelor's degree in civil engineering from the University of Arizona in 1961, a master's degree from Arizona State University in 1963, and a PhD in Surveying and Mapping from Purdue University in 1973.

Dr. Nader taught surveying and photogrammetry at the University of Hawaii for 5 years before securing a position at California State University, Fresno (CSUF), where he taught geomatics engineering for 30 years. He was the recipient of numerous teaching awards, including the Instructor of the Year Award in Surveying in 1991, the Dean's Leadership Award for Outstanding Service to the School of Engineering and Computer Science in 1998, and the California Land Surveyors' Association Honorary Land Surveyor's License No. 2, and was voted Professor Emeritus for Geomatics Engineering in 2008. Dr. Nader was a member of the Advisory Council for the School of Engineering and Computer Science at Purdue University, as well as a member of several honorary engineering societies, including Tau Beta Pi, Chi Epsilon, and Lambda Sigma.

Dr. Nader is survived by his wife of 37 years, Rosemarie Bezerra-Nader, his sister, Dr. Leila Johnson, his brother-in-law, John Cotton, numerous nieces and nephews, and a multitude of friends.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	ACR 164	Hearing Date:	6/28/2022
Author:	Patterson		
Version:	3/16/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Lieutenant Colonel Seth “Jethro” Nehring Memorial Highway

DIGEST: This resolution designates a portion of State Highway Route 168 in the County of Fresno as the Lieutenant Colonel Seth “Jethro” Nehring Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Highway Route 168 between Lodge Road, postmile L27.368, and Qualls Prather Road, postmile L28.250, in the County of Fresno as the Lieutenant Colonel Seth “Jethro” Nehring Memorial Highway. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the contributions Lieutenant Colonel Seth “Jethro” Nehring.
- 2) *Background.* In 1994, Lieutenant Colonel Nehring joined the California Air National Guard wherein he served with distinction as a Crew Chief. Later, he completed undergraduate pilot training and went on to serve for 20 years as a Fighter Pilot, during which he achieved more than 2300 Flight Hours, flying both the F-16 Falcon and most recently the F-15 Eagle. Tragically, Lieutenant Colonel Nehring was killed in a training accident during a joint military exercise between the United States Air Force and the Country of Ukraine, in the Khmelnytskyi Region of Ukraine.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2174	Hearing Date:	6/28/2022
Author:	Chen		
Version:	4/27/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Vehicles: removal from private property

DIGEST: This bill requires the written authorization from the property owner to a towing company in order to commence a tow to include identification numbers on the vehicle, including, but not limited to, a quick response (QR) code or serial number if the vehicle does not have an identifiable make, model, vehicle identification number or license plate number.

ANALYSIS:

Existing law:

- 1) Defines a tow truck as “a motor vehicle which has been altered or designed and equipped for, and primarily used in the business of, transporting vehicles by means of a crane, hoist, tow bar, tow line, or dolly or is otherwise primarily used to render assistance to other vehicles. A ‘roll-back carrier’ designed to carry up to two vehicles is also a tow truck. A trailer for hire that is being used to transport a vehicle is a tow truck. ‘Tow truck’ does not include an automobile dismantlers’ tow vehicle or a Repossessors’ tow vehicle.”
- 2) Authorizes the owner or person in lawful possession of private property to cause the removal of a vehicle parked on the property to a storage facility under specified circumstances, including when signs are posted prohibiting public parking and warning that vehicles will be removed at the owner’s expense.
- 3) Requires the tow truck operator removing the vehicle, if the operator knows or is able to ascertain the name and address of the registered and legal owner of the vehicle, to immediately give, or cause to be given, notice in writing to the registered legal owner of the fact of the removal and of the amount of mileage on that vehicle at the time of the removal, amongst other things.
- 4) Makes it a misdemeanor for the towing company to remove or commence the removal of a vehicle from private property without first obtaining the written

authorization from the property owner or lessee, or an employee or agent, as specified, and requires the written authorization to include specified information, including the make, model, vehicle identification number (VIN) and license plate number of the removed vehicle.

This bill:

- 1) Requires the notice of removal to the vehicle's registered and legal owner to include the amount of mileage on the vehicle only if the vehicle has a visible odometer.
- 2) Requires, if the vehicle is a shared mobility device or does not have an identifiable make, model, vehicle identification number, or license plate number, the written authorization of the property owner or lessee to include any identification numbers on the vehicle, including, but not limited to, a quick response (QR) code or serial number
- 3) Defines a "shared mobility device" as, generally, an electrically motorized board, motorized scooter, electric bicycle, bicycle or other similar personal transportation device that is made available to the public by a shared mobility device service provider for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform.

COMMENTS:

- 1) *Purpose.* According to the author, "Predatory towing practices have stifled access to micromobility in communities across the state with thousands of devices wrongfully impounded. AB 2174 updates existing vehicle towing statute to include shared micromobility devices under its protections. This will help ensure proper notification and procedures are adhered to when devices are towed."
- 2) *Background.* Micromobility has been defined as transportation over short distances provided by lightweight, usually single-person vehicles or shared mobility devices. A shared mobility device means any micromobility transportation device by which a person can be propelled, moved or drawn, that is displayed, offered or placed for rent in any public area or public-right-of-way, these are generally bicycles and scooters and e-bikes and e-scooters. Depending on local regulations, these shared mobility devices may be docked or dockless, where the devices are generally rented through a mobile app that identifies the locations of the devices and which may be left wherever the user

ends their trip. To access a shared mobility device, a user typically creates an online account with a provider, looks for and ‘unlocks’ one of the provider’s devices through a smart phone application, and takes it for a trip on a per-minute rate, with additional fees depending on the platform that operates the service. Because dockless shared mobility devices do not have to be returned to a central point for charging or maintenance, they rely on networks of individuals (known as “chargers”) to reposition, charge, and maintain the devices so that they remain ready for use. Unfortunately, these shared mobility devices are often parked in areas that clutter public walkways or are simply left on private property. This leads to individuals calling tow companies and having these devices towed.

- 3) *A legal battle over scooters.* Talon Auto Adjusters Inc/Scoot Scoop, a free scooter removal company that operates primarily in San Diego and Los Angeles will tow dockless scooters and bikes parked illegally or left on private property. Bird Rides, Inc, an e-scooter company originally paid Scoot Scoop \$40,000 for the return of 1,800 scooters that had been towed. Later, in March of 2019, Bird sued Scoot Scoop, alleging that the company had illegally seized 6,000 scooters in total. Their complaint alleges that Scoot Scoop was removing scooters outside of the areas they were authorized by private businesses to tow scooters, and were taking the scooters far beyond the 10 mile radius storage requirement in statute. Further they alleged the company failed to provide them with proper notice of the tow, and were charging exuberant fees. The Superior Court of California determined in December of 2021 that Scoot Scoop failed to comply with the provisions of vehicle code related to towing and determined the companies do not have to pay to retrieve their scooters and invited Bird to seek damages to recover losses from the possession of the property.
- 4) *Support.* Bird, Lime, Lyft and Spin write in support of this bill, arguing “In our experience, predatory towing companies will point to the California towing statute as justification for removing our vehicles from private property, while also arguing that because a micromobility device does not count as a “vehicle” under the same statute, the companies do not need to follow its protocols. AB 2174 would resolve this legal grey area.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Bird

Lyft, INC.

Neutron Holdings, INC. Dba Lime

Skinny Labs, INC. Dba Spin

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 2254 **Hearing Date:** 6/28/2022
Author: Muratsuchi
Version: 3/24/2022
Urgency: No **Fiscal:** Yes
Consultant: Katie Bonin

SUBJECT: State highways: Route 107: relinquishment

DIGEST: This bill authorizes the California Transportation Commission (CTC) to relinquish to the City of Redondo Beach all or a portion of State Route (SR) 107 within the city's jurisdiction.

ANALYSIS:

Existing law:

- 1) Defines a “state highway” as any roadway that is acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.
- 2) Statutorily identifies state highway system routes.
- 3) Specifies that it is the intent of the Legislature that the prescribed routes of the state highway system connect communities and regions of the state and that they serve the state’s economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.
- 4) Allows the relinquishment of portions of state highways to local government control.

This bill authorizes the CTC to relinquish to the City of Redondo Beach all or a portion of State Route 107 within the city’s jurisdiction.

COMMENTS:

- 1) *Purpose.* According to the author, "AB 2254 is a district bill which requires the State to begin the process to relinquish highway classification and control of

State Route 107 in Redondo Beach to the City of Redondo Beach. This bill will eliminate the burdensome process requiring the City of Redondo Beach to apply for a Department of Transportation permit for any needed improvements on Hawthorne Boulevard section of State Route 107."

- 2) *Relinquishments.* According to the California Department of Transportation (Caltrans), relinquishment is defined as a statutory conveyance of all rights, title, interests, liability, and maintenance responsibilities of a State highway, or portion thereof, to another government entity. Each session, the Legislature passes and the governor signs numerous bills authorizing CTC to relinquish segments of the state highway system to local jurisdictions. Relinquishment transactions are generally preceded by a negotiation of terms and conditions between the local jurisdiction and Caltrans. Once an agreement has been established, CTC typically approves the relinquishment and verifies its approval via a resolution. AB 2254 is consistent with Caltrans' policy of encouraging the relinquishment of state highways to local control.
- 3) *Description.* The cities of Redondo Beach and Torrance are crossed by state highways that Caltrans controls and maintains. In Redondo Beach, Pacific Coast Highway (SR 1) and Hawthorne Boulevard (SR 107) are the two such highways. When a city needs to make improvements to the roadways under Caltrans control there is a long permitting process that significantly slows city responsiveness.

The city of Torrance gained relinquishment of SR 107 in 2008. Recently, Torrance requested that the local (District 7) office of Caltrans begin its study to determine if and how relinquishment is to be done. In performing their study, Caltrans staff determined that relinquishment of SR 107 to the City of Torrance would leave two remaining "islands" of state controlled right of way in Redondo Beach along Hawthorne Boulevard. This is not a circumstance that is conducive to good stewardship, as maintenance and operations of these islands will not be efficient for Caltrans, and may be neglected. Therefore, Caltrans now requires that these portions must also be relinquished to Redondo Beach.

- 4) *Support.* The City of Redondo Beach writes in support of the relinquishment so that they may have greater control and maintenance over the route.

RELATED LEGISLATION:

AB 774 (Rodriguez, Chapter 198, Statutes of 2021) — this bill authorized the CTC) to relinquish to the City of Ontario all or a portion of State Route 83 within the city’s jurisdiction.

SB 1459 (Caballero, Chapter 83, Statutes of 2020) — this bill allowed the CTC to relinquish a portion of SR 183 to the City of Salinas.

AB 1456 (Kiley), Chapter 629, Statutes of 2019) — this bill authorized the CTC to relinquish a portion of SR 193 to the City of Lincoln within its city limits.

SB 1318 (Transportation, Chapter 491, Statutes of 2010) — this bill made non-controversial changes to sections of law relating to transportation and housing, including cleaning up a number of old relinquishment statutes so that they conform to the standard format.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

City of Redondo Beach

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2703	Hearing Date:	6/28/2022
Author:	Muratsuchi		
Version:	6/13/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Electric vehicle charging stations: reliability standards: low-income and disadvantaged community financial assistance

DIGEST: This bill requires the California Energy Commission (CEC) to develop a program to provide financial assistance for electric vehicle (EV) charging to low-income drivers and al to establish reliability standards for EV chargers that receive state funds.

ANALYSIS:

Existing law:

- 1) Establishes the Clean Transportation Program (CTP), which is administered by the CEC to provide grants, loans, and other funding opportunities to projects that develop and deploy zero-emission vehicle (ZEV) infrastructure and technologies, including EV charging stations, among other things. (HSC §44272 et. seq.)
- 2) Requires the CEC to conduct every two years a statewide assessment of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030, and of reducing emissions of greenhouse gases (GHG) to 40 percent below 1990 levels by 2030. (PRC §25229)
- 3) Authorizes the California Air Resources Board (CARB) to adopt interoperability billing standards for EV charging stations' network roaming payment methods if a national standards organization has not adopted similar standards by January 1, 2015. If CARB adopts interoperability billing standards, all EV chargers requiring payment for use must meet those standards within a year. Any standards adopted by CARB must consider other governmental or industry-developed interoperability billing standards, and

CARB may adopt standards developed by an outside authoritative body. (HSC §44268.2)

This bill:

- 1) Requires the CEC, upon appropriation by the Legislature, to develop a program to provide financial assistance to low-income persons and members of disadvantaged communities to use EV chargers.
- 2) Requires the financial assistance program established by the CEC to do the following:
 - a) Provide the financial assistance through an open-loop, reloadable payment card that has both EMV chip and contactless capabilities and that is readily accessible to all low-income and disadvantaged community members in the state.
 - b) Not limit the consumer's choice of EV charging station providers.
 - c) Include eligibility criteria similar to programs that provide financial assistance to low-income and disadvantaged communities for public transit and electric rate assistance.
- 3) Authorizes the CEC to establish the amount of financial assistance to each eligible recipient and contract for professional services to administer the program.
- 4) Requires the CEC to develop EV charger reliability standards for EV chargers that receive state funding.
- 5) Requires the CEC to publish reliability standards compliance data as part of biennial assessments regarding the need for EV infrastructure to meet EV adoption goals.

COMMENTS:

- 1) *Author's Statement.* "California is a leader in the fight for clean air and for climate action. For California to reach its goal of five million ZEVs on our roads by 2025, we need to invest in our EV charging infrastructure to make charging more convenient, reliable, and equitable, in all communities throughout the state. As an EV owner, I know how important it is to make EV charging more convenient and reliable. That's why we need to not only build

more EV charging stations, but also make sure that they work reliably. AB 2703 will ensure zero emission vehicles are more accessible in low-income communities and communities of color by providing financial assistance for ZEV fueling stations, E-bikes, E-scooters, and EV ridesharing services.”

- 2) *Double Referral.* This bill was heard by the Senate Energy, Utilities and Communications Committee on June 21, 2022 and passed 10-2.
- 3) *Charge!* EV sales will not happen unless customers feel like they can recharge their vehicles conveniently. As those sales extend beyond customers who have their own garages with electric outlets, the need for publicly available chargers grows. EVs, as well as other ZEVs, can be expected to be adopted at an increasing rate as more auto manufacturers develop more models at increasingly competitive prices, adding more pressure for EV infrastructure growth.

The EV charging industry is still nascent dependent on substantial subsidies. California’s Clean Transportation Program has provided most of its \$100 million in annual funding to ZEV infrastructure. More recently, last year’s 2021-22 Budget approved \$500 million for the CTP to fund charging and hydrogen refueling infrastructure for light-duty and medium- and heavy-duty ZEVs vehicles. This year’s 2022-23 Proposed Governor’s Budget includes \$390 million General Fund investments to deploy infrastructure to support 1,000 drayage trucks and 1,600 transit buses and \$500 million General Fund for ZEV infrastructure across a range of vehicle classes. The federal government has also recognized the need, providing \$7.5 billion in EV infrastructure funding in the recently passed Infrastructure Investment and Jobs Act.

- 4) *EV Charger Outages Commonplace.* While California taxpayers and ratepayers have made significant investments in EV charging infrastructure, recent studies have indicated that publicly available chargers may experience frequent outages impacting consumers’ ability to use this infrastructure. An April 2022 report by researchers at the University of California at Berkeley indicates that charger outages and malfunctions reduce charger availability significantly. The report studied all publicly accessible direct current fast chargers (DCFCs) in the greater Bay Area and found that only 72.5 percent of the chargers’ had functional electric vehicle service equipment (EVSE). (This analysis excludes Tesla chargers and other chargers which are not open to the public.) Inoperable charging stations can be much more than an annoyance as there may be few alternative places to charge, potentially stranding a driver, and contribute to driver hesitation to switch to an EV.

- 5) *Establishing a Standard.* The CEC, which is responsible for administering the EV charger programs, has recently required EVSE providers to commit to 97% availability during standard operating hours for the first five years of operation in some of its EV charging programs. And the CEC is looking more broadly at EV charging standards, having opened a proceeding (Docket 21-TRAN-03) to assess Zero Emission Vehicle Infrastructure Barriers and Opportunities. In March 2022, the CEC held a workshop and solicited comments from stakeholders about barriers to EV adoption and issues the CEC should address in its Zero Emission Vehicle Infrastructure Plan. Some stakeholders have recommended that the CEC develop reliability standards for EV chargers to ensure that fewer service outages occur.
- 6) *Is More Help Necessary?* The bill requires the CEC to create a program to provide financial assistance to low-income and disadvantaged community members. This is premature without evidence that such a program is necessary. If there were evidence that low-income and disadvantaged community members needed this help, then it would probably be more streamlined and efficient to incorporate this subsidy with the vehicle purchase subsidy. That would also ensure consistency between the vehicle rebate program and the charging subsidy program. It should be noted that an additional charging subsidy is in addition to the preferential electric rate that many EV drivers enjoy.
- 7) *Related Legislation.* This committee will also hear AB 2061 (Ting) which requires entities receiving state or ratepayer funding for EV infrastructure to report specified information about that infrastructure's uptime to the CEC, and it requires the CEC to assess this data. This bill also authorizes the CEC to adopt uptime requirements and incentives to encourage EV adoption. The policy in the two bills doesn't conflict though there is some overlap. The authors may wish to work with the committees to ensure consistency between the bills.
- 8) *Prior Committee Amendments.* Due to tight turnaround times amendments accepted in the Energy, Utilities and Communications Committee (SEUC) must be adopted in this committee. The amendments accepted in SEUC conform the definitions in this bill to those in AB 2016 (Ting).

RELATED LEGISLATION:

AB 2061 (Ting, 2022) – Requires entities receiving state or ratepayer funding for EV infrastructure to report specified information about that infrastructure's uptime to the CEC, and it requires the CEC to assess the uptime data it receives. The bill also authorizes the CEC to adopt uptime requirements and incentives if it

determines that uptime rates are a barrier to EV adoption. *This bill is currently pending in the Senate Energy, Utilities and Communications Committee.*

SB 129 (Skinner), Chapter 65, Budget Act of 2021 – Required CEC to collect the specified data from recipients of ZEV infrastructure funding from that year’s appropriation.

AB 1424 (Berman, 2019) – Would have required CARB to modify its EV billing standards to allow a person to pay via a toll-free telephone number to process a credit card payment or via an onsite capacity for credit card payment by a contactless credit card, EMV chip, or magstripe card reader. The bill would have also delayed the adoption of specified interoperability standards for network roaming payment methods for EV charging stations until January 1, 2021. *This bill was held in the Senate Appropriations Committee.*

AB 2127 (Ting, Chapter 365, Statutes of 2018) – Required the CEC to conduct a statewide assessment every two years of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030, and of reducing emissions of GHG to 40 percent below 1990 levels by 2030.

SB 454 (Corbett, Chapter 418, Statutes of 2013) – Established the Electric Vehicle Charging Stations Open Access Act, which prohibits EV charger owner-operators from requiring individuals to join clubs or pay subscription fees to use a charger. The bill also authorized the CARB to establish interoperable billing standards for EV chargers if a national organization has not adopted such standards by 2015.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee:

- 1) Cost pressure of an unknown amount, but likely in the millions to tens of millions of dollars, to fund the financial assistance program (General Fund, special funds or both).
- 2) One-time costs of an unknown, but significant amount, likely in the hundreds of thousands of dollars to millions of dollars, to CEC to design and implement the program, if the Legislature makes an appropriation to fund the program. Ongoing costs of an unknown, but significant amount, likely in the hundreds of thousands of dollars to millions of dollars, to CEC to administer the financial

assistance program, if the Legislature makes and appropriation to fund the program.

Presumably, any appropriation for the program made by the Legislature would accommodate CEC's one-time and ongoing costs.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California Environmental Voters (formerly Clcv)
Calstart INC.
Chargepoint, INC
Cruise LLC
Electric Vehicle Charging Association
Flo
Plug in America
Redwood Coast Energy Authority

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2264	Hearing Date:	6/28/2022
Author:	Bloom		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Pedestrian crossing signals

DIGEST: This bill requires installation and maintenance of traffic-actuated signals with leading pedestrian intervals (LPI).

ANALYSIS:

Existing law:

- 1) Requires Caltrans to maintain appropriate signs, signals, and other traffic control devices on both state highways and, with the consent of local authorities, maintain city streets and county roads.
- 2) Defines a traffic-actuated signal as an official traffic control signal, as specified in Section 445, that displays one or more of its indications in response to the presence of traffic detected by mechanical, visual, electrical, or other means.
- 3) Requires, cities and counties, upon first placement of a traffic-actuated signal or replacement of the loop detector of a traffic-actuated signal, to install those signals that detect motorcycle and bicycle traffic on the roadway.

This bill:

- 1) Requires upon the first placement or replacement of a state-owned or operated traffic-actuated signal, a traffic-actuated signal shall be installed and maintained to have a LPI.
- 2) Requires an existing state-owned or operated traffic-actuated signal capable of being implemented with remote installation or in-person programming to be programmed with a LPI when maintenance work is done on the intersection in which the traffic-actuated signal is located, if the signal is in a residence,

business, or business activity district, a safety corridor, or an area with a high concentration of pedestrians and cyclists, as determined by the California Department of Transportation (Caltrans) pursuant to Vehicle Code Section 22358.7.

- 3) Defines a LPI as an official traffic control signal that advances the "WALK" signal for three to seven seconds while the red signal halting traffic continues to be displayed on parallel through or turning traffic.

COMMENTS:

- 1) *Purpose.* According to the author, "with just a few seconds head start, we can reduce the staggering number of pedestrian casualties on our roads. LPIs are a proven practice, low cost, and important in helping make California streets safer for pedestrians. LPIs have also been known to increase a sense of safety for pedestrians, which is a crucial component of encouraging healthy and sustainable modes of transportation."
- 2) *Traffic Signal Background.* There are two general types of traffic signals, pre-timed and traffic-actuated; the California Manual on Uniform Traffic Control Devices (MUTCD) provides general guidance for which type of signal should be installed depending on the circumstances. With traffic-actuated signals, all traffic movements or phases are provided with detectors such as an inductive loop detector, a magnetometer, a magnetic detector, a video detector, or a pressure sensitive detector. Loop detectors, the most commonly used, are installed in the pavement and detect a vehicle (or bicycle or motorcycle, if so designed) when it passes over the loop or is stopped within the loop, and thus triggers the traffic signal.
- 3) *LPI Background.* An LPI is a traffic safety tool within an official traffic control signal that typically gives pedestrians a 3–7 second head start when entering an intersection with a corresponding green signal in the same direction of travel. LPIs enhance the visibility of pedestrians in the intersection and reinforce their right-of-way over turning vehicles. LPIs are critical at intersections where heavy right or left turning volumes create consistent conflicts and safety concerns between vehicles and pedestrians.

Leading pedestrian intervals have been installed across the country, providing an ample amount of data to demonstrate its effectiveness. A study from State College, Pennsylvania, conducted over a period of three years, found a reduction in pedestrian-vehicle crashes of 46%. A US Department of Federal Highway Administration review of studies from Chicago, Illinois, New York

City, New York, and Charlotte North Carolina with over 100 treated intersection found 13% reduction in total pedestrian-vehicle crashes for all cities combined. Finally, an Austin, Texas study surveyed residents and found that 87% of those surveyed expressed feeling safer crossing the street when an LPI was installed.

AB 2264 requires installation and maintenance of traffic-actuated signals with LPIs upon the first placement or replacement of a state-owned or operated traffic-actuated signal. AB 2264 also require an existing state-owned or operated traffic-actuated signal capable of being implemented with remote installation or in-person programming, to be programmed with a LPI when maintenance work is done on the intersection in which the traffic-actuated signal is located.

- 4) *Costs.* Caltrans manages approximately 5,000 traffic control signals that would be subject to the requirements of AB 2264. Caltrans estimates it will need to update about 200 signals each year, at an annual cost of approximately \$1.5 million in signal equipment, and \$160,000 in personnel expenses. Caltrans acknowledges the actual per-signal cost will vary, depending on specific conditions, including conditions of a given signal, roadway and location.

RELATED LEGISLATION:

SB 672 (Fuller, Chapter 432, Statutes of 2017) — this bill extended requirement of cities and counties, upon first placement of a traffic-actuated signal or replacement of the loop detector of a traffic-actuated signal, to install those signals that detect motorcycle and bicycle traffic on the roadway indefinitely.

AB 1581 (Fuller, Chapter 337, Statutes of 2007) — this bill required cities and counties, upon first placement of a traffic-actuated signal or replacement of the loop detector of a traffic-actuated signal, to install those signals that detect motorcycle and bicycle traffic on the roadway, until January 1, 2018.

AB 2521 (La Suer, 2002) — this bill would have required that traffic-actuated traffic signals be capable of being actuated by bicycles and motorcycles. *AB 2521 was vetoed by Governor Davis because the measure would have resulted in unknown reimbursable state-mandated costs on local government.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Activesgv
Calbike
California Yimby
Streets for All

OPPOSITION:

None received.

-- END --

- d) In awarding contracts to the lowest responsible bidder, award the contract to the lowest responsible bidder meeting the SBE and DVBE goals.
 - e) Until January 1, 2024, set aside work for competition among certified SBEs and award a contract to the lowest responsible bidder whenever the expected expenditure required exceeds \$5,000 but is less than \$3 million, as long as price quotations are obtained by LA Metro from three or more certified SBEs.
- 2) Allows, until January 1, 2024, LA Metro to set aside work for competition among MBEs for no more than 20 contracts. Allows LA Metro to award each contract to the lowest responsible bidder whenever the expected expenditure required exceeds \$3 million but is less than \$30 million, as long as LA Metro solicits price quotations from three or more MBEs.
 - 3) Requires LA Metro to submit a report to the Legislature by December 31, 2020 and December 31, 2023, as specified, if they award contracts pursuant to the SBE and MBE set-asides.
 - 4) Defines "medium business enterprise" to mean a company that is not a subsidiary of another company and that has a maximum of 250 employees and a maximum of \$250 million in gross annual receipts averaged over three years.
 - 5) Defines "small business enterprise" to mean a business enterprise that is classified as a small business under United States Small Business Administration rules and meets the current SBE size standards found in Part 121 of Title 13 of the Code of Federal Regulations appropriate to the type of work the enterprise seeks to perform. Authorizes LA Metro to establish limits regarding the average annual gross receipts of a small business, as specified, and the personal net worth of the owner.
 - 6) Defines "disabled veteran business enterprise" to have the meaning as defined in California's DVBE Program pursuant to the Military and Veterans Code.

This bill:

- 1) Defines "local small business enterprise" to mean a business enterprise that is classified as a small business under United States Small Business Administration rules, meets the current small business enterprise size standards found in Part 121 of Title 13 of the Code of Federal Regulations appropriate to the type of work the enterprise seeks to perform, and is headquartered in the County of Los Angeles.

- 2) Allows LA Metro to provide a LSBE a preference in construction, the construction component of a design-build team, the procurement of goods, or the delivery of services. The preference to a LSBE shall be 5% of the lowest responsible bidder meeting specifications that provides for LSBE participation. Specifies that LA Metro may also offer the preference to a nonlocal business if the bid includes 30% participation by a local small business enterprise.
- 3) Increases from \$3 million to \$5 million the maximum dollar amount LA Metro may set aside work for competition among certified SBEs.
- 4) Increases from \$3 million to \$5 million the minimum dollar amount LA Metro may set aside work for competition among certified MBEs.
- 5) Moves the 2024 sunset date on the authority for LA Metro to set aside work for competition among SBEs and MBEs to 2028.
- 6) Moves the reporting requirements for LA Metro to submit a report to the Legislature by December 31, 2023 and December 31, 2026, as specified, if they award contracts pursuant to the SBE and MBE set-asides. Also requires the report to include the number of employees working at a MBE receiving awards pursuant to this authority.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “Los Angeles County Metropolitan Transportation Authority (LA Metro) continues to pave the way for smaller businesses to have a shot at prime transportation contracts that had historically been out of reach for them. These business entities remain a critical part of the American fabric but, due to a number of barriers, were willing to engage in public works transportation projects yet often were unable to secure the required bonding, or because they did not have the financial means to meet the demands of financial institutions. These are entities that also employ a large number of California’s workers most in need – an overwhelming majority of them being women and people of color. And it is widely known that low-income communities of color have been hit the hardest during the pandemic. Local businesses contribute a great deal of tax dollars to local governments, and they provide long-term benefits for a variety of populations. By boosting contracting opportunities for local businesses in LA, this next step effort would continue to promote a stronger, more inclusive marketplace, to best serve our communities and create more economic opportunities for those most in need.”

- 1) *Who is LA Metro?* LA Metro is a county transportation commission created to fund, plan for, coordinate, build, and operate public transportation systems within Los Angeles County. LA Metro also serves as the regional transportation planning agency for the county and administers the local sales tax levied to fund transportation projects within the county. Metro issues approximately \$2 to \$5 billion in contracts annually.
- 2) *Small businesses in contracting in California.* Small business set-asides help small businesses win government contracts by "setting aside" specific government purchases exclusively for participation by SBEs. The contracts are still competitive, but the competition is narrowed to SBEs exclusively.

The state has had a small business preference within the state's procurement process for more than 30 years, and a DVBE component for more than 15 years. Some cities have programs that grant preference to local or regional small businesses. These may be in lieu of, or in addition to, preferences for small businesses in general. These current programs are governed by a combination of state law and city charter provisions.

- 3) *LA Metro's SBE, DVBE, and MBE Contracting Authority.* AB 1341 (Price, Chapter 494, Statutes of 2010), authorized LA Metro to facilitate contract awards to small businesses on contracts over \$100,000. AB 2440 (Lowenthal, Chapter 703, Statutes of 2012), eliminated the \$100,000 limitation on LA Metro's authority to facilitate contract awards to small businesses. In facilitating SBE contracts, LA Metro may provide a bid preference of 5% to the lowest responsible bidder. LA Metro can also establish a subcontracting participation goal for SBEs on certain contracts financed with nonfederal funds and give a preference of 5% to the lowest responsible bidders that meet that goal.

AB 2690 (Ridley-Thomas, Chapter 204, Statutes of 2016), significantly strengthened LA Metro's authority to facilitate contracting with SBEs and DVBEs. AB 2690 expanded the 5% bid preference for SBEs to also include DVBEs, required bidders to meet-- rather than make a good faith effort to meet -- SBE and DVBE goals, and required these goals to carry a numerically expressed objective that bidders must achieve. In awarding contracts to the lowest responsible bidder, LA Metro was allowed to award the contract to the lowest responsible bidder who meets the SBE and DVBE goals.

AB 2690 also allowed LA Metro to set aside contracts for competition by certified SBEs, as long as LA Metro obtains quotes from three or more certified SBEs. These SBEs must perform and exercise responsibility for at least 30% of the total cost of the contract work with their own workforce.

Further, AB 1205 (Jones-Sawyer, Chapter 473, Statutes of 2018), authorized LA Metro to facilitate up to 20 contract awards to MBEs where the expected expenditure exceeds \$3,000,000 but is less than \$30,000,000 dollars. The authority requires LA Metro to solicit price quotations from at least three SBEs for each contract, and requires LA Metro to report in 2020 and 2023 on MBE contracts issued under the authority created in AB 1205. The bill defined MBE as an enterprise with no more than 250 employees and no more than \$250 million in gross annual receipts over three years.

In LA Metro's required report for contracts awarded between January 2019 and December 2020, they state, "small business set-asides allow for small businesses to bid as primes, fostering opportunities to grow and build capacity. In 2014, Metro launched its Small Business Prime Set-Aside program to help small businesses compete for contracts as primes by "setting aside" specific purchases from three thousand dollars (\$3,000) to five million dollars (\$5,000,000) exclusively for participation by small business concerns. The contracts remain competitive, but the competition is narrowed to small businesses only.

"From program inception through FY2020, Metro has awarded more than \$165 million in SBE set-aside awards. This program is vital to increasing small business participation in Metro's contracting and has proven to be successful toward meeting this growth objective."

- 4) *AB 2271 creates a LSBE preference.* AB 2271 extends LA Metro's authority to set aside contracts to SBEs and MBEs until 2028. This bill also adjusts the SBE and MBE set aside contract amounts to align with the LA Metro's federally approved Small Business Prime Set –Aside Policy, and continues to require LA Metro to report on these programs in 2023 and 2026, if they issue contracts under the policy.

Additionally, this bill defines a LSBE as a business enterprise that is classified as a small business under federal rules and is headquartered in Los Angeles County. This bill authorizes LA Metro to provide a LSBE bid preference of 5% to the lowest responsible bidder, which is in line with the existing SBE preference. According to a recent memo to the LA Metro Board of Directors, staff state that, "as LA County emerges from the COVID-19 pandemic, it is important to support local small businesses to ensure a clear path to economic recovery. Metro has a vested interest in leveraging, to the greatest extent possible, the millions of dollars we pay to contractors to build, operate, and plan transportation projects for the benefit of LA County small businesses and its residents."

The memo further details the parameters of other agencies' LSBE practices including the San Francisco Bay Area Rapid Transit District (BART), the San Francisco Municipal Transportation Agency (SFMTA), and Los Angeles World Airports (LAWA). Staff noted that across the board, 5% was the most common bid preference incentive, which is reflected in AB 2271.

RELATED/PREVIOUS LEGISLATION:

AB 2039 (L. Rivas, 2022) – Authorizes the Los Angeles County Metropolitan Transportation Authority (LA Metro) to enter into job order contracts (JOCs). *AB 2039 will be heard by this committee on June 28, 2022.*

AB 1205 (Jones-Sawyer, Chapter 473, Statutes of 2018) – Authorized LA Metro to facilitate contract awards to up to 20 MBEs on contracts where the expected expenditure exceeds \$3,000,000 but is less than \$30,000,000 dollars.

AB 2690 (Ridley-Thomas, Chapter 204, Statutes of 2016) – Significantly strengthened LA Metro's authority to facilitate contracting with SBEs and DVBEs.

AB 2440 (Lowenthal, Chapter 703, Statutes of 2012) – Eliminated the \$100,000 limitation on LA Metro's authority to facilitate contract awards to small businesses.

AB 1341 (Price, Chapter 494, Statutes of 2010) – Authorized LA Metro to facilitate contract awards to small businesses on contracts over \$100,000.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Los Angeles County Metropolitan Transportation Authority (sponsor)
Asian American Architects/engineers Association
Los Angeles Latino Chamber of Commerce
Redwood Resources
Tovar Geospatial
Transportation Business Advisory Council (TBAC)

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	AB 2350	Hearing Date:	6/28/2022
Author:	Wilson		
Version:	5/16/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Vehicular air pollution: Zero-Emission Aftermarket Conversion Project

DIGEST: This bill requires the California Air Resources Board (CARB) to establish the Zero-Emission Aftermarket Conversion Project (ZACP), using funding from the Clean Vehicle Rebate Project (CVRP) to provide an applicant with a rebate for converting a vehicle into a zero-emission vehicle (ZEV).

ANALYSIS:

Existing law:

- 1) Defines “zero-emission vehicle” (ZEV) as a vehicle that produces no emissions of criteria pollutants, toxic air contaminants, and greenhouse gases (GHGs). (HSC §44258)
- 2) Establishes the Clean Vehicle Rebate Project (CVRP) which provides qualified applicants with a rebate for the purchase of a ZEV. (HSC §44274)

This bill:

- 1) Requires CARB to establish the Zero-Emission Aftermarket Conversion Project (ZACP) and allocate up to \$2 million dollars annually from the CVRP to provide a qualified applicant with a rebate for an eligible vehicle that has been converted into a ZEV.
- 2) Requires CARB to develop guidelines for the program, define qualifying conversion-types for used vehicles, define eligible replacement motors, power systems, and parts, and establish minimum eligibility criteria for an applicant to be eligible for a rebate. The guidelines shall:
 - a) Limit ZACP rebates to one per vehicle.

- b) Require an eligible ZEV to have a range of at least 100 miles.
 - c) Ensure the value of the vehicle being converted plus the cost of the conversion do not exceed the manufacturer suggested retail price (MSRP) limit established for the CVRP. As of February 24, 2022, those limits are \$60,000 for minivans/pickups/SUVs and \$45,000 for hatchbacks/sedans/wagons/two-seaters.
 - d) Apply the income limits established for the CVRP to the program established by this bill. As of February 24, 2022, those income limits are \$135,000 for single filers, and \$200,000 for joint filers.
 - e) Ensure the rebate provides cost-effective benefits to the state in reducing air pollution.
- 3) Caps the maximum rebate at \$2,000.
- 4) Directs a minimum of 25% of the rebates issued pursuant to the program established by this bill shall be issued to those eligible for the Clean Cars 4 All program.
- 5) Requires CARB to coordinate the ZACP with the enhanced fleet modernization program, the Charge Ahead California Initiative, and CVRP.

COMMENTS:

- 1) *Author's Statement.* "Reducing passenger vehicle emissions is essential to meeting the state's ambitious greenhouse gas reduction goals. However, many Californians still cite cost as a key barrier to obtaining a new ZEV. To meet California consumers' demand for more affordable clean transportation options, the state needs new and creative ways to make ZEV ownership more accessible. Consumers and the car industry have developed increasing interest in the after-market conversion of gasoline-powered vehicles into hydrogen or electric ZEVs. AB 2350 will create the Zero-Emission After Market Conversion Project (ZACP) to provide consumer rebates for the conversion of gasoline- and diesel-powered cars to zero-emission vehicles. This will help the state meet its ambitious climate goals by providing California consumers with one more pathway towards ownership of a climate-friendly vehicle."
- 2) *Double Referral.* This bill was heard by the Senate Environmental Quality Committee on June 22 and approved with a vote of 7-0.
- 3) *Ambitious Goals.* Meeting California's ambitious GHG reduction goals means electrifying California's transportation system, including cars and trucks.

Governor Newsom's Executive Order (EO) N-79-20 established the goal that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. The EO further requires that 100% of medium- and heavy-duty vehicles in the state be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks.

Supporting these goals are a number of state and federal incentive programs. California's two biggest light-duty vehicle programs are the CVRP, which has provided rebates for more than 450,000 new vehicles, and the Clean Cars 4 All Program (CC4A), which provides rebates and incentives for new and used vehicles. Neither program provides incentives for after-market conversions.

- 4) *Most Bang for the Bucks?* The demand for California's clean vehicle incentive programs always exceeds available funding. This shortfall could worsen as incentives get larger to encourage adoption by lower-income Californians. This bill proposes to use funding that would otherwise go to the CVRP for aftermarket retrofits.

An aftermarket retrofit occurs when a traditionally powered vehicle has its gasoline engine removed and replaced with electric motors and batteries. Much additional work is required relating to the transmission, radiator, electrical systems and the interior heating and cooling system. It is a substantial undertaking well beyond the capabilities of most. As noted in the Senate Environmental Quality bill analysis, at least one company, Electric GT, advertises "plug-and-play" kits that include all of the parts necessary to convert a car to an EV with prices ranging from \$34,500-\$65,000, while EV West advertises some kits in the \$8,000-\$18,000 range. Neither include the cost of labor.

The goal of the clean vehicle rebate programs is to reduce emissions and this type of aftermarket retrofits would seem to do that. The question is whether it is cost effective compared to California's other clean vehicle programs. Answering this question requires an assessment of whether this rebate would induce people to replace their internal combustion engines who otherwise wouldn't. Part of this calculus would recognize that the CVRP and CC4A often work in tandem with a much more substantial federal tax credit of up to \$7500, which aftermarket retrofits do not qualify for. This bill provides for this assessment as it requires CARB to ensure that any rebate from this program provide cost-effective benefits equivalent to the rebates for new ZEVs.

- 5) *Clarifying amendment.* This bill creates a ZEV program but the cost effective analysis in the bill only looks at air pollution impacts. This should be expanded to also consider GHG reductions.
- 6) *Amendments Accepted in Environmental Quality Committee.* Because of the short turn-around time between hearings, amendments accepted in the prior hearing will need to be adopted in this hearing. Those amendments are the following:
- a) Provide that any money set aside for the ZACP that is not spent each year to automatically revert to the CVRP.
 - b) At the end of Page 2, Line 28:

“If any of the moneys allocated for this purpose are not expended by the end of each fiscal year, those monies shall be repaid to the Clean Vehicle Rebate Project.”
 - c) Technical amendments:
 - i) On Page 3, strike lines 18-20 that read “A new vehicle frame may be installed on an eligible vehicle so long as it is installed to accommodate a zero-emission vehicle conversion.”
 - ii) On Page 3, amend Line 9 to read “at the time of the conversion, ~~and~~ the cost of the conversion, and the cost of any new vehicle frame that is installed to accommodate a vehicle conversion.”
 - iii) On Page 3, Line 21, strike “(d)”, on Page 3, Line 24, change “(e)” to “(d)”, and on Page 3, Line 28, change “(f)” to “(e)”.

RELATED LEGISLATION:

AB 745 (Gipson, 2021) – Would have required ARB to take specified action by January 1, 2024 to meet the goals of Clean Cars 4 All Program. *This bill died in the Assembly Appropriations Committee.*

AB 193 (Cervantes, Chapter 363, Statutes of 2018) – Required ARB to establish the Zero-Emission Assurance Project (ZAP) to help encourage purchases of used zero-emission vehicles (ZEVs) and near-ZEVs. This program has not been established because the bill stated it would only take effect upon appropriation of

funds from the Legislature and no funds have been appropriated to establish the program.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee:

- 1) Redirection of \$2 million annually from the CVRP to the ZACP.
- 2) Cost pressure of \$2 million annually to compensate for reduced CVRP funding.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Specialty Equipment Market Association (SEMA) (Sponsor)

OPPOSITION:

None received.

-- END --

California Highway Patrol (CHP) to inspect terminals on a performance-based inspection selection system.

- 4) Requires the CHP to establish rules and regulations for motor carrier selection and inspection of motor carriers at terminals, and conduct inspections in order to regulate compliance with Motor Carrier Safety regulations.
- 5) Requires carriers to ensure each regulated vehicle is inspected at least every 90 days, or more often if necessary to ensure safe operation.
- 6) Exempts agricultural vehicles from the BIT program until January 1, 2023 and requires CHP to report to the Governor and the Legislature, on or before January 1, 2022, regarding the impact of this exclusion.

This bill extends the exclusion of agricultural vehicles from the BIT program until January 1, 2026.

COMMENTS:

- 1) *Author's Statement.* "I am proposing a three-year extension of the narrowly-tailored exemption for agricultural vehicles from the California Highway Patrol's Basic Inspection of Terminals, or BIT, Program. I previously authored AB 1960 creating the exemption in 2016 in recognition of the disruption that the BIT program would impose upon agricultural producers and the exemplary safety record of farm and ranch vehicles. This legislation provided that the exemption expires on January 1, 2023 and required that the CHP publish a report on the public safety impacts and suggesting policy recommendations regarding the exemption. Unfortunately, the report has not yet been filed. AB 2415 simply extends the agricultural vehicle exemption by another three years, ensuring that the Legislature may receive and meaningfully consider CHP's report and any recommendations reflected therein before imposing additional regulatory requirements upon the state's producers of food and fiber without sufficient justification."
- 2) *CHP's BIT program.* The BIT program was implemented to ensure the safe operation of commercial vehicles by a motor carrier through the inspection of those vehicles at motor-carrier terminals. In 2013, AB 529 (Lowenthal, Chapter 500, Statutes of 2013) revised the BIT program to establish a performance-based model for inspections, moving away from motor-carrier terminal inspections occurring once every 25 months to a model where ongoing compliant motor carriers may be inspected only once every six years. Non-

compliant carriers would be targeted for additional inspections to ensure compliance. In switching to this performance-based system, more classifications of commercial motor vehicles were brought into the jurisdiction of BIT inspections, which both increased the number of vehicles inspected for safety by CHP and spread the cost for operating the program over a greater number of vehicles.

- 3) *Agricultural Exemption.* Supporters argue that the BIT program was particularly problematic for agricultural producers for several reasons. Trucks and trailers commonly used by farmers and ranchers are also their personal vehicles – and those same vehicles are otherwise exempt from BIT when used solely for personal and recreational purposes. BIT inspections are time-consuming for agricultural producers, and even minor violations could restrict a farmer or rancher from operating a vehicle critical to their operation. Finally, the BIT program discourages farmers and ranchers from purchasing new vehicles and trailers which would subject those producers to BIT based on the vehicles' weight and configuration, frustrating safety and emission reduction policies which would be advanced by the purchase of such new equipment. The Legislature was sympathetic to this argument, approving an exemption until 2023 and requiring a report back to the Legislature by 2022 on the safety impact.
- 4) *MIA.* The CHP report on the agricultural exemption from the BIT program was due by January 1, 2022. It has not been released. Without the report it is difficult to judge whether this exemption has impacted public safety. It is notable that there has been no objection from the Administration to this bill. Whenever the report is released, if the CHP suggests modifications to the exemption the Legislature may not choose to wait until the expiration of this extension to enact them.

RELATED LEGISLATION:

AB 1960 (Lackey, Chapter 748, Statutes of 2016) – Exempted agricultural vehicles from the BIT program until 2023 with a report from the CHP on the impact of this exemption due by January 1, 2022.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee: Minor, absorbable costs to the California Highway Patrol (CHP).

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California Cattlemen's Association
California Farm Bureau Federation
Family Winemakers of California
Western United Dairymen

OPPOSITION:

None received.

-- END --

- 4) Allows a violator to prove they corrected a violation with a proof of correction certificate from the following sources:
 - a) The DMV for a violation involving a driver license and registration.
 - b) A licensed station or licensed adjuster that is licensed by the Bureau of Automotive Repair for a violation involving a brake, lamp, smog device, or muffler; and,
 - c) A police department, the California Highway Patrol (CHP), sheriff, marshal or other law enforcement agency regularly engaged in enforcement of the vehicle code.
- 5) Authorizes stations providing referee functions to provide for the testing of vehicle exhaust systems and issue certificate of compliance for vehicles issued violations for modified or inadequate mufflers.
- 6) Authorizes the certificate of compliance to be issued if the vehicle, other than motorcycles, has a gross vehicle weight rating of less than 6,000 pounds and emits no more than 95 weighted decibels (dbA) when tested in accordance with Society of Automotive Engineers Standards.
- 7) Prohibits operation of a motorcycle that does not have a properly labelled exhaust system. Violations are subject to specified fines.

This bill:

- 1) Requires a court, beginning January 1, 2027, to notify the Department of Motor Vehicles (DMV) to place a registration hold on a vehicle found to have a noncompliant modified muffler of muffler installed with a whistle tip until the court has been presented with a certificate of compliance from a referee authorized to test the vehicle.
- 2) Requires stations providing the referee function to also provide for the testing of exhaust systems and the issuance of certifications for compliance for motorcycles that have received a citation for modifying a muffler or installing a whistle tip.

COMMENTS:

- 1) *Author's Statement.* "Noise pollution from illegally modified vehicles is a significant problem in our local communities. AB 2496 will prevent drivers from continuing to operate vehicles with illegally modified exhausts by

requiring drivers ticketed for illegal modifications to prove that they have fixed the modification within three months or face a hold on their registration. This will provide our communities with an important tool to reduce noise pollution from intentionally modified vehicles, protecting public health and ensuring a higher quality of life for local residents.”

- 2) *Buy Your Way Out.* The author is concerned that current law, which allows for a fix it ticket, is being rendered ineffective by individuals who elect to pay a higher bail rather than fix the exhaust system. A fix it ticket can be cleared with proof that the equipment violation has been fixed and payment of a \$25 fee. It can also be cleared with a payment of a \$192.74 fee without fixing the equipment violation. Under this bill an individual would have to fix their exhaust system or else be unable to renew their vehicle registration.
- 3) *Opposition.* Opponents are concerned about enforcing noise restrictions on motorcycles. They contend that current law and practice, which focusses on ensuring that motorcycles have the proper exhaust system equipment, is effective. They’re concerned that if a motorcycle is cited for a noise violation, there are few places which can test that the motorcycle complies with the law and therefore clear the fix-it ticket.
- 4) *Can It Be Done?* The Department of Consumer Affairs is aware of the provisions of this bill. While they take no position on the bill itself, the Department doesn’t foresee the provisions being a significant burden on the referee stations, although it expects an increase in volume as the referee stations do not currently test motorcycles. The four year implementation delay of the bill provides time for the industry to adapt.
- 5) *Technical Amendments.* This bill requires several technical amendments to be effective. First, all the provisions of this bill, and not just Section 2, should be made effective on January 1, 2027. Second, as the bill is intended to deal with motorcycles the phrase “other than motorcycles” should be deleted from Section 27150.2 (b)(1). Third, the reference to the Society of Automotive Engineers Standard in that same section should be updated to the most current SAE standard. This is the same language included in the committee code clean up bill.

RELATED LEGISLATION:

SB 1079 (Portantino, 2022) – Authorizes a pilot program for the use of sound-activated enforcement devices to issue violations for having a modified muffler. *This bill is pending in the Assembly Transportation Committee.*

SB 112 (Budget), Chapter 364, Statutes of 2019 – Reestablished the ability to issue to fix it tickets for inadequate mufflers except for modified mufflers for motorcycles.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

From the Assembly Appropriations Committee (prior version of the bill):

- 1) Costs to implement this bill include (a) those DMV will face in updating its information technology (IT) systems to allow for a new “vehicle licensing/titling (VLT) stop” on the vehicle record and a new reason to renew registration and (b) ongoing costs to administer the program. Those ongoing costs should result in minimal work that DMV is able to absorb within existing resources.
- 2) DMV notes it is completely rebuilding its IT systems, a process DMV refers to as the “Enterprise Modernization Project – the Digital eXperience Platform (DXP).” DMV anticipates the project to last through fiscal year 2025-26. DMV contends the changes called for by this bill will require DMV to both modify its existing IT systems (which DMV refers to as its “core legacy systems”) as a temporary solution and to incorporate the requirements of this bill into the DXP as a permanent solution. DMV contends doing so will cost “multiple millions of dollars.”
- 3) DMV was not able to specify how much costs it attributes to modifying its core legacy systems and how much it attributes to incorporating the requirements of this bill into the DXP. DMV warned, however, that expanding the DXP project would be a change in project scope, which would be costly and jeopardize on-time completion of the project.
- 4) Were the author to delay implementation of this bill until mid-2027, DMV would experience neither the costs to modify its core legacy systems nor the expansion in scope of the DXP project. DMV would still face costs to modify the then-completed DXP, whatever those costs may be.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

City of Chino Hills
City of Huntington Beach
City of Irvine
City of Laguna Beach
City of Newport Beach
City of Oceanside

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2510	Hearing Date:	6/28/2022
Author:	Wilson		
Version:	3/17/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Vehicles: driver's licenses

DIGEST: This bill waives the driver's license renewal fee for a person experiencing homelessness.

ANALYSIS:

Existing law:

- 1) Requires a person who drives a vehicle upon a highway to have a valid driver's license (DL).
- 2) Prescribes specified fees that shall be collected by the Department of Motor Vehicles for the issuance and renewal of a driver's license.
- 3) Waives the identification card (ID) fee for unhoused persons.

This bill:

- 1) Waives the DL fee for a homeless person, as defined.
- 2) Defines "homeless person" the same as a homeless person under the federal McKinney-Vento Homeless Assistance Act, which includes the following:
 - a) An individual or family who lacks a fixed, regular, and adequate nighttime residence.
 - b) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

- c) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).
- 3) Defines a “homeless services provider” as:
 - a) A governmental or nonprofit agency receiving federal, state, or county or municipal funding to provide services to a “homeless person” or “homeless child or youth,” or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
 - b) An attorney licensed to practice law in this state.
 - c) A local educational agency liaison for homeless children and youth designated as such pursuant to Section 11432 (g)(1)(J)(ii) of Title 42 of the United States Code, or a school social worker.
 - d) A human services provider or public social services provider funded by the State of California to provide homeless children or youth health services, mental or behavioral health services, substance use disorder services, or public assistance or employment services.
 - e) A law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff’s department within the state.
 - f) Any other homeless services provider that is qualified to verify an individual’s housing status, as determined by the department.

COMMENTS:

- 1) *Purpose.* According to the author, "it is important that individuals who are experiencing homelessness are protected and have resources to guide them toward stability. They deserve access to the same resources and opportunities that they would have if they weren't homeless. This includes access to an updated driver's license, which if it were expired, could result in accrued parking violations and unaffordable car towing fees. Safe Parking Santa Barbara has made significant progress in helping individuals avoid violations and towing fees by giving them a safe place to park their cars overnight. AB 2510 aims to further support homeless individuals by waiving the fees associated with renewing a driver's license. Having a current driver's license would allow these

individuals to apply for jobs and take the steps necessary to improve their lives."

- 2) *Need for the bill.* An individual experiencing homelessness needs a DL for the same reasons that a housed person needs a DL. This includes access to benefits and services and to prove who they are. Housed individuals generally do not leave their homes without their DL card, especially if they will be operating a vehicle on a California roadway. Yet, many individuals experiencing homelessness cannot afford the DL fee, which can cost \$39 for a class C license. While \$39 may seem relatively de minimis, it is nearly one-fourth of the monthly allowance the state provides to a single low income individual under CalFresh benefits for food.

AB 1733 (Quirk Silva, Chapter 764, Statutes of 2014) created a process for DMV to waive the fee for an ID card for homeless individuals. Having an identification card is imperative in accessing services and benefits. However, a DL is far more useful as it not only opens the doors for public benefits including CalFresh and SSI, it permits the holder to explore employment opportunities which could further aid them in escaping poverty by obtaining a job.

According to the Legislative Analysis Office, California now has an estimated 151,000 people experiencing homelessness, more than any other state in the nation. Similarly, according to the Homeless Policy Research Institute, 27% of the national homeless population is in California. 72% of those who are homeless in California are also unsheltered, the highest share of unsheltered homeless of any state. In fact, half of the people experiencing unsheltered homelessness reside in California.

According to a survey from the National Law Center on Homelessness and Poverty (NLCHP), in a given month in 2004, 54% of homeless people without photo ID were denied access to shelters or housing services, 53% were denied food stamps, and 45% were denied access to Medicaid or other medical services. These unsettling numbers make it imperative to help facilitate access to services and benefits for individuals experiencing homelessness. AB 2510 attempts to remove another fiscal barrier so that an individual experiencing homelessness may renew their DL without paying the \$39 fee.

Waiving the DL renewal fee for a person experiencing homelessness is consistent with other actions taken by the Legislature this year. Specifically, AB 1685 (Bryan, 2022) requires processing agencies to forgive at least \$1,500 in parking tickets for individuals who are verified to be homeless. Likewise,

AB 2775 (Quirk-Silva, 2022) permits a person who has been verified to be experiencing homelessness to waive payment of their vehicle registration fees.

3) *Costs.* According to the DMV, the DMV has issued the following number of ID cards for unhoused individuals:

- a) 2016 – 60,908
- b) 2017 – 105,283
- c) 2018 – 121,676
- d) 2019 – 137,888
- e) 2020 - 75,314
- f) 2021 – 100,721
- g) 2022 – 39,049 (through April)

Likewise, the DMV estimates a \$3 million - \$4 million annual loss if AB 2510 were to become law. This large loss will negatively impact the Motor Vehicle Account (MVA), the primary funding source for DMV, which is already expected to go into a deficit.

RELATED LEGISLATION:

AB 1685 (Bryan, 2022) — this bill requires processing agencies to forgive at least \$1,500 in parking tickets for individuals who are verified to be homeless. *This bill is pending in the Senate Human Services Committee.*

AB 2775 (Quirk-Silva, 2022) — this bill specifies that a person who verifies they are homeless with the DMV does not have to pay vehicle registration fees on an automobile or a recreational vehicle. *This bill is pending in the Senate Human Services Committee.*

AB 1733 (Quirk Silva, Chapter 764, Statutes of 2014) — this bill created a process for DMV to waive the fee for an ID card for homeless individuals.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	AB 2514	Hearing Date:	6/28/2022
Author:	Megan Dahle		
Version:	5/19/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: State Highway System Management Plan: underserved rural communities

DIGEST: This bill requires the State Highway System Management Plan to include a comprehensive evaluation of the current state of transportation in underserved rural communities.

ANALYSIS:

Existing law:

- 1) Requires Caltrans to prepare a number of documents for the purpose of guiding transportation capital improvement investments for projects that will preserve and protect the state highway system in a cost-effective manner. These plans include:
 - a) A ten-year State Highway Operation and Protection Program (SHOPP) plan that identifies all rehabilitation and reconstruction needs for a ten-year period.
 - b) A five-year maintenance plan that identifies maintenance activities that, if the activities were not performed, could result in increased SHOPP costs.
 - c) A state highway system management system plan (SHSMP) every odd numbered year to align transportation investments with the Caltrans Strategic Management plan.

This bill requires the SHSMP to include a comprehensive evaluation, in consultation with the California Transportation Commission (CTC), the Controller, and rural counties, of the current state of transportation in underserved rural communities and a transportation needs assessment of the cost to operate, maintain, and provide for the transportation system in underserved rural communities, as specified.

COMMENTS:

1. *Author's Statement.* "My Assembly District, and others like it throughout the state, are very rural and impacted at a higher rate by the ravages of wildfires. Additionally, rural roads and highways are more frequently impacted by the constant flow of agricultural traffic moving commodities from farms and food manufacturing facilities to market. Rural areas too frequently end up on the losing end of road funding formulas. This bill would seek a thorough study to contemplate new ways to fund the maintenance of rural roads and highways to maintain road integrity and safety."
2. *Shortfalls.* Statewide transportation funding is falling far short of need. For example, in 2021, Caltrans released its State Highway System Management Plan (SHSMP), estimating that the cost to operate and maintain state highways for the next 10 years will be \$116.8 billion. Caltrans also estimates that only \$55.3 billion in funding will be available, leaving a deficit of \$61.5 billion. For the first time, Caltrans included needs identified to address statewide sea level rise impacts associated with climate change, which increased the funding needed by \$11.1 billion over 10 years.

The same is true for local streets and roads. Since 2008, the California State Association of Counties and the League of California Cities have studied the condition and funding needs of the local system. Their most recent report, released in August 2021, found that it will cost \$118.7 billion over the next 10 years for local streets and roads to be maintained in a state of good repair. However, only \$54.7 billion will be available leaving a deficit of \$64 billion. The author contends that rural areas are especially short funded.

3. *Limitations.* This bill requires that Caltrans perform a comprehensive evaluation of the transportation funding needs for underserved rural communities in the SHSMP. The author may wish to more clearly define "underserved rural communities". "Underserved" is a term used more to identify the lack of broadband access; it's not clear what the term means in a transportation context. Also, the term "communities" should be more clearly defined. Does this mean towns, census tracts, counties? Finally, the SHSMP only considers state highways. It does not consider local roads or public transit systems. If the author wishes to include those assets then amendments will be necessary.

RELATED LEGISLATION:

SB 1121 (Gonzalez, 2022) -- Requires the CTC to prepare a needs assessment of the costs to operate, maintain and provide for the future growth of the state and local transportation system for the next 10 years and to recommend ways to bridge the needs versus the available resources. *This bill is pending in the Assembly Committee on Appropriations.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)

OPPOSITION:

None received.

-- END --

events became popular in Oakland, California back in the 1980s. These sideshows include dangerous stunts including donuts in close proximity to pedestrians and popping wheelies.

- 3) *Sideshow popularity.* The Sacramento Bee reported in January of 2019 that sideshows have been occurring on the streets in North Sacramento County nearly every weekend. Some of the larger sideshows included one in November of 2017 on Highway 50 in Sacramento that involved 500 vehicles and 1,000 people participating in a sideshow that blocked all eastbound lanes of traffic for 15 minutes. The size of these events has made it difficult for law enforcement to effectively apprehend everyone involved. During the COVID 19 pandemic lockdowns, cities have seen an increase in street racing and sideshows, in part because there have been fewer vehicles on the road. The California Highway Patrol (CHP) responded to 25,953 calls involving a motor vehicle speed contest or exhibition of speed in 2020, nearly 3,500 more calls than the prior year. In 2020, CHP cited 341 individuals with a violation of motor vehicle exhibition of speed, 141 more than the year before.
- 4) *Crime and Punishment.* Individuals who participate in a sideshow can be charged with engaging in a motor vehicle exhibition of speed on a highway, which has been interpreted by the courts to include the acts of burning or squealing tires – allowing them to lose traction, performing wheelies, or revving an engine or hitting the gas too quickly after running a light. Last year the Legislature passed AB 3 (Fong), Chapter 611, Statutes of 2021, which provided the ability to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

Prosecutors are given the discretion to charge a motor vehicle exhibition of speed as a misdemeanor or an infraction (commonly referred to as a wobbler) as a result of the different types of acts of severity that could be charged as a motor vehicle exhibition of speed. If the crime is a misdemeanor, they can serve up to 90 days in jail, and receive a fine of nearly \$500 after accounting for all of the fees attached to the \$100 base fine. If the crime is charged as an infraction, the fine is closer to \$400. A driver will also receive two violation points on their license, and traffic violator school is not an option. An individual is considered a negligent operator if they receive 4 or more points in 12 months, 6 in 24 months, or 8 in 36 months. DMV is given the authority to suspend someone's license if they are determined to be a negligent operator.

Unlike reckless driving charges, the crime of motor vehicle exhibitions of speed and speed contest can only be brought on a roadway, not a parking lot. This bill authorizes those two crimes to be charged if committed on a parking lot.

- 5) *The Same but Different?* Earlier this month this committee approved AB 2000 (Gabriel) which expanded the definition of sideshows to include parking lots. This bill expands the definition of sideshows to include public places open to vehicle traffic or private property, subsuming the provisions in AB 2000. The bill language, as noted by the Senate Public Safety Committee analysis, is written in a way which makes the bill non-functional. The committee staff understands that the author's intent is not to overlap with AB 2000 but instead to supplement the bill. He is proposing language to correct the shortcomings identified in the Public Safety Committee and to cover private property but exclude the property already covered in AB 2000.
- 6) *What's Left?* AB 2000 covers "off-street parking facilities" which is defined as any off-street facility held open for use by the public for parking vehicles. That leaves this bill covering off-street parking facilities not open for use by the public and private property not used for parking (e.g. agricultural or recreational land). While sideshows are a problem, the committee hasn't been presented with any evidence of a problem in the spaces covered by this bill.

RELATED LEGISLATION:

AB 2000 (Gabriel) – Expands the crimes of participation in a sideshow to include participation in off-street parking facilities. *This bill passed this committee 14-0 and is pending in the Public Safety Committee.*

AB 3 (Fong), Chapter 611, Statutes of 2021 – Authorized suspension of a person's driver's license upon if convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This bill designates the portion of State Highway Route 101 and State Highway Route 134 between the Laurel Canyon Boulevard exit on State Highway Route 101 and the North Pass Avenue exit on State Highway Route 134 in the County of Los Angeles as the Amelia Earhart Memorial Highway.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of Amelia Earhart.
- 2) *Background.* Amelia Earhart was born on July 24, 1897, in Atchison, Kansas. Earhart took her first flying lesson on January 3, 1921, and, in six months, managed to save enough money to buy her first plane, a second-hand Kinner Airster two-seater biplane painted bright yellow, which she named “The Canary,” and used to set her first women’s record by rising to an altitude of 14,000 feet. In 1928, Earhart was asked to join pilot Wilmer “Bill” Stultz and copilot and mechanic Louis E. “Slim” Gordon as part of a project to be the first woman to fly across the Atlantic Ocean. Their landmark flight made headlines worldwide because three pilots had died within the year trying to be the first woman to fly across the Atlantic. When the crew returned to the United States, they were greeted with a ticker-tape parade in New York and a reception held by President Calvin Coolidge at the White House. Earhart became the first woman and the second person to fly solo across the Atlantic and on May 20, 1932, five years to the day after the Lindbergh flight across the Atlantic. In the years that followed, Earhart continued to reach new heights, setting an altitude record for autogyros of 18,415 feet that stood for years and on January 11, 1935, she became the first person to fly solo across the Pacific Ocean from Honolulu to Oakland, California. On June 1, 1937, Earhart attempted to become the first the first woman to fly around the world. During that effort Earhart’s plane disappeared en route to Howland Island and nothing further was heard from her.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Nithya Raman, LA City Councilmember 4th District
Toluca Lake Chamber of Commerce

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 2763 **Hearing Date:** 6/28/2022
Author: Kalra
Version: 6/16/2022 Amended
Urgency: No **Fiscal:** No
Consultant: Melissa White

SUBJECT: Santa Clara Valley Transportation Authority: job order contracting

DIGEST: This bill authorizes the Santa Clara Valley Transportation Authority (VTA) to enter into job order contracts (JOCs).

ANALYSIS:

Existing law:

- 1) Requires, pursuant to the Local Agency Public Construction Act (LAPC Act), local officials to invite bids for construction projects and then award contracts to the lowest responsible bidder under the traditional design-bid-build project delivery system.
- 2) Authorizes certain state and local agencies to enter into JOCs, including counties, school districts, community college districts, the California State University, and the Department of Transportation (Caltrans) through the Clean California State Beautification Program of 2021, as specified.
- 3) Creates VTA with various duties relative to transportation projects, planning and services, and the operation of public transit in the County of Santa Clara.

This bill:

- 1) Stipulates findings and declarations related to the use of JOCs and its benefits for accelerated completion of projects and cost savings.
- 2) Defines “job order contract” to mean an indefinite-quantity contract for repair, remodeling, or other repetitive work to be done according to unit prices.

- 3) Defines “typical work” to mean a work description applicable universally or applicable to a large number of individual projects, as distinguished from work specifically described with respect to an individual project.
- 4) Defines “unit price” to mean the amount paid for a single unit of an item of work.
- 5) Authorizes VTA to enter into a JOC on a competitive basis for repair, remodeling, or other repetitive work.
- 6) Prohibits VTA from entering into a JOC for work that is protected by collective bargaining agreements.
- 7) Prohibits VTA from entering into a JOC for new construction.
- 8) Requires JOCs, and the task orders within them, to be subject to the project labor agreement (PLA) between VTA and the Santa Clara and San Benito Counties Building and Construction Trades Council, unless otherwise exempted by that PLA.
- 9) Prohibits a single JOC from exceeding \$5 million in the first term of the JOC and, if extended or renewed, \$10 million over the maximum of two extended terms of the JOC.
- 10) Allows VTA to execute a JOC for an initial contract term of no more than 12 months, with the option of extending or renewing the JOC for two additional 12-month periods, as specified.
- 11) Requires VTA, if it uses the JOC authority, on or before January 1, 2027, to submit to the Legislature a report on the use of JOCs. Requires the report to include, but not be limited to, all of the following:
 - a) A description of the VTA’s system for evaluating JOC bids for award of contracts, including, but not limited to, the criteria used by the VTA to determine a qualified and responsive job order contractor.
 - b) A description of each JOC awarded and the contractor awarded the contract.
 - c) An assessment of the use of JOC.
- 12) Contains a sunset date of January 1, 2028.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, “Job order contracting (JOC) can reduce procurement time and costs associated with putting projects to bid. It is typically used for unplanned, but foreseeable maintenance projects. By authorizing JOC for VTA, AB 2763 will increase efficiency and accelerate the completion of smaller projects, allowing VTA facilities to remain in a state of good repair for the benefit of its riders.”
- 2) *Who is VTA?* The Santa Clara County Transit District was created through state legislation in 1969, SB 49 (Alquist and Bradley, Chapter 180, Statutes of 1969), to provide public transit service for the communities of Santa Clara County. On December 1, 1994, VTA became the congestion management agency in Santa Clara County, responsible for countywide transportation planning and funding and for managing the county’s blueprint to reduce congestion and improve air quality. On January 1, 2000, AB 1650 (Committee on Transportation, Chapter 724, Statutes of 1999), changed VTA’s name.

VTA is an independent special district that provides bus, light rail, and paratransit services, as well as participates as a funding partner in regional rail service including Caltrain, Capital Corridor, and the Altamont Corridor Express (ACE). As the county’s congestion management agency, VTA is responsible for countywide transportation planning, including congestion management, design and construction of specific highway, pedestrian, and bicycle improvement projects, as well as promotion of transit oriented development.

VTA provides these services throughout the county, including the cities of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga and Sunnyvale.

- 3) *What is Job Oder Contracting?* A JOC is a competitively bid, fixed price, indefinite quantity contract for the performance of minor construction, as well as the renovation, alteration, painting, and repair of existing public facilities. A JOC is generally a multi-year contract that includes a base year and multiple "option years," and is awarded before the awarding agency has identified specific work that it needs the contractor to perform. A typical JOC involves a variety of tasks such as roofing, electrical work, plumbing, and painting that are required for all of a public agency's buildings for a period of years.

A JOC is a fixed price agreement in that it is based upon specified charges contained in a Unit Price Book (UPB), which is prepared by the public agency

or by independent commercial sources. The UPB sets forth detailed repair and construction tasks, including task descriptions, specifications, units of measurement, and unit prices for each task. Unit price refers to the amount paid for a single unit of an item of work. A contractor's bid is expressed in terms of a percentage of the specified UPB charges. The UPB is then used to determine the costs of each proposed project during the term of the contract. As an example, if a procuring agency's per unit catalog price for an HVAC installation is \$1,000, and a contractor submits a bid to do that work with an adjustment factor of 1.13, the contractor is agreeing to install the HVAC for \$1,130.

The total JOC value may be specified as a range with a certain guaranteed minimum. The award of annual contracts on a unit price basis enables what would otherwise be multiple separately-bid projects to be combined into one bid. This contracting method is intended to reduce costs and accelerate completion of smaller projects. It is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during construction. JOC are typically used for well-defined, recurring or repetitive work where quick execution is essential, not for single larger projects.

- 4) *Job order contracting in California.* The Legislature has authorized multiple agencies to use job order contracting, some state and some local, including counties, school districts, community college districts, and the California State University system. California counties have enjoyed the authority to use job order contracting since 1983. Counties may award annual JOCs of up to \$3 million, adjusted annually to reflect the California CPI, to the lowest responsible bidder or using best value (for specified counties).

Last year, as part of the budget 2021-2022 state budget, the Legislature authorized Caltrans to use JOC, but the authority is limited to the new Clean California Beautification Program. The Administration recently submitted a trailer bill proposal, as part of the Governor's May Revision, to expand JOC for all Caltrans work.

- 5) *VTA wants to join the club.* AB 2763 authorizes VTA to enter into JOCs with the lowest responsible and responsive bidder for repair, remodeling, or other repetitive work. VTA may execute a JOC for an initial contract term of no more than 12 months, with the option of extending or renewing the JOC for two additional 12-month periods, if mutually agreed to by VTA and the contractor.

The maximum total dollar amount that may be awarded under a single JOC shall not exceed \$5 million dollars in the first term of the JOC and, if extended

or renewed, \$10 million over a maximum of two extended terms. Additionally, this bill prohibits VTA from entering into a JOC for new construction, and requires the JOC to specify that its term will not exceed the contract term or the date that the maximum value of the contract is achieved, whichever is earlier.

According to VTA, the sponsors of the bill, “JOC is a project delivery method designed to accelerate the completion of smaller maintenance projects at lower costs by streamlining some of the requirements of the contracting process without compromising quality, the integrity of the bidding process or compliance with labor laws. In this regard, AB 2763 would speed the delivery of certain maintenance activities that VTA contracts firms to deliver, related to the maintenance of its facilities, including its light rail system, to ensure they remain in a state of good repair.”

RELATED/PREVIOUS LEGISLATION:

AB 2039 (L. Rivas, 2022) -- Authorizes the Los Angeles County Metropolitan Transportation Authority (LA Metro) to enter into job order contracts (JOCs). *This bill will be heard by this committee on June 28, 2022.*

SB 1366 (McGuire, 2022) – Authorizes the Department of General Services to engage in job order contracting as an alternative procurement procedure for certain public works projects, until July 1, 2027. *This bill was put on the Senate Inactive file.*

AB 149 (Budget Committee, Chapter 81, Statutes of 2021) – Among other things, authorized Caltrans to utilize job order contracting for the Clean California Beautification Program of 2021, as specified.

AB 846 (Low, Chapter 303, Statutes of 2021) – Extended the authorization from to January 1, 2027, for job order contracting for school districts and community college districts.

SB 793 (Hill, Chapter 627, Statutes of 2017) – Allowed specified counties to use the best value construction contracting method to award JOCs for up to \$3 million, adjusted for inflation.

SB 744 (Hughes, Chapter 431, Statutes of 1997) – Increased the annual maximum contract amount that counties may award for county JOCs from \$1 million to \$3 million.

AB 680 (La Follette, Chapter 164, Statutes of 1983) – Authorized counties to award annual JOCs of up to \$1 million.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Santa Clara Valley Transportation Authority (sponsor)
The Gordian Group (support if amended)

OPPOSITION:

None received

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No: AB 2956 **Hearing Date:** 6/28/2022
Author: Committee on Transportation
Version: 4/18/2022
Urgency: No **Fiscal:** Yes
Consultant: Katie Bonin

SUBJECT: Transportation

DIGEST: This bill is the annual Transportation omnibus bill to make noncontroversial and minor changes to provisions of law related to transportation.

ANALYSIS:

Existing law includes numerous provisions related to transportation.

This bill:

- 1) Updates federal program references for the Active Transportation Program.
- 2) Updates the reference of required motorcycle range and street instruction to be under the guidance of the California Motorcyclist Safety Program.
- 3) Makes numerous changes for federal conformity regarding the operation of commercial vehicles and enforcement by the California Highway Patrol.
- 4) Clarifies process for when a license issued by the Department of Motor Vehicles is automatically cancelled if the licensee's seller's permit is suspended, revoked, or canceled by the California Department of Tax and Fee Administration (CDTFA).
- 5) Updates a subsection reference for valid permitting to operate a motor vehicle.
- 6) Deletes obsolete references to "household goods carriers" and the Public Utilities Commission and replaces them with "household movers," and Department of Consumer Affairs and updates appropriate cross references.
- 7) Updates the testing standard of vehicular exhaust systems in accordance with the most current Society of Automotive Engineers (SAE) International standard.

- 8) Deletes obsolete reference in the Vehicle Code regarding the New Motor Vehicle Board (“Board”).

COMMENTS:

- 1) *Purpose.* The Assembly Committee on Transportation is authoring this year's transportation omnibus bill as a cost-effective way of making a number of minor, non-controversial changes to statute at one time. There is no known opposition to any of the items in the bill. If issues arise that cannot be resolved, the provision of concern will be deleted from the bill.
- 2) *Updates.* AB 2956 includes the following provisions, with the proponent of each provision noted in brackets:
 - 1) Federal program references for the Active Transportation Program are out of date. The Transportation Alternatives Program (TAP) and Recreational Trails Program have been eliminated as individual programs and consolidated into the Surface Transportation Block Program under Section 133(h) of Title 23 of the U.S. Code. The entire TAP program (referred to in code as the “STP set-aside”) is under Section 133(h) and the recreational trails portion of the program is under Section 133(h)(5). *This section updates the state highway code to reference Section 133(h) of Title 23 of the U.S. Code.* [Metropolitan Transportation Commission]
 - 2) The California Motorcyclists Safety Program, administrated by the California Highway Patrol (CHP), is the only official range and street teaching motorcycle driving instruction certified by the State. *This section updates the required motorcycle range and street instruction and to be under the guidance of the Motorcycle Safety Foundation California Motorcyclists Safety Program.* [ABATE of California, Motorcyclists Rights & Safety Organization]
 - 3) Numerous sections of the California Vehicle Code (CVC) contain outdated references to federal code. *To maintain consistency with federal mandates, this section:*
 - a) Amends Section 2400 of the CVC, which applies to size and weight certification.
 - b) Amends Section 2800 of the CVC, which relates to vehicle inspection requirements.

- c) Amends Section 2813 of the CVC, which applies to vehicle inspection requirements (adding driver's license (DL) and hours-of-service compliance).
 - d) Amends Section 12505(g) of the CVC, which is applicable to foreign commercial driver licenses.
 - e) Amends Section 26710 of the CVC, which applies to windshield requirements.
 - f) Amends Section 27903(c) of the CVC, which applies to explosives transportation permits and regulatory exemptions.
 - g) Amends Section 34501(b) of the CVC, related to explosives transportation permits and regulatory exemptions.
 - h) Amends state statute applicable to vehicle equipment condition by adding new Section 34501.19 of the CVC.
 - i) Amends Section 34505.6 of the CVC, which applies to household goods carriers; and,
 - j) Amends Section 16028(b) of the CVC to mandate that a peace officer request and verify evidence of financial responsibility from the driver of a vehicle, and remove the nonessential mandate that a peace officer write the vehicle insurance policy number on a notice to appear.
[California Highway Patrol]
- 3) Current statute requires the California Department of Motor Vehicles (DMV) to cancel a dealer license when a dealer voluntarily surrenders their seller's permit to CDTFA for cancellation. *This section closes a loophole that enables dealers to continue to sell vehicles as licensed dealers without remitting sales and use tax to CDTFA.* [California Department of Tax and Fee Administration]
- 4) AB 1343 (Chapter 768, Statutes of 2003), inadvertently exempts adults with an instruction permit from the requirement to drive under the supervision of an accompanying licensed driver. *This section amends subdivision (d) to include paragraph (5) of subdivision (a). This will restore adult drivers to subdivision (d).* The language is in print as AB 1898 (Fong) of 2022.
[Republican Caucus]
- 5) CVC Sections 2810.1, 16020, 16560, 34505.6, 34507.5, 34601, 34603, 34622, 34264 contain outdated cross-references for the exemption related

to household movers and the permit required, and outdated reference to “goods carrier” rather than “mover.” *This section reflects the proper cross-reference, and updates the term “mover” rather than “goods carrier.”* [California Moving and Storage Association]

- 6) California measures a motor vehicle’s exhaust using a Society of Automotive Engineers’ (SAE) methodology. SAE periodically updates the standard to reflect the latest best practices and to account for changing vehicle technology. As a result, the CVC must be updated to reflect these changes. *This section updates the California Vehicle Code to allow the Bureau of Automotive Repair to use the latest SAE testing standard when measuring a motor vehicle’s exhaust noise.* [Specialty Equipment Market Association]

- 7) AB 179 (Ch. 796, 2019), in part, repealed Article 3 of Chapter 6 of the Vehicle Code (§§3052-3058), which granted the New Motor Vehicle Board (“Board”) the authority to hear appeals of decisions made by the Director of the Department of Motor Vehicles. Vehicle Code §3008 currently makes reference to the conduct of the Board in regard to hearing those appeals and must be deleted. In addition, Vehicle Code §3065.3 and 3065.4 were added to the Board’s jurisdiction and therefore §3069.1 needs to be amended to incorporate these provisions. Subdivisions (b) and (c) of Section 3008 must be removed to correct obsolete references. *The new provisions added to the Board’s jurisdiction in §§3065.3 and 3065.4 need to be incorporated into §3069.1 for consistency purposes.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: ACR 74

Hearing Date: 6/28/2022

Author: Salas

Version: 4/26/2021

Urgency: No

Fiscal: Yes

Consultant: Randy Chinn

SUBJECT: Gary Helming Memorial Highway

DIGEST: This bill designates the portion of State Highway Route 41 from postmile 8.1 to postmile 3.75 in the County of Kings as the Gary Helming Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This measure designates a specified portion of State Highway Route 41 in the County of Kings as the Gary Helming Memorial Highway. The measure requests that the Department of Transportation determine the cost of appropriate signs showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of firefighter Gary Helming.
- 2) *Background.* Gary Helming was born On April 14, 1970, in El Cajon, California, where he graduated from Valhalla High School in 1988. In 1995, Gary volunteered with the Pine Valley Fire Department and then as a seasonal firefighter in the Cleveland National Forest serving on engines and crews with the Bureau of Land Management (BLM) in Colorado, Yosemite National Park, and Ridgecrest, California, before accepting the opportunity to have his own engine with the BLM in Grand Junction, Colorado, in 2001. Over the next 11 years, Gary split his duties between fire suppression and training, eventually becoming qualified as an Air Tactical Group Supervisor, as well as having the honor of becoming a member of the BLM National Honor Guard, where he became an advocate for fallen firefighter organizations. In 2012, Gary and his family left Colorado and returned to California being promoted to battalion chief for the Los Padres National Forest, settling in Pismo Beach. In 2017, Gary lost his life while returning from the Railroad Fire near Yosemite, after completing an air attack assignment.

Gary is survived by his loving wife Andrea, his children; sons Riley and Walker and daughter Nalani, parents Gary and Liz Helming of El Cajon; sisters, Leslie McLaughlin (Scott) of Riverside, California; Pam Napier (Chuck) of Bremerton, Washington; Deanna Booijunk (Stef) of Visalia, California, and numerous aunts, uncles, cousins, nieces, and nephews.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Highway Route 198, between 10th Avenue and 12th Avenue in the City of Hanford in the County of Kings as the Army Specialist Juan Miguel Mendez Covarrubias Memorial Highway. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the contributions of Army Specialist Juan Miguel Mendez Covarrubias.
- 2) *Background.* United States Army Specialist Juan Miguel Mendez Covarrubias entered the United States Army in June 2018 as a signal support systems specialist. In October of 2019, Army Specialist Juan Miguel Mendez Covarrubias was deployed in support of the Inherent Resolve mission. Tragically, United States Army Specialist Juan Miguel Mendez Covarrubias was killed in the line of duty during a rocket attack on Camp Taji, Iraq.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No: ACR 89 **Hearing Date:** 6/28/2022
Author: Bigelow
Version: 5/28/2021
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: California Highway Patrol Officer Charles D. Goss Memorial Highway

DIGEST: This bill designates a portion of State Route 152 in the County of Madera as the California Highway Patrol Officer Charles D. Goss Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This bill designates the portion of State Route 152, west of Road 10 from milepost marker 2.350 to 7.350, in the County of Madera as the “California Highway Patrol Officer Charles D. Goss Memorial Highway”

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of California Highway Patrol Officer Charles D. Goss.
- 2) *Background.* California Highway Patrol Officer Charles Donald Goss was born October 3, 1916, in Jamestown, California graduating from Sonora Union High School in 1934, and attended the California State University, San Francisco shortly thereafter. Before joining the California Highway Patrol, Officer Goss was in the United States Navy Reserve, Boatswain Mate Second Class (WWII) and worked for the Bell Telephone Company. Officer Goss, badge number 1307, graduated from the California Highway Patrol Academy in 1952, and was assigned to the area of the County of Madera, where he proudly served for three years and five months. On November 25, 1955, Officer Goss responded to a traffic collision west of the City of Chowchilla and was transporting four men to the hospital when a vehicle attempted to pass a truck in the opposite direction and collided head-on with Officer Goss, killing him instantly.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

California Association of Highway Patrolmen

OPPOSITION:

None received.

-- END --

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This bill designates the portion of U.S. Route 101 in the County of San Luis Obispo, from postmile 19.812 to postmile 15.579, as the Katcho Achadjian Memorial Highway.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of firefighter Gary Helming.
- 2) *Background.* After settling in California's central coast, Katcho Achadjian attended Cuesta Community College before transferring to California Polytechnic State University, San Luis Obispo, where he received his degree in business administration. A pillar in the City of Arroyo Grande's business community, Katcho Achadjian opened his first business, a Shell Gas Station on Grand Avenue, in 1978 and went on to operate three gas stations. After obtaining his United States citizenship on December 17, 1982, Katcho Achadjian married his beloved wife, Araxie, two years later and was blessed with two adorable children, Hratch and Nyri. In 1998, Katcho Achadjian was elected to the County of San Luis Obispo's Board of Supervisors, where he served as chair of the board in 2001 and 2006 and contributed to the passage of the county's budget, balanced and on time for 12 consecutive years, during his three terms on the board. In 2010, Katcho Achadjian made the jump to state government when he was elected to represent the 33rd Assembly District, later redrawn as the 35th Assembly District, in the California State Legislature. While holding state office, Katcho Achadjian served on the Committee on Military and Veterans Affairs, the Committee on Banking and Finance, and the Committee on Jobs, Economic Development, and the Economy in the Assembly, where his dedicated and diligent service helped shape some of the most important laws enacted in California. Katcho Achadjian was a long-time supporter of civic, nonprofit, and service organizations, coastal ranching and farming, and protecting the California coastline. He was a charter member of the San Luis Obispo Law Enforcement Assistance Foundation's Board of Directors, served on the County of San Luis Obispo's Sheriff's Advisory Council, served on the Board of Directors of the Arroyo Grande Community Hospital, and provided leadership as chair of the County of San Luis Obispo's First 5 Commission and the French Hospital Medical Center.

Katcho Achadjian passed away on March 5, 2020.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

County of San Luis Obispo
San Luis Obispo Council of Governments

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION

Senator Lena Gonzalez, Chair

2021 - 2022 Regular

Bill No:	ACR 138	Hearing Date:	6/28/2022
Author:	Flora		
Version:	2/14/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Mayor Jack Snyder Memorial Highway

DIGEST: This measure designates a portion of State Route 120 in the City of Manteca as the Mayor Jack Snyder Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This measure designates a portion of State Route 120 in the City of Manteca, from postmarker R1.845 to postmarker R6.431, as the Mayor Jack Snyder Memorial Highway.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of Mayor Jack Snyder.
- 2) *Background.* Jack Snyder was born in the City of Toledo, Ohio, on November 25, 1926, and moved to the City of Manteca, California, in 1962. Snyder's dedication to serving his community began on the Manteca City Council, where he served for 24 years, the longest tenure in the City of Manteca's 103-year municipal history. In his lifetime of service, Snyder's many accomplishments and strategic way of thinking helped develop Manteca into the city it is today. Snyder created a local branch of the Boys & Girls Club of America in the 1970s, serving on the board for decades. Snyder passed away on April 20, 2021, at 94 years of age
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This measure designates the highway overcrossing in the County of San Bernardino at the Interstate 210 interchange at Haven Avenue, postmile marker 6.913, as the Lance Cpl. Dylan Merola Memorial Highway Overcrossing.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to acknowledge and commemorate the life and service of Lance Cpl. Dylan Merola.
- 2) *Background.* Lance Cpl. Dylan Ryan Merola was born in the City of Upland, California, and grew up in the City of Rancho Cucamonga, California, graduating from Los Osos High School in the City of Rancho Cucamonga, California, in 2019.

Merola joined the United States Marine Corps after graduation and was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, California. Lance Cpl. Merola was one of 13 United States Service Members killed in the attack on Hamid Karzai International Airport in Kabul, Afghanistan, on August 26, 2021 and was posthumously awarded the Purple Heart medal for his sacrifice and bravery.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	ACR 144	Hearing Date:	6/28/2022
Author:	Gray		
Version:	2/17/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Paul Vincent Rotondaro Memorial Highway

DIGEST: This resolution designates a portion of State Route 140 in the County of Merced as the Paul Vincent Rotondaro Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates a portion of State Route 140 between postmile 6.5 and postmile 11 in the County of Merced as the Paul Vincent Rotondaro Memorial Highway. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the life and contributions of Paul Vincent Rotondaro.

- 2) *Background.* Mr. Rotondaro began his career of public service with CAL-FIRE as a Firefighter I at the Ahwahnee Fire Station in the Madera-Mariposa-Merced Unit in 2006. In 2011, he was promoted to Firefighter II and again promoted to Fire Apparatus Engineer just one year later. In 2016 he was promoted to Fire Captain. During his many impressive years with CAL-FIRE he served as an active participant on the Type 1 Hazardous Materials team, as a member of the Incident Management Team 3 in the Finance Section, as a member of the Merced County Type 2 Rescue team, and served as part of the aircraft rescue and firefighting team at Castle Airport.

Tragically, Mr. Rotondaro was killed while on duty on October 2, 2019.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	ACR 148	Hearing Date:	6/28/2022
Author:	O'Donnell		
Version:	2/18/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Long Beach International Gateway Bridge

DIGEST: This resolution designates a portion of State Route 710 in the City of Long Beach as the Long Beach International Gateway Bridge.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Route 710 in the City of Long Beach, from post mile R3.773 to post mile R5.452R, covering the full length of State Bridge number 53-3000, as the Long Beach International Gateway Bridge. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to designate the recently constructed bridge in the City of Long Beach as the Long Beach International Gateway Bridge.
- 2) *Background.* The City of Long Beach is the seventh most populous city in California and serves as a major cultural and economic center in the “Gateway Cities” region. Long Beach is also home to the Port of Long Beach. Currently, the Port of Long Beach is connected to the nation’s highway system through the Gerald Desmond Bridge which was not build to accommodate the huge influx of traffic the port creates. To better serve the significant amount of economic traffic, the Port of Long Beach has partnered with the Department of Transportation, the Los Angeles County Metropolitan Transportation Authority, and the United States Department of Transportation to initiate the Gerald Desmond Bridge Replacement Project. The project has led to the construction of a new bridge, which would be named the Long Beach International Gateway Bridge pursuant to this resolution.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

City of Long Beach

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	ACR 151	Hearing Date:	6/28/2022
Author:	Berman		
Version:	2/22/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Captain Matthew Patrick Manoukian Memorial Highway

DIGEST: This resolution designates a portion of State Route 280 in the County of Santa Clara as the Captain Matthew Patrick Manoukian Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Route 280 in the County of Santa Clara between postmarker 10.741 and postmarker 14.844 as the Captain Matthew Patrick Manoukian Memorial Highway. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to honor and commemorate Captain Matthew Patrick Manoukian's service to his community and country.
- 2) *Background.* In January of 2006, Captain Manoukian entered the Marine Corps Officer Candidate School in Quantico, Virginia. He graduated in March 2006 and was commissioned as a Second Lieutenant. In April of 2007, Captain Manoukian deployed for his first tour of duty to the town of Anah, Al-Anbar Province, in Western Iraq where he served as a Mobile Assault Platoon Commander in support of Operation Iraqi Freedom. In August of 2008, Manoukian deployed for his second tour to Al-Anbar Province, Waleed, Iraq where he served as his Military Transition Team's Operations Officer and Senior Tactical Advisor. In August of 2010, Manoukian deployed for his third tour to Helmand Province, Afghanistan, where he served as a Team Commander. In May of 2012, Manoukian deployed for his fourth and final tour as the Team Commander for Marine Special Operations Team. The Marine Tactical Operations Center Captain Manoukian was stationed at came under fire from a rogue Afghan uniformed policeman. In an attempt to save the lives of his fellow officers he drew the line of fire upon himself and tragically perished as a result of his ultimate act of bravery.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Captain Bryan J. Buckley, Usmc (RET.)
Dr. Alfred T. Lane
Drs. Mariam and Jerry Manoukian and Family
East Palo Alto Police Department
Gilroy Veterans Memorial Hall
Jack Kelly, Past President of The Los Altos Rotary Club
Jean Mordo, Past Mayor of Los Altos Hills
Kardzair Family
Kristen Spada O'brien
Macphee Family
Marine Raider Foundation
Melkonian Family
Michael J. Reilly, Mgysgt Usmc (RET.)
Mr. Steve L. Shepherd
Payne Family
Public Law Center
Ron Labetich
Saint Francis High School
South Santa Clara Valley Memorial District
Spada Family
The Helms Family
The Honorable Eugene M. Hyman
The Honorable John J. Garibaldi and Family
The Honorable Kathleen E. O'leary, Presiding Justice of The Fourth District Court
of Appeal, Division Three
The Honorable Patricia Bamattre-Manoukian and Family
The Honorable Socrates Peter Manoukian and Family
The Rotary Club of Los Altos
United Veterans Council, Santa Clara County
Wine Country Marines

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION
Senator Lena Gonzalez, Chair
2021 - 2022 Regular

Bill No:	ACR 162	Hearing Date:	6/28/2022
Author:	Nguyen		
Version:	3/16/2022		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Officer Nicholas Vella Memorial Highway

DIGEST: This resolution designates a portion of State Highway Route 39 in the City of Huntington Beach as the Officer Nicholas Vella Memorial Highway.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the portion of State Highway Route 39 between the junction with State Highway Route 1, at postmarker 0.000, and Talbert Avenue, at postmarker 3.611, in the City of Huntington Beach as the Officer Nicholas Vella Memorial Highway. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the contributions Officer Nicholas Vella.

- 2) *Background.* Officer Nicholas Vella served fourteen years with the Huntington Beach Police Department. Tragically, Officer Nicholas Vella was killed in the line of duty at 44 years of age on February 19, 2022. He is survived by his wife, Kristi, his daughter, Dylan, his parents, John and Marcella Vella, and his brother, John Arthur Vella.

- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

None received.

OPPOSITION:

None received.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the highway interchange of Interstate 80 and Interstate 780 in the City of Vallejo in the County of Solano as the Congressional Gold Medal Memorial Interchange. The Department of Transportation is requested to determine the cost of appropriate signage showing this special designation and, upon receiving donations from non-state sources covering that cost, erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to memorialize the contributions of all the Congressional Gold Medal recipients.
- 2) *Background.* The City of Vallejo is the home of the former Mare Island Naval Shipyard and has a large concentration of veterans who have served honorably in the Armed Forces of the United States. Many of these service members are being honored by the United States government for their actions in various theaters of war and conflict. This designation is another expression of national appreciation for distinguished achievements and contributions of those who have received a Congressional Gold Medal.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee’s policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

None.

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

Vallejo Veterans Memorial Building Council

OPPOSITION:

None received.

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