

# County Connection

## INTER OFFICE MEMO

To: MP&L Committee

Date: April 17, 2015

From: Kristina Martinez, Civil Rights Administrator

Reviewed by:

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**SUBJECT:** State Legislation: Support AB 1250, SB 391, and SB 508; Oppose SB 231, AB 1347, and SB 9; Oppose SB 16 Unless Amended

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### **Staff Recommendation:**

Staff requests that the MP&L committee discuss and forward to the Board of Directors recommendations to:

- Support AB 1250, SB 391, and SB 508
- Oppose SB 231, AB 1347, and SB 9
- Oppose SB 16, unless amended

### **Background:**

#### AB 1250 (Bloom)

Recent legislation has proposed an exemption period (originally January 1, 2015) which allowed agencies to procure buses while legislators addressed the concern of the current bus axle weight limit of 20,500 lbs. AB 1250 proposes to extend this period through January 1, 2016 in which any bus procurement that was placed prior to this date would be exempt from the bus axle weight limit. Staff recommends that the MP&L committee forward a support position to the Board of Directors.

#### SB 391 (Huff)

Existing law provides protection from assault on the property of a public transportation vehicle or battery against an operator, driver, or passenger of a bus. Both acts are punishable by a fine, imprisonment, or both. SB 391 increases the types of offenses and penalties for assault and battery on public transportation providers by double. Staff recommends the Staff recommends that the MP&L committee forward a support position to the Board of Directors in its measures of increasing public transportation safety and protection.

#### SB 508 (Beall)

Existing law provides eligibility standards for use of STA funds to transit operators. Funding is currently generated from a ¼% sales tax, available to counties based upon operator financial requirements, or by a specific fare box recovery ratio. SB 508 proposes to amend eligibility requirements by deleting fare box requirements that transit operators needed to maintain based on fiscal year 1978-1979 and also further exempts categories related to operating costs (fuel, insurance, and claims settlement).

SB 508 further includes provisions to its safety education programs under TDA. Alongside its ability to disburse 2% of its funds to bicycle safety education, SB 508 also proposes to amend its programs to include pedestrian safety education to become eligible for funding allocation. Lastly, SB 508 proposes to amend existing STA criteria which require transit operators to meet efficiency standards in order to receive funding. This is rated upon the total operating cost per revenue vehicle hour in comparison to the Consumer Price Index. Instead, this bill would reduce funding allocations based upon the

percentage that the operator did not meet in efficiency criteria rather than deem them ineligible altogether. Staff recommends that the MP&L committee forward a support position to the Board of Directors.

#### SB 231 (Gaines)

SB 231 is an amendment to current law which allocates specific portions of the Greenhouse Gas Reduction Fund to programs such as the Low Carbon Transit Operations Program and the Affordable Housing and Sustainable Communities Program. SB 231 would be amended to include eligible water-borne transit projects that could potentially be funded under both programs above. This bill would also amend allocation formulas for STA funds, which are currently based on 50% of the population and 50% on the transit operator revenue. This bill references allocation amendments with regard to the Tahoe Regional Planning Agency, whose population is based on 145,000 individuals, although the actual population is lower. This number is based upon the number of visitors rather than actual residents. Staff recommends that the MP&L committee forward an oppose position to the Board of Directors, setting unethical precedence and formula abuse of STA funds.

#### AB 1347 (Chiu)

AB 1347 intends to establish a claim resolution process for public contracts which are entered beginning January 1, 2016. This bill intends to further regulate public contracts as a written, formal process from a contractor to an agency. Examples of the process may include a 7-day payment processing mechanism for any undisputed portion of the claim, with accrued interest on any unpaid claims. Third parties, including mediators may also become involved as part of the claims process. Staff recommends that the MP&L committee forward an oppose position to the Board of Directors as it is unworkable for public agencies whose Boards do not meet on a weekly basis and therefore, are unable to address ongoing issues related to claims. Furthermore, there are no current surrounding issues with agencies' inability to pay or address immediate issues related public contracts without a formal claims process.

#### SB 9 (Beall)

Existing law allocates specific portions of the Greenhouse Reduction Fund to programs, including the Transit and Intercity Rail Capital Program which receives 10% of the proceeds. This program is geared to fund capital projects that achieve reduction of greenhouse gas emissions, expand rail service to increase ridership, and improve rail safety. SB 9 would amend the program to provide funding for capital improvements will "modernize" intercity, commuter, urban rail, and transit systems, including the expansion of transit ridership and safety. However, this bill would require that 90% of program funds be available to applicants whose projects cost \$100,000,000 or more. The remaining 10% would be available to projects less than \$100,000,000. Staff recommends that the MP&L committee forward an oppose position to the Board of Directors. The amendment to program allocations would present very limited opportunity to County Connection since it will not meet the \$100,000,000 criteria in capital projects.

#### SB 16 (Beall)

Existing law appropriates funding for transportation projects, which include the state highway system and road system and used in the Department of Motor Vehicles and the Department of the California Highway Patrol. Any excess balances are transferred from the Motor Vehicle Account to the State Highway Account. To specifically address deferred maintenance on the state highway system and local street and road system, SB 16 proposes to support additional funding through an increase in gasoline and diesel excise taxes as well as increased vehicle registration fees. Staff recommends that the MP&L committee forward an oppose position to the Board of Directors unless amended, or another vehicle appears in the bill to include transit for funding eligibility.