



METROPOLITAN
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COMMISSION

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Memorandum

TO: Legislation Committee

DATE: September 12, 2013

FR: Executive Director

W. I. 1131

RE: Review of 2013 Legislative Session

While the 2013 legislative session ends on September 13, there are still many bills whose outcome will not be known until October 13, the deadline for the Governor to sign or veto bills. Below is a highlight of bills on the Governor's desk or awaiting passage by the Legislature that MTC supports or that are of interest. In October, staff will return with a complete scorecard of the legislative session. A handful of other bills MTC supported have already been enacted, as noted in the September legislative history.

On the Governor's Desk

MTC Supported:

- **AB 466 (Quirk-Silva)** Codifies the historic distribution formula for federal Congestion Mitigation & Air Quality (CMAQ) funds, in response to changes in MAP 21.
- **AB 1221 (Atkins)** Restores the ability of local governments to adopt inclusionary housing ordinances to require new developments include a minimum amount of affordable housing.
- **AB 1371 (Bradford)** Requires drivers to provide a minimum distance of three feet between a vehicle and a bicycle when overtaking and passing a bicycle that is proceeding in the same direction, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway.
- **SB 142 (DeSaulnier)** Authorizes until 2021 all California transit agencies to establish one or more benefit assessment districts to finance specific transit projects with bond revenue to be generated by a special property tax assessment within the benefit district.

Other Relevant Bills:

- **SB 613 (DeSaulnier)** Prohibits the Bay Area Toll Authority from purchasing or acquiring property other than the office space at 390 Main Street in San Francisco. Limits direct contributions of bridge toll revenues to MTC to 1% of gross annual bridge toll revenues.
- **SB 110 (DeSaulnier)** This bill seeks to address liability concerns by members of the East Span, San Francisco-Oakland Bay Bridge Design Review Task Force which was established by the Legislative Analyst's Office earlier this year. The bill formally establishes the task force in state law, provides immunity for task force members, and formalizes an agreement that BATA reimburse the task for the \$149,000 cost for reimbursement and per diem fees.
- **AB 179 (Bocanegra)** Extends the privacy protection provisions that were already required for electronic toll collection systems, such as FasTrak[®], to electronic transit fare card systems, such as Clipper[®], requiring the administering agencies to discard Personally Identifiable Information (PII) within 4 ½ years after an account is closed or a transaction is processed. Requires a search

warrant before a public agency may disclose PII to a law enforcement agency, similar to current law with respect to FasTrak. The bill also makes changes to current law with respect to communication with customers which may require some minor policy changes for both programs.

- **AB 1222 (Bloom/Dickinson)** Exempts public transit agencies from the California Public Employees' Pension Reform Act (PEPRA) until 2015 in order to end an impasse at the U.S. Department of Labor, which has been unwilling to certify that transit agencies in California are in compliance with a provision in federal labor law commonly known as "Section 13c." As a result, the Federal Transit Administration grants has been unable to award grants to any operators whose grants were challenged. In the absence of this bill, almost \$600 million in Bay Area transit grants were at risk.
- **AB 1290 (Perez)** Requires metropolitan planning organizations to provide a report to the California Transportation Commission (CTC) on their progress reducing greenhouse gas emissions, as set forth in its sustainable communities strategy (SCS). Requires the regional transportation improvement program (RTIP), which is updated every two years, to include a discussion of how the five-year program of capital projects relates to a region's SCS. Adds the Chairperson of the California Air Resources Board to the CTC as an ex officio member. Requires the CTC to include a progress report on SCS implementation in its annual report to the Legislature.

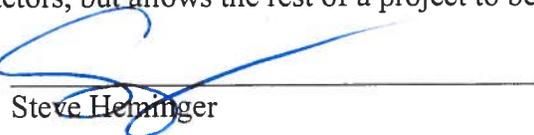
Awaiting Passage by Legislature

MTC-Supported Bills

- **SB 1 (Steinberg)** Authorizes a local government to establish a Sustainable Communities Investment Authority (SCIA) and direct a portion of property tax, known as tax increment, to that Authority to support development in transit priority project areas, small walkable communities, and clean energy manufacturing sites. Requires adoption of several plans as a condition of using tax increment financing. Authorizes a special sales tax to be levied within the SCIA in support of projects included in a Sustainable Communities Investment Plan.
- **SB 731/SB 743 (Steinberg)** The primary vehicle for amending the California Environmental Quality Act (CEQA), SB 731 stalled in the Assembly Local Government Committee after being amended three times in five days, leaving many organizations, including MTC, unclear as to the full implications of the changes, while still others, including the business-oriented CEQA Working Group, moved to an oppose position. Some provisions of SB 731 that MTC supported — such as limiting the reliance upon "level of service" as the metric for measuring transportation impacts and removing parking as an environmental consideration — may be incorporated into SB 743, another CEQA bill that expedites judicial review of the proposed Sacramento downtown basketball stadium.

Other Relevant Bills:

- **AB 401 (Daly)** This bill significantly expands the ability of regional agencies to use the design-build contracting method on roadway projects, including on the state highway system, by removing: 1) a cap on the total number of projects allowed statewide and 2) the requirement to obtain approval from the California Transportation Commission. Instead, AB 401 provides broad authorization on the basis of a cooperative agreement entered into between Caltrans and the regional agency. The bill assigns Caltrans responsibility for construction inspection, either through department employees or private contractors, but allows the rest of a project to be overseen by a regional agency.



Steve Heminger