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EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

April 15, 2004

SUBJECT: STATE LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATIONS ON STATE LEGISLATION

RECOMMENDATION

Adopt the following positions:

- A. AB 2085 (Mantanez) –Would increase fines for specified railroad crossing violations. **SUPPORT**
- B. AB 2498 (Longville) – Would authorize the creation of new Freeway Service Patrol programs and specify that these new programs are eligible for funds from existing programs. **WORK WITH AUTHOR**
- C. SB 1443 (Murray) – Would authorize certain motor vehicle fuel revenues to be continuously appropriated when the state has not enacted a Budget Act.
SUPPORT

ATTACHMENTS

- A. AB 2085 (Montanez)
- B. AB 2498 (Longville)
- C. SB 1443 (Murray)

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ATTACHMENT A

BILL: AB 2085

AUTHOR: ASSEMBLY MEMBER CINDY MONTANEZ
(D-SAN FERNANDO)

SUBJECT: VEHICLES – RAILROAD GRADE CROSSINGS VIOLATIONS

STATUS: INTRODUCED FEBRUARY 17, 2004

ACTION: SUPPORT

RECOMMENDATIONS

Staff recommends that the MTA Board of Directors adopt a support position on AB 2085.

PROVISIONS

Current law provides that violations of certain traffic violations relating to rail grade crossings may be punished by requiring the offender to attend a specified traffic school program and to pay fines in addition to the fines regularly imposed for a violation.

AB 2085 would:

- Add stopping on railroad tracks as one of the violations for which the higher fine may be imposed
- Increase the current fine for stopping on railroad tracks from \$101 to \$311 consistent with other related traffic violations, and, apply the requirement to attend a specified traffic school program.
- Distribute the first 30 percent of funds collected to the transit district or transportation commission in the county where the offence occurred. However, if neither entity exists, the same percentage will be deposited in the general fund of the county where the infraction was committed.

IMPACT ANALYSIS

Under current law, specified violations at railroad crossings, such as attempting to drive around activated gates, is punishable by increased fines and the requirement to attend a traffic school with a specified rail safety program. Continued research by rail safety advocates has indicated that a number of railway incidents occur when vehicles are stopped on the tracks. Current law while providing for increased penalties for certain rail crossing violations does not specifically provide increased penalties for stopping on the tracks

ATTACHMENT A

AB 2085 is one of a number of measures that have been introduced to decrease the occurrences of accidents along railroad crossings. Staff recommends that the MTA Board of Directors support efforts to seek stringent fines and punishments to those who violate railroad crossing regulations.

BILL: AB 2498

AUTHOR: ASSEMBLY MEMBER JOHN LONGVILLE
(D-RIALTO)

SUBJECT: FREEWAY SERVICE PATROL PROGRAM

STATUS: ASSEMBLY TRANSPORTATION COMMITTEE

ACTION: WORK WITH AUTHOR

RECOMMENDATIONS

Staff recommends that the MTA Board of Directors adopt a work with author position on AB 2498.

PROVISIONS

Current law establishes the Freeway Service Patrol (FSP) program, provides for allocation of state funds for the program, and, authorizes Caltrans to develop guidelines for implementation of the program. These guidelines address the manner in which new counties may be added to the program.

AB 2498 would:

- Establish a baseline level of state funding of \$21,279,000.
- Establish that any new program which meets the criteria would then be eligible to receive a portion of the baseline funding.
- Require Caltrans to recognize existing multiyear contracts and require that new programs be phased in over a period of three years.
- State that any new program may not be denied funds.

IMPACT ANALYSIS

The FSP program is a joint effort by Caltrans, the California Highway Patrol and local agencies who choose to create a program. The State, through Caltrans, currently allocates approximately \$21 million in state funding for programs around the state. These funds are allocated by a formula based on population, congestion, and urban freeway lane miles. Local agencies are required to provide a 25% match to the state funds. Caltrans is authorized to develop guidelines for implementation of the program and these guidelines address the manner in which new counties may apply to start a new FSP program.

A number of counties are currently considering adding FSP programs including San Bernardino, the sponsor of AB 2498, Santa Barbara, Placer and potentially a number of other counties. The addition of new counties will increase the number of programs eligible for the limited state funds and reduce the funding available to existing programs. The existing programs enter into funding

ATTACHMENT B

agreements and multiyear contracts based on the commitment of state funds. A reduction in funds, through the addition of new counties, would threaten existing agencies' ability to meet current contract obligations and could force reductions in service.

Current law is silent on the process for adding counties so the issue has essentially been deferred to the guidelines. Under these existing guidelines, no new FSP programs may be created unless additional state funds are added. Under the current requirement, a new program would either have to be supported solely with local funds or the state would have to increase its statewide contribution in a manner sufficient to keep the existing programs whole. Since the state's funding commitment has not increased and is not expected to increase in the near future, the addition of new counties would take funds from existing programs.

AB 2498 is sponsored by San Bernardino County which has stated it's intention to create an FSP program and seek funds from the existing baseline allocation. Under this proposal, all existing programs would lose a portion of their existing funding in order to support San Bernardino's new program. Staff recognize that there may be a legitimate benefit by the creation of a new program for San Bernardino County. However, the addition of new programs at this time without an increase in program funding will result in funding reductions for existing programs and comes at a time of unprecedented budget pressures in Sacramento.

AB 2498 was recently amended to allow new programs to be phased in over a period of three years and to state that Caltrans must respect existing multiyear contracts. The existing FSP agencies are currently working with San Bernardino and other counties desiring to create new programs to develop a method which will allow new programs to be created while minimizing the impact to existing programs. These discussions have resulted in amendments which would reflect the changes sought by staff. The sponsors have indicated that these amendments will be incorporated into the bill.

Staff recommends that the Board adopt a work with author position.

BILL: SB 1443

AUTHOR: STATE SENATOR KEVIN MURRAY
(D-CULVER CITY)

SUBJCET: HIGHWAY USERS TAX ACCOUNT – STATE HIGHWAY
ACCOUNT FUNDS

STATUS: PENDING COMMITTEE ASSIGNMENT

ACTION: SUPPORT

RECOMMENDATIONS

Staff recommends that the MTA Board of Directors adopt a support position on SB 1443.

PROVISIONS

Existing law creates the Highway Users Tax Account (HUTA) and the State Highway Account (SHA). Existing law also provides for the deposit of state excise taxes on motor vehicle fuels into these accounts and provides for appropriation of the funds from the same accounts. Existing law also provides that money from the State Highway Account may not be expended until appropriation by the Legislature.

SB 1443 would:

- Provide that all moneys in the HUTA and SHA may be continuously appropriated and may be encumbered in any year in which a Budget Act has not been enacted by July 1 of the fiscal year.
- Authorize the controller to make estimates to implement the act.

IMPACT ANALYSIS

Under current law, a state budget is required to be enacted by July 1 of each year. If the state budget is not enacted those expenditures which require appropriation by a budget act, may not be made.

Last year, the State Controller determined that expenditures from the HUTA and the SHA are subject to appropriation in the budget act and therefore cannot be made when a budget has not been enacted. The Controller then halted all expenditures from the HUTA and SHA resulting in significant cash flow problems to transportation projects statewide. Projects which were currently under construction faced a potential cessation of funds. Without the certainty of payment from the state, local agencies and Caltrans faced the possibility of defaulting on contractually required payments. Contractors would have been forced to stop work and lay off workers temporarily.

ATTACHMENT C

In an attempt to keep projects flowing, Caltrans requested that the Self-Help Counties advance funds to Caltrans which would be repaid when HUTA and SHA funds began to flow. Caltrans subsequently determined that funds advanced from the Self Help Counties would have to be deposited in the SHA making them subject to appropriation by the Legislature so this avenue was not available.

SB 1443 would establish that funds in the HUTA and SHA are continuously appropriated which would allow the funds to be allocated during periods in which a budget act has not been enacted. The funds in these accounts are restricted by the State Constitution to transportation and cannot be expended for any other purpose. Local agencies and Caltrans enter into contracts based on the programming of these funds over a period of years. The Controller would be required to estimate the allocations that would be required under the allocation formula in law and forward those allocations to appropriate entities.

Staff recommends that the MTA Board of Directors adopt a support position on SB 1443.