



EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
April 21, 2005

SUBJECT: STATE LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON STATE LEGISLATION

RECOMMENDATION

Adopt the following positions:

- A. AB 426 (Bogh) – Would require the conversion of all HOV lanes to mixed flow lanes during off-peak periods—**OPPOSE**
- B. AB 509 (Richman) – Would authorize regional transportation agencies to enter into agreements to develop user financed transportation projects—**SUPPORT WORK WITH AUTHOR**
- C. AB 1169 (Torrico) – Would expand the violations against transit operators for which increased penalties may be assessed—**SUPPORT**
- D. AB 1276 (Oropeza) – Would require the creation of a task force to study congestion along the state’s intermodal corridors—**SUPPORT WORK WITH AUTHOR**
- E. SB 275 (Torlakson) – Would require Caltrans and the California Transportation Commission to conduct a 10 year transportation needs assessment—**SUPPORT**
- F. SB 523 (Torlakson) – Would require that \$7.2 million be annually allocated to the Bicycle Transportation Account—**SUPPORT**

ATTACHMENTS

- A. AB 426 (Bogh)
- B. AB 509 (Richman)
- C. AB 1169 (Torrico)
- D. AB 1276 (Oropeza)
- E. SB 275 (Torlakson)
- F. SB 523 (Torlakson)

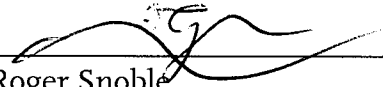
Prepared by:

Michael Turner
Government Relations Manager, State Affairs

Kimberly Yu
Government Relations Officer State Affairs

Maria A. Guerra

Maria A. Guerra
Chief of Staff



Roger Snoble
Chief Executive Officer

BILL: AB 426

AUTHOR: ASSEMBLY MEMBER RUSS BOGH
(R-BEAUMONT)

TITLE: HIGH OCCUPANCY VEHICLE LANES

STATUS: PENDING COMMITTEE ASSIGNMENT

ACTION: OPPOSE

RECOMMENDATION

ISSUE

Adopt an oppose position on AB 426 (Bogh)

PROVISIONS

Existing law allows for the creation of High Occupancy Vehicle lanes and proscribes the regulations for operation of those lanes. Existing law also allows for different occupant limits in specified lanes at specified times.

AB 426 would require Caltrans to convert all HOV lanes into mixed flow lanes except during peak-hour periods subject to the granting of a waiver of federal regulations.

IMPACT ANALYSIS

In requiring the conversion of all HOV lanes, AB 426 represents a substantial policy change for the state and presents significant practical complications.

Opponents of HOV lanes have over time sought incremental changes to the HOV system. AB 426 attempts to further erode the requirements on HOV lanes by requiring all HOV lanes to be converted to mixed flow lanes in off-peak hours.

Hourly restrictions have been placed on two HOV lanes in Los Angeles County. The most notable example of the impact of making changes to the occupancy limits and hourly restrictions on HOV lanes is the modifications made to the El Monte Busway (HOV lanes on I-10). Prior to the year 2000 a vehicle was required to have a minimum of three occupants in order to use this HOV lane. Other lanes in the county required at least 2 occupants. In 1999 SB 63 reduced the occupancy limit for the I-10 carpool lanes to two persons per vehicle. This change resulted in significant congestion in the lanes and eliminated the congestion relief and air quality benefits of HOV lanes. The restrictions were subsequently modified to allow the lower occupancy limit in off-peak hours and the higher occupancy limit during peak hours.

Additionally, the HOV lanes on SR 14 operate during peak hour periods only. During non-peak periods single occupant vehicles are allowed to utilize the lanes. In this case, the Legislative Analyst Office was required to analyze the impact of this change. The LAO could not identify any advantages or disadvantages from this change because the benefits of HOV lanes accrue when there is congestion.

Staff are concerned that adding layers of restrictions on HOV lanes creates a confusing environment for motorists. Attempting to interpret these regulations and signage while traveling on the freeway system also creates a safety hazard. Although it could be argued that AB 426 creates consistency by standardizing all HOV lane operating hours, AB 426 adds a layer of regulation to the HOV lanes with questionable benefit.

Staff therefore recommend that the Board of Directors adopt an oppose position on AB 426.

BILL: AB 509

AUTHOR: ASSEMBLYMEMBER KEITH RICHMAN
(R-NORTHRIDGE)

TITLE: USER-FEE BASED TRANSPORTATION PROJECTS

STATUS: PENDING COMMITTEE ASSIGNMENT

ACTION: SUPPORT WORK WITH AUTHOR

RECOMMENDATION

Adopt a support work with author position on AB 509.

PROVISIONS

Existing law allows for the creation of High Occupancy Vehicle (HOV) lanes and proscribes the conditions under which the lanes are to be operated. Existing law also allows certain agencies to operate value-pricing programs in which single occupant vehicles may use the HOV lanes upon paying a fee otherwise known as High Occupancy Toll (HOT) lanes.

AB 509 would allow regional transportation agencies to enter into agreements to finance user based transportation projects.

IMPACT ANALYSIS

Under current law there is no broad authority granted to local agencies to develop user-fee based transportation projects. The State of California has however, granted authority to specified agencies to operate HOT lanes in which drivers of single occupant vehicles are allowed to use the HOV lanes upon payment of a fee. The fee then becomes revenue by which an agency can address other transportation issues.

AB 509 would grant broad authority to regional transportation agencies to implement user-fee based transportation projects. Although AB 509 would implement an innovative financing technique that could be useful in developing transportation projects, it grants that authority to regional transportation authorities, which may or may not have the authority to develop and finance transportation projects.

In Los Angeles County the Los Angeles County Metropolitan Transportation Authority is charged with the planning and programming responsibilities for the county. This process provides for local control over the decision making process to develop transportation projects. Under AB 509 the Southern California Association of Governments (SCAG) could be considered a regional transportation agency and could then be granted the authority to raise revenue and finance any type of user-fee based project.

The development of user-fee based transportation projects could be a useful tool in developing future financing mechanisms. Staff are concerned that in providing a new authority, AB 509 also has the potential to expand the authority of another agency in the area of transportation planning and financing. Staff recommends that AB 509 be amended to specify that the authority to develop user-fee based transportation projects should be granted only to those agencies that are currently charged with the planning and programming responsibilities for a given county.

BILL: AB 1169

AUTHOR: ASSEMBLY MEMBER ALBERTO TORRICO
(D- FREMONT)

TITLE: INCREASING TRANSIT SAFETY

STATUS: ASSEMBLY PUBLIC SAFETY COMMITTEE

ACTION: SUPPORT

RECOMMENDATION

Adopt a support position on AB 1169.

PROVISIONS

Current law provides penalties for battery against any person on a transit property or in a transit vehicle. Current law also provides penalties for battery against an operator while the operator is performing work duties. There is no provision in law providing for increased penalties for assault and battery against a transit operator while a transit vehicle is in motion.

AB 1169 would increase the penalties associated with assault and/or battery committed against a transit operator while the vehicle is in motion. Specifically, this bill would:

- Create a new misdemeanor crime punishable by up to 1 year in county jail and/or a \$5,000 fine for assault against a transit operator while performing work duties.
- Create a misdemeanor or felony crime punishable by up to 16 months in state prison and/or a \$10,000 fine for assaulting an operator while his/her transit vehicle is in motion.
- Create a felony crime punishable by up to 3 years in prison and/or a \$10,000 fine for battery against an operator while a transit vehicle is in motion.

IMPACT ANALYSIS

Assaults against operators are occurring with increasing frequency. Nationally, more than 1,000 crimes were committed against public transit employees in 2001. According to the Federal Transit Administration survey, assault was considered the third most important safety issue affecting transit operators.

Transit agencies have sought increased penalties to address the dangers associated with assault on operators. An assault against an operator while the vehicle is in motion presents an increased danger to the riding public and warrants increased penalties. There is no specific California state law that provides for increased penalties for assaulting public transit operators while their vehicles are in motion. AB 1169 will provide for those increased penalties and help to deter future attacks against transit operators.

AB 1169 is sponsored by the California Transit Association and is supported by transit agencies in California.

Staff recommends that the Board of Directors adopt a support position on AB 1169.

BILL: AB 1276

AUTHOR: ASSEMBLY MEMBER JENNY OROPEZA
(D- LONG BEACH)

TITLE: INTERMODAL CORRIDORS OF ECONOMIC SIGNIFICANCE

STATUS: ASSEMBLY TRANSPORTATION COMMITTEE

ACTION: SUPPORT WORK WITH AUTHOR

RECOMMENDATION

Adopt a support work with author position on AB 1276.

PROVISIONS

Current law, the Intermodal Corridor of Economic Significance Act, requires the Department of Transportation (Caltrans) in concert with regional transportation planning agencies to identify significant transportation arteries that are designated as intermodal corridors of economic significance.

AB 1276 would require Caltrans, in concert with regional transportation planning agencies to:

- Establish a task force to develop strategy for avoiding congestion along the state's intermodal corridors of economic significance
- Develop freight oriented performance measures on those corridors
- Monitor corridor performance and develop improvement strategies
- Work with other states to establish standardized performance measures on the major trade corridors

IMPACT ANALYSIS

Frigh movement is the core and vital component of Los Angeles County's economy. The county accounts for more than \$300 billion in freight movements, or more than a third of the state's \$802 billion freight movement total. In addition, both the Port of Los Angeles and the Port of Long Beach generate approximately 34,000 truck trips per day of which the majority of these trips traverse the I-710, I-10, I-5 and the State Route 60.

With the current budget deficit and continuous suspension of Proposition 42, the state has sought local assistance to develop strategies to meet the current and future demands on existing intermodal corridors. It will be important for the state to coordinate with local agencies in order to develop proper solutions. AB 1276 seeks to assemble key groups to develop guidelines and policies addressing intermodal needs.

The Business, Transportation and Housing Agency and the California Environmental Protection Agency recently released a policy paper on goods movement, Goods Movement Action Plan, that identifies a number of infrastructure needs around the state. However, this report, while an effective compilation of needs, does not actually provide funds for improvements.

The state will need to continue to partner with local agencies to develop practical solutions. AB 1276 proposes one way to achieve this coordination.

Staff recommends that the Board of Directors adopt a support position on AB 1276.

BILL: SB 275

AUTHOR: SENATOR TOM TORLAKSON
(D- ANTIOCH)

TITLE: TRANSPORTATION NEEDS ASSESSMENT

STATUS: SENATE TRANSPORTATION AND HOUSING

ACTION: SUPPORT

RECOMMENDATION

Adopt a support position on SB 275.

PROVISIONS

Current law provides that California Transportation Commission (CTC) is responsible for programming and allocating funds for the construction of transportation projects in the state. SB 275 would require the CTC to work with the Department of Transportation (Caltrans) to draft a 10-year needs assessment on the state's transportation system. This assessment would be submitted to the Legislature by June 30, 2006. Specifically, SB 275 would require the two agencies to assess:

- The unfunded rehabilitation and operations needs for the state highway system and local streets and roads and for the state's rail programs over the next 10 years
- High-priority projects that are expected to reduce congestion and provide economic and environment benefits to the state
- A workload projection and staffing estimate necessary for the department to perform the project support work
- Measures to be established to ensure that projects can be delivered in a timely and cost-effective manner.

IMPACT ANALYSIS

In 1999, Senator John Burton introduced SR 8. The language in this resolution is essentially the same as that of the legislation proposed by Senator Torlakson. The LACMTA Board adopted a support position on SR 8. SR 8 provided a basis for understanding the transportation funding needs in the state. Recent state budget decisions have only exacerbated this problem. SB 275 will provide an opportunity to update the SR 8 report. If signed by the Governor, SB 275 would take the intent of SR 8 further by directing the California Transportation Commission and the Caltrans to update the report completed under SR 8.

Staff recommends that the Board of Directors adopt a support position on SB 275.

BILL: SB 523

AUTHOR: STATE SENATOR TOM TORLAKSON
(D-ANTIOCH)

TITLE: BICYCLE TRANSPORTATION ACCOUNT

STATUS: SENATE TRANSPORTATION COMMITTEE
APRIL 5, 2005

ACTION: SUPPORT

RECOMMENDATION

Adopt a support position on SB 523.

PROVISIONS

Existing law creates the Bicycle Transportation Account (BTA) and allocates BTA funds to various bicycle related projects around the state. Existing law requires that the BTA be funded at \$7.2 million per year until 2006 when the funding level would be reduced to \$5 million per year.

SB 523 would require that the BTA be funded at \$7.2 million per year beyond 2006.

IMPACT ANALYSIS

Bicycle advocates have been concerned that the amount of funding allocated to bicycle related projects has been reduced due to the overall state budget crisis. Currently, the BTA is scheduled to have its allocations reduced from \$7.2 million per year to \$5 million per year after 2006. SB 523 would require that \$7.2 million allocation be maintained beyond 2006.

Funding of bicycle related projects is a part of the LACMTA's Long and Short Range plans and provides an alternative travel method. The funds allocated to the BTA would otherwise be allocated to other projects through the State Highway Account. The fund level required under SB 523 is small relative to the overall funding of the SHA so there would be minimal impact to other transportation projects.

SB 523 is sponsored by the California Bicycle Coalition and the Rails to Trails Conservancy.

Staff recommends that the Board of Directors adopt a support position on SB 523.

