

**2006-07 LEGISLATIVE SESSION  
REPORT TO THE AUTHORITY  
June 20, 2007**

**Consent Calendar**

**SB 698 (Torlakson)**

**APC Recommendation: Watch-Oppose**

**Subject: Eminent Domain**

**Location: ~~Senate Public Safety Assembly~~ Judiciary**

This bill would provide that, in situations where a governmental agency files a motion with the court to take possession of property under the Eminent Domain Law, and the property owner or occupant files a notice of opposition citing hardship, the owner or occupant must also provide a declaration of facts supporting the hardship, signed under penalty of perjury. The bill would also require that a governmental entity exercising its power of eminent domain provide the property owner, at the time an offer to purchase is sent, an informational pamphlet outlining the process of eminent domain and the owner's rights under the law.

In light of issues that have arisen as a result of last year's eminent domain bill, SB 1210, and the potential to negatively impact project delivery schedules, and based on communications from legal counsel, staff is concerned that the provisions of this bill do not address the inherent problems of SB 1210 and might actually further complicate the right-of-way acquisition process.

Staff continues to work to make modifications to SB 1210, working with the author and other agency representatives. Based on advice from counsel, this bill would not be consistent with the Authority's objectives.

*Per discussion at APC, since the bill has moved to the Assembly, APC recommends an "Oppose" position.*

**May Revise—Spillover**

**APC Recommendation: No Action-Information Only**

The Governor's budget revise included a diversion of approximately \$1.3 billion in 'spillover' funds (i.e., a computation triggered when the amount of funds generated by the sales tax on gasoline outpaces the amount generated by the ¼ percent "TDA" sales tax on other goods) from transit to the general fund. This diversion is possible because the spillover funds lack the constitutional protection of Proposition 42, which directs all other gasoline sales tax funds to transportation, and the result is a serious negative impact on California's transit system.

Staff reported on discussions around the state as to how to remedy this situation and provide more stable funding for transit. One concept that has been the subject of serious discussion among MTC, the Bay Area transit operators, and the Congestion Management Agencies involves subsuming the spillover into Proposition 42, thereby protecting the funds from diversion, and ensuring that all the sales tax on gasoline is expended on transportation. Various collateral scenarios have also been proposed regarding possible revisions of the Prop 42 allocation formula.

## **Updates on Items Previously Acted Upon by Authority**

### **SB 375 (Steinberg)**

**Authority Position: Oppose**

**Subject: 'Preferred Growth Scenario' in Regional Transportation Plans (RTPs)**

**Location: Senate Appropriations**

This bill would require that all RTPs contain a 'preferred growth scenario' that would incorporate measures aimed at achieving greenhouse gas emissions reduction targets as assigned to each region by CARB. Projects programmed for funding in the Regional Transportation Improvement Programs (RTIP) would have to be consistent with the preferred scenario.

The bill would also require the CTC — in cooperation with CARB — to adopt guidelines for the use of travel demand models in the development of RTPs, and specifies the scope of conditions the models will be required to account for.

Staff reported on discussion regarding potential amendments to this bill, as well as related discussions with CTC staff regarding inclusion of emissions reduction components in the RTP guidelines.

### **General Contractor Construction Management Bill**

Staff continues to work towards legislation pertaining to what are considered "high risk" projects (e.g., bridges and tunnels). The bill would allow public agencies to bring construction contracting firms into a project prior to final project design to advise on the constructability of the project. This would reduce the risk involved for both the public agency and the contracting firm, thereby making contracting bids more competitive.

## **Status Report—Information Only**

Following is a status report on bills already acted on by the Authority.

### **AB 15 (Houston)**

**Authority Position: Watch**

**Subject: Study Ways to Expedite Vasco Road Safety Improvements**

**Location: Assembly Appropriations**

This bill has been amended to require Caltrans, by July 1, to submit a report to the legislature with recommendations as to how to expedite the construction of a median barrier on Vasco Road between I-580 in Alameda County and the Vasco Rd./Walnut Blvd. intersection in Contra Costa.

### **AB 444 (Hancock)**

**Authority Position: Support**

**Subject: Countywide Vehicle Registration Fee for Transportation**

**Location: ~~Assembly Appropriations~~ Senate**

This bill would authorize the Congestion Management Agencies in Contra Costa and Alameda counties, contingent upon voter approval in each county, to impose an annual vehicle registration fee of up to \$10 to fund a congestion management program of direct benefit to the owners of the motor vehicles paying the fee. *Bill has been amended to cap administrative fees at 5%.*

**SB 445 (Torlakson)**

**Authority Position: Support**

**Location: Senate Appropriations Assembly**

This bill begins to address the issue of future highway funding as the primary traditional source — i.e., per gallon fuel taxes — is expected to decrease steadily as fuel efficiency improves and alternative fuels are developed and applied.

The bill would create a “Road User Task Force,” consisting of ~~44~~ **14** members appointed by the legislature, the Governor, the CTC, the League of California Cities and the California State Association of Counties, **the California Transit Association, the California State Automobile Association, and the Automobile Club of Southern California**. The task force would be required to hold at least 3 public hearings throughout the state on alternative road funding sources and report back to the legislature by January 1, 2009 with recommendations.

*Bill has been amended to add findings regarding the inadequacy of funds available for transit.*

**AB 842 (Jones)**

**Authority Position: Oppose**

**Location: Assembly Housing and Community Development**

**Subject: Allocation of Prop 1C Housing Bonds**

Preference for funding to projects in jurisdictions where a general or regional plan provides for a specified reduction in vehicle miles traveled. Also would require CTC to include provision for VMT reduction in RTP guidelines.

**AB 867 (Davis)**

**Subject: Use of computer models in preparation of RTPs**

**Authority Position: Watch**

**Location: Assembly Appropriations**

The bill would require that the models used to develop RTPs factor in the mobility of low-income and minority residents, and that comparisons be made between low-income and non-low-income areas and between minority and non-minority areas. The comparisons would be available to the public and included as addendums into the RTPs. This bill prompts similar concerns as AB 1020 did last year.

**AB 1003 (Jeffries)**

**Action Deferred: Two-year bill.**

**Subject: Contracting for Dedicated Caltrans Services**

This bill would allow project sponsors within transportation sales tax counties to contract with Caltrans for dedicated engineering and consulting services in order to expedite environmental and design approvals on projects.

Staff was directed to research details on the fiscal arrangement involved in contracting for ‘dedicated’ Caltrans staff.

**AB 1337 (Nava)**

**Subject: Contracting Out**

**Authority Position: Oppose**

**Bill removed from Assembly Transp. Committee agenda at author's request**

This bill would require all construction management and engineering, including inspection, quality control inspection, surveying, materials testing and resident engineer functions for all projects on the state highway system be performed by Caltrans employees.

**AB 1637 (DeSaulnier)**

**Action Deferred: Two-year bill.**

**Subject: Transit Funds for Discount Fares**

This bill would authorize a transit operator to use TDA and STA funds to provide discount fares to low-income riders. Transit agencies have indicated concerns that it may negatively impact transit funding. The author has indicated he will work with the transit agencies and convert the bill into a two-year bill.