

PANE & PANE ASSOCIATES, INC.

May 15, 2009

MEMO TO: California Bus Association

FROM: Josh Pane and Donna Wetterer Pane
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RE: Legislative Update: WEEK OF MAY 11, 2009

2009 Legislation

**AB 222 (Adams-R) Energy: bio-fuels (A-5/5/09) Sponsor: author
Staff: Elizabeth Watson (916) 319-2059**

Summary: Existing law defines "in-state renewable electricity generation facility" for the purposes of the program to include, among other things, a facility that uses municipal solid waste conversion. This bill would instead define "in-state renewable electricity generation facility" to include a facility that uses conversion at a bio-refinery. The bill would define "bio-refinery" to mean a facility that uses a non-combustion thermal, chemical, biological, or mechanical conservation process, or a combination of those processes, to produce electricity or a renewable fuel from carbonaceous materials. This bill contains other related provisions and other existing laws.

STATUS: Assembly Appropriations on May 20th.

AB 282 (Assembly Transportation Committee) (I-2/12/09)

Summary: This is the committee's omnibus bill that contains the language requested by Sacramento City Police related to SPAB that would additionally include in the definition of a "school pupil activity bus" a similarly used motor vehicle operated by and under the exclusive jurisdiction of a municipal public safety agency. We have alerted committee that CBA may have concerns and are assured that this provision will be removed if agreement cannot be reached.

STATUS: Senate Rules for committee assignment.

AB 414 (Galgiani-D) Carl Moyer Memorial Air Quality Standards Attainment Program: heavy-duty fleet modernization projects

(I-2/23/09) Sponsor: author Staff: Jim Collin (916) 319-2084

Summary: This bill would require the Air Resources Board to develop and implement a trade-down program that provides assistance to owners of high-use, newer model, heavy-duty fleet vehicles to convert those vehicles for lower use, commercial operations in a manner that reduces emissions of oxides of nitrogen and particulate matter. The bill would provide that the trade-down program would be eligible for funding under the Carl Moyer program as an eligible heavy-duty fleet modernization project if it meets a specified criterion.

STATUS: Assembly Transportation; Two-Year Bill

**AB 569 (Emmerson-R) meal periods: transportation industry
(A-4/27/09) Sponsor: UPS Staff: Teresa Trujillo (916) 319-2063**

Summary: Existing law prohibits, subject to certain exceptions, an employer from requiring an employee to work more than 5 hours per day without providing a meal period and, notwithstanding that provision, authorizes the Industrial Welfare Commission to adopt a working condition order permitting a meal period to commence after 6 hours of work if the order is consistent with the health and welfare of affected employees. This bill would exempt from these provisions construction employees and commercial drivers in the transportation industry who are covered by a valid collective bargaining agreement containing specified terms, including meal period provisions. It would specify that its provisions do not affect the requirements for meal periods for employees or employers in industries other than those described in the bill.

STATUS: Assembly Appropriations on May 20th.

AB 636 (Jones-D) Charter-party carriers: bus drivers (A-4/13/09)

Sponsor: CBA Staff: Melanie Ramil (916) 319-2009

Summary: This bill would require the commission to permanently revoke the authority of a charter-party carrier that operates a bus without having been issued the proper permit from the commission or that knowingly employs a bus driver who has not been issued the required license, endorsement, or certificate to drive a bus and would permanently prohibit a person who drives a bus for a charter-party carrier without having been issued the proper driver's license, endorsement, or certificate from driving a bus of any kind. The bill would also require an officer of the Department of the California Highway Patrol who stops or inspects a bus of a charter-party carrier that is operating a bus without having been issued the proper permit from the commission or that is being driven by a driver to whom the appropriate license, endorsement, or certificate has not been issued, to impound the bus.

STATUS: Passed Assembly 73-0 on May 13th; to Senate for committee assignment.

CBA Position: SUPPORT (and sponsor)

AB 652 (Skinner-D) Vehicles: vehicle length limitation (A-4/29/09)

Sponsor: author Staff Caliph Assagai (916) 319-2014

Summary: This bill would authorize the Alameda-Contra Costa Transit District to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles as long as those devices meet certain requirements, including, but not limited to, extending not more than 40 inches from the front of the bus when fully deployed, and that the handlebars of the bicycles being transported extend not more than 46 inches from the front of the bus. The bill would require that if Alameda-Contra Costa Transit District installs the bicycle racks, it would be required to report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing on or before December 31, 2014, regarding safety issues and mobility improvements.

STATUS: Senate Rules awaiting committee assignment.

AB 709 (Lieu-D) Charter-party carriers of passengers: driver background checks (I-2/25/09)

Sponsor: Greater CA Livery Association Staff: Graciela Castillo (916) 319-2019

Summary: This bill, now authored by Lieu instead of Hill, would require that the rules adopted by the commission do the following: (1) require that each driver, and each applicant who is offered employment as a driver, of a charter-party carrier providing passenger transportation to and from a commercial airport submit fingerprints and other pertinent information for the purpose of obtaining criminal history information, (2) require that a charter-party carrier of passengers only

employ as drivers those individuals that have successfully completed the criminal history background investigation, (3) require the charter-party carrier of passengers provide an identification credential to each employee, or applicant that becomes an employee, that successfully completes the criminal background investigation process, and (4) require all drivers that are employed by a charter-party carrier of passengers to carry identification credentials at all times on airport property. The bill would require any applicant for certification or a permit to operate as a charter-party carrier of passengers to certify that its drivers have successfully completed a criminal history background check and have been issued an identification credential in accordance with the above-described requirements. The bill would prohibit the governing body of any airport from imposing requirements on charter-party carriers providing transportation to and from the airport regarding criminal background checks on drivers, but would authorize the governing body to request a list of all drivers to whom identification credentials have been issued. Under existing law, a violation of the Passenger Charter-Party Carriers' Act or an order or direction of the commission pursuant to the act is a crime.

STATUS: Assembly Appropriations Suspense File.

CBA Position: Leg Committee needs to review for possible position

AB 744 (Torrico-D) Transportation: Bay Area high-occupancy vehicle network (A-4/21/09)

Sponsor: Metropolitan Transportation Commission (MTC) Staff: Ryan Spencer (916) 319-2020

Summary: This bill would authorize the Bay Area Toll Authority to acquire, construct, administer, and operate a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish. The bill would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. The bill would authorize the authority to determine the types of vehicles that may use the lanes. The bill would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol. The bill would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account, which the authority would be required to create. The bill would authorize the authority to issue revenue bonds for the express lane program. The bill would specify the use of revenues in the account, including the net revenues remaining after expenses and obligations, including revenue bond obligations, for the express lane program are satisfied. The bill would provide for certain payments by the authority to the Department of Transportation and the Department of the California Highway Patrol relative to their responsibilities with regard to the express lane program, and would continuously appropriate the amount of those payments to those agencies for those purposes. The bill would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority.

STATUS: Senate Rules for committee assignment.

AB 922 (Miller-R) Diesel fuel tax exemption: bio-diesel (I-2/26/09)

Sponsor: author & Biodiesel Alliance Staff Evan Oneto 319-2071

Summary: This bill exempts the imposition of the Diesel Fuel Tax after July 1, 2009 through June 30, 2014 on biomass-based diesel fuel produced with California feedstock (used cooking oil; trap grease; yellow grease; animal fat; brown grease; plant or fungal crop; algae and FOG which means fat, oil and grease).

STATUS: Assembly Rev & Tax Suspense File.

AB 951 (Lieu-D) Charter-party carriers (A-4/21/09) Sponsor: CBA

Staff: Andrew Medina (916) 319-3686

Summary: This bill would revise that general penalty to set a minimum fine of \$1,000 and a maximum fine of \$5,000. The bill, for conviction of operating a charter-party carrier of passengers or a taxicab without a valid certificate, would increase mandatory fines for charter-party carriers of passengers, subjecting them to a maximum fine of \$10,000 for a first conviction and \$25,000 for a subsequent conviction. The bill would also increase a number of other existing fees, fines, and penalties for specific violations of the act.

STATUS: Passed Assembly 75-0 on May 14th; Senate Rules awaiting committee assignment.

CBA Position: SUPPORT

AB 1000 (Ma-D) Employment: Paid sick days (I-2/27/09) Sponsor: CA Labor Federation Staff: Catalina Hayes-Bautista (916) 319-2012

Summary: This bill would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes. This bill would require the Labor Commissioner to administer and enforce these requirements, including the promulgation of regulations, investigation, mitigation, and relief of violations of these requirements. This bill would authorize the Labor Commissioner to impose specified administrative fines for violations and would authorize an aggrieved person, the commissioner, the Attorney General, or an entity a member of which is aggrieved to bring an action to recover specified civil penalties against an offender, as well as attorney's fees, costs, and interest. The bill would specify that it does not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor does it lessen any other obligations of the employer to employees. This bill would further specify that it does not apply to employees in the construction industry covered by a collective bargaining agreement if the agreement expressly waives the requirements of this article in clear and unambiguous terms. However, the bill would specify that it applies to certain public authorities, established to deliver in-home supportive services, except where a collective bargaining agreement provides for an incremental wage increase sufficient to satisfy the bill's requirements for accrual of sick days.

STATUS: Assembly Appropriations Suspense File.

AB 1203 (Ma-D) Transportation bond funds: transit systems safety (I-2/27/09) Sponsor: San Francisco Bay Water Emergency Transit Authority Staff: Eric Dang (916) 319-2012

Summary: Existing law requires the deposit of \$1 billion of the bond proceeds in the Transit System Safety, Security, and Disaster Response Account to be used, upon appropriation, for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing that movement. Existing law requires the allocation of 25% of these funds for capital expenditures to regional public waterborne transit agencies authorized to operate a regional

public water transit system, as specified, and requires the California Emergency Management Agency (Cal EMA) to administer a grant application and award program for transit agencies eligible to receive the funds. Existing law requires Cal EMA to select eligible projects to receive those grants by February 1 of each fiscal year in which funds are appropriated for that purpose. This bill would additionally require Cal EMA, by February 1 of each fiscal year, in which funds are appropriated for that purpose to provide the Controller with a list of projects and the sponsoring agencies eligible to receive an allocation. The bill would require the Controller, upon receipt of this information, to commence any necessary actions to allocate funds to those agencies.

STATUS: Assembly Floor.

AB 1381 (John Perez-D) High-occupancy toll lanes (A-4/15/09)

Sponsor: Caltrans Staff: Darcy Sears (916) 319-2046

Summary: Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit. Existing law specifically authorizes a value-pricing and transit development demonstration program involving HOT lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions. This bill would require the LACMTA program to be implemented with the active participation of the Department of the California Highway Patrol. The bill would require LACMTA, with the consent of the department, to establish appropriate performance measures for the purpose of ensuring optimal use of the HOT lanes without adversely affecting other traffic on the state highway system.

STATUS: Senate Rules awaiting committee assignment.

AB 1404 (De Leon-D) CA Global Warming Solutions Act of 2006: offsets (A-4/13/09) Sponsor:

Union of Concerned Scientists

Staff: Angelica Salceda (916) 319-2045

Summary: This bill would require the Air Resources Board, if the state board allows the use of market-based compliance mechanisms, to limit the use of compliance offsets, as defined, that meet specific criteria, to no more than 10% of the greenhouse gas emission reductions expected from market mechanisms during the compliance period. The bill would require the state board to apply the limit as a percentage of each regulated facility's reported emissions in a compliance period. The bill would require the state board to impose an offset verification fee on entities buying and selling compliance offsets, for deposit into the fund. Under the bill, fee revenues would be available, upon appropriation, to pay for expenses related to state board administration of the compliance offset program.

STATUS: Assembly Appropriations Suspense File.

AB 1421 (Swanson-D) Employment: work hours (A-4/14/09) Sponsor:

Author Staff: hasn't been assigned

Summary: This bill would provide that time spent in transit on a facility-provided conveyance from a remote employee parking location to and from the place at which an employee's presence is required by the employer shall be considered to be part of a workday when the employee is employed at an airport, amusement park, sports venue, or entertainment venue, as these places of employment are defined by the North American Industry Classification System or its predecessor.

STATUS: Assembly Appropriations Suspense File.

AB 1527 (Lieu-D) Motor vehicle emission reduction projects

(1-2/27/09) Sponsor: Calstart Staff: Sherrie Pemberton (916) 319-2053

Summary: This bill would allow a motor vehicle emission reduction project to be funded from multiple air quality programs, including the Carl Moyer Memorial Air Quality Standards Attainment Program and the Goods Movement Emission Reduction Program.

STATUS: Assembly Appropriations on May 20th.

SB 124 (Oropeza-D) Air pollution: school bus idling and idling at schools (A-4/30/09) Sponsor: author Staff: Lynne Jensen (916) 651-4028

Summary: This bill would codify the ARB's regulations requiring drivers of school buses, transit buses, school pupil activity buses, youth buses, general public para-transit vehicles, as those terms are defined in the regulations, and specified transit buses and commercial motor vehicles to turn off the bus or vehicle engine upon stopping at or within 100 feet of a school and prohibiting those drivers from turning the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or within 100 feet of a school, and prohibiting those drivers from causing the bus or vehicle to idle for more than 5 consecutive minutes or 5 aggregate minutes in any one hour at any location greater than 100 feet from a school. It would make any violation of the provisions of the bill subject to those civil and administrative penalties, but would specify that the minimum civil penalty that would be imposed for a violation would be \$300 and that specified violations would also be subject to criminal penalties to the maximum extent provided by law.

STATUS: Senate Floor.

SB 201 (Oropeza-D) Vehicles: illegal taxicabs (A-4/13/09) Sponsor: author Staff: Lynne Jensen (916) 319-4028

Summary: This bill would revise the impoundment provisions of existing law to provide that a vehicle operated as an illegal taxicab or illegally as a passenger vehicle for hire shall not be released prior to the period of impoundment unless certain conditions are met. This bill would provide that a legal owner who releases or causes the release of a vehicle to a registered owner or the person in possession of the vehicle at the time of the impound or an agent of the registered owner prior to the termination of the impoundment period shall be subject to a fine in the amount of \$5,000 in addition to any other applicable penalties.

STATUS: Senate Transportation & Housing

SB 287 (Calderon-D) Meal periods (1-2/24/09) Sponsor: author Staff: Rocky Rushing (916) 651-4030

Summary: This bill would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods. The bill also would specify conditions under which on-duty meal periods are permitted rather than meal periods in which the employee is relieved of all duty. The meal period provisions of a valid collective bargaining agreement would be required to be implemented for covered employees rather than the statutory requirements. The bill would require

that orders of the IWC be interpreted in a manner consistent with this section, and would require the Department of Industrial Relations to amend and republish specified IWC wage orders to be consistent with the revised meal period requirements.

STATUS: Senate Labor & Industrial Relations; Two-Year Bill.

SB 351 (Huff-R) High-occupancy vehicle lanes (1-2/25/09) Sponsor: author Staff: Kelly Garman (916) 651-4029

Summary: This is a “spot bill” making a technical, non-substantive change to the provision of law relating to preferential use of highway lanes for high-occupancy vehicles.

STATUS: Awaiting committee assignment; Two-Year Bill.

SB 380 (Dutton-R) Meal periods (1-2/26/09) Sponsor: author

Staff: Alex Bassar (916) 651-4031

Summary: This bill would revise the statutory requirements for the provision of meal periods to specify that the requirements apply only to employees subject to the meal period provisions of an order of the IWC. The statutory requirements for providing the meal periods would be revised to specify that a meal period based on working more than 5 hours in a workday is required to be provided before the employee completes 6 hours of work, unless the existing waiver provision is invoked. The waiver provision for the 2nd meal period would be changed to provide an exception for different provisions within IWC wage orders in effect as of January 1, 2009, and to permit the employer and employee to agree to waive either the first or the 2nd meal period if the employee otherwise is entitled to 2 meal periods.

STATUS: Awaiting committee assignment; Two-Year Bill.

SB 462 (Strickland-R) Income and corporation taxes: credits: manufacturers of diesel exhaust filters (1-2/26/09)

Sponsor: author Staff: Carrie Yoshida (916) 651-4019

Summary: This bill would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2009, and before December 1, 2019, of \$10,000 for a qualified taxpayer, as defined, that is a manufacturer of verified diesel emission control strategies. This bill would take effect immediately as a tax levy.

STATUS: Senate Rev & Tax Suspense File.

SB 463 (Strickland-R) Income and corporation tax credits: renewable energy projects (A-4/29/09) Sponsor: author

Staff: Carrie Yoshida (916) 651-4019

Summary: The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2009, and before January 1, 2017, allow a credit for all taxable years in an amount, not to exceed \$3,000, equal to 30% of the costs paid or incurred for the purchase and installation of a renewable energy resource project, as defined. This bill would take effect immediately as a tax levy.

STATUS: Senate Rev and Tax Suspense File.

SB 464 (Strickland-R) Income and corporation taxes: credits: diesel particulate matter reduction (1-2/27/09) Sponsor: author

Summary: This bill would allow a credit for taxable years beginning on or after January 1, 2009, and before January 1, 2019, in an amount equal to 5% of the amount paid or incurred for qualified

property, as defined, not to exceed \$10,000, that is used to meet diesel particulate matter reduction requirements. This bill would take effect immediately as a tax levy.

STATUS: Senate Rev & Tax Suspense File.

SB 789 (Steinberg-D) labor representatives: elections (card check) (A-4/14/09)

Summary: This bill creates a new election process for agricultural workers to select their representatives for collective bargaining. This is the “Card Check” bill for farm workers sponsored by the United Farm Workers, similar to what they’re attempting at the national level.

STATUS: Assembly Appropriations.

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