

PANE & PANE ASSOCIATES, INC.

June 8, 2009

MEMO TO: California Bus Association

FROM: Josh Pane and Donna Wetterer Pane
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RE: Legislative Update: WEEK OF JUNE 8, 2009

2009 Legislation

**AB 222 (Adams-R) Energy: bio-fuels (A-5/28/09) Sponsor: author
Staff: Elizabeth Watson (916) 319-2059**

Summary: The bill defines "bio-refinery" as 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 would authorize, if the act requires a solid waste diversion of more than 50%, a jurisdiction to consider solid waste diverted by bio-refinery as disposal reduction in meeting the solid waste diversion level requirement above 50% if the jurisdiction makes a specified certification to the board and would additionally define "solid waste facility" to include a bio-refinery that processes solid waste. The bill would revise and recast the definition of "transformation" to exclude from that definition, among other things, solid waste conversion at a bio-refinery.

STATUS: Senate Rules for committee assignment.

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 Transportation & Housing

**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: Senate Labor & Industrial Relations.

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-5/27/09)

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. This bill would also require the district, prior to installing a folding device on a bus that is 45 feet in length, to establish a route review committee, as specified, in order to determine, by unanimous vote, which routes proposed by the district are suitable for the safe operation of a 45-foot bus that is equipped with a front-mounted bicycle rack.

STATUS: Senate Transportation & Housing on June 9th.

AB 744 (Torrico-D) Transportation: Bay Area high-occupancy vehicle network (A-6/1/09)

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 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: Senate Energy, Utilities and Communications on June 16th.

CBA Position: SUPPORT

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: Senate Rules for committee assignment.

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 Transportation & Housing.

AB 1404 (De Leon-D) CA Global Warming Solutions Act of 2006: offsets (A-6/1/09) Sponsor: Union of Concerned Scientists Staff: Angelica Salceda (916) 319-2045

Summary: This bill would require the state 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 party's reported emissions in a compliance period. The bill would require the state board to impose a fee pursuant to the fee authority described above for deposit into the fund to pay for expenses related to state board administration of the compliance offset program, upon appropriation by the Legislature.

STATUS: Senate Rules for committee assignment.

AB 1527 (Lieu-D) Motor vehicle emission reduction projects (A-6/1/09)

Sponsor: Calstart Staff: Sherrie Pemberton (916) 319-2053

Summary: This bill would require the State Air Resources Board to revise project guidelines to allow funds from specified programs and funding sources to be used for a project also funded under the Carl Moyer Memorial Air Quality Standards Attainment Program or the Goods Movement Emission Reduction Program without those additional public funds being factored into the criteria emission reduction cost-effectiveness calculations under either of those programs.

STATUS: Senate Rules for committee assignment.

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: Assembly Desk for committee assignment.

SB 201 (Oropeza-D) Vehicles: illegal taxicabs (A-5/19/09) 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 \$1,250 in addition to any other applicable penalties.

STATUS: Assembly Desk for committee assignment.

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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