

PANE & PANE ASSOCIATES, INC.

October 13, 2009

MEMO TO: California Bus Association

FROM: Josh Pane and Donna Wetterer Pane
pane@cwo.com (916) 835-3036 or (916) 447-8982

RE: Legislative Update: FINAL of the 2009 Session

The Governor had until midnight on October 11th to sign or veto legislation. He had over 700 bills sent to him at the end of the session on September 11th on his desk. He had threatened to veto everything if the Legislature didn't give him the water package he was waiting for but in the end he signed a little over half and vetoed the rest. The good news is that CBA's sponsored bill, AB 636, and the companion bill, AB 951 both made it through the legislative process and were ultimately signed by the Governor. Below is the final update on those bills that we were following for CBA. Please don't hesitate to contact us if you have any questions or need additional information.

2009 Legislation

AB 282 (Assembly Transportation Committee) (A-9/2/09)

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 alerted the Assembly Transportation Committee that CBA requests that this provision be removed, which was accomplished in the June 30th version of the bill and also contained in the final version amended September 2nd.**

STATUS: Signed by the Governor on October 11th.

AB 569 (Emmerson-R) meal periods: transportation industry (A-7/1/09) Sponsor: UPS Staff: Teresa Trujillo (916) 319-2063

Summary: This bill was amended several times after the July 1st version, which would exempt from existing law those in a construction occupation 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. The September 4th and September 10th versions of the bill dealt with public contracts for disabled veteran business enterprises. On September 11th (the final day of the 2009 session) it was amended back to a meal period bill.

STATUS: Senate Rules; now a two-year bill.

AB 636 (Jones-D) Charter-party carriers: bus drivers (A-6/26/09)

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

Summary: This bill, sponsored by CBA, requires the California Public Utilities Commission (PUC) to permanently revoke the authority of a charter-party carrier if the carrier knowingly employs a non-licensed or inappropriately licensed driver, suspend the license for five years of a person who drives a bus for a charter-party carrier who lacks the proper license of the proper class, requires a California Highway Patrol (CHP) officer to impound the bus if driven by a non-licensed driver, and imposes other new restrictions and requirements on charter-party carriers.

STATUS: Signed by the Governor on October 11th.

CBA Position: SUPPORT (and sponsor)

AB 652 (Skinner-D) Vehicles: vehicle length limitation (A-8/24/09)

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 in order to determine, by unanimous vote of voting members, 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: Signed by the Governor on October 11th.

AB 744 (Torricco-D) Transportation: toll lanes: Express Lane Network (A-7/15/09) 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: Held on Senate Appropriations Suspense File; two year bill.

**AB 951 (Lieu-D) Charter-party carriers (A-8/31/09) 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. The bill was also double joined to AB 636 so that both bills had to be signed in order for either to take effect

**STATUS: Signed by the Governor on October 11th.
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: Signed by the Governor on October 11th.

**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: Signed by the Governor on October 11th.

AB 1527 (Lieu-D) Motor vehicle emission reduction projects (A-7/23/09)

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: Vetoed by the Governor on October 11th. Veto Message:

I am returning Assembly Bill 1527 without my signature. This bill requires the California Air Resources Board (ARB) to revise the project guidelines for certain existing emission reduction incentive programs to allow the receipt of other state and federal funds to be used for projects without those additional funds being included in the cost-effectiveness calculations that are used to determine ARB funding eligibility. This bill is unnecessary. ARB already has flexibility in existing law to develop revisions to their funding guidelines, and is currently developing revisions to the Proposition 1B guidelines that will allow selective use of funds from other programs to count as matching funds for eligible projects that achieve both emission reduction and climate change benefits. Additionally, the current language of the bill would detrimentally relax the cost-effectiveness calculations for ARB's existing emission reduction incentive programs. This results in limited state funds for air quality improvements going towards fewer and potentially more costly projects that do not produce the quantity of air quality improvements we could see under the existing program. I recognize that the author worked diligently to try to ensure that air quality improvements would not be diminished by the bill. I encourage the author to work with ARB as they undergo their current review of the Proposition 1B and Carl Moyer guidelines and, if additional legislation is needed, introduce a bill in the next session that achieves both ARB and the author's shared goals. For these reasons, I am unable to sign this bill.

SB 124 (Oropeza-D) Air pollution: school bus idling and idling at schools (A-8/27/09) 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: Signed by the Governor on October 11th.

**SB 201 (Oropeza-D) Vehicles: illegal taxicabs (A-9/4/09) Sponsor: author
Staff: Lynne Jensen (916) 319-4028**

Summary: This bill would revise the conditions by which the impounded vehicle is required to be released to the legal owner or the legal owner's agent prior to the end of the impoundment period and without the permission of the magistrate authorizing the seizure of the vehicle. The bill would also establish monetary transaction requirements for a person operating or in charge of a storage facility, including accepting a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or registered owner or the owner's agent claiming the vehicle. The bill would provide that the person operating or in charge of a storage facility who violates these requirements is civilly liable to the owner of the vehicle or to the person who tendered the fees for 4 times the amount of the towing, storage, and related fees, but not to exceed \$500. This bill would make a legal owner who, knowingly 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 subject to a civil penalty in the amount of \$1,250. (2) This bill would also incorporate additional changes in Section 21100.4 of the Vehicle Code proposed by AB 515, that would become operative only if AB 515 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

STATUS: Vetoed by the Governor on October 11th. Veto Message:

I am returning Senate Bill 201 without my signature. This bill would create a fine for an owner who returns an unlicensed taxicab to operation and would specify impoundment procedures for the release of an illegally operated and unlicensed taxicab to a legal owner. Even though so-called bandit taxicabs are an increasing problem in many areas, this measure is unnecessary because local governments already have the ability to establish procedures regarding taxicab transportation and the impoundment of illegal taxicabs as it pertains to protecting the public's health, safety, and welfare. This bill would create specific state standards for all local jurisdictions to follow, ultimately removing local control and collectively reducing the ability of local governments to determine what is in the best interests of their communities.

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: Vetoed by the Governor on September 2nd. Veto Message:

I am returning Senate Bill 789 without my signature. This measure is identical to measures I have previously vetoed. SB 789 sets in place a "majority sign-up election" process for agricultural employees to select union representation. This process fundamentally alters an employee's right to a secret ballot election that allows the employee to choose, in the privacy of the voting booth without coercion or manipulation, whether or not to be represented. While I support the right of agricultural employees to voluntarily seek and choose representation if they wish, and ensuring that existing labor laws are enforced is a top priority for my administration, I cannot support this alteration of the secret ballot process. For these reasons, I am returning SB 789 without my signature.

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