

## 2007 Legislative Reports

### October 15, 2007 - LEGISLATIVE UPDATE: End of Session Wrap Up

2007 Legislative Session Comes to an End. In the waning hours of September 12<sup>th</sup>, the 2007 legislative session came to a whimpering end. To say not much was accomplished overall is an understatement. The giddy Assembly managed to find time to play legislative bingo, which called for oddball words like "Bullwinkle" and "Pimp Daddy" to be slipped into legislative floor debate. Entertaining, yes. But three of the major issues facing the legislature remain unresolved: health care reform; water storage; and reapportionment. The Governor has called two Special Sessions on health care and water storage, but left reapportionment out after Senator Perata said he wouldn't deal with that at this time, that it wasn't an urgent issue. So far, nothing has happened on either issue. A water bond proposal by Senator Perata failed last week because the Republicans position is "no dams, no deal". So it is looking more and more that whatever happens will most likely be sent to the voters next June or November.

### 2007 LEGISLATION

#### **AB 139 (Bass) Vehicles: school bus drivers: medical examinations. (A-7/10/07) Sponsor: CA Academy of Physicians' Assistants (staff-Sara Takahama)**

Summary: Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical physician's examination of the applicant given not more than 2 years prior to the application date. This bill would authorize the medical examination to be given by a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant. A similar bill was introduced last year (AB 1256) but was later dropped.

**CBA Position: Watch STATUS: Signed by Governor; Chapter 158 of 2007 Statutes.**

#### **AB 913 (Niello) Vehicles: motor carriers: permits. (I-2/22/07) Sponsor: CA Trucking Assn. (staff-Emily Curren)**

Summary: Existing law requires a motor carrier to pay the Department of Motor Vehicles a \$150 fee for the re-issuance of a motor carrier's permit following its suspension or revocation. This bill waives a motor carrier permit reinstatement fee if it is demonstrated that a lapse in liability insurance or workers compensation insurance coverage did not occur. **CBA Position: Watch**

**STATUS: Signed by the Governor; Chapter 58 of 2007 Statutes.**

**AB 1221 (Ma) Transit village developments: tax increment financing. (A-6/20/07) Sponsor: BART (staff-Bill Barnes)**

Summary: Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law requires a transit village plan to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and to include any 5 of the specified demonstrable public benefits. Existing law also encourages local, regional, and state plans to direct new development close to transit stations by providing financial incentives to implement these plans. This bill allows local officials to divert property tax increment revenues to pay for new bonds to pay for infrastructure within transit village development districts. **CBA Position: Watch STATUS: Senate Local Government; two-year bill.**

**AB 1310 (Leno) Charter-party carriers. (A-7/5/07)**

Summary: The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act requires the commission to investigate every business listed in every classified directory of telephone subscribers as furnishing limousine-for-hire or passenger charter transportation service for compensation in motor vehicles to determine compliance with the certificate or permit requirements and for the purpose of instituting specified civil or criminal proceedings in the event of noncompliance. This bill Updates and strengthens (according to the committee analysis) the Charter Party Carrier Act by redefining the definition of "advertisement" to include all forms of communication, and permits the California Public Utilities Commission (PUC) to issue a citation for violating the law that requires the violator to cease and desist from the unlawful advertising. They are going after "bandit" operators and those not possessing a PUC license. Sponsor: Greater California Livery Association **CBA Position: Watch (initial concerns were met by sponsor) STATUS: Signed by Governor; Chapter 701 of 2007 Statutes.**

**AB 1492 (Laird) Vehicles: transit buses: right-of-way.**

**(A-8/31/07) Sponsor: Valley Transportation Authority and Santa Cruz Metro (staff-Adam Dondro)**

Summary: Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting a red light. This bill would authorize a transit bus to be equipped with a specified yield right-of-way sign on the left rear of the bus, in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, if the applicable district approves a resolution. The bill would also require a participating transit agency to undertake a public education program to encourage motorists to yield to a transit bus when the sign is activated. **CBA Position: Watch STATUS: Signed by the Governor; Chapter 45I of 2007 Statutes.**

**SB 70 (Florez) Bio-diesel. (A-9/6/07) Sponsor: author (staff-Rob Brewer and Josh Walters)**

Summary: This bill would specify standards for bio-diesel and bio-diesel blends, and for renewable diesel and renewable diesel blends. The bill would provide that no person shall sell at retail to the general public, specified bio-diesel fuel from any place of business in this state unless there is displayed in a conspicuous place on the dispensing apparatus at least one sign stating the concentration of bio-diesel, as specified, 2.2. **CBA Position: Watch STATUS: Vetoed by Governor on October 14<sup>th</sup>. (This is the only bill out of Senator Florez's seven bio-diesel bills package to survive)**

**SB 210 (Kehoe) Greenhouse gas emissions: fuel standard. (A-8/20/07) Sponsor: author (staff-Gil Topete)**

Summary: This bill would require the state board to adopt, implement, and enforce a low-carbon fuel standard by regulation that achieves the maximum technologically feasible and cost-effective reductions in the carbon intensity of transportation fuels, and at least a 10% reduction in the carbon intensity of transportation fuels by January 1, 2020, if technologically feasible and cost effective. The low-carbon fuel standard would apply to all refiners, blenders, producers, and importers of transportation fuels to the extent permitted by law. The state board, in consultation with other specified state agencies, would be required to develop environmental reporting requirements to be imposed upon those subject to the low-carbon fuel standard. The State Energy Resources Conservation and Development Commission would be required to issue a report on the impacts of the low-carbon fuel standard. **CBA Position: Watch STATUS: Vetoed by Governor on October 14<sup>th</sup>.**

**SB 684 (Cox) Intercity rail services: feeder buses. (A-6/28/07) Sponsor: author/constituent(staff-Doug Yokum)**

Summary: Existing law authorizes the Department of Transportation to contract with Amtrak to provide intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train. This bill would remove this restriction with respect to a feeder bus service contracted by Amtrak to serve the route between the City of Sacramento and the City of South Lake Tahoe and intermediate points if no other bus service is provided by a private intercity bus company, and would authorize the department to amend its contract with Amtrak for that purpose. The bill would also require the department to report to the Legislature in that regard by March 1, 2010. **CBA Position: Oppose unless amended (Amended as requested; opposition was removed.) STATUS: Signed by the Governor; Chapter 200 of 2007 Statutes.**

If you have any questions or would like additional information on any of these bills, please don't hesitate to contact us at (916) 447-8982 or pane@cwo.com A two-year bill list is also available.

**LEGISLATIVE UPDATE: Week of August 27, 2007**

Below is the latest legislative update on those bills of interest being followed by us for the CBA. The 2007 session is in the final weeks and is scheduled to conclude on September 14. All other bills we were monitoring were moved to a two-year bill list that was sent out on July 16<sup>th</sup>.

One of the key issues outstanding in this year's session is the health care reform legislation that is currently being debated. As we've outlined to you in previous updates, there is the Democrats proposal contained in AB 8, the Governor's proposal which does not have a bill number and the universal health care bill by Senator Kuehl that the Governor vetoed last year and has vowed to do so again. Right now there doesn't appear to be a consensus on AB 8 and therefore, no big reform may happen this year. We haven't included the health care bills on the list below because the situation is so fluid and, whatever happens, will be decided by the Governor and the legislative leadership in the final days of this session.

**2007 LEGISLATION**

**AB 139 (Bass) Vehicles: school bus drivers: medical examinations. (A-7/10/07)**

Sponsor: CA Academy of Physicians' Assistants (staff-Sara Takahama)

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical physician's examination of the applicant given not more than 2 years prior to the application date. This bill would authorize the medical examination to be given by a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant. A similar bill was introduced last year (AB 1256) but was later dropped.

**CBA Position: Watch**

**STATUS: Signed by Governor; Chapter 158 of 2007 Statutes.**

**AB 913 (Niello) Vehicles: motor carriers: permits.**

(1-2/22/07) **Sponsor: CA Trucking Assn. (staff-Emily Curren)**

**Summary:** Existing law requires a motor carrier to pay the Department of Motor Vehicles a \$150 fee for the re-issuance of a motor carrier's permit following its suspension or revocation. This bill waives a motor carrier permit reinstatement fee if it is demonstrated that a lapse in liability insurance or workers compensation insurance coverage did not occur.

**CBA Position: Watch**

**STATUS: Signed by the Governor; Chapter 58 of 2007 Statutes.**

**AB 1034 (Keene) Meal periods: transportation industry.**

(A-7/3/07) **Sponsor: United Parcel Service Staff-David Cox**

**Summary:** This bill would allow parties to a collective bargaining agreement covering commercial drivers in the transportation industry to create specific provisions within their collective

bargaining agreement for an off-duty meal period after six hours of work, as well as the circumstances as to when an on-duty meal period may take place. This bill would only apply to collective bargaining agreements covering commercial drivers in the transportation industry if the agreement provides premium wage rates for overtime and hourly wage rates at least 30% higher than the state minimum wage.

**CBA Position: Watch**

**STATUS: Senate Floor.**

**AB 1221 (Ma) Transit village developments: tax increment financing. (A-6/20/07)**

**Sponsor: BART (staff-Bill Barnes)**

**Summary:** Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law requires a transit village plan to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and to include any 5 of the specified demonstrable public benefits. Existing law also encourages local, regional, and state plans to direct new development close to transit stations by providing financial incentives to implement these plans. This bill allows local officials to divert property tax increment revenues to pay for new bonds to pay for infrastructure within transit village development districts.

**CBA Position: Watch**

**STATUS: Senate Local Government; no date.**

**AB 1310 (Leno) Charter-party carriers. (A-7/5/07)**

**Summary:** The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act requires the commission to investigate every business listed in every classified directory of telephone subscribers as furnishing limousine-for-hire or passenger charter transportation service for compensation in motor vehicles to determine compliance with the certificate or permit requirements and for the purpose of instituting specified civil or criminal proceedings in the event of noncompliance. This bill Updates and strengthens (according to the committee analysis) the Charter Party Carrier Act by redefining the definition of "advertisement" to include all forms of communication, and permits the California Public Utilities Commission (PUC) to issue a citation for violating the law that requires the violator to cease and desist from the unlawful advertising. They are going after "bandit" operators and those not possessing a PUC license. **Sponsor: Greater California Livery Association**

**CBA Position: Watch (initial concerns were met by sponsor)**

**STATUS: Senate Floor.**

**AB 1492 (Laird) Vehicles: transit buses: right-of-way.**

**(A-4/18/07) Sponsor: Valley Transportation Authority and Santa Cruz Metro (staff-Adam Dondro)**

**Summary:** Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting a red light. This bill would, in the Santa Cruz Metropolitan Transit District and the Santa Clara County Transit District, if the applicable district approves a resolution and transmits that resolution to the Commissioner of the California Highway Patrol, require the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if certain

conditions are present. The bill would require a transit agency participating in the program to undertake a public education program to inform motorists of the yield right-of-way requirements, and provide that a base fine for violating those requirements is \$35.

**CBA Position: Watch**

**STATUS: Senate Floor.**

**AB 1610 (Nunez) California Petroleum Refinery Facilities Standards Board.**

(A-07/05/07)

**Summary:** This bill would create the California Petroleum Refinery Facilities Board, and would require an owner or operator of a petroleum refinery facility in the state to submit information to the board relating to the capacity and operational status of the facility. The board would be authorized to direct local air pollution control districts and air quality management districts to inspect petroleum refinery facilities within their districts.

**CBA Position: Testified in support**

**STATUS: Senate Appropriations Suspense File.**

**SB 70 (Florez) Bio-diesel. (A-8/20/07) Sponsor: author (staff-Rob Brewer and Josh Walters)**

**Summary:** This bill would specify standards for bio-diesel and bio-diesel blends, as defined. The bill would provide that no person shall sell at retail to the general public, specified bio-diesel fuel from any place of business in this state unless there is displayed in a conspicuous place on the dispensing apparatus at least one sign stating the concentration of bio-diesel, as specified, 2.2.

**CBA Position: Watch**

**STATUS: Assembly Floor**

**SB 140 (Kehoe) Fuels: renewable diesel fuel.**

(A-8/20/07) **Sponsor: Energy Independence NOW (staff-Gil Topete)**

**Summary:** This bill would require at least 2% of the total volume of diesel fuel sold or offered for sale in the state for use in internal combustion engines to be renewable diesel fuel, as defined, no later than one year after a specified determination is made by the state board, and, no later than 2 years after the implementation of the 2% standard, would require at least 5% of the total volume of diesel fuel sold or offered for sale in the state for use in internal combustion engines to be renewable diesel fuel. The bill would require the state board to implement these standards and, if necessary, adopt regulations to meet these standards. The bill would also permit the State Energy Resources Conservation and Development Commission to temporarily suspend those standards if fuel supplies are shown to be inadequate, as provided. The bill would require the Department of Food and Agriculture to enforce any diesel fuel specifications adopted by the state board pursuant to these provisions.

**CBA Position: Watch**

**STATUS: Assembly Appropriations Suspense File.**

**SB 210 (Kehoe) Greenhouse gas emissions: fuel standard.**

(A-8/20/07) **Sponsor: author (staff-Gil Topete)**

**Summary:** This bill would require the state board to adopt, implement, and enforce a low-carbon fuel standard by regulation that achieves the maximum technologically feasible and cost-effective reductions in the carbon intensity of transportation fuels, and at least a 10% reduction in the carbon intensity of transportation fuels by January 1, 2020, if technologically feasible and cost effective. The low-carbon fuel standard would

apply to all refiners, blenders, producers, and importers of transportation fuels to the extent permitted by law. The state board, in consultation with other specified state agencies, would be required to develop environmental reporting requirements to be imposed upon those subject to the low-carbon fuel standard. The State Energy Resources Conservation and Development Commission would be required to issue a report on the impacts of the low-carbon fuel standard.

**CBA Position: Watch**

**STATUS: Assembly Appropriations Suspense File.**

**SB 684 (Cox) Intercity rail services: feeder buses.**

(A-6/28/07) **Sponsor: author/constituent(staff-Doug Yokum)**

**Summary:** Existing law authorizes the Department of Transportation to contract with Amtrak to provide intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train. This bill would remove this restriction with respect to a feeder bus service contracted by Amtrak to serve the route between the City of Sacramento and the City of South Lake Tahoe and intermediate points if no other bus service is provided by a private intercity bus company, and would authorize the department to amend its contract with Amtrak for that purpose. The bill would also require the department to report to the Legislature in that regard by March 1, 2010.

**CBA Position: Oppose unless amended (Amended as request; opposition was removed.)**

**STATUS: Assembly amendments concurred in on August 27<sup>th</sup>; to enrollment; then to the Governor.**

**SB 716 (Perata) Transit operators. (A-7/11/07) Sponsor: author (staff-Brian Kelly)**

**Summary:** Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. \$3.6 billion of the moneys in the fund are required to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account to be made available, upon appropriation by the Legislature, to transportation agencies for transit capital projects pursuant to a specified formula. This bill would specify the requirements for an eligible project sponsor, as defined, to receive an allocation of funds appropriated from the account. The bill would require the California Transportation Commission and the Controller to administer these provisions. **This bill would be a vehicle to deal with the transportation bonds passed last year.**

**CBA Position: Watch**

**STATUS: Assembly Appropriations.**

**SB 889 (Maldonado) Vehicles. (A-7/2/07) Sponsor: author (staff-Nick Garcia)**

**Summary:** Under existing law, it is a crime to operate a vehicle unlawfully in an exclusive or preferential use of highway lanes or highway ramps for high-occupancy vehicles. This bill would, require the Department of Transportation, until January 1, 2011, in cooperation with the Department of Motor Vehicles to establish the Carpool Education Pilot Program containing specified components for educating the public on the use of highway lanes and highway ramps for high-occupancy vehicles and for reporting alleged violations of

that existing law and for the Department of Transportation to mail notices and educational brochures to alleged violators.

**CBA Position: Watch**

**STATUS: Assembly Appropriations Suspense File.**

**If you have any questions or would like additional information on any of these bills, please don't hesitate to contact us at (916) 447-8982 or [pane@cwo.com](mailto:pane@cwo.com)**

## **LEGISLATIVE UPDATE June 5, 2007**

The Legislature is beginning to act on some of the larger issues that were outlined by the Governor in his State of the State earlier this year. As you may have heard by now, the Governor and both parties in the Legislature came to an agreement on prison construction. This has been a contentious issue and one in which the courts were going to intercede if the Legislature didn't act to do something about prison overcrowding. That's why something did happen so soon. Some other key issues being addressed at the current time include the following:

**HEALTH CARE.** There are now three major proposals out to deal with health insurance reform from universal health care to mandatory insurance by all employers over a certain number, although the Governor's proposal still doesn't have a bill in the Legislature. Here is the a brief summary of these three proposals:

- Governor - All firms with 10 or more workers must spend the equivalent of 4% of their payroll on healthcare or pay into a state fund that provides coverage.
- Senate Pro Tem - All firms must pay at least 7.5% of payroll on healthcare or pay into a state fund that provides coverage. Self-employed people are exempted.
- Assembly Speaker - All firms must pay at least 7.5% of payroll on healthcare or pay into a state fund that provides coverage, except businesses operating for three years or less, businesses with fewer than two workers or businesses with payrolls under \$100,000.

We'll bring you more information on this as things play out because there are so many players and so much at stake.

**BUDGET.** On May 14<sup>th</sup> the Governor presented his May Budget Revision (May Revise) to the Legislature that the State's Legislative Analyst says is overly optimistic (an based on "gimmicks" like privatizing the lottery and other assumptions) could lead to a \$3 billion shortfall in the fiscal year that begins July 1 and more than a \$5 billion problem the next year. The Governor's plan

depends on higher UC and CSU student fees, diverting \$1.3 billion earmarked for public transit, taking back two-thirds of the deferred parks maintenance money and keeping the state cost-of-living adjustment (COLA) from the aged, blind and disabled. These proposals do not sit well with the Dems in the Legislature so look for a fight in the coming weeks. **Speaker Nunez** named Assembly Members **John Laird, Mark Leno** and **Roger Niello** to the Budget Conference Committee, and that **Laird** will serve as chair. Pro Tem **Perata** earlier reported naming Senators **Denise Ducheny, Dennis Hollingsworth** and **Mike Machado** to the committee. Their goal is to meet the June 15th deadline." Many are optimistic that the budget will get done on time again this year, if not by June 15<sup>th</sup>, by the start of the new fiscal year on July 1<sup>st</sup>.

**WORKERS' COMP.** We will be adding several workers' comp bills to watch to future legislative update lists: AB 338 (Coto); SB 936 (Perata); and SB 942 (Migden). All of these have been identified as "job killer" by the State Chamber.

**TWO-YEAR BILLS.** As you can see on the Legislative Update list, many bills have become two-year bills. We will be removing these bills from the list and moving them to a Two-Year Bill List.

## **2007 LEGISLATION**

**AB 139 (Bass) Vehicles: school bus drivers: medical examinations.** (1-1/16/07) **Sponsor: CA Academy of Physicians' Assistants (staff-Sara Takahama)**

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical physician's examination of the applicant given not more than 2 years prior to the application date. This bill would authorize the medical examination to be given by a licensed physician assistant or an advanced practice registered nurse. A similar bill was introduced last year (AB 1256) but was later dropped.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing on June 12<sup>th</sup>.**

**AB 493 (Ruskin) Motor vehicle greenhouse gas emissions: incentive program.** (A-6/1/07) **Sponsor: Union of Concerned Scientists (staff-Andrea Graham)**

**Summary:** Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, and is required to adopt rules and regulations in

an open-public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. This bill would require the state board to create and implement a clean vehicle incentive program meeting specified requirements, that would provide rebates to, and require surcharges from, purchasers of new motor vehicles based on the vehicles' greenhouse gas emissions to mitigate against emissions of greenhouse gases from motor vehicles.

**CBA Position: Watch**

**STATUS: Assembly Floor.**

**AB 510 (Benoit) Employment: working hours. (1-2/20/07) Sponsor: CA**

**Chamber of Commerce (staff-Edward Sprecco)**

**Summary:** Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. This bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

**CBA Position: Watch**

**STATUS: Failed passage in Assembly Committee on Labor & Employment on April 18<sup>th</sup>; two-year bill.**

**AB 913 (Niello) Vehicles: motor carriers: permits.**

**(1-2/22/07) Sponsor: CA Trucking Assn. (staff-Emily Curren)**

**Summary:** Existing law requires a motor carrier to pay the Department of Motor Vehicles a \$150 fee for the re-issuance of a motor carrier's permit following its suspension or revocation. This bill would waive that \$150 re-issuance of a carrier's permit fee requirement, if the suspension or revocation was based on a lapse in liability insurance or workers' compensation insurance, and the evidence of valid insurance coverage demonstrates that a lapse in coverage for the carrier's operation did not occur.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing on June 12<sup>th</sup>.**

**AB 1034 (Keene) Meal periods: transportation industry.**

**(A-04/12/07) Sponsor: United Parcel Service Staff-David Cox**

**Summary:** This bill would permit parties in the transportation industry, under a valid collective bargaining agreement, to establish an off-duty meal period that commences after not more than 6 hours of work and the circumstances for on-duty meals by commercial drivers, if the collective bargaining agreement also provides for a premium rate for overtime hours and a specified regular hourly

rate. They are looking to amend it to include all of the transportation industry (similar to their bill last year supported by CBA but was vetoed by the Governor)

**CBA Position: None yet taken (amended after Bd meeting)**

**STATUS: Senate Labor & Industrial Relations; no date.**

**AB 1094 (Arambula) Diesel fuel tax: refunds and credits: reimbursement costs.** (A-4/30/07) **Sponsor: CA Independent Oil Producers (staff-Andrew White)**

**Summary:** The Diesel Fuel Tax Law imposes a tax upon each gallon of fuel subject to tax under that law and provides for refunds and credits for certain overpayments of tax. As amended, this bill would, until January 1, 2012, allow an ultimate vendor or a licensed supplier to claim reimbursement costs of \$0.025 per gallon, with respect to claims or credits filed for tax-paid diesel fuel sold to an ultimate purchaser for use on a farm for farming purposes, as provided, and would make an appropriation.

**CBA Position: Watch**

**STATUS: Awaiting committee assignment; two –year bill.**

**AB 1221 (Ma) Transit village developments: tax increment financing.** (A-6/1/07)

**Sponsor: BART (staff-Bill Barnes)**

**Summary:** Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law requires a transit village plan to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and to include any 5 of the specified demonstrable public benefits. Existing law also encourages local, regional, and state plans to direct new development close to transit stations by providing financial incentives to implement these plans. This bill would allow a city or county that prepares a transit village plan, with the agreement with each government agency that operates every transit station in the transit village district, to engage in tax increment financing, as provided, to fulfill the goals of a transit development plan.

**CBA Position: Watch**

**STATUS: Assembly Floor.**

**AB 1310 (Leno) Charter-party carriers.** (A-5/14/07)

**Summary:** The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act requires the commission to investigate every business listed in every classified directory of telephone subscribers as furnishing limousine-for-hire or passenger charter transportation service for compensation in motor vehicles to determine compliance with the certificate or permit requirements and for the purpose of instituting specified civil or criminal proceedings in the event of noncompliance. This bill Updates and strengthens (according to the committee analysis) the Charter Party Carrier Act by redefining the definition of "advertisement" to include

all forms of communication, and permits the California Public Utilities Commission (PUC) to issue a citation for violating the law that requires the violator to cease and desist from the unlawful advertising. They are going after “bandit” operators and those not possessing a PUC license. ***We will be asking the sponsor to further amend to define advertisement to exclude certain items such as tee shirts and flyers.*** Sponsor: Greater California Livery Association

**CBA Position: None yet taken (amended after Bd meeting)**

**STATUS: Passed Assembly May 29<sup>th</sup> on a 77-0 vote; to Senate.**

**AB 1492 (Laird) Vehicles: transit buses: right-of-way.**

(A-4/18/07) **Sponsor: Valley Transportation Authority and Santa Cruz Metro (staff-Adam Dondro)**

**Summary:** Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting a red light. This bill would, in the Santa Cruz Metropolitan Transit District and the Santa Clara County Transit District, if the applicable district approves a resolution and transmits that resolution to the Commissioner of the California Highway Patrol, require the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if certain conditions are present. The bill would require a transit agency participating in the program to undertake a public education program to inform motorists of the yield right-of-way requirements, and provide that a base fine for violating those requirements is \$35.

**CBA Position:**

**STATUS: Senate Transportation & Housing on June 12<sup>th</sup>.**

**AB 1633 (Niello) Seller of travel discount program.**

(1-2/23/07) **Sponsor: author (staff-Emily Currin)**

**Summary:** Existing law regulates sellers of travel, as defined, and requires their registration with the Attorney General. Existing law authorizes a seller, as defined, to sell a seller of travel discount program, as defined, if specified conditions are satisfied. This bill would make a non-substantive, technical change to that provision.

**CBA Position:**

**STATUS: Awaiting committee assignment; two-year bill.**

**SB 56 (Runner) Highway construction contracts: Design-Build**

**Demonstration Program: transportation entities.**

(A-5/1/07) **Sponsor: Administration (staff-Mike Fitts)**

**Summary:** Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2011,

authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects.

**CBA Position: Watch**

**STATUS: Passed Senate Transportation & Housing April 24<sup>th</sup> as amended.**

**SB 70 – SB 76 are sponsored by the author (staff-Rob Brewer and Josh Walters)**

**SB 70 (Florez) Bio-diesel. (A-5/17/07)**

**Summary:** This bill would encourage school districts to use a bio-diesel fuel blend to operate all of the diesel-powered school buses under their control if certain conditions are met.

**CBA Position: Watch**

**STATUS: Passed Senate; pending committee assignment in Assembly**

**SB 71 (Florez) Alternative fuels: bio-diesel. (A-4/16/07)**

**Summary:** This bill would require all vehicles owned or leased by the State of California, by a city, county, or city and county, or by a mass transit district, that use diesel fuel to instead use B20 bio-diesel fuel or a higher blend of bio-diesel, if bio-diesel blend fuel is cost-competitive and readily available. The bill would require the State Air Resources Board to establish a program to implement and monitor these requirements.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing; two-year bill.**

**SB 72 (Florez) School buses: fuel. (A-4/10/07)**

**Summary:** This bill would require a school district to use a bio-diesel fuel blend of B20 or higher to operate all of the diesel-powered school buses under its control if bio-diesel blend fuel is cost-competitive and readily available. The bill would require a school district that contracts with another government entity or private entity to provide transportation services for any of its pupils to include the bio-diesel blend fuel requirement as part of that contract. The bill would limit the contract requirement to contracts entered into on or after January 1, 2008. The bill would require the State Air Resources Board to implement and administer this section.

**CBA Position: Watch**

**STATUS: Senate Environmental Quality; two-year bill.**

**SB 73 (Florez) Income and corporation taxes: credit: bio-diesel fuel. (A-4/30/07)**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various deductions and credits in computing the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or

after January 1, 2008, and before January 1, 2014, allow a tax credit, that, upon appropriation by the Legislature, would be refunded in an amount equal to a specified amount for each gallon of bio-diesel fuel, as defined, produced or manufactured by a qualified taxpayer at any refinery located in this state to be reimbursed on an annual basis, as provided.

**CBA Position: Watch**

**STATUS: Senate Revenue & Taxation; two-year bill.**

**SB 74 (Florez) Sales and use tax: exemptions: equipment: fuel: income and corporation taxes: credits: bio-diesel. (A-5/2/07)**

**Summary:** The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property and provides various exemptions from the taxes imposed by that law. This bill would exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased for use by a qualified person in the manufacturing, processing, or production of bio-diesel fuel, as defined. This bill would also exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, bio-diesel fuel, as defined.

**CBA Position: Watch**

**STATUS: Senate Revenue & Taxation; two-year bill.**

**SB 75 (Florez) Alternative fuels: bio-diesel. (A-4/16/07)**

**Summary:** Existing law provides, until January 1, 2008, that any federal, state, or local agency, or any regulated utility, or any owner or operator of a solid waste collection vehicle or collection vehicle may use a bio-diesel blend fuel consisting of not more than 20% bio-diesel in any retrofitted vehicular or off-road diesel engine certified by the State Air Resources Board, as specified. This bill would instead provide that any owner or operator of a vehicular, off-road, or portable diesel engine using a retrofit system certified by the state board may use bio-diesel blend fuel consisting of not more than 20% bio-diesel and be considered in compliance with the applicable state air toxic control measure. This bill would also require all aftermarket retrofit devices certified by the board for sale in California include the same warranty coverage for both the use of a qualified bio-diesel blend fuel and standard diesel fuel and that until the board determines specific standards for bio-diesel fuel, bio-diesel blend fuels consisting of not more than 20% bio-diesel and meeting other standards shall be considered qualified California Air Resources Board (CARB) diesel fuel.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing; two-year bill.**

**SB 140 (Kehoe) Fuels: renewable diesel fuel. (A-5/1/07) Sponsor: Energy Independence NOW (staff-Gil Topete)**

**Summary:** Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and non-vehicular

sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law permits, until January 1, 2008, any federal, state, or local agency to utilize a bio-diesel blend fuel consisting of not more than 20% bio-diesel in any retrofitted vehicular or off-road diesel engine certified by the state board, whether or not bio-diesel is expressly identified as a fuel for use with the retrofit system, as provided. Existing law requires the state board to not adopt any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation, as defined, conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council. Existing law generally provides that a violation of any rule, regulation, or law relating to air pollution is a crime. This bill would require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 2% renewable diesel fuel, as defined, no later than one year after a specified determination is made by the state board, and, no later than 2 years after the implementation of the 2% standard, would require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 5% renewable diesel fuel. The bill would require these provisions to be enforced by the Department of Food and Agriculture, as specified. The bill would permit the state board to adopt regulations to grant exemptions to those requirements under specified circumstances. The bill would also permit the State Energy Resources Conservation and Development Commission to temporarily suspend those requirements if fuel supplies are shown to be inadequate, as provided.

**CBA Position: Watch**

**STATUS: Senate Floor**

**SB 210 (Kehoe) Greenhouse gas emissions: fuel standard.**

(A-4/30/07) **Sponsor: author (staff-Gil Topete)**

**Summary:** The Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Under the act, the state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified, and requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The act authorizes the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The act makes violations of measures adopted by the state board punishable as a crime. This bill would require the state board to adopt, implement, and enforce a low-carbon fuel standard that achieves the maximum technologically feasible and cost-effective greenhouse gas emissions reductions, and at least a 10% reduction in greenhouse gas emissions.

**CBA Position: Watch**

**STATUS: Passed Senate; pending assignment in Assembly**

**SB 212 (Wyland) Employment: meal periods. (1-2/08/07) Sponsor: CA Chamber of Commerce (staff-Garrick Yoshiki)**

**Summary:** Existing law requires employers to provide meal periods to employees during work periods of specified duration. This bill would make a non-substantive change to that law. **SPOT BILL**

**CBA Position: STATUS: Awaiting committee assignment (2-year bill).**

**SB 229 (Margett) Vehicles: large or heavy loads. (1-2/13/07) Sponsor: So. Cal Contractors (staff-UShe Mutschler)**

**Summary:** Existing law authorizes the Department of Transportation or local authorities, with respect to highways in their respective jurisdictions, to issue a special permit authorizing an applicant to move a vehicle, combination of vehicles, or special equipment that exceeds the maximum size or weight allowed. The department or local authorities are authorized to require extra insurance or other financial security as a condition for a permit for unusually large or heavy loads that pose a substantial risk to public facilities. This bill would require a local authority to use certain specified criteria in determining whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing; two-year bill.**

**SB 684 (Cox) Intercity rail services: feeder buses.**

**(A-6/5/07) Sponsor: author/constituent(staff-Doug Yokum)**

**Summary:** Existing law authorizes the Department of Transportation to contract with Amtrak to provide intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train. This bill would remove this restriction with respect to a feeder bus service contracted by Amtrak to serve the route between the City of Sacramento and the City of South Lake Tahoe and intermediate points if no other bus service is provided by a private intercity bus company, and would authorize the department to enter into a contract with Amtrak for that purpose. The bill would also require the department to report to the Legislature in that regard by March 1, 2010.

**CBA Position: Oppose unless amended (As amended, requesting position from Leg Committee)**

**STATUS: Assembly Transportation on June 13<sup>th</sup>.**

**SB 716 (Perata) Transit operators. (A-6/4/07) Sponsor: author (staff-Brian Kelly)**

**Summary:** Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury.

\$3.6 billion of the moneys in the fund are required to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account to be made available, upon appropriation by the Legislature, to transportation agencies for transit capital projects pursuant to a specified formula. This bill would specify the requirements for an eligible project sponsor, as defined, to receive an allocation of funds appropriated from the account. The bill would require the California Transportation Commission and the Controller to administer these provisions.

**CBA Position: Watch**

**STATUS: Senate Floor.**

**SB 737 (Calderon) Employment: meal periods and rest periods. (1-2/23/07)**

**Sponsor: ? (staff-Adam Smith)**

**Summary:** Existing law authorizes the Industrial Welfare Commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in this state consistent with the health and welfare of those workers. Other provisions of existing law prohibits an employer, except as provided, from employing an employee for more than 5 hours per day without providing the employee a meal period of not less than 30 minutes, or from employing an employee for more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes. This bill would state the intent of the Legislature to enact legislation to address issues related to meal periods and rest periods in employment.

**CBA Position: Watch**

**STATUS: Awaiting committee assignment; two-year bill.**

**SB 773 (Wiggins) Vehicles: limitations of access.**

**(1-2/23/07) Sponsor: CA Cattlemen's Assn. (staff-Dave Kinst)**

**Summary:** Existing law exempts from established limitations of access, licensed carriers of livestock when engaged in travel necessary and incidental to the shipment of livestock on specified portions of State Highway Route 101. In order for the exemption to apply, the carriers must meet certain specified conditions. This bill would require, as a condition the carriers must meet to qualify for the exemption, that the distance from the kingpin to the rearmost axle of the semi-trailer does not exceed 43 feet instead of the current 40 feet. The carriers would also be required to fulfill the condition that the length of the semi-trailer does not exceed a total of 48 feet.

**CBA Position: Watch**

**STATUS: Senate Floor.**

**SB 876 (Calderon) Heavy-duty motor vehicles: retrofit and replacement: small businesses. (1-2/23/2007) Sponsor: CA Trucking Assn. (staff-Alfonso Sanchez)**

**Summary:** The Air Resources Board is required to adopt regulations to require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke, and regulations to

require the utilization of emission control equipment. This bill would require the state board to consider the economic impacts on small business owners of vehicle replacement and retrofit requirements when establishing in-use emission standards and regulations for heavy-duty motor vehicles in private fleets.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing; two-year bill.**

**SB 889 (Maldonado) Vehicles.** (A-4/16/2007) **Sponsor: author (staff-Nick Garcia)**

**Summary:** Under existing law, it is a crime to operate a vehicle unlawfully in an exclusive or preferential use of highway lanes or highway ramps for high-occupancy vehicles. This bill would require the Department of Transportation, in cooperation with the Department of Motor Vehicles to establish the Carpool Education Program containing specified components for educating the public on the use of highway lanes and highway ramps for high-occupancy vehicles and for reporting alleged violations of that existing law and for the Department of Transportation to issue notices and educational brochures to alleged violators.

**CBA Position: Watch**

**STATUS: Senate Floor.**

**If you have any questions or would like additional information on any of these bills, please don't hesitate to contact us at (916) 447-8982 or [pane@cwo.com](mailto:pane@cwo.com)**

## **LEGISLATIVE UPDATE April 23, 2007**

### **2007 LEGISLATION**

**AB 139 (Bass) Vehicles: school bus drivers: medical examinations.** (1-1/16/07) **Sponsor: CA Academy of Physicians' Assistants (staff-Sara Takahama)**

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical physician's examination of the applicant given not more than 2 years prior to the application date. This bill would authorize the medical examination to be given by a licensed physician assistant or an advanced practice registered nurse. A similar bill was introduced last year (AB 1256) but was later dropped.

**CBA Position: Watch**

**STATUS: Passed Assembly; pending in Senate**

**AB 493 (Ruskin) Motor vehicle greenhouse gas emissions: incentive program.** (A-4/11/07) **Sponsor: Union of Concerned Scientists (staff-Andrea**

**Graham)**

**Summary:** Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, and is required to adopt rules and regulations in an open-public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. This bill would require the state board to create and implement a clean vehicle incentive program meeting specified requirements, that would provide rebates to, and require surcharges from, purchasers of new motor vehicles based on the vehicles' greenhouse gas emissions to mitigate against emissions of greenhouse gases from motor vehicles.

**CBA Position: Watch**

**STATUS: Assembly Appropriations.**

**AB 510 (Benoit) Employment: working hours. (1-2/20/07) Sponsor: CA Chamber of Commerce (staff-Edward Sprecco)**

**Summary:** Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. This bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

**CBA Position: Watch**

**STATUS: Failed passage in Assembly Committee on Labor & Employment on April 18<sup>th</sup>; reconsideration granted.**

**AB 913 (Niello) Vehicles: motor carriers: permits. (1-2/22/07) Sponsor: CA Trucking Assn. (staff-Emily Curren)**

**Summary:** Existing law requires a motor carrier to pay the Department of Motor Vehicles a \$150 fee for the re-issuance of a motor carrier's permit following its suspension or revocation. This bill would waive that \$150 re-issuance of a carrier's permit fee requirement, if the suspension or revocation was based on a lapse in liability insurance or workers' compensation insurance, and the evidence of valid insurance coverage demonstrates that a lapse in coverage for the carrier's operation did not occur.

**CBA Position: Watch**

**STATUS: Assembly Floor.**

**AB 1034 (Keene) Meal periods: transportation industry.**

(A-04/12/07) **Sponsor: United Parcel Service Staff-David Cox**

**Summary:** This bill would permit parties in the transportation industry, under a valid collective bargaining agreement, to establish an off-duty meal period that commences after not more than 6 hours of work and the circumstances for on-duty meals by commercial drivers, if the collective bargaining agreement also provides for a premium rate for overtime hours and a specified regular hourly rate. They are looking to amend it to include all of the transportation industry (similar to their bill last year supported by CBA but was vetoed by the Governor)

**CBA Position: None yet taken (amended after Bd meeting)**

**STATUS: Assembly Appropriations.**

**AB 1083 (Huffman) Income and corporation taxes: credit: sale of bio-diesel fuel. (I-2/23/07) Sponsor: author (staff-Matthew Visick)**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various deductions and credits in computing the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2008, and before January 1, 2023, allow a tax credit in an amount equal to an unspecified amount for each gallon of qualified bio-diesel fuel, as defined, sold by a fuel retailer, as defined, at any facility located in this state. This bill contains other related provisions.

**CBA Position: Watch**

**STATUS: Assembly Rev & Tax on May 14<sup>th</sup>.**

**AB 1094 (Arambula) Diesel fuel tax: refunds and credits: reimbursement costs. (I-2/23/07) Sponsor: CA Independent Oil Producers (staff-Andrew White)**

**Summary:** The Diesel Fuel Tax Law imposes a tax upon each gallon of fuel subject to tax under that law and provides for refunds for overpayments of tax. This bill would allow an ultimate vendor or a licensed supplier to claim reimbursement costs of \$0.025 per gallon, with respect to claims or credits filed for diesel fuel sold to an ultimate purchaser with the sale is not subject to the tax imposed under the Diesel Fuel Tax Laws, as provided.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1221 (Ma) Transit village developments: tax increment financing. (I-/23/07)**

**Sponsor: BART (staff-Bill Barnes)**

**Summary:** Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law requires a transit village plan to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and to include any 5 of the specified demonstrable public benefits. Existing law also encourages local, regional, and state plans to direct new development close to transit stations by providing financial incentives to implement these plans. This bill would allow a city or county that prepares a transit village plan, with the agreement with each

government agency that operates every transit station in the transit village district, to engage in tax increment financing, as provided, to fulfill the goals of a transit development plan.

**CBA Position: Watch**

**STATUS: Assembly Local Government on May 9<sup>th</sup>.**

**AB 1310 (Leno) Charter-party carriers.** (A-04/11/07)

**Summary:** The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act requires the commission to investigate every business listed in every classified directory of telephone subscribers as furnishing limousine-for-hire or passenger charter transportation service for compensation in motor vehicles to determine compliance with the certificate or permit requirements and for the purpose of instituting specified civil or criminal proceedings in the event of noncompliance. This bill Updates and strengthens (according to the committee analysis) the Charter Party Carrier Act by redefining the definition of "advertisement" to include all forms of communication, and permits the California Public Utilities Commission (PUC) to issue a citation for violating the law that requires the violator to cease and desist from the unlawful advertising. They are going after "bandit" operators and those not possessing a PUC license.

**Sponsor: Greater California Livery Association**

**CBA Position: None yet taken (amended after Bd meeting)**

**STATUS: Assembly Appropriations Consent Calendar**

**AB 1492 (Laird) Vehicles: transit buses: right-of-way.**

(A-4/18/07) **Sponsor: Valley Transportation Authority and Santa Cruz Metro (staff-Adam Dondro)**

**Summary:** Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting a red light. This bill would, in the Santa Cruz Metropolitan Transit District and the Santa Clara County Transit District, if the applicable district approves a resolution and transmits that resolution to the Commissioner of the California Highway Patrol, require the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if certain conditions are present. The bill would require a transit agency participating in the program to undertake a public education program to inform motorists of the yield right-of-way requirements, and provide that a base fine for violating those requirements is \$35.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1633 (Niello) Seller of travel discount program.**

(1-2/23/07) **Sponsor: author (staff-Emily Currin)**

**Summary:** Existing law regulates sellers of travel, as defined, and requires their

registration with the Attorney General. Existing law authorizes a seller, as defined, to sell a seller of travel discount program, as defined, if specified conditions are satisfied. This bill would make a non-substantive, technical change to that provision.

**CBA Position:**

**STATUS: Awaiting committee assignment (likely a 2-year bill.)**

**SB 56 (Runner) Highway construction contracts: Design-Build Demonstration Program: transportation entities.**

(I-1/10/07) **Sponsor: Administration (staff-Mike Fitts)**

**Summary:** Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2011, authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects.

**CBA Position: Watch**

**STATUS: Passed Senate Transportation & Housing April 24<sup>th</sup> as amended.**

**SB 70 – SB 76** are sponsored by the author (staff-Rob Brewer and Josh Walters)

**SB 70 (Florez) Bio-diesel. (A-4/23/07)**

**Summary:** This bill would encourage school districts to use a bio-diesel fuel blend to operate all of the diesel-powered school buses under their control if certain conditions are met.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing on April 26<sup>th</sup>.**

**SB 71 (Florez) Alternative fuels: bio-diesel. (A-4/16/07)**

**Summary:** This bill would require all vehicles owned or leased by the State of California, by a city, county, or city and county, or by a mass transit district, that use diesel fuel to instead use B20 bio-diesel fuel or a higher blend of bio-diesel, if bio-diesel blend fuel is cost-competitive and readily available. The bill would require the State Air Resources Board to establish a program to implement and monitor these requirements.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing.**

**SB 72 (Florez) School buses: fuel. (A-4/10/07)**

**Summary:** This bill would require a school district to use a bio-diesel fuel blend

of B20 or higher to operate all of the diesel-powered school buses under its control if bio-diesel blend fuel is cost-competitive and readily available. The bill would require a school district that contracts with another government entity or private entity to provide transportation services for any of its pupils to include the bio-diesel blend fuel requirement as part of that contract. The bill would limit the contract requirement to contracts entered into on or after January 1, 2008. The bill would require the State Air Resources Board to implement and administer this section.

**CBA Position: Watch**

**STATUS: Senate Environmental Quality.**

**SB 73 (Florez) Income and corporation taxes: credit: bio-diesel fuel. (I-1/17/07)**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various deductions and credits in computing the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2008, allow a refundable tax credit in an amount equal to a specified amount for each gallon of bio-diesel fuel, as defined, produced or manufactured by a qualified producer at any facility located in this state to be reimbursed on a quarterly basis, as provided. This bill contains other related provisions.

**CBA Position: Watch**

**STATUS: Senate Revenue & Taxation (Rev & Tax).**

**SB 74 (Florez) Sales and use tax: exemptions: equipment: fuel: income and corporation taxes: credits: bio-diesel. (I-1/17/07)**

**Summary:** The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property and provides various exemptions from the taxes imposed by that law. This bill would exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased for use by a qualified person in the manufacturing, processing, or production of bio-diesel fuel, as defined. This bill would also exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, bio-diesel fuel, as defined.

**CBA Position: Watch**

**STATUS: Senate REV. & TAX.**

**SB 75 (Florez) Alternative fuels: bio-diesel. (A-4/16/07)**

**Summary:** This bill would instead provide that any owner or operator of a vehicular, off-road, or portable diesel engine using a retrofit system certified by the state board may use bio-diesel blend fuel consisting of not more than 20% bio-diesel and be considered in compliance with the applicable state air toxic control measure. This bill would also require all aftermarket retrofit devices certified by the board for sale in California include the same warranty coverage

for both the use of a qualified bio-diesel blend fuel and standard diesel fuel and that until the board determines specific standards for bio-diesel fuel, bio-diesel blend fuels consisting of not more than 20% bio-diesel and meeting other standards shall be considered qualified California Air Resources Board (CARB) diesel fuel.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing.**

**SB 140 (Kehoe)** Vehicular air pollution: renewable diesel fuel. (I-1/25/2007)

**Sponsor: Energy Independence NOW (staff-Gil Topete)**

**Summary:** Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and non-vehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law permits, until January 1, 2008, any federal, state, or local agency to utilize a bio-diesel blend fuel consisting of not more than 20% bio-diesel in any retrofitted vehicular or off-road diesel engine certified by the state board, whether or not bio-diesel is expressly identified as a fuel for use with the retrofit system, as provided. This bill would also require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 2% renewable diesel fuel, as defined, no later than one year after a specified finding is made by the state board, and, no later than 2 years after the implementation of the 2% standard, would require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 5% renewable diesel fuel. The bill would require these provisions to be enforced by the Department of Food and Agriculture, as specified. The bill would permit the state board to adopt regulations to grant exemptions to those requirements under specified circumstances. The bill would also permit the State Energy Resources Conservation and Development Commission to temporarily suspend those requirements if fuel supplies are shown to be inadequate, as provided.

**CBA Position: Watch**

**STATUS: Senate Appropriations**

**SB 210 (Kehoe)** Greenhouse gas emissions: fuel standard. (A-3/20/07)

**Sponsor: author (staff-Gil Topete)**

**Summary:** The Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Under the act, the state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified, and requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The act authorizes the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The act makes violations of measures adopted

by the state board punishable as a crime. This bill would require the state board to adopt, implement, and enforce a low-carbon fuel standard that achieves the maximum technologically feasible and cost-effective greenhouse gas emissions reductions, and at least a 10% reduction in greenhouse gas emissions.

**CBA Position: Watch**

**STATUS: Senate Appropriations**

**SB 212 (Wyland) Employment: meal periods. (1-2/08/07) Sponsor: CA Chamber of Commerce (staff-Garrick Yoshiki)**

**Summary:** Existing law requires employers to provide meal periods to employees during work periods of specified duration. This bill would make a non-substantive change to that law. **SPOT BILL**

**CBA Position:**

**STATUS: Awaiting committee assignment (2-year bill).**

**SB 229 (Margett) Vehicles: large or heavy loads. (1-2/13/07) Sponsor: So. Cal Contractors (staff-Ushé Mutschler)**

**Summary:** Existing law authorizes the Department of Transportation or local authorities, with respect to highways in their respective jurisdictions, to issue a special permit authorizing an applicant to move a vehicle, combination of vehicles, or special equipment that exceeds the maximum size or weight allowed. The department or local authorities are authorized to require extra insurance or other financial security as a condition for a permit for unusually large or heavy loads that pose a substantial risk to public facilities. This bill would require a local authority to use certain specified criteria in determining whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing.**

**SB 442 (Ackerman) Public contracts: transit projects: design build contracting. (A-4/9/07) Sponsor: Orange Co. Transit Authority (staff Brent Tenpas)**

**Summary:** This bill would authorize the Orange County Transit District, with the approval of its governing body, to enter into design-build contracts, as defined, for transit projects, as defined, in accordance with specified provisions. The bill also would make legislative findings and declarations as to the necessity of a special statute for the Orange County Transit District.

**CBA Position: Watch**

**STATUS: Senate Transportation & Housing.**

**SB 684 (Cox) Intercity rail services: feeder buses.**

**(A-4/17/07) Sponsor: author/constituent(staff-Doug Yokum)**

**Summary:** Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services

be used only by passengers who are connecting to or from a train. This bill would also authorize a feeder bus service contracted by Amtrak to serve passengers traveling solely by bus between the City of Sacramento and the City of South Lake Tahoe and intermediate points if no other bus service is provided by a private intercity bus company. The bill would also require the department to report to the Legislature in that regard by January 10, 2010.

**CBA Position: Oppose unless amended (As amended, requesting position from Leg Committee)**

**STATUS: Senate Appropriations on April 30<sup>th</sup>.**

**SB 716 (Perata) Transit operators. (A-4/10/07) Sponsor: author (staff-Brian Kelly)**

**Summary:** Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. \$3.6 billion of the moneys in the fund are required to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account to be made available, upon appropriation by the Legislature, to transportation agencies for transit capital projects pursuant to a specified formula. This bill would specify the requirements for an eligible project sponsor, as defined, to receive an allocation of funds appropriated from the account. The bill would require the California Transportation Commission and the Controller to administer these provisions.

**CBA Position: Watch**

**STATUS: Awaiting committee assignment.**

**SB 737 (Calderon) Employment: meal periods and rest periods. (I-2/23/07) Sponsor: ? (staff-Adam Smith)**

**Summary:** Existing law authorizes the Industrial Welfare Commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in this state consistent with the health and welfare of those workers. Other provisions of existing law prohibits an employer, except as provided, from employing an employee for more than 5 hours per day without providing the employee a meal period of not less than 30 minutes, or from employing an employee for more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes. This bill would state the intent of the Legislature to enact legislation to address issues related to meal periods and rest periods in employment.

**CBA Position: Watch**

**STATUS: Awaiting committee assignment (2-year bill).**

**SB 773 (Wiggins) Vehicles: limitations of access.**

**(I-2/23/07) Sponsor: CA Cattlemen's Assn. (staff-Dave Kinst)**

**Summary:** Existing law exempts from established limitations of access, licensed carriers of livestock when engaged in travel necessary and incidental to the

shipment of livestock on specified portions of State Highway Route 101. In order for the exemption to apply, the carriers must meet certain specified conditions. This bill would require, as a condition the carriers must meet to qualify for the exemption, that the distance from the kingpin to the rearmost axle of the semi-trailer does not exceed 43 feet instead of the current 40 feet. The carriers would also be required to fulfill the condition that the length of the semi-trailer does not exceed a total of 48 feet.

**CBA Position: Watch**  
**STATUS: Senate Floor.**

**SB 876 (Calderon) Heavy-duty motor vehicles: retrofit and replacement: small businesses. (I-2/23/2007) Sponsor: CA Trucking Assn. (staff-Alfonso Sanchez)**

**Summary:** The Air Resources Board is required to adopt regulations to require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke, and regulations to require the utilization of emission control equipment. This bill would require the state board to consider the economic impacts on small business owners of vehicle replacement and retrofit requirements when establishing in-use emission standards and regulations for heavy-duty motor vehicles in private fleets.

**CBA Position: Watch**  
**STATUS: Senate Transportation & Housing.**

**SB 889 (Maldonado) Vehicles. (A-44/16/2007) Sponsor: author (staff-Nick Garcia)**

**Summary:** Under existing law, it is a crime to operate a vehicle unlawfully in an exclusive or preferential use of highway lanes or highway ramps for high-occupancy vehicles. This bill would require the Department of Transportation, in cooperation with the Department of Motor Vehicles to establish the Carpool Education Program containing specified components for educating the public on the use of highway lanes and highway ramps for high-occupancy vehicles and for reporting alleged violations of that existing law and for the Department of Transportation to issue notices and educational brochures to alleged violators.

**CBA Position: Watch**  
**STATUS: Senate Appropriations.**

**If you have any questions or would like additional information on any of these bills, please don't hesitate to contact us at (916) 447-8982 or [pane@cwo.com](mailto:pane@cwo.com)**

**LEGISLATIVE UPDATE March 5, 2007 - New Bills for 2007**

## **2007 LEGISLATION**

**AB 139 (Bass) Vehicles: school bus drivers: medical examinations. (I-1/16/07)**  
**Sponsor: CA Academy of Physicians' Assistants (staff-Sara Takahama)**

**Summary:** Existing law requires an applicant for an original or renewal certificate to drive a school bus, school pupil activity bus, youth bus, general public para-transit vehicle, or farm labor vehicle to submit to the Department of Motor Vehicles a report of a medical physician's examination of the applicant given not more than 2 years prior to the application date. This bill would authorize the medical examination to be given by a licensed physician assistant or an advanced practice registered nurse. A similar bill was introduced last year (AB 1256) but was later dropped.

**CBA Position:**

**STATUS: Assembly Business & Professions Committee; no date**

**AB 493 (Ruskin) Motor vehicle greenhouse gas emissions: incentive program. (I-**

**2/20/07) Sponsor: Union of Concerned Scientists (staff-Andrea Graham)**

**Summary:** Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, and is required to adopt rules and regulations in an open-public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. This bill would require the state board to create and implement a clean vehicle incentive program meeting specified requirements, that would provide rebates to, and require surcharges from, purchasers of new motor vehicles based on the vehicles' greenhouse gas emissions to mitigate against emissions of greenhouse gases from motor vehicles. This bill contains other related provisions.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 510 (Benoit) Employment: working hours. (I-2/20/07) Sponsor: CA Chamber of**

**Commerce (staff-Edward Sprecco) Summary:** Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. This bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

**CBA Position:**

**STATUS: Assembly Committee on Labor & Employment.**

**AB 913 (Niello) Vehicles: motor carriers: permits.**

**(I-2/22/07) Sponsor: CA Trucking Assn. (staff-Emily Curren)**

**Summary:** Existing law requires a motor carrier to pay the Department of Motor

Vehicles a \$150 fee for the re-issuance of a motor carrier's permit following its suspension or revocation. This bill would waive that \$150 re-issuance of a carrier's permit fee requirement, if the suspension or revocation was based on a lapse in liability insurance or workers' compensation insurance, and the evidence of valid insurance coverage demonstrates that a lapse in coverage for the carrier's operation did not occur.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1065 (Lieber) Public resources: building standards: greenhouse gas. (I-2/23/07)**

**Sponsor: Environmental Defense Fund (staff- Can Chia)**

**Summary:** Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, various building design and construction standards and energy conservation standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy. The standards adopted must be cost effective, when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practice. The commission may periodically update and revise the standards. The commission is required to adopt a public domain computer program that will enable various specified entities to estimate the energy consumption by residential and nonresidential buildings. This bill would require the commission to adopt standards that would reduce the energy consumption per gross square foot of floor space of a new residential and new nonresidential buildings, from offsite sources, on a specified schedule using the standards adopted in 2003 as the baseline for comparison purposes. The commission would be required to review and or approve one or more computer programs for use in demonstrating compliance with the commission prescribed energy standards. The commission would also be required to prescribe other specified requirements for compliance software and to review and approve software for use in demonstrating compliance with the adopted building design and construction standards.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1083 (Huffman) Income and corporation taxes: credit: sale of bio-diesel fuel. (I-2/23/07) Sponsor: author (staff-Matthew Visick)**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various deductions and credits in computing the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2008, and before January 1, 2023, allow a tax credit in an amount equal to an unspecified amount for each gallon of qualified bio-diesel fuel, as defined, sold by a fuel retailer, as defined, at any facility located in this state. This bill contains other related provisions.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1094 (Arambula) Diesel fuel tax: refunds and credits: reimbursement costs. (I-2/23/07) Sponsor: CA Independent Oil Producers (staff-Andrew White)**

**Summary:** The Diesel Fuel Tax Law imposes a tax upon each gallon of fuel subject to tax under that law and provides for refunds for overpayments of tax. This bill would

allow an ultimate vendor or a licensed supplier to claim reimbursement costs of \$0.025 per gallon, with respect to claims or credits filed for diesel fuel sold to an ultimate purchaser with the sale is not subject to the tax imposed under the Diesel Fuel Tax Laws, as provided.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1221 (Ma) Transit village developments: tax increment financing. (I-/23/07)**

**Sponsor: BART (staff-Bill Barnes)**

**Summary:** Existing law authorizes a city or county to create a transit village plan for a transit village development district. Existing law requires a transit village plan to include all land within not less than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and to include any 5 of the specified demonstrable public benefits. Existing law also encourages local, regional, and state plans to direct new development close to transit stations by providing financial incentives to implement these plans. This bill would allow a city or county that prepares a transit village plan, with the agreement with each government agency that operates every transit station in the transit village district, to engage in tax increment financing, as provided, to fulfill the goals of a transit development plan.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1285 (Parra) Taxation: the California Clean Equipment and Technology Investment Initiative of 2007. (I-2/23/07) Sponsor: author (staff-Tom Higgins)**

**Summary:** The Personal Income Tax, the Corporation Tax, and the Sales and Use Tax laws authorize various credits, deductions and exemptions from the taxes imposed by those laws. This bill would declare the intent of the Legislature to enact the California Clean Equipment and Technology Investment Initiative of 2007, for taxable years beginning on or after January 1, 2008 and before January 1, 2014, to exempt from the sales and use taxes the purchases of specified manufacturing equipment and to allow a deduction from, or credit against, the taxes imposed by the income and corporation tax laws for research and development expenses of new products and technology designed, or used for, the purpose of reducing greenhouse gas emissions, as provided.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1492 (Laird) Vehicles: transit buses: right-of-way.**

**(I-2/23/07) Sponsor: Valley Transportation Authority and Santa Cruz Metro (staff-Adam Dondro)**

**Summary:** Existing law requires a driver to yield the right-of-way to an approaching authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting a red light. This bill would, in the Santa Cruz Metropolitan Transit District and the Santa Clara County Transit District, if the applicable district approves a resolution and transmits that resolution to the Commissioner of the California Highway Patrol, require the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if certain conditions are present. The bill would require a transit agency participating in

the program to undertake a public education program to inform motorists of the yield right-of-way requirements, and provide that a base fine for violating those requirements is \$35. Because a failure to yield would be an infraction, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1499 (Garrick) Department of Transportation: design-build contracting.** (I-2/23/07) **Sponsor: ? (staff-Barrett Tetlow)**

**Summary:** Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Under existing law, until January 1, 2010, the department is authorized to utilize design sequencing as an alternative contracting method for the design and construction of not more than 12 transportation projects. This bill would authorize the department to use the design-build procurement process for its state highway construction contracts.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**AB 1633 (Niello) Seller of travel discount program.** (I-2/23/07) **Sponsor: author (staff-Emily Currin)**

**Summary:** Existing law regulates sellers of travel, as defined, and requires their registration with the Attorney General. Existing law authorizes a seller, as defined, to sell a seller of travel discount program, as defined, if specified conditions are satisfied. This bill would make a non-substantive, technical change to that provision.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 56 (Runner) Highway construction contracts: Design-Build Demonstration Program: transportation entities.**

(I-1/10/07) **Sponsor: Administration (staff-Mike Fitts)**

**Summary:** Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2011, authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects.

**CBA Position:**

**STATUS: Senate Transportation & Housing**

**SB 70 – SB 76 are sponsored by the author (staff-Rob Brewer and Josh Walters)**

**SB 70 (Florez) Bio-diesel.** (I-1/17/07)

**Summary:** Existing law generally imposes restrictions upon the sale of nonconforming fuel products. Existing law exempts developmental engine fuels authorized by the Department of Food and Agriculture from these restrictions, as specified. This bill would specify standards for bio-diesel and bio-diesel blends, as defined. The bill would provide that no person shall sell at retail to the general public, specified bio-diesel fuel from any place of business in this state unless there is displayed in a conspicuous place on the dispensing apparatus at least one sign stating the concentration of bio-diesel, as specified. This bill would also create a voluntary CO2 labeling program for petroleum, bio-diesel, and finished fuel blends containing bio-diesel in order to provide distributors and retailers of petroleum, bio-diesel, and bio-diesel blended fuels the ability to voluntarily display a pump or tank label displaying recognized CO2 lifecycle reductions and fuel efficiency.

**CBA Position:**

**STATUS: Senate Business & Professions**

**SB 71 (Florez) Alternative fuels: bio-diesel.** (I-1/17/07)

**Summary:** Existing law requires the State Energy Resources Conservation and Development Commission, in partnership with the State Air Resources Board, to develop and adopt a state plan to increase the use of alternative fuels, as defined. This bill would require all vehicles owned or leased by the State of California, by a city, county, or city and county, or by a mass transit district, that use diesel fuel to instead use B20 bio-diesel fuel or a higher blend of bio-diesel, as specified. The bill would require the State Air Resources Board to establish a program to implement and monitor these requirements.

**CBA Position:**

**STATUS: Senate Transportation & Housing on March 27<sup>th</sup>.**

**SB 72 (Florez) School buses: fuel.** (I-1/17/07)

**Summary:** Existing law establishes the State Air Resources Board and designates it as the air pollution control agency, among other specified responsibilities. Existing law permits the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist for it. Existing law permits the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles; to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system; or to contract with and pay responsible private parties for the transportation. This bill would require a school district to use a bio-diesel fuel blend of B20 or higher to operate all of the diesel-powered school buses under its control. The bill would require a school district that contracts with another government entity or private entity to provide transportation services for any of its pupils to include the bio-diesel blend fuel requirement as part of that contract. The bill would limit the contract requirement to contracts entered into on or after January 1, 2008. The bill would require the State Air Resources Board to implement and administer this section.

**CBA Position:**

**STATUS: Senate Education on March 28<sup>th</sup>.**

**SB 73 (Flores) Income and corporation taxes: credit: bio-diesel fuel. (I-1/17/07)**

**Summary:** The Personal Income Tax Law and the Corporation Tax Law authorize various deductions and credits in computing the taxes imposed by those laws. This bill would, under both laws, for taxable years beginning on or after January 1, 2008, allow a refundable tax credit in an amount equal to a specified amount for each gallon of bio-diesel fuel, as defined, produced or manufactured by a qualified producer at any facility located in this state to be reimbursed on a quarterly basis, as provided. This bill contains other related provisions.

**CBA Position:**

**STATUS: Senate Revenue & Taxation (Rev & Tax).**

**SB 74 (Flores) Sales and use tax: exemptions: equipment: fuel: income and corporation taxes: credits: bio-diesel. (I-1/17/07)**

**Summary:** The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property and provides various exemptions from the taxes imposed by that law. This bill would exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased for use by a qualified person in the manufacturing, processing, or production of bio-diesel fuel, as defined. This bill would also exempt from those taxes, from January 1, 2008, through January 1, 2013, the gross receipts from the sale of, and the storage, use, or other consumption of, bio-diesel fuel, as defined.

**CBA Position:**

**STATUS: Senate REV. & TAX.**

**SB 75 (Flores) Alternative fuels: bio-diesel. (I-1/17/07)**

**Summary:** Existing law requires the State Energy Resources Conservation and Development Commission, in partnership with the State Air Resources Board, to develop and adopt a state plan to increase the use of alternative fuels, as defined. This bill would require any vehicle purchased or leased by the State of California that uses diesel fuel to be a warranty-certified unit that uses at least B20 bio-diesel fuel.

**CBA Position:**

**STATUS: Senate Transportation & Housing on March 27<sup>th</sup>.**

**SB 76 (Flores) Bio-diesel. (I-1/17/07)**

**Summary:** Existing law generally regulates commerce and production of fuels. This bill would express the intent of the Legislature to establish the California Bio-fuels Investment Account, to be administered by the Treasurer's office and for the fund to provide incentives in the form of grants that would encourage cities and counties to install fuel stations and pumps for their vehicles that utilize bio-diesel fuels, grants to farmers, growers, and individuals to encourage the growth and use of crops for bio-diesel fuel purposes, and funding for the University of California and the Department of Food and Agriculture to conduct research on the viability of the growth and expansion of developing a bio-diesel industry in California. The bill would express the further intent of the Legislature that the account funds be derived from a mix of federal dollars and state taxes on bio-diesel or renewable fuels sales, and that a report on the account be submitted

to the Legislature no later than July 1, 2010.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 140 (Kehoe) Vehicular air pollution: renewable diesel fuel. (I-1/25/2007) Sponsor: Energy Independence NOW (staff-Gil Topete)**

**Summary:** Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and non-vehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law permits, until January 1, 2008, any federal, state, or local agency to utilize a bio-diesel blend fuel consisting of not more than 20% bio-diesel in any retrofitted vehicular or off-road diesel engine certified by the state board, whether or not bio-diesel is expressly identified as a fuel for use with the retrofit system, as provided. This bill would also require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 2% renewable diesel fuel, as defined, no later than one year after a specified finding is made by the state board, and, no later than 2 years after the implementation of the 2% standard, would require all diesel fuel sold or offered for sale in the state for use in internal combustion engines to contain at least 5% renewable diesel fuel. The bill would require these provisions to be enforced by the Department of Food and Agriculture, as specified. The bill would permit the state board to adopt regulations to grant exemptions to those requirements under specified circumstances. The bill would also permit the State Energy Resources Conservation and Development Commission to temporarily suspend those requirements if fuel supplies are shown to be inadequate, as provided.

**CBA Position:**

**STATUS: Senate Transportation & Housing on March 27<sup>th</sup>.**

**SB 210 (Kehoe) Greenhouse gas emissions: fuel standard. (I-2/08/2007) Sponsor: author (staff-Gil Topete)**

**Summary:** The Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Under the act, the state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified, and requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The act authorizes the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The act makes violations of measures adopted by the state board punishable as a crime. This bill would require the state board to develop and administer a program to reduce the carbon content from transportation fuels sold and refined in California by 10% by 2020, and would require the state board to implement a low-carbon fuel standard applicable to refiners, blenders, producers, and importers of transportation fuel. Because violations of the low-carbon fuel standard would be a crime, the bill would impose a state-mandated local program. This bill contains other related

provisions and other existing laws.

**CBA Position:**

**STATUS: Senate Transportation & Housing on March 27<sup>th</sup>.**

**SB 212 (Wyland) Employment: meal periods. (I-2/08/07) Sponsor: CA Chamber of Commerce (staff-Garrick Yoshiki)**

**Summary:** Existing law requires employers to provide meal periods to employees during work periods of specified duration. This bill would make a non-substantive change to that law. **SPOT BILL**

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 229 (Margett) Vehicles: large or heavy loads. (I-2/13/07) Sponsor: So. Cal Contractors (staff-Ushe Mutschler)**

**Summary:** Existing law authorizes the Department of Transportation or local authorities, with respect to highways in their respective jurisdictions, to issue a special permit authorizing an applicant to move a vehicle, combination of vehicles, or special equipment that exceeds the maximum size or weight allowed. The department or local authorities are authorized to require extra insurance or other financial security as a condition for a permit for unusually large or heavy loads that pose a substantial risk to public facilities. This bill would require a local authority to use certain specified criteria in determining whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities. This bill contains other related provisions and other existing laws.

**CBA Position:**

**STATUS: Senate Transportation & Housing on March 27<sup>th</sup>.**

**SB 233 (Cox) Public contracts: design-build contracting. (I-2/14/07) Sponsor: Sacramento County (staff-Doug Yokum)**

**Summary:** Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law, until January 1, 2011, authorizes certain counties, with the approval of the board of supervisors, to enter into specified design-build contracts for construction projects, in accordance with specified provisions. Existing law defines a "project" as the construction of a building and the improvements directly related to the construction of a building. Existing law excludes from the definition of project the construction of specified infrastructure. This bill would change the definition of project to mean the construction of public improvements, except for streets, roads, and bridges.

**CBA Position:**

**STATUS: Senate Local Government on March 21<sup>st</sup>.**

**SB 442 (Ackerman) Public contracts: transit projects: design build contracting. (I-2/21/07) Sponsor: Orange Co. Transit Authority (staff Brent Tenpas)**

**Summary:** Existing law authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. Existing law repeals these provisions

January 1, 2011. Existing law also specifies that these provisions apply only to transit projects, and that transit projects do not include highway construction or local street and road projects. This bill would additionally specify that transit projects include, but are not limited to, a high-occupancy vehicle lane connecting State Route 22 to Interstate 405 and Interstate 605.

**CBA Position:**

**STATUS: Senate Transportation & Housing.**

**SB 684 (Cox) Intercity rail services: feeder buses.**

(I-2/23/07) **Sponsor: author for constituent(staff-Doug Yokum)**

**Summary:** Existing law authorizes the Department of Transportation to contract with Amtrak to provide intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train. This bill would also authorize these feeder bus services contracted by Amtrak to carry passengers traveling to or from a city or unincorporated community that is not otherwise served by a regular route of a private intercity bus company.

**CBA Position:**

**STATUS: Senate Transportation & Housing; no date.**

**SB 716 (Perata) Transit operators. (I-2/23/07) Sponsor: author (staff-Brian Kelly)**

**Summary:** Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in the November 2006 general election, establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 in the State Treasury. Specified moneys in the fund are required to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account to be made available, upon appropriation by the Legislature, to the Department of Transportation for certain transportation projects. This bill would state the intent of the Legislature to establish the process through which transit operators may apply for an allocation of funds from the Public Transportation Modernization, Improvement, and Service Enhancement Account.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 737 (Calderon) Employment: meal periods and rest periods. (I-2/23/07) Sponsor: ? (staff-Adam Smith)**

**Summary:** Existing law authorizes the Industrial Welfare Commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in this state consistent with the health and welfare of those workers. Other provisions of existing law prohibits an employer, except as provided, from employing an employee for more than 5 hours per day without providing the employee a meal period of not less than 30 minutes, or from employing an employee for more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes. This bill would state the intent of the Legislature to enact legislation to address issues related to meal periods and rest periods in employment.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 773 (Wiggins) Vehicles: limitations of access.**

**(I-2/23/07) Sponsor: CA Cattlemen's Assn. (staff-Dave Kinst)**

**Summary:** Existing law exempts from established limitations of access, licensed carriers of livestock when engaged in travel necessary and incidental to the shipment of livestock on specified portions of State Highway Route 101. In order for the exemption to apply, the carriers must meet certain specified conditions. This bill would require, as a condition the carriers must meet to qualify for the exemption, that the distance from the kingpin to the rearmost axle of the semi-trailer does not exceed 43 feet instead of the current 40 feet. The carriers would also be required to fulfill the condition that the length of the semi-trailer does not exceed a total of 48 feet.

**CBA Position:**

**STATUS: Senate Transportation & Housing.**

**SB 876 (Calderon) Heavy-duty motor vehicles: retrofit and replacement: small businesses. (I-2/23/2007) Sponsor: CA Trucking Assn. (staff-Alfonso Sanchez)**

**Summary:** The Air Resources Board is required to adopt regulations to require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke, and regulations to require the utilization of emission control equipment. This bill would require the state board to consider the economic impacts on small business owners of vehicle replacement and retrofit requirements when establishing in-use emission standards and regulations for heavy-duty motor vehicles in private fleets.

**CBA Position:**

**STATUS: Awaiting committee assignment.**

**SB 889 (Maldonado) Vehicles. (I-2/23/2007) Sponsor: author (staff-Nick Garcia)**

**Summary:** Under existing law, it is a crime to operate a vehicle unlawfully in an exclusive or preferential use of highway lanes or highway ramps for high-occupancy vehicles. This bill would require the Department of Motor Vehicles to establish a program for reporting violations of that existing law and for the department to issue warning notices.

**CBA Position:**

**STATUS: Awaiting committee assignment.**