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California State Senate

TRANSPORTATION AND HOUSING



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AGENDA

Tuesday, April 10, 2018
1:30 p.m. -- John L. Burton Hearing Room (4203)

MEASURES HEARD IN FILE ORDER

Consent items indicated with a *

- | | | | |
|----|----------|------------|--|
| 1. | SB 987* | Galgiani | Driver's licenses: organ and tissue donation registry: consent. |
| 2. | SB 989* | Wieckowski | State highways: relinquishment. |
| 3. | SB 1029 | McGuire | North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency. |
| 4. | SB 1080 | Newman | Transportation network companies: driver identification. |
| 5. | SB 1119* | Newman | Low Carbon Transit Operations Program. |
| 6. | SB 1259 | Nielsen | Signage: tourist-oriented destination signs. |
| 7. | SB 1397 | Hill | Automated external defibrillators: requirement: modifications to existing buildings. |
| 8. | SB 1403* | Lara | California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. |

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SB 987	Hearing Date:	4/10/2018
Author:	Galgiani		
Version:	4/2/2018 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Jeffery Song		

SUBJECT: Driver's licenses: organ and tissue donation registry: consent

DIGEST: This bill allows the Department of Motor Vehicles (DMV), in consultation with Donate Life California, to modify administratively the check boxes on the driver's license and ID card application form that ask applicants if they want to sign up for the Donate Life California Organ and Tissue Donor Registry (Registry).

ANALYSIS

Existing law:

- 1) Authorizes Donate Life California, a non-profit entity, to maintain the Registry for people who have identified themselves as organ, eye, and tissue donors upon their death.
- 2) Requires the DMV to ask verbally of all applicants for original or renewal drivers' licenses or identification cards if they want to become organ and tissue donors.
- 3) Requires the DMV to include yes or no check boxes specifically asking "Yes, add my name to the donor registry" or "I do not wish to register at this time" on its application for a driver's license or identification (ID) card.
- 4) Requires the DMV to include prescribed language with the check boxes that describes what checking "Yes" means and information on how to remove one's name from the Registry.
- 5) Requires that an applicant does not need to answer this question or check a box in order to receive a driver's license or ID card.

- 6) Requires the DMV to provide on the back of the application for a driver's license or ID card a disclosure statement that explains that checking yes is legally binding for those 18 years and older and that minors require consent from a parent or guardian, and provides more information on what it means to be a donor.
- 7) Requires the DMV to print the word "DONOR" on the face of a driver's license or ID card to any registrant.

This bill:

- 1) Deletes the prescribed check boxes on the driver's license/ID card application that ask applicants if they want to sign up for the Registry.
- 2) Requires the DMV, in consultation with Donate Life California, to develop and include check boxes on the application that ask applicants if they want to sign up for the Registry.
- 3) Revises the disclosure statement provided on the application to include a contact phone number for Donate Life California and to clarify the instructions on how to be removed from the Registry and how to limit what can be donated.
- 4) Deletes the references to the "back of the" application.
- 5) Requires that any changes made to the check boxes and the disclosure statement be applied on the next revision of the application.

COMMENTS

- 1) *Purpose.* According to the author, there are more than 120,000 individuals waiting for an organ transplant in the United States and nearly 22,000 of them are living in California. One person can save eight lives and enhance 75 others through organ, eye, and tissue donation. This bill will give DMV and Donate Life California the ability to streamline the process for any changes to the organ donation portion of the DMV application. This will allow for the quick implementation of best practices in communication with potential registrants to increase donor lists and save lives.
- 2) *Background.* The DMV has been a longtime partner with Donate Life and the Registry. In 2001, SB 198 (Speier) authorized the establishment of an Organ and Tissue Donor Registry and required the DMV to create and provide donor registration forms to those applying for driver's licenses and ID cards. SB 112

(Speier, 2003) transferred responsibility for establishing the registry to Donate Life California, a non-profit entity. SB 689 (Speier, 2005) further required the DMV to provide space on the driver's license or ID card application forms for applicants to give consent to become organ donors. Most recently, SB 1395 (Alquist, 2010) required the current check boxes that ask people to register as organ donors to be added to the application. Currently, there are over 14 million Californians signed up to be organ donors, over 90% of those coming through the DMV.

- 3) *What it Means to be an Organ Donor.* According to the California's Uniform Anatomical Gift Act, organ donors, upon registration, legally authorize the recovery of their organs and tissues in the event of their death. For those 18 years or older, this decision does not require the consent of, nor can it be revoked by another person. However, minors require consent from a parent or guardian. Registered organ donors must go to Donate Life California directly to be taken off the registry or to indicate that their donation be limited or restricted (e.g., limited to certain organs, or restricted solely for research purposes).
- 4) *Donor Registration Lists Are Lower Than Average.* According to Donate Life, California lags behind the national average in the percentage of adults who are registered as organ donors: 40% (CA) compared to 50% (US).¹ Donate Life also reports that about 28 percent of those applying or renewing a driver's license or ID card in California sign up to be an organ donor. This bill is an attempt to increase these percentages by providing the DMV and Donate Life the flexibility to regularly update the application with up-to-date practices in communication with potential registrants.
- 5) *Current Language Is Unclear.* According to Donate Life, there have been reports of Californians selecting "I do not wish to register" on the application expecting to get taken off the Registry. However, DMV only sends the names of those who select "Yes" to Donate Life. Californians who want to remove their names from the Registry must go directly to Donate Life. This bill revises the disclosure statement to provide an additional point of contact for Donate Life (a phone number) and gives DMV, in consultation with Donate Life, the flexibility to change the check boxes so that applicants are better informed of their choices and options regarding organ donor registration.
- 6) *DMV is Going Online.* The DMV is increasingly shifting their services to online applications and on computers, rather than via paper applications.

¹ 2015 Donate Life America Annual Report. https://www.donatelife.net/wp-content/uploads/2016/06/2015-DLA_Annual-Report_FINAL-for-onscreen-viewing.pdf

Therefore, the current language that specifies the “back of the application” is unneeded.

RELATED LEGISLATION

SB 108 (Speier, Chapter 740, Statutes of 2001) — authorized the establishment of an Organ and Tissue Donor Registry in the California Health and Human Services Agency and requires the Department of Motor Vehicles to provide an enrollment form to any peoples coming to obtain or renew their driver’s licenses.

SB 112 (Speier, Chapter 405, Statutes of 2003) — transferred responsibility for establishing the registry to a private, nonprofit organization administered by the four federally-designated OPOs. Required DMV to provide donor registration forms to those applying for drivers’ licenses or identification cards. These forms included instructions to mail the competed form to Donate Life California.

SB 689 (Speier, Chapter 665, Statutes of 2005) — required DMV to include on its applications for drivers’ licenses and identification cards a space for the applicant to give his or her consent to be an organ or tissue donor.

SB 1395 (Alquist, Chapter 217, Statutes of 2010) — required DMV to update its applications with specified language asking the applicant to check yes or no to add his/her name to the organ donor registry.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, March 4, 2018.)

SUPPORT:

Donate Life California (sponsor)
Blood Centers of California

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SB 989 **Hearing Date:** 4/10/2018
Author: Wieckowski
Version: 2/5/2018
Urgency: No **Fiscal:** Yes
Consultant: Manny Leon

SUBJECT: State highways: relinquishment

DIGEST: This bill allows the California Transportation Commission (CTC) to relinquish segments of State Route (SR) 84 in the City of Fremont.

ANALYSIS:

Existing law:

- 1) Identifies the California state highway system through a description of segments of the state's regional and interregional roads that are owned and operated by the Department of Transportation (Caltrans).
- 2) Defines a "state highway" as any roadway that is acquired, laid out, constructed, improved, or maintained as a state highway according to legislative authorization.
- 3) Specifies that it is the intent of the Legislature for the routes of the state highway system to connect the communities and regions of the state and that they serve the state's economy by connecting centers of commerce, industry, agriculture, mineral wealth, and recreation.
- 4) Provides that any expansion or deletion of the state highway system occurs through a statutory process requiring the CTC to make findings that it is in the best interest of the state to include or delete a specified portion of roadway from the system.

This bill:

- 1) Authorizes CTC, upon a determination that it is the best interest of the state to do so and upon an agreement between Caltrans and the City of Fremont, to relinquish that portion of SR 84 that lies within the applicable city limits.
- 2) Provides that the relinquishments will become effective on the date following the county recordation of the relinquishment resolutions containing CTC's approval of the specified terms and conditions.
- 3) Specifies that, following the effective date of relinquishment, the relinquished segments will no longer be state highways and may not be considered for future adoption as state highways.
- 4) Requires the City of Fremont that to maintain signs within its jurisdiction directing motorists to the continuation to SR 84

COMMENTS

- 1) *Purpose.* According to the Author, "in 2006, the City of Fremont signed a Memorandum of Understanding (MOU) with the California Department of Transportation (Caltrans), the Alameda County Transportation Commission (ACTC) and Union City to relinquish a portion of SR 84 to the City of Fremont. Under the MOU, the relinquished portion would be granted to Fremont once Caltrans had the funds available from the Local Alternative Transportation Improvement Program (LATIP) to upgrade the roadway to a "state of good repair." In 2011, the relinquishment process was underway in conjunction with a Redevelopment project, but abruptly ended when Redevelopment Agencies were eliminated. In 2017, the City of Fremont obtained a grant from ACTC to enhance portion of SR 84 to a multi-modal complete street. As part of the project, the City would like to integrate the relinquishment and related improvements. This bill will relinquish a portion of SR 84 to allow the City of Fremont to make much needed and long-anticipated transit improvements in the region. Although LATIP funding from the sale of excess SR 84 property is not currently available, it should be by the time the City begins construction of its complete street project. If not, the City has agreed to advance the necessary funding until LATIP funding is available."
- 2) *Relinquishments.* Each session, the Legislature passes and the governor signs numerous bills authorizing CTC to relinquish segments of the state highway system to local jurisdictions. Relinquishment transactions are generally preceded by a negotiation of terms and conditions between the local jurisdiction

and Caltrans. Once an agreement has been established, CTC typically approves the relinquishment and verifies its approval via a resolution.

- 3) *Caltrans study.* An analysis conducted and released by Caltrans in July of 2011 found that the SR 84 relinquishment segment specified in this bill “does not provide significant benefit to interregional or regional travel demand” and therefore, “it is recommended that SR 84 be relinquished to the City of Fremont.” As stated by the author, this bill will allow the City of Fremont to complete its Multimodal Complete Streets Project on the relinquished portions of the route. The relinquishment will allow the City to upgrade the existing roadway to improve safety and mobility for bicyclists and pedestrians along the route. Additionally, the relinquishment will also relieve the State of all future maintenance of this route.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

City of Fremont (sponsor)

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SB 1029	Hearing Date:	April 10, 2018
Author:	McGuire		
Version:	4/5/2018 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Manny Leon		

SUBJECT: North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency

DIGEST: This bill dissolves the North Coast Railroad Authority (NCRA) and further establishes the Great Redwood Tail Agency (Agency), as specified.

ANALYSIS:

NCRA was formed in 1989 by the Legislature under the North Coast Railroad Authority Act. At that time, the Act was intended to ensure continuation of railroad service in Northwestern California and envisioned the railroad playing a significant role in the transportation infrastructure serving a part of the State that faced transportation challenges due to restricted access and limited transport options. The approximate 300 mile rail line is broken down into two divisions: the Russian River Division (from Lombard in Napa County to Willits in Mendocino County) and the Eel River Division (north of Willits to Samoa in Humboldt County.)

From 1991 through 2008 the California Transportation Commission (CTC) provided NCRA with an estimated \$63 million through various programs to be used for purchasing right-of-way, rolling stock, equipment, and making repairs on the rail line. Additionally, in 2006, NCRA entered into an agreement with the Northwestern Pacific Railroad Company (NWPCo) to operate service on the NCRA rail line. Currently, NWPCo is the exclusive contract freight operator for NCRA. NWPCo runs minimal and limited freight rail service, operating up to two trains a week with several cars on each run, from the Lombard Interchange into Windsor California, approximately 62 miles in distance.

Since its inception, NCRA has struggled to secure stable and/or ongoing funding sources and also struggled to provide adequate service along the rail line. In June of 2017, NCRA testified at a CTC hearing where NCRA representatives informed Commissioners that NCRA has never been financially self-sufficient, operates with

an annual loss, is routinely unable to pay its obligations, and possesses debts due to legal fees from environmental lawsuits. NCRA further testified that the Authority was having difficulty maintaining and expanding rail service and that they were in the process of selling excess property to pay its debt obligations. Overall, NCRA does not generate substantial revenue from its operating contract with NWPCo to cover the Authority's expenditures. Additionally, since 2011, NCRA has annually held anywhere from an estimated \$10.6 million to \$7 million in debt obligations while simultaneously operating with significant cash flow constraints.

Existing law:

- 1) Establishes the NCRA which encompasses the Counties of Humboldt, Mendocino, Sonoma, and Trinity to provide passenger and freight rail service to those counties.
- 2) Further establishes a governing Board of Directors and grants NCRA the authority to acquire real and personal property and operate passenger and freight rail services, as specified.
- 3) Additionally provides NCRA financing authority to carry out the abovementioned duties.

This bill:

- 1) Makes legislative findings and declarations regarding the dissolving of NCRA and the creation of the Great Redwood Trail Agency.
- 2) Requires NCRA, before April 1, 2019, to transfer all its rights, privileges, and responsibilities, excluding any liabilities, debt, and/or contractual obligations relating to both its right-of-way and railroad assets south of the City of Willits to an unspecified entity.
- 3) Requires NCRA, before April 1, 2019, to transfer all its rights, privileges, and responsibilities to its rights-of-way excluding any liabilities, debt, and/or contractual obligations north of the City of Willits to Caltrans.
- 4) Specifies that upon completing the abovementioned transfers, NCRA is to be dissolved.
- 5) Requires within two years of receiving the northbound portion of NCRA's assets, Caltrans is to complete an inventory of all right-of-way parcels and/or contracts and an environmental assessment of right-of-way in its possession.

- 6) Requires Caltrans to transfer all northbound assets, right-of-way, and responsibilities to the Agency before January 1, 2021.
- 7) Requires the unspecified entity that acquires the southbound portion to conduct a freight rail study of the entire southern right-of-way.
- 8) Creates the Agency and provides various duties and responsibilities. Further provides appointment directives to the Agency's Board of Directors.

COMMENTS

- 1) *Purpose.* According to the author, "after months of meetings with rail leaders, elected officials, state agencies, residents and trail advocates, we are ready to present SB 1029 — The Great Redwood Trail Act — a bill that establishes the process to create a magnificent 300 mile long hiking/biking/riding trail that would eventually connect San Francisco and Humboldt Bays. The bill also permits freight rail to continue where it is currently active and allows for excursion and freight rail traffic around Humboldt Bay. The Trail will be a significant economic driver for our region, as it will promote active tourism through five of the seven counties in my district."
- 2) *Next steps.* This bill proposes to dissolve NCRA and essentially split the rail line in the City of Willits with the northern portion first being transferred to Caltrans and ultimately to the newly-created Great Redwood Trail Agency and the southern portion being transferred to an unspecified entity. While not specified in the bill, the author notes that one possible option for the southern portion could be to expand or increase either freight or passenger rail service along the corridor. On the other hand, the northern portion is clearly designated to be developed as a trails system to be managed by the Agency.
- 3) *Who pays?* This bill proposes to transfer all of NCRA's rights, privileges, and responsibilities to Caltrans (northern portion) and an unspecified entity (southern portion) and explicitly states any of NCRA's preexisting liabilities related to debts, litigation, or contractual obligations are excluded in the process of dissolving NCRA. As mentioned, it's been well documented that NCRA holds significant debts due to its inability to generate revenue and legal expenses. It's also been well documented that portions of NCRA's rail corridor are in extremely poor condition and are in environmentally sensitive areas of the Eel River (see *Friends of the Eel River v. North Coast Railroad Authority.*) At this time, in the bill's current form, it's unclear who will be obligated to resolve NCRA's financial liabilities once dissolved. Thus, with the transferring

of the northbound portion to Caltrans, one possibility is that the state may potentially be responsible to pay down debt obligations and for environmental cleanup which will cost in the millions. As result, the author may wish to consider clarifying which entities will be responsible for closing out NCRA's existing debts and liabilities.

- 4) *Timeline.* This bill requires NCRA to transfer all assets and responsibilities and further dissolve by April 1, 2019. Specifically for the northbound portion, the bill requires Caltrans to inventory and also complete an environmental assessment of all acquired property within two years. The bill further requires the northbound assets to be transferred from Caltrans to Agency no later than January 1, 2021, in turn, realistically only providing Caltrans approximately 18 months to inventory and conduct an environmental assessment on the roughly 158 mile northbound portion. With the bill not specifically defining what an "environmental assessment" will encompass, 18 months may not prove sufficient time for Caltrans to complete the bill's requirements. As a result, the author may wish to consider adjusting the timeline to allow Caltrans to successfully complete the requirements specified in this bill.
- 5) *Work in progress.* The author notes that due to a number of factors including financial liabilities and geographic regions, this proposal is and will continue to be a work in progress. In order to resolve many of the complex policy issues associated with dissolving NCRA (including the matters raised in this analysis) the author is committed to working with stakeholders if the bill is to move forward to ensure the proper policy framework is in place to allow for the successful transfer of all assets and liabilities to the appropriate entities along with properly forming the Great Redwood Tail Agency.
- 6) *Double referral.* This bill was also referred to the Senate Natural Resources and Water committee where it will be heard next if passed out of this committee.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

California Transportation Commission (In concept)
Humboldt Trails Council
11 Individuals

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SB 1080 **Hearing Date:** April 10, 2018
Author: Newman
Version: 2/12/2018
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: Transportation network companies: driver identification

DIGEST: This bill allows a non-California resident, active duty military member or dependent to drive for a transportation network company (TNC) if they possess a valid driver's license issued by the state in which they reside.

ANALYSIS:

Existing law:

- 1) Allows non-residents to drive without a California Driver's License (CDL) if they have a license from the state in which they reside.

- 2) Under regulations created by the California Public Utilities Commission (CPUC), TNC drivers must possess a CDL.

This bill allows a non-California resident, active duty military member or dependent to drive for a TNC if they possess a valid driver's license issued by the state in which they reside.

COMMENTS

- 1) *Author's Statement.* With its high cost of living and daunting job market, California is a notoriously expensive and challenging place for the military and veteran families who relocate here, either as a result of a transfer while on active duty, or upon their return to California after completion of a service obligation. The earning opportunities offered by the "sharing economy" could make a meaningful difference in softening the impact of relocation for active duty military and veteran families. Under current state laws governing rideshare companies, service members and their families relocating to California are forced to go through the inconvenience and expense of replacing

their valid, out-of-state license for a California one before being legally eligible to start making money as a rideshare driver. SB 1080 will eliminate the costly delays and onerous fees in applying for a California driver's license for non-resident active duty military and their families who wish to earn additional income as rideshare drivers by allowing for the use of a valid out-of-state driver's license.

- 2) *Side Hustle*. TNCs, such as Lyft and Uber, are the face of the gig economy, which is known for its part-time independent workers who are paid by the piece. The gig economy has very low entry barriers and flexible work hours, making it easy to participate. Working as a TNC driver won't make you rich -- a recent analysis found that TNC drivers typically earn between \$8.55 - \$10/hr. after expenses¹ -- but anyone with a clean driving record can do it, you work when you want and your commitment is minimal.
- 3) *Precedent*. According to Lyft, 45 states allow active military members and their dependents to drive for TNCs with their out-of-state licenses. There are many drivers on California roads that do not have CDLs, such as visitors from other states.
- 4) *Not Precedent*. Drivers for the competitors to TNCs, such as taxis and limousines, are all required to have a CDL. Drivers transporting passengers for compensation are typically held to a higher safety standard than non-commercial drivers.
- 5) *It's Scariest Out There*. Public roads are becoming increasingly unsafe. The California Office of Traffic Safety reports that traffic fatalities increased 7% from 2015 to 2016. A recent report by the Governors Highway Safety Association (GHSA) estimates that nearly 6,000 pedestrians were killed in motor vehicle crashes in 2017², up from a record low of 4,109 in 2009. The GHSA suggests that one of the factors for the increase is increasing smart phone use.
- 6) *Knowing the Rules*. Driving laws are the purview of the states. While there are a great many similarities, there can be notable variations. California's recently enacted laws limiting talking/texting while driving and regulating interactions with bicycles and school busses would be unfamiliar to many out-of-state drivers.

¹ Stephen Zoepf, MIT Center for Energy and Environmental Policy Research: March 6, 2018 (revised).

² *Spotlight on Highway Safety*, Governors Highway Safety Association. (<https://www.ghsa.org/resources/spotlight-pedestrians18>)

- 7) *Some Short Cuts*. Short of obtaining a CDL, there are a couple of mechanisms for helping ensure that drivers are knowledgeable about California's driving rules:
- a) Under AB 60 drivers can be licensed to drive without establishing residency.
 - b) For TNC drivers, the CPUC requires the TNCs to establish a driver training program "to ensure that all drivers are safely operating the vehicle prior to the driver being able to offer service."³
- 8) As part of that training program the TNCs could include, for non-resident active military drivers and their dependents, a section on California driving laws, including limitations on the use of personal electronics and the rules governing interactions with bicycles and school busses, and a certification by the TNCs that those drivers understand California driving laws.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

American G.I. Forum of California
 American Legion-Department of California
 Bay Area Council
 California Asian Pacific Chamber of Commerce
 California Association of Veteran Service Agencies
 California Chamber of Commerce
 California State Commanders Veterans Council
 Engine
 Internet Association
 Lyft
 Military Officers Association of America-California Council of Chapters
 National Guard Association of California
 Oakland African American Chamber of Commerce
 San Diego, City of
 San Diego, Councilmember Chris Cate
 San Diego Regional Chamber of Commerce
 San Francisco Chamber of Commerce

³ CPUC Decision 13-09-045, September 19, 2013; p.27.

Silicon Valley Leadership Group
TechNet
Vietnam Veterans of America-California State Council

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SB 1119	Hearing Date:	4/10/2018
Author:	Newman		
Version:	2/13/2018		
Urgency:	No	Fiscal:	Yes
Consultant:	Erin Riches		

SUBJECT: Low Carbon Transit Operations Program

DIGEST: This bill expands eligible expenditures under the Low Carbon Transit Operations Program (LCTOP) relative to the requirement to spend 50% of monies in disadvantaged communities (DACs).

ANALYSIS:

Greenhouse Gas Reduction Fund

AB 32 (Núñez and Pavley, Chapter 488, Statutes of 2006) requires the state Air Resources Board (ARB) to develop a plan to reduce emissions to 1990 levels by 2020. It also requires ARB to ensure programs that reduce greenhouse gas (GHG) emissions are targeted, to the extent feasible, to the most disadvantaged communities (DACs) in the state. AB 32 authorizes ARB to deposit any fees paid by GHG emission sources into the Greenhouse Gas Reduction Fund (GGRF).

SB 535 (De León, Chapter 830, Statutes of 2012) requires 25% of GGRF funds to be allocated to projects that provide benefits to DACs, and at least 10% to projects located within DACs. (This 10% share may overlap, in whole or in part, with projects funded by the minimum 25% allocation). DACs have been identified by the California Environmental Protection Agency (CalEPA) using census tract data based on geographic, socioeconomic, public health, and environmental hazard criteria.

AB 1550 (Gomez, Chapter 369, Statutes of 2016) revises the SB 535 requirements on GGRF funding allocations to DACs, as follows:

- 1) A minimum of 25% to projects located within the boundaries of, and benefiting individuals living in, DACs.

- 2) An additional 5% (minimum) to projects benefiting low-income households or located within the boundaries of, and benefiting individuals living in, low-income communities.
- 3) An additional 5% (minimum) to projects benefiting low-income households outside of but within ½ mile of DACs, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within ½ mile of, DACs.

LCTOP

Existing law (SB 862, Committee on Budget, Chapter 36, Statutes of 2014) establishes the LCTOP, which provides operating and capital assistance to reduce GHG emissions and improve mobility, with a priority on serving DACs. Eligible projects include new or expanded bus or rail services and expanded intermodal transit facilities and may include equipment acquisition, fueling, maintenance, and other costs to operate those services or facilities. All projects must reduce GHG emissions. For agencies whose service area includes a DAC, at least 50% of monies must be spent on projects that will benefit DACs. Existing law continuously appropriates 5% of annual GGRF monies to LCTOP; funds are then allocated to transit agencies pursuant to the State Transit Assistance statutory formula.

This bill provides that the following projects shall count toward the 50% requirement to spend 50% of LCTOP funds to benefit DACs:

- 1) Transit fare subsidies, including student transit passes.
- 2) Transit connections to major employment areas, education centers, or medical facilities for residents of DACs or low-income communities.
- 3) Technology improvements that reduce emissions of GHGs, including the purchase of zero-emission buses and fueling infrastructure.

COMMENTS

- 1) *Purpose.* The author states that this bill would revise eligibility requirements for LCTOP funds to enable more student and other low-income residents to qualify for free or reduced transit fares. The resulting increase in ridership will reduce congestion and parking issues in areas around community colleges and state universities while also aiding those in DACs who must transfer within the transit system in order to get to their final destination.

2) *DAC requirement for GGRF spending.* LCTOP is funded with GGRF monies. ARB provides guidance to state agencies that administer GGRF monies on how to target GGRF investments to benefit AB 1550 populations, as well as how to maximize benefits to DACs pursuant to SB 535. ARB's draft GGRF funding guidelines, which it released in August 2017 and asked all state agencies to follow until final guidelines are approved, provide that transit projects (under any program) that maximize benefits to AB 1550 populations shall be prioritized for GGRF funding. The guidelines specify that AB 1550 populations include residents of (1) census tracts identified as DACs by CalEPA, (2) census tracts identified as low-income, or (3) a low-income household. The draft guidelines' criteria to evaluate transit projects for AB 1550 benefits specify that for consumer-based incentives, such as vouchers, rebates, transit passes, or free-fare days, the incentive must do at least one of the following:

- a) Be at least partially located (e.g., at least one transit stop) within a DAC.
- b) Be at least partially located (e.g., at least one transit stop) within a low-income community
- c) Be located outside of a DAC but within ½ mile of a DAC and within a low-income community census tract.
- d) Provide benefits to residents of a DAC.
- e) Provide benefits to residents of a low-income community.
- f) Provide benefits to residents of low-income households.
- g) Provide jobs or job training to residents of low-income households.

3) *DAC requirement for LCTOP.* According to the 2017-18 final draft guidelines for LCTOP, in order to meet the 50% DAC requirement, transit agencies must spend at least 50% of LCTOP funds on projects *within* a DAC that provide benefit to individuals living in the DAC. The guidelines further state that "the agency is required to provide a detailed description of the criteria used to evaluate if a project provides direct, meaningful, and assured benefit(s) to the DAC and meaningfully address an important community need(s)."

The Orange County Transportation Authority (OCTA), co-sponsor of this bill, states that if destinations require transfers within the transit system – such as a commute that begins in a DAC and includes a transfer to or through a non-DAC – ARB deems the project ineligible to count toward the 50% DAC requirement. In addition, OCTA notes that although five transit agencies funded transit pass projects last year, only OCTA was able to focus these funds to benefit a DAC because OCTA and recipient universities were willing and able to spend significant resources researching whether students could meet the stringent

DAC definition (e.g., the “detailed description” noted above). The California Transit Association (CTA), also a co-sponsor, states that the flexibility provided by this bill would enable transit systems to attract and maintain more riders and improve bus service across entire trips.

- 4) *Reducing GHG emissions.* LCTOP provides funding to transit agencies to reduce GHG emissions and improve mobility. OCTA argues that as transit agencies seek to reduce emissions through investment in zero-emission technology, LCTOP eligibility is limited because many agencies use their buses on a multitude of routes or have a fueling station outside a DAC. This bill would specifically provide that technology improvements that reduce GHG emissions, including purchase of zero-emission buses and fueling infrastructure, are eligible to meet the 50% DAC requirement under LCTOP. This bill would leave in place the requirement for agencies to quantify GHG emission reductions of LCTOP-funded projects.
- 5) *Impact on transit agencies receiving LCTOP funds.* Roughly two-thirds of transit agencies in the state include one or more DACs. A DAC might be as little as a single census tract (several thousand people) or could constitute a large portion of a transit agency’s jurisdiction. Regardless, a transit agency with at least one DAC must meet the 50% DAC requirement under LCTOP. In addition, because LCTOP is funded by GGRF monies, LCTOP allocations must meet AB 1550 requirements on GGRF spending. All recipients of LCTOP funding must report to Caltrans on their compliance with all statutory requirements, including DAC requirements, and Caltrans is authorized to conduct spot audits and onsite monitoring of projects. Transit agencies that fail to meet all program requirements risk being barred from future LCTOP funds.
- 6) *How much GGRF is going to DACs?* Existing law requires a significant share of total GGRF funds to be spent in, or to benefit, DACs and low-income communities. According to ARB’s *Annual Report to the Legislature on California Climate Investments Using Cap-and-Trade Auction Proceeds* (March 2018), of the \$1 billion in GGRF funds implemented to date, 51% (\$1 billion) has been allocated to projects benefiting DACs; of this, 31% (\$615 million) has been allocated to projects located within DACs. CalEPA has identified 25% of California census tracts as DACs. Thus, about half of GGRF funds are spent in about one-quarter of California communities, while the other half of GGRF funds are spent in the other three-quarters of the state.
- 7) *Double-referred.* This bill will also be heard by the Environmental Quality Committee.

RELATED LEGISLATION:

SB 824 (Beall, Chapter 479, Statutes of 2016) — Modifies the LCTOP to provide enhanced flexibility to recipient transit agencies for program expenditures, as specified.

AB 17 (Holden) of 2017 — would have created a transit pass pilot program under Caltrans. *This bill was vetoed by the Governor.*

AB 2222 (Holden) of 2016 — would have created a transit pass pilot program under Caltrans. *This bill was held on the suspense file in the Senate Appropriations Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

California Transit Association (co-sponsor)
Orange County Transportation Authority (co-sponsor)
California Association of Councils of Governments
Monterey-Salinas Transit
Santa Cruz Metropolitan Transit District

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SB 1259 **Hearing Date:** 4/10/2018
Author: Nielsen
Version: 2/15/2018
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: Signage: tourist-oriented destination signs

DIGEST: This bill exempts the County of Tehama from the requirement that Tourist-Oriented Directional Signs (TODS) be used for attractions that are not farther than 10 miles from the nearest highway intersection.

ANALYSIS:

Existing law establishes a program for TODS to help guide tourists towards tourist attractions. TODS must be generic and non-promotional. TODS locations are restricted; they may only be placed in rural areas on non-congested highways and the attraction may not be more than 10 miles from the nearest highway intersection.

This bill exempts the County of Tehama from the requirement that Tourist-Oriented Directional Signs (TODS) be used for attractions that are not farther than 10 miles from the nearest highway intersection.

COMMENTS

- 1) *Author's Statement.* State law doesn't allow rural communities to place tourist-oriented destination signs (TODS) along state highways if those destinations are more than 10 miles from the highway. By exempting Tehama County from that limit, the county can discuss the need for tourist signage in good faith with Caltrans without the concerns about mile limits.
- 2) *Generic.* TODS are highway signs in rural areas which help guide travelers to California's tourist attractions. These signs are generic, referring to general types of businesses (e.g. wineries); promotional advertising is not permitted. The signs are fabricated in conformance with Caltrans regulations by the entity wishing to display the sign and installed by Caltrans. The cost of installation

and maintenance in the first year is relatively inexpensive at \$400, with an ongoing maintenance cost of \$30/year. All costs are paid by the applicant. TODS are distinct from billboards, which are privately erected and may be promotional. Examples of TODS are below:



The limitations on the TODS are intended to limit the clutter and distraction of unnecessary signage on state highways. In addition to state law, the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration governs the placement and look of the TODS.

- 3) *Narrowing the Exemption.* It is difficult to justify a blanket exemption for Tehama County. But the bill supporters provide a unique reason for an exemption by their focus on the vineyards and wineries of Manton, which were recently recognized as an American Viticultural Area (AVA)¹. (This attraction already has a TODS on one state highway.) Given California's longstanding support for vineyards and wineries, *the author and committee may wish to consider* narrowing the bill to provide an exemption for AVAs in Tehama County.
- 4) *Federal Conflict?* California's statutory 10 mile distance limitation is double the federal guideline of 5 miles. This has apparently not caused any issues in the 20 years that the TODS program has been in place. Caltrans is checking whether an exemption from the 10 mile limitation would be a problem with the Federal Highway Administration.
- 5) *Still Useful?* The TODS program was established in 1994, before the near-ubiquity of cellphones and other GPS mapping devices. TODS may well increasingly become a quaint vestige of a less connected time. However, TODS should continue to be useful in areas such as eastern Tehama County where slow wireless data service may be unable to support mapping applications.

¹ An AVA is a federally-designated defined grape growing region with distinguishing characteristics. The use of an AVA name on a label allows vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in a certain area to its geographical origin. AVAs allows vintners to describe more accurately the origin of their wines to consumers, and, in turn, helps consumers to geographically identify wines that they may purchase.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

Andrew Station LLC

AppleLand

County of Tehama Board of Supervisors

Dobson Vineyards

Indian Peak Vineyards LLC

Manton Valley Wine Growers Association

Red Bluff-Tehama County Chamber of Commerce

Shasta Daisy Vineyard

Tehama County Farm Bureau

Tehama Country Visitor Center

4 individuals

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SB 1397 **Hearing Date:** 4/10/2018
Author: Hill
Version: 4/2/2018 Amended
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: Automated external defibrillators: requirement: modifications to existing buildings

DIGEST: This bill requires automated external defibrillators (AED) to be installed in certain buildings that undergo significant modification.

ANALYSIS:

Existing law requires certain buildings with capacities of 200 persons or greater, as specified, constructed on or after January 1, 2017, to have an AED on the premises. The building owner is required to test the AED at least biannually and inspect the AED at least every 90 days, among other things.

This bill extends the AED requirement to those same buildings if the building is renovated in any of the following ways:

- a) \$50,000 of tenant improvements or building renovations in any calendar year;
- b) a tenant improvement of more than 3000 square feet
- c) a tenant improvement of more than 2000 square feet in a restaurant or retail establishment
- d) any tenant improvement in places of assembly, such as auditoriums and movie theatres.

If an AED already exists in a common area of a building, this bill does not require the installation of an additional AED.

COMMENTS:

- 1) *Author's Statement.* Sudden cardiac arrest kills nearly 1000 people per day in the United States. It can happen to anyone, anytime, anywhere and at any age. The single most effective intervention during sudden cardiac arrest is the use of

an AED. Existing law requires most newly-constructed large-occupancy buildings to have an AED on the premise. However, AEDs are not required in large-occupancy buildings that undergo substantial modifications, renovations, or tenant improvements. SB 1397 will require high occupancy buildings that undergo renovations to be equipped with an AED.

- 2) *Shocking*. According to the American Heart Association (AHA), an AED is a computerized medical device. An AED can check a person's heart rhythm, recognize a rhythm that requires a shock, and advise the rescuer when a shock is needed and provide the shock. The AED uses voice prompts, lights and text messages to tell the rescuer the steps to take. The AHA believes that AEDs are very accurate and easy to use. With a few hours of training, anyone can learn to operate one safely. The AHA supports placing AEDs in targeted public areas such as sports arenas, gated communities, office complexes, doctor's offices, shopping malls, etc. When AEDs are placed in the community or a business or facility, the AHA strongly encourages that they be part of a defibrillation program in which:
 - a) Persons that acquire an AED notify the local EMS office.
 - b) A licensed physical or medical authority provides medical oversight to ensure quality control
 - c) Persons responsible for using the AED are trained in CPR and how to use an AED.

- 3) *It Works*. Evidence seems to support the public safety value of improved access to AEDs. The author has cited six examples in 2017 where an on-site AED in California was used to revive an individual. The American Red Cross believes that improved training and access to AEDs could save 50,000 lives each year, and that all Americans should be within four minutes of an AED and someone trained to use it. The U.S. Department of Labor has urged employers to consider the use of AEDs at their worksites.¹ An online search indicates that AEDs are available for less than \$2000, which doesn't include the cost of ongoing testing and inspection. The cost of installing and maintaining the AEDs will generally be recovered from the building tenants.

¹Technical Information Bulletin 01-12-17; Occupational Safety and Health Administration.

- 4) *Stringent Application.* The threshold for requiring the installation of an AED is relatively low. Most tenant improvements will meet the threshold for requiring the installation of an AED.² The bill also applies to buildings that were renovated after January 1, 2017, which will retroactively capture some buildings in which the renovations have been completed.
- 5) *Local Government Exempt.* The bill exempts local governments from its requirements.
- 6) *Conforming Amendment.* Subdivision (f) is no longer necessary as this bill extends current AED requirements to renovated buildings. *The author and committee may wish to delete this subdivision (page 3, lines 10-11).*

RELATED LEGISLATION:

SB 287 (Hueso, Chapter 449 of 2015) — requires certain buildings constructed on or after January 1, 2017 to have an AED on the premises.

SB 658 (Hill, Chapter 264 of 2015) — revises the maintenance and training requirements for placement of AEDs in commercial buildings and K-12 schools that are conditions for obtaining qualified immunity from civil liability for the selection, installation, placement, and use of AEDs in those facilities.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

Racing Hearts (sponsor)
Silicon Valley Leadership Group

OPPOSITION:

None received.

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² The \$50,000 threshold for renovations is cumulative for a building over one year. The reference to square footage is intended to refer to the size of the tenant space being improved, not the size of the actual improvements themselves.

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SB 1403	Hearing Date:	4/10/2018
Author:	Lara		
Version:	3/22/18 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Erin Riches		

SUBJECT: California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program

DIGEST: As proposed to be amended, this bill expands project eligibility for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program (Clean Truck Program) and extends the sunset on a set-aside within the program.

ANALYSIS:

Existing law:

- 1) AB 32 (Núñez and Pavley, Chapter 488, Statutes of 2006) requires the state Air Resources Board (ARB) to develop a plan to reduce emissions to 1990 levels by 2020. It also requires ARB to ensure programs that reduce greenhouse gas (GHG) emissions are targeted, to the extent feasible, to the most disadvantaged communities in the state. Pursuant to AB 32, ARB adopted a cap-and-trade program that caps allowable statewide GHG emissions and provides for the auctioning of emission credits, the proceeds of which are deposited quarterly into the Greenhouse Gas Reduction Fund (GGRF) for appropriation by the Legislature.
- 2) Executive Order B-30-2015, issued by the Governor in 2015, sets a target of reducing statewide GHG emissions to 80% below 1990 levels by 2050, and an interim statewide GHG emissions reduction target of 40% below 1990 levels by 2030. SB 32, Payley, Chapter 249, Statutes of 2016 codifies the 2030 GHG emissions reduction target in Executive Order B-30-2015.
- 1) AB 398 (E. Garcia, Chapter 135, Statutes of 2017), which makes numerous and substantive changes to AB 32, includes a provision specifically authorizing the cap-and-trade program until December 31, 2030.

- 2) SB 1204 (Lara, Chapter 524 of 2014) establishes a program to fund development, demonstration, pre-commercial pilot, and early commercial deployment of zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies. The Clean Truck Program is funded with GGRF monies as part of the umbrella of Low Carbon Transportation programs under ARB. At least 20% of the funding for the Clean Truck Program must go to early commercial development of existing zero- and near-zero-emission heavy-duty truck technology, until December 31, 2020. ARB must prioritize projects that demonstrate benefit to disadvantaged communities, address technology and market barriers not addressed by other programs, and enabling technologies that benefit multiple technology pathways.

This bill, as proposed to be amended:

- 1) Makes demonstration projects for integrated storage and charging management, as well as efficient zero- and near-zero fueling and charging strategies, eligible for funding under the Clean Truck Program.
- 2) Extends the sunset on the set-aside within Clean Truck Program to December 31, 2030.

COMMENTS

- 1) *Purpose.* The author states that the health of our communities depends on cleaning up our transportation corridors. Diesel air pollution increases the risks of heart conditions and asthma. The technology exists for zero-emission heavy-duty trucks and buses, and the state needs to continue accelerating their deployment. These investments are important for the health of Californians who live along transportation corridors and are exposed to significant levels of diesel pollution. This bill updates the Clean Truck Program to further enhance truck deployment as well as extending the sunset to provide certainty that heavy-duty investments will continue to be prioritized and effective.
- 2) *Background.* The intent of SB 1204 was to establish a single, overarching program to ensure that the state is providing sufficient incentives for development and deployment of clean heavy-duty vehicles. The Clean Truck Program complements other heavy-duty vehicle programs; for example, while the Clean Truck Program focuses on development and deployment of clean truck technology, the Hybrid and Zero Emission Truck and Bus Voucher Incentive Project (HVIP), also funded by the GGRF, provides vouchers to reduce the cost of purchasing a hybrid or zero-emission truck.

- 3) *Where is the money going?* The Clean Truck Program officially commenced on July 1, 2015. In October 2015, ARB released a competitive solicitation of \$24 million for the Zero-Emission Truck Pilot Commercial Deployment Project; an additional \$59 million was allocated in October 2016. These solicitations were significantly oversubscribed, with funding requests totaling \$290 million. ARB selected nine projects, to be supplemented with an additional \$59 million in match funding from federal, state, local, and private sources. These projects included, among others, \$9.5 million to the City of Porterville to help fund the purchase and operation of 10 zero-emission transit buses; \$8 million to the Sacramento Metropolitan Air Quality Management District to help deploy 29 zero-emission school buses with 29 charging ports; and \$2.7 million to the Bay Area Air Quality Management District to help deploy 11 zero-emission battery electric trucks for Goodwill Industries.

SB 1204 also provides funding for Advanced Technology Demonstration Projects (ATDP) to help support technologies and vehicles that are on the cusp of commercialization. In 2016-17, ARB allocated \$34 million for demonstration projects and released two competitive solicitations for both on-road and off-road demonstration projects. The solicitations were heavily oversubscribed, with funding requests totaling nearly \$90 million. In 2017-18, ARB allocated \$190 million for ATDP, of which \$150 million was reserved for Zero- and Near-Zero-Emission Freight Facilities (including warehouses) and \$40 million for the Zero-Emission Off-Road Freight Voucher Incentive Project. ARB released the solicitation for Zero-and Near-Zero-Emission Freight Facilities on March 21, 2018.

- 4) *Amendments.* AB 398 of 2017 extended the sunset on the cap-and-trade program from December 31, 2020 to December 31, 2030. The author will accept amendments in committee to extend the sunset on the set-aside within the Clean Truck Program to December 31, 2030 in order to align with the cap-and-trade sunset.
- 5) *Double-referred.* This bill has also been referred to the Environmental Quality Committee.

RELATED LEGISLATION:

AB 1073 (E. Garcia, Chapter 632, Statutes of 2017) — extended the sunset on the set-aside within the Clean Truck Program for early commercial development of existing zero- and near-zero-emission heavy-duty trucks, from January 1, 2018 to December 31, 2020.

AB 2415 (E. Garcia) of 2016 — would have increased the set-aside within the Clean Truck Program from 20% to 50% or \$100 million per year, whichever was greater. *This bill was held on suspense in the Assembly Appropriations Committee.*

AB 857 (Perea) of 2015 — would have increased the set-aside in the Clean Truck Program from 20% to 50% or \$100 million per year, whichever was greater. *This bill was held on suspense in the Assembly Appropriations Committee and subsequently amended to address a different topic.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, April 4, 2018.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --