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Wieckowski, Bob
Wiener, Scott D.

California State Senate

TRANSPORTATION AND HOUSING



JIM BEALL
CHAIR

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Randy Chinn

Principal Consultant
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State Capitol, Room 2209
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AGENDA

Tuesday, May 15, 2018
1:30 p.m. -- John L. Burton Hearing Room (4203)

MEASURES HEARD IN FILE ORDER

Consent items indicated with a *

- | | | | |
|----|----------|--------------|--|
| 1. | SCR 90 | Roth | Joseph Tavaglione Interchange. |
| 2. | SCR 111* | Leyva | Douglas Stephen Franco Memorial Bridge. |
| 3. | AB 162 | Cervantes | High-occupancy vehicle lanes: County of Riverside. |
| 4. | AB 1041 | Levine | Bay Area Toll Authority and oversight committee: conflict of interest. |
| 5. | AB 1205 | Jones-Sawyer | Los Angeles County Metropolitan Transportation Authority: contracting. |
| 6. | AB 2062* | Maienschein | State highways: landscaping. |
| 7. | AB 2307* | Frazier | High-Speed Rail Authority: Senate confirmation. |
| 8. | AB 3077* | Caballero | Vehicles: bicycle helmets. |
| 9. | AB 3124* | Bloom | Vehicles: length limitations: buses: bicycle transportation devices. |

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: SCR 90 **Hearing Date:** 5/15/2018
Author: Roth
Version: 1/29/2018
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: Joseph Tavaglione Interchange

DIGEST: This bill designates the interchange where State Highway Routes 60 and 91 meet Interstate 215 in the County of Riverside as the Joseph Tavaglione Interchange.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the interchange where State Highway Routes 60 and 91 meet Interstate 215 in the County of Riverside as the Joseph Tavaglione Interchange. The Department of Transportation is requested to determine the cost of appropriate signs and, upon receiving sufficient donations from non-state sources, to erect those signs.

COMMENTS

- 1) *Purpose.* The purpose of this resolution is to honor the service of Joseph Tavaglione by naming a portion of Interstate 215 after him.
- 2) *Background on Joseph Tavaglione.* Joseph Tavaglione has a very long history of distinguished public service to both the Inland Empire and the State of California.

The Tavaglione family settled in the City of Riverside in 1927. Joseph Tavaglione is a World War II Air Force veteran. He is the President of Tavaglione Construction and Development, Inc., a family-owned business in the City of Riverside that started in 1960 and is licensed in all 50 states. Mr. Tavaglione is the past chair of the California Contractors' State License Board and also served as the President of the National Association of State Contractors Licensing Agencies. He is a founding member of the Board of Directors of the Security Bank of California. In addition, he served two terms on the City of Riverside Board of Public Utilities and as a member of the City of Riverside Planning Commission. Mr. Tavaglione is serving his fourth term, under three Governors, as a member of the California Transportation Commission.

Mr. Tavaglione has also been deeply involved as a leader in charitable activities in the region. He is a member of the Board of Directors of the Riverside Humane Society Pet Adoption Center, the Riverside County University Health System Medical Center Foundation, and the Children's Spine Foundation. He is also a member of the Foundation Board of Trustees for both the University of California at Riverside and La Sierra University.

- 3) *Inconsistent with Committee Policy.* This resolution is inconsistent with the provisions of the committee's policy on highway designation as Mr. Tavaglione is not deceased. The purpose of this policy is to allow time to adequately

reflect on the life and service of the designated individual to ensure the honor is deserved and that the complete body of service is recognized and understood. Two exceptions have been made this decade: ACR 65 (Hall, Chapter 140 of 2013) which named the western span of the Bay Bridge after Willie L. Brown, Jr., and SCR 8 (Portantino, Chapter 146 of 2017), which named a portion of State Route 134 after President Obama.

RELATED LEGISLATION:

SCR 8 (Portantino, Chapter 146 of 2017) — designates a portion of State Route 134 for President Obama.

ACR 65 (Hall, Chapter 140 of 2013) — designates the western span of the Bay Bridge for Willie L. Brown, Jr.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

California Transportation Commission
City of Riverside
Coachella Valley Association of Governments
Corona Chamber of Commerce
County of Riverside
Inland Empire Economic Partnership
Malcolm Dougherty
Mobility 21
Riverside County Transportation Commission
Southern California Association of Governments
Southern California Partnership for Jobs
Western Riverside Council of Governments

OPPOSITION:

None received.

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	SCR 111	Hearing Date:	5/15/2018
Author:	Leyva		
Version:	4/9/18		
Urgency:	No	Fiscal:	Yes
Consultant:	Randy Chinn		

SUBJECT: Douglas Stephen Franco Memorial Bridge

DIGEST: This bill designates a specified overcrossing on Interstate 10 in the City of Colton as the Douglas Stephen Franco Memorial Bridge.

ANALYSIS:

The committee has adopted a policy regarding the naming of state highways or structures. Under the policy, the committee will consider only those resolutions that meet all of the following criteria:

- 1) The person being honored must have provided extraordinary public service or some exemplary contribution to the public good and have a connection to the community where the highway or structure is located.
- 2) The person being honored must be deceased.
- 3) The naming must be done without cost to the state. Costs for signs and plaques must be paid by local or private sources.
- 4) The author or co-author of the resolution must represent the district in which the facility is located, and the resolution must identify the specific highway segment or structure being named.
- 5) The segment of highway being named must not exceed five miles in length.
- 6) The proposed designation must reflect a community consensus and be without local opposition.
- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the Pepper Avenue overcrossing in the City of Colton as the Douglas Stephen Franco Memorial Bridge. The Department of Transportation is requested to determine the cost of appropriate signs and, upon receiving sufficient donations from non-state sources, to erect those signs.

COMMENTS:

- 1) *Purpose.* The purpose of this resolution is to honor the life and service of Douglas Stephen Franco by naming a bridge after him.
- 2) *Background on Douglas Stephen Franco.* Douglas Stephen Franco began his career working as an engineer for the California Department of Transportation, launching more than 25 years of service dedicated to improving the quality of life for the residents of southern California through enhancing the transportation system. Mr. Franco served with distinction as a resident engineer for projects conducted for the San Bernardino County Transportation Agency between 1995 and 2017.
- 3) *Consistent with Committee Policy.* This resolution is consistent with the provisions of the committee's policy on highway designation. The highway passing through the Pepper Avenue overcrossing is already named and appropriate signage has been erected. The overcrossing has not been named; the appropriate signage will be a metal plaque on the bridge, which will be distinctive from the highway naming sign.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

San Bernardino County Transportation Authority
Vali Cooper & Associates, Inc.

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No:	AB 162	Hearing Date:	5/15/2018
Author:	Cervantes		
Version:	5/8/2018		
Urgency:	No	Fiscal:	Yes
Consultant:	Manny Leon		

SUBJECT: High-occupancy vehicle lanes: County of Riverside

DIGEST: This bill eliminates the use of double parallel solid lines on high-occupancy vehicle (HOV) lanes in Riverside County, as specified.

ANALYSIS:

HOV lanes, also known as carpool or diamond lanes, are a traffic management strategy to promote and encourage ridesharing which, in turn, aims to alleviate vehicle congestion and maximize the people-carrying capacity of the state's highways. Motorcycles, transit vehicles (i.e. public transit buses) and passenger vehicles with two or more (2+) occupants are allowed to access HOV lanes during their operational hours. Furthermore, an "occupant" is considered any person who occupies a safety restraint device, i.e. seat-belt. The most recent data from the Department of Transportation (Caltrans) notes that the state highway system now has over 1,700 miles of HOV lanes in California.

HOV operational hours vary in northern and southern parts of the state:

In Northern California, HOV lanes are only operational on Monday through Friday during posted peak congestion hours, for example: between 6 - 10 a.m. and 3 - 7 p.m. All other vehicles may use the lanes during off-peak hours. This is referred to as "part-time" operation.

In Southern California, HOV lanes are generally separated from other lanes by a buffer zone. The HOV lanes are in effect 24-hours a day, seven-days a week, referred to as "full-time" operation.

The difference in north and south operational periods is a result of varied traffic and commute patterns. Northern California highways usually experience two weekday congestion periods during peak morning and afternoon commute hours, followed by a long period of non-congestion. Full-time operation would leave the

HOV lane relatively unoccupied during off-peak hours and would not constitute an efficient use of the roadway. On the other hand, Southern California highways typically experience very long hours of congestion, generally between six to eleven hours per day, with short off-peak traffic hours. Part-time operation under these conditions is generally considered impractical.

Additionally, HOV lane configurations differ in Northern and Southern California. In Northern California, part-time HOV lanes offer "continuous access" where vehicles are allowed to enter or exit the HOV lane continuously along the freeway thereby allowing vehicles to lane change continuously during HOV enforcement hours. Conversely, full-time HOV lanes in Southern California are typically "limited access," where HOV lanes have specified ingress and egress locations that allow vehicles to enter and exit only in those limited designations. Limited access HOV lanes are generally separated from general purpose lanes by double line markings, buffer zones, or physical barriers.

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 Caltrans.
- 2) Authorizes Caltrans to designate certain highway lanes for the exclusive or preferential use of high-occupancy vehicles.
- 3) With respects to HOV lanes, requires Caltrans or a local agency responsible for the lanes to place and maintain the appropriate signage and/or traffic control devices to properly identify designated HOV lanes and further advise motorist of the applicable vehicle occupancy levels and hours of enforcement.
- 4) Prohibits a vehicle from crossing over double parallel solid lines to enter or exit a HOV lane and further specifies that a vehicle may enter or exit in designated segments only where a single broken line is in place.
- 5) Authorizes a regional transportation agency, in cooperation with Caltrans, to apply to the California Transportation Commission (CTC) to develop and operate high-occupancy toll (HOT) lanes, as specified.

This bill:

- 1) Eliminates the use of double parallel solid lines on HOV lanes in Riverside County.

- 2) Exempts any HOT lane in Riverside County from removing or prohibiting the striping of double parallel solid lines.
- 3) Requires any HOV lane marking modifications to follow requirements as specified in the California Manual Uniform of Traffic Control Devices (MUTCD).

COMMENTS

- 1) *Purpose.* According to the author, “allowing vehicles to enter and exit carpool lanes at any point would be a win-win situation for Riverside County commuters. In other parts of our state, this has led to better safety for commuters, better traffic flow, and cleaner air. It is time for Riverside County to also make this change through the enactment of Assembly Bill 162.”
- 2) *Continuous vs. Limited.* Research studying the effectiveness of continuous versus limited access on HOV lanes has produced mixed results. Whereas studies have indicated accident rates are in fact lower or have been reduced when limited access lanes are converted to continuous access, other studies have indicated that when certain modifications are made to either configuration, such as widened shoulder width, accident rates are decreased regardless of the type of access provided. Additionally, a 2012 Caltrans study on HOV lanes in Southern California found that while continuous access HOV lanes under certain conditions provided higher average travel speed, limited access HOV lanes were found to provide higher maximum throughput. This study also found that when an HOV lane was converted from limited to continuous for study purposes, HOV lane violation rates considerably increased; however, the study also found that collisions decreased in certain segments.

Over the last 10 years, efforts have been made by transportation agencies to convert limited access HOV lanes to continuous access lanes. In Orange County, the Orange County Transportation Authority (OCTA) has led the charge. In 2007, OCTA opened continuous access lanes on State Route 22 (SR-22) as part of their Measure M local sales tax measure expenditure plan. Additionally, AB 2906 (Chapter 27, Statutes of 2008, Tran) removed specific HOV lane marking requirements for State Route 55 (SR-55) which has allowed OCTA to operate continuous access on certain portions of SR-55. This bill will provide direction to Caltrans to convert any limited access HOV lane in Riverside County that is not a HOT lane into a continuous access lane.

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

POSITIONS: (Communicated to the committee before noon on Wednesday,
May 9, 2018.)

SUPPORT:

Riverside County Board of Supervisors

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 1041

Hearing Date: 5/15/2018

Author: Levine

Version: 1/3/2018

Urgency: No

Fiscal: No

Consultant: Manny Leon

SUBJECT: Bay Area Toll Authority and oversight committee: conflict of interest

DIGEST: This bill places member eligibility restrictions on the Independent Oversight Committee established under the Bay Area Toll Authority's (BATA) Regional Measure 3 (RM3), as specified.

ANALYSIS:

Existing law:

- 1) Establishes the Metropolitan Transportation Commission (MTC) as the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area.
- 2) Creates BATA, within MTC, to administer toll revenues collected on the seven state-owned Bay Area toll bridges (except for revenues derived from the \$1 seismic toll surcharge). BATA is governed by the same board as MTC.
- 3) Authorizes BATA to increase toll rates to meet bond obligations; to provide funds for the planning, design, construction, operation, maintenance, repair, replacement, rehabilitation, and seismic retrofit of the state-owned toll bridges; and to provide funding to meet requirements of two existing regional measures (RM1 and RM2).
- 4) Directs the San Francisco Bay Area counties to place on the ballot a third regional measure (RM3) that, if approved by a majority of the voters, would increase tolls on the seven state-owned toll bridges by up to \$3.
- 5) Upon approval of RM3, directs BATA to establish an independent oversight committee to ensure RM3 toll revenues that are expended are consistent with the authority being granted; prescribes the membership of the oversight committee to include two representatives from each county within MTC's

jurisdiction, appointed by the applicable county board of supervisors with each representative to serve a four-year term on the oversight committee.

This bill:

- 1) Prohibits a representative appointed to the RM3 oversight committee from being a member, former member, staff, or former staff of BATA or MTC, a current employee of any organization or person that has received or is receiving funding from BATA or MTC, or a former employee or person who has contracted with any organization or person that has received or is receiving funding from BATA or MTC within one year of having worked for or contracted with that organization or person.

COMMENTS

- 1) *Purpose.* According to the author, "Assembly Bill 1041 will clarify who may serve as a representative on the oversight committee created by Regional Measure 3. Specifically, AB 1041 would ensure an oversight committee representative is not a member, former member, staff, or former staff of the Metropolitan Transportation Commission or the Bay Area Toll Authority. The bill would also prohibit candidates who worked for or contracted with MTC or BATA for one year after their employment with those organizations. This bill will protect the public from oversight committee representatives that have potentially challenging relationships that could influence their judgement."
- 2) *RM 3.* In 2017, the Legislature passed and Governor Brown signed SB 595 (Beall, Chapter 650, Statutes of 2017), which directs the nine Bay Area counties to place RM3 on the ballot for voters to consider whether or not to increase bridge tolls. If approved by Bay Area voters, RM3 is anticipated to generate approximately \$4.2 billion to fund transportation infrastructure and transit projects in the Bay Area. SB 595 also included a number of oversight provisions including requiring BATA to establish an independent oversight committee responsible for ensuring the RM3 revenues are expended consistent with that list.

This bill simply provides additional clarification relative to the eligibility requirements for members that are nominated to the RM3 Independent Oversight Committee.

RELATED LEGISLATION:

SB 595 (Chapter 650, Statutes of 2017, Beall) — requires the City and County of San Francisco and the other eight Bay Area counties to conduct a special election to increase the toll rate charged on state-owned bridges within the region, as specified.

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

Assembly votes:

Floor: 68-0

Trans: 11-0

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 1205 **Hearing Date:** 5/15/2018
Author: Jones-Sawyer
Version: 3/5/2018
Urgency: No **Fiscal:** No
Consultant: Manny Leon

SUBJECT: Los Angeles County Metropolitan Transportation Authority:
contracting

DIGEST: This bill makes changes to the Los Angeles County Metropolitan Transportation Authority's (METRO) contracting requirements for small business enterprises (SBE) and establishes a medium business enterprise program, as specified.

ANALYSIS:

METRO is a multimodal transportation agency providing a variety of transportation-related services and functions for Los Angeles County. These services/functions include transportation planning, transit services (both bus and light rail), capital construction projects, and administering several local sales tax measures.

In 2010, AB 1341 (Price, Chapter 494, Statutes of 2010) authorized METRO to facilitate contract awards to small businesses on contracts over \$100,000. Several years later, AB 2440 (Lowenthal, Chapter 703, Statutes of 2012) eliminated the \$100,000 limitation on METRO's authority to facilitate contract awards to small businesses. In facilitating SBE contracts, METRO may provide a bid preference of 5% to the lowest responsible bidder. METRO can also establish a subcontracting participation goal for SBEs on certain contracts financed with nonfederal funds and give a preference of 5% to the lowest responsible bidders that meet that goal. In 2016, AB 2690 (Chapter 204, Statutes of 2016, Ridley-Thomas) further clarified that project bidders are required to meet METRO-established SBE goals, rather than bidders just making a good-faith effort, with the contract then going to the lowest responsible bidder that meets SBE goals. AB 2690 also authorized METRO to side aside work for competition among certified SBEs for projects ranging from \$5,000 to \$3 million. For these projects, METRO is required to obtain three quotes for each SBE project that goes out to bid with the award going to the lowest responsible bidder.

Existing law:

- 1) Establishes County Transportation Commissions and designates specific powers and duties.
- 2) Creates METRO and designates various powers and duties with respect to transportation planning, programming, construction, and operations.
- 3) Establishes contracting requirements for METRO and provides specified authorization to award contracts under certain circumstances to SBEs if certain criteria are met.
- 4) For contracts that are set aside for competition among certified SBEs, requires METRO to obtain three price quotations from certified SBEs prior to awarding to the lowest responsible bidder.
- 5) Requires METRO to report to the Legislature by December 31, 2017, regarding any contracts awarded under the abovementioned process.
- 6) Defines "small business enterprise" to mean a business enterprise that is classified as a small business under United States Small Business Administration rules and meets the current SBE size standards found in part 121 of Title 13 of the Code of Federal Regulations appropriate to the type of work the enterprise seeks to perform.
- 7) Allows METRO to establish limitations regarding the average annual gross receipts of a small business over the previous three fiscal years and establish limitations regarding the personal net worth of the owner of the small business, exclusive of the value of the owner's personal residence.

This bill:

- 1) Changes METRO's process to award contracts to SBEs by authorizing METRO to award a contract after soliciting three bids from SBEs, rather than obtaining three bids prior to awarding a contract to a SBE.
- 2) Similar to METRO's SBE program, establishes a medium business enterprise (MBE) category with project costs ranging from \$3 million to \$30 million. Further authorizes METRO to award a contract to the lowest responsible bidder if METRO solicits for three or more price quotes from MBE's for the project out for bid.

- 3) Makes technical conforming changes.

COMMENTS

- 1) *Purpose.* According to the author, “the Los Angeles County Metropolitan Transportation Authority (LA METRO) serves approximately 32,371,640, riders in Los Angeles County, and these riders are predominately minorities and low-income individuals. To ensure that all of these riders receive adequate access to reliable public transportation LA METRO has focused on new construction projects for rail and bus lines. These projects present an opportunity for small and medium sized business to develop new partnerships with one of the largest transportation authorities in the state. However, current law limits LA Metro’s ability to contract with medium sized businesses, and bid requirement for small businesses resulted in 13 out 19 projects having to return to the general applicant pool in 2017. Removing the bid requirement in current law would help minority owned businesses compete against larger firms, and would allow for increased economic prosperity for all of Los Angeles. Finally, providing for a separate medium business set aside would provide a pathway for these businesses to grow and further contribute to their communities.”
- 2) *Various state and local programs.* California has had a small business preference within the state’s procurement process for more than 30 years. Some cities have programs that grant preference to local or regional small businesses. These may be in lieu of or in addition to preferences for small businesses in general. These programs are governed by a combination of state law and city charter provisions. Ultimately, small business programs assist various types of businesses in obtaining government contracts by “setting aside” specific government purchases exclusively for participation by these particular types of businesses. It is important to note that the contracts are still competitive; however, the competition is narrowed.
- 3) *SBE report.* As mentioned, AB 2690 required METRO to submit a report to the Legislature by December 31, 2017 providing an overview of the contracts awarded through the SBE set-aside process. The report notes that the since the inception of the SBE program until the end of 2017, METRO has awarded more than \$52 million in SBE contracts. Specifically, for the 2017 calendar year, METRO awarded over \$3.5 million to six SBE prime contractors. The report further noted that out of the 19 contracts that were solicited for SBE participants, 13 contracts failed to obtain the required three price quotes, in turn, requiring METRO to solicit bids from a general pool of bidders as opposed to only SBE participants. METRO estimated that the total loss to SBEs due to lack of sufficient bid quotes was \$14.5 million in 2017.

- 4) *MBE*: Similar to METRO's SBE program, this bill proposes to establish the first-of-its-kind MBE program. The sponsor and author of this bill assert that creating a set-aside program for medium sized businesses, METRO could create a path for growth and development that help communities they serve. Currently, no known medium sized business program exists in the United States and the federal Small Business Administration does not have any certified MBE programs or guidelines. Therefore, it is unclear whether the MBE criteria established in this bill sets the appropriate program parameters. Furthermore, small business programs are typically designed to assist minority and women-owned businesses obtain government contracts. To that end, the Small Business Administration provides detailed policies for small business programs to meet these guidelines and requirements. With no federal policies established for MBEs, it is unclear whether an MBE program created under this bill will similarly assist minority or women-owned medium sized businesses obtain government contracts.

However, other countries do in fact have medium sized business programs. For example, the European Union's criteria for a medium sized business include a business having less than 250 employees, and generate less than €50 million euro or have a balance sheet of less than €43 million euro. In Switzerland, medium sized enterprises are businesses with between 50 and 249 employees.

This bill aims to provide METRO with greater flexibility to assist existing small businesses in the Los Angeles region and those businesses growing but cannot yet competitively compete with larger corporations. It's important to note that AB 2690 included a reporting requirement for METRO's SBE program. If this bill is approved by this committee, the author may wish to consider including reporting requirements for METRO's MBE program as the bill moves forward. A reporting requirement will allow the Legislature to evaluate the program's effectiveness similar to METRO's SBE program.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

Los Angeles Metropolitan Transportation Authority (sponsor)

OPPOSITION:

None received.

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SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 2062

Hearing Date: 5/15/2018

Author: Maienschein

Version: 4/30/2018

Urgency: No

Fiscal: Yes

Consultant: Manny Leon

SUBJECT: State highways: landscaping

DIGEST: This bill requires the Department of Transportation (Caltrans) to include California native wildflowers and climate-appropriate vegetation in planting projects, as specified.

ANALYSIS:

Existing law:

- 1) Provides that Caltrans has full possession and control of all state highways and associated property.
- 2) Authorizes Caltrans to take any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways within its jurisdiction.
- 3) Requires Caltrans, where practical or desirable, to replace trees that have been destroyed or removed because of projects undertaken to widen the highway.
- 4) Requires Caltrans to use drought resistant landscaping along freeways whenever feasible, taking into consideration such factors as erosion control and fire retardant needs.

This bill:

- 1) Requires Caltrans, when appropriate, to include California native wildflowers and native and climate-appropriate vegetation in planting projects.
- 2) Provides that a priority shall be given to those species of wildflowers that will help rebuild pollinator populations.

COMMENTS

- 1) *Purpose.* According to the author, “Honeybees and pollinators alike are vital to the success of California’s agricultural industry and play an important role in our daily lives. One in every three bites of food consumed around the world depends on pollination, in particular bee pollination. We must secure California’s bee population to ensure the future success and well-being of our state. There is no single cause for the decline of our bee populace; however, the increase of foraging opportunities is one solution that will promote pollinator health year-round. California’s highway landscape is the perfect place to increase pollinator friendly vegetation to increase pollinator foraging opportunities.”
- 2) *Existing requirements.* Highway landscaping requirements currently exist in both Caltrans’ Highway Design Manual and Maintenance Manual. Specifically, the highway design manual notes in chapter 900, “planting and irrigation design should minimize ongoing intensive maintenance activities” and specifies conserving water by “using regionally appropriate drought tolerate native and non-native plants that will require little or no supplemental water... select and arrange regionally appropriate drought tolerant native and non-native plants to be visually and culturally compatible with local indigenous plant communities and the surrounding landscape.”
- 3) *Pollinators.* Pollinators, specifically the honey bee, are essential to the agricultural industry of our state and nation. In the United States, bees pollinate crops valued at more than \$15 billion per year including many varieties of fruits, vegetables, and plants such as alfalfa and clover to feed cattle and other grazing animals. The author asserts that California’s bee population has declined in recent years due to multiple factors including lack of foraging opportunity, parasitic infestation, and pesticide use. California must secure its bee population to ensure the future success and well-being of the state. While both the Highway Design Manual and Maintenance Manual do in fact contain similar landscaping requirements as provided in this bill, existing requirements are silent on placing a priority on wildflowers and native plants that would benefit pollinator populations when appropriate. This bill will provide that clarification.

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

Assembly votes:

Floor: 68-0
Approps: 15-0
Trans: 13-0

POSITIONS: (Communicated to the committee before noon on Wednesday,
May 9, 2018.)

SUPPORT:

California State Beekeepers Association
Center for Food Safety
Occidental Arts and Ecology Center
Pesticide Action Network North America

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 2307

Hearing Date: 5/15/2018

Author: Frazier

Version: 3/15/2018

Urgency: No

Fiscal: No

Consultant: Manny Leon

SUBJECT: High-Speed Rail Authority: Senate confirmation

DIGEST: This bill requires all Governor's appointees to the California High-Speed Rail Authority (HSRA) Board of Directors be confirmed by the California State Senate.

ANALYSIS:

HSRA was established by legislation in 1996 (SB 1420, Kopp, Chapter 796) to direct the development and implementation of an intercity high-speed rail service that is fully coordinated with other public transportation services. In 2008, California voters approved Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Prop. 1A), which authorized \$9 billion in general obligation bonds for the high-speed rail project. Prop. 1A included a number of requirements the state must meet to access the bond funding for capital construction, including the identification of matching funds, the completion of a funding plan, and approval of required environmental clearance documents.

In 2009, the federal government augmented Prop. 1A bond funding with roughly \$3.3 billion in funding from the American Recovery and Reinvestment Act and other federal funding programs. HSRA committed to match these federal funds with approximately \$2.3 billion in state funding. In 2014, the Legislature approved the allocation of Cap-and-Trade revenues, which provide approximately \$500 million annually to be used on the project.

In early 2015, construction on the high-speed rail project commenced in the Central Valley. The 119 mile Central Valley segment, otherwise known as the Initial Construction Segment (ICS), is broken down into four design-build construction packages (CP 1, 2-3, and 4). Since 2015, construction has started on all four construction packages with Fresno County experiencing the most construction activity to date.

Over the evolution of the high-speed rail project, the responsibility of HSRA and Board of Directors has grown from serving as a planning authority to now a state department executing billion dollar contracts and employing hundreds of state and contracted employees.

Existing law:

- 1) Creates HSRA with specific powers and duties relative to the development and implementation of an intercity high-speed rail system in California.
- 2) Defines the HSRA Board of Directors be composed of eleven members with five members appointed by the Governor, two members appointed by the Senate Committee on Rules, and two members appointed by the Speaker of the Assembly. The last two are ex-officio, non-voting members with one member of the California State Senate appointed by the Senate Committee on Rules and one member of the California State Assembly appointed by the Speaker of the Assembly.
- 3) Defines the terms for office and filling vacancies, including authorizing members to serve four year terms or until their replacement is appointed.
- 4) Requires the Governor, the Senate Committee on Rules, and the Speaker of the Assembly to take into consideration geographical diversity for their appointments to the Board of Directors to ensure that all regions of the state are adequately represented.
- 5) Authorizes voting members to elect a chairperson, constitute a quorum, receive compensation for HSRA business, and receive reimbursement for actual travel expenses.
- 6) Authorizes HSRA to appoint an Executive Director and key executives for various areas of management.

This bill:

- 1) Requires all Governor's appointees to the HSRA Board of Directors be confirmed by the California State Senate.

COMMENTS

- 1) *Purpose.* According to the author, "the State of California and its voters have committed billions of dollars of public funds to the largest infrastructure project in the United States. As such, the oversight of its ongoing development and

construction is of utmost importance to the Legislature. AB 2307 would add an additional layer of oversight by requiring appointees to the Authority Board of Directors be reviewed by the Legislature and confirmed in a public hearing with stakeholder input.”

- 2) *HSRA Board of Directors.* The HSRA Board of Directors provides oversight of the planning, design, and construction of the high-speed rail system. The Board of Directors reviews and approves contracts entered into by HSRA and oversees ongoing work of HSRA with public and private partners. Additionally, the Board of Directors oversees the hiring of the Executive Director of HSRA, and the Authority’s Risk Manager and Auditor report directly to the Board to identify risks or concerns for the project.
- 3) *Senate confirmation.* The Senate Rules Committee, which oversees the confirmation process, has a thorough regime for vetting appointees. This includes requiring a background questionnaire, a vetting process, an interview, and finally a hearing and a vote. A hearing allows for public comment on the appointee. As a hearing can be held quite a few months after the person is appointed, the person can serve in the position for up to a year from the appointment date. After approval by the Senate Rules Committee the appointment is voted on by the full Senate.

Numerous other boards and commissions in California have Governor’s appointees confirmed by the Senate, including the California Transportation Commission, the California Air Resources Board, and the California Public Utilities Commission. These Boards have authority and responsibility over critical state programs and allocate billions of taxpayer dollars. Having HSRA board members be appointed “with the advice and consent of the Senate,” will provide additional oversight of the development and construction of the high-speed rail system.

RELATED LEGISLATION:

AB 1813 (Frazier, Chapter 117, Statutes of 2016) — added two ex-officio, non-voting members to the Authority Board, one member of the Senate and one member of the Assembly.

AB 2382 (Lopez, 2016) — would have added at least one member to the High-Speed Rail Authority Board of Directors who works directly with communities in the state that are most significantly burdened by, and vulnerable to, high levels of pollution. *AB 2382 failed passage in this committee.*

SB 517 (Lowenthal, 2011) — would have required the Governor's appointees to the High-Speed Rail Authority Board be confirmed by the Senate and have specific backgrounds. SB 517 also required the Senate and Assembly appointees to have specific backgrounds, and would have added the Secretary of Business, Transportation and Housing Agency as a non-voting, ex-officio member. *SB 517 was held on the Assembly Appropriations Committee suspense file.*

SB 455 (Lowenthal, 2009) — would have required the Governor's appointees to be confirmed by the Senate. *SB 455 was vetoed by Governor Schwarzenegger.*

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

Assembly votes:

Floor: 75-0

Trans: 14-0

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

None received.

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 3077 **Hearing Date:** 5/15/2018
Author: Caballero
Version: 4/9/2018
Urgency: No **Fiscal:** No
Consultant: Jeffery Song

SUBJECT: Vehicles: bicycle helmets

DIGEST: This bill authorizes a person under the age of 18 to correct a violation for not wearing a helmet when riding on a bike, scooter, or skateboard, or while wearing roller skates, without paying a fine, if the parent or guardian delivers proof that the person has a helmet and the person attends a bicycle or related safety course, if one is available.

ANALYSIS:

Existing law:

- 1) Requires a person under the age of 18 to wear a properly fitted and fastened helmet, as defined, while riding on, or being a passenger on, a bicycle, non-motorized scooter; or a skateboard, or while wearing in-line or roller skates.
- 2) Requires the helmet be worn when riding on a street, bikeway, bike path, or trail.
- 3) Requires the helmet to be labeled with the manufacturer's certification that it meets safety standards.
- 4) Requires a fine for the violation of these provisions to be no more than \$25.
- 5) Authorizes the court to dismiss a charge for a violation of these provisions if it is the first offense.
- 6) Requires the proceeds from fines levied for violations of these provisions to be allocated as follows:
 - a) 72.5% for safety education training and to assist low income families in obtaining approved bicycle helmets;
 - b) 2.5% for county administration; and,

- c) 25% for the city or county depending on where the violation occurred.

This bill:

- 1) Authorizes a person under the age of 18 to correct a violation for not wearing a properly fitted and fastened helmet, as defined, while riding on, or being a passenger on, a bicycle, non-motorized scooter, or a skateboard, or while wearing in-line or roller skates unless there are disqualifying conditions, as defined, without having to pay a fine.
- 2) Allows the violation to be dismissed by the issuing agency, if the parent or legal guardian delivers proof to the issuing agency that:
 - a) The person has a helmet that meets all of the requirements, as defined; and
 - b) The person attends a bicycle or related safety course as prescribed by the authorities in that jurisdiction, if one is available.

COMMENTS

- 1) *Purpose.* The author states that bicycle crashes are the fourth largest contributor to childhood injury costs and the leading cause of injury among school-age children. As studies have shown, helmet use is widely accepted as an effective means for preventing severe and traumatic brain injury in bicycle riding. This bill is intended to increase general helmet use among minors by allowing a citation for not wearing a helmet to be dismissed if the minor can show proof of having a helmet and attends a bicycle safety course.
- 2) *California's Helmet Law.* In California, anyone under the age of 18 must wear a properly fitted helmet when riding a bicycle, scooter, or a skateboard or when using inline or roller skates on a street, bikeway, or public bicycle path or trail. For a first offense, California law requires the violation to be dismissed if the rider states in court that it is their first offense. Otherwise, the base fine is no more than \$25. If a minor is charged with riding without a helmet, parents are responsible for paying the fine. With other court fees and adjustments, the \$25 fine can cost over \$200.
- 3) *"Fix-it" Tickets.* In California, there are a few violations that are "fix-it" tickets, meaning that the tickets can be waived by the issuing agency and not transmitted to the courts, if the violation is fixed. One example is a bike equipment violation, such as not having brakes on the bike, or not having lights when riding at night. This ticket can be waived by providing proof to the

issuing agency that the missing equipment has been added to the bike. This bill would make the violation for not wearing a helmet as a minor a similar correctable ticket that can be dismissed, if the parent or legal guardian provides proof that a helmet has been obtained and a local safety course has been taken, if available.

- 4) *Helmets Reduce the Risk of Death.* In 1993, the Legislature passed the bicycle helmet law (AB 2268, Caldera), in response to the high number of children's head injuries seen in emergency rooms due to bicycle crashes. The proper use of a helmet has been shown to reduce head injuries and the risk of death from bicycle crashes. A study of ~6,000 bike-related injuries in the US found that riders wearing helmets had 52% lower risk of brain injury and a 44% lower risk of death compared to unhelmeted riders.¹ Also, a study of 1,200 children treated for bike-related injuries in Los Angeles County from 2006 to 2011 found that the primary reason for a fatality was head or brain injury, and that of the nine children who died, eight were not wearing a helmet.² The study also found that very few (~10%) of the children were wearing helmets at the time of the accident.
- 5) *Collaboration Needed.* The sponsor of this bill states that the bicycle helmet law in 1993 initially encouraged local law enforcement, schools, and safety groups to work together to increase the use and access of helmets for children in the state. It is estimated that helmet use in many California communities reached up to 60% for a few years after the implementation of the law. However, in recent years that percentage has dropped. Some suggest that this is due to the rising level of the ticket cost from additional court fees, which has led to decreased enforcement of the helmet law. According to the California Highway Patrol, they gave out less than 100 tickets across the state for this violation last year. By making the violation for not wearing a helmet a "fix-it" ticket, the bill intends to renew the collaborative efforts that existed in past years, resulting in higher enforcement, compliance, and bicycle safety.
- 6) *More Active Transportation.* The 2017 California State Bicycle and Pedestrian Plan sets a statewide goal of tripling bicycling by 2020. As the state continues to support active transportation programs and policies, enforcement laws should evolve to ensure safety. By making compliance with the helmet law a "fix-it" ticket, this bill may help increase enforcement and encourage the use of helmets. To further help with this effort, the Legislature, in the future, may want to discuss broader issues, such as the availability of bicycle and related safety education courses, and programs that provide helmets for kids.

¹ <https://www.reuters.com/article/us-health-bicycles-helmets-idUSKCN10U1LY>

² https://www.eurekalert.org/pub_releases/2013-10/aaop-o1p1017

RELATED LEGISLATION:

AB 2989 (Flora, 2017) — would require a person under the age of 18 to wear a helmet while operating a standup electric scooter. *This bill is currently in the Assembly Appropriations Committee.*

SB 1924 (O’Connell, Chapter 475, Statutes of 2002) — required a person under the age of 18 to wear a helmet while operating, or riding as a passenger, a non-motorized scooter or skateboard or while wearing in-line or roller skates.

AB 2268 (Caldera, Chapter 1000, Statutes of 1993) — required a person under 18 to wear a properly fitted helmet to operate a bicycle, with violation of the statute being an infraction with a penalty of not more than \$25.

Assembly Votes:

Floor: 75-0

Trans: 14-0

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

POSITIONS: (Communicated to the committee before noon on Wednesday, 5/9/2018.)

SUPPORT:

California Coalition for Children’s Safety and Health (sponsor)
American Academy of Pediatrics, California
Automobile Club of Southern California

OPPOSITION:

None received.

-- END --

SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 3124

Hearing Date: 5/15/2018

Author: Bloom

Version: 4/2/2018

Urgency: No

Fiscal: No

Consultant: Manny Leon

SUBJECT: Vehicles: length limitations: buses: bicycle transportation devices

DIGEST: This bill extends the length limitations for bike racks attached to articulated buses or articulated trolley coaches, as specified.

ANALYSIS:

Existing law:

- 1) Generally limits the length of a bus to 40 feet in length and an articulated bus or articulated trolley coach to 60 feet.
- 2) Authorizes a public transit operator to equip its buses of 40 feet in length with bicycle racks that extend up to 40 inches out from the front of its buses and be loaded such that the bicycle handlebars extend up to 46 inches in front of the bus.
- 3) Authorizes a public transit operator to equip its articulated buses or trolleys of 60 feet in length with bicycle racks that extend up to 36 inches out from the front of its buses and be loaded such that the bicycle handlebars extend up to 42 inches in front of the bus.
- 4) Authorizes buses of a length of 45 feet to operate on the federal aid highway system, as defined, and allows bicycle racks that extend up to 36 inches out from the front of its buses and be loaded such that the bike handlebars extend up to 42 inches in front of the bus. In no case can the total length of the bus, the bike rack, and bikes be greater than 48.5 feet.
- 5) Requires a transit agency to establish a route review committee if it wants to operate 45-foot buses with front-mounted bike racks. The route review committee must conduct a field review of routes where the buses would travel and consult traffic engineers from the public agencies with jurisdiction over the

roads that the bus routes follow. Only when a route review committee determines by unanimous vote that 45-foot buses with front bike racks can operate safely on the selected routes may the public transit agency then operate such buses on those routes. The route review committee must be comprised of:

- a) A representative of the transit agency appointed by the general manager of that agency;
 - b) A traffic engineer from the public agency that has jurisdiction over the largest proportion of the transit agency's bus routes; and,
 - c) A representative of the bus drivers chosen by the labor organization representing the bus drivers.
- 6) Authorizes the Alameda-Contra Costa Transit District (AC Transit), the Sacramento Regional Transit District (SacRT), and Gold Coast Transit to install 40-inch bicycle racks on the front of their buses, with approval of a route review committee for installation on 45-foot buses.
- 7) Authorizes Los Angeles County Metropolitan Transportation Authority (Metro) to operate buses up to 82 feet in length on the designated Orange Line in L.A. County, with approval of a route review committee.

This bill:

- 1) Authorizes an operator to equip articulated transit bus or trolley of no more than 60 feet in length with a front-mounted bicycle rack that extends up to 40 inches from the front body of the bus when fully deployed, rather than the 36 inches allowed under current law, as long as it does not affect vehicle safety equipment.
- 2) Limits the handlebars of a bicycle that is being transported on such a rack from extending more than 46 inches from the front of the bus rather than the 42 inches under current law.
- 3) Requires the public agency who wants to add these 40 inch bicycle racks to buses or trolleys to establish a route review committee comprised of four members:
 - a) One member from the public agency;
 - b) One member who is a traffic engineer and is employed by the public agency that has the largest proportional share of routes among the affected agencies;

- c) One member appointed by the labor organization that is the exclusive representative of the bus drivers of the public agency; and,
 - d) One member from the law enforcement agency that has jurisdiction over the largest proportional share of routes among the affected agencies.
- 4) Requires the committee to be appointed 30 days after the public agency proposes to install the 40-inch bicycle racks.
 - 5) Authorizes the committee to include a field review of the proposed routes.
 - 6) Declares that the purpose of the committee is to ensure the safe operation of the buses.
 - 7) Authorizes the committee to determine, by majority vote, which bus routes are suitable for the safe operation of the buses with the 40-inch bicycle racks.

COMMENTS

- 1) *Purpose.* According to the author, “AB 3124 allows transit systems to better accommodate riders who use their bicycles to get to and from transit stops. Enabling this kind of multi-modal travel is essential to building more sustainable transportation systems and reducing greenhouse gas emissions in the transportation sector. For many people, bicycles provide a first and last mile connection to transit. Increasing the bike-carrying capacity of transit buses will allow more individuals to access this feature and make transit a more attractive option for Californians.”
- 2) *Bike rack extensions.* Until recently, all types of transit vehicles on the road were allowed to be equipped with two-position bicycle racks. In 2014, AB 2707 (Chau, Chapter 310, Statutes of 2014) authorized that 40-foot transit buses to be equipped with the three-position bicycle racks as long as they only extend up to 40 inches from the front of the body of the bus when fully deployed. Currently, three transit agencies in California are also authorized to install these racks on 45-foot buses. Prior to deploying the three-position racks, the transit agencies must go through a route review committee to ensure the safe operation of the buses on specific routes. For example, in January 2015 SacRT installed the three-position bicycle racks to a total of 209 vehicles in its fleet, and they have not experienced any major safety issues.

Currently, 60-foot articulated buses are the only remaining buses prohibited from installing 40-inch bike racks — current authorization only allows for 36-inch racks which carries two bicycles. The author points out that while articulated buses have the capacity to carry more transit riders, current law does

not afford these buses with the same options that buses which carry less passengers possess. Furthermore, transit agencies throughout the state writing in support of this bill note that despite the difference in vehicle lengths, the turning radius between 40- and 60-foot buses are relatively similar; thereby minimizing safety concerns as many 40-inch bike racks are currently installed on 40-foot buses and are in operation. Ultimately, this bill will bring alignment to existing law by allowing transit agencies to install three-position bike racks for 60-foot articulated buses similar to the authorization granted for 40-foot and specific 45-foot transit buses.

RELATED LEGISLATION:

AB 2707 (Chapter 310, Statutes of 2014, Chau) — authorized the installation of 40-inch bicycle racks on buses no more than 40 feet in length and limits the handlebars of a bicycle from extending more than 46 inches from the front of the bus.

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

Assembly votes:

Floor: 73-0
Trans: 12-0

POSITIONS: (Communicated to the committee before noon on Wednesday, May 9, 2018.)

SUPPORT:

- California Transit Association (Sponsor)
- AC Transit
- California Bicycle Coalition
- City of Thousand Oaks
- Orange County Transportation Authority
- Metropolitan Transportation Commission
- Riverside Transit Agency
- San Francisco Municipal Transportation Agency
- Santa Cruz Metropolitan Transit District

OPPOSITION:

None received.

-- END --