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Members  
Allen, Benjamin  
Dahle, Brian  
Dodd, Bill  
Galgiani, Cathleen  
Gonzalez, Lena A.  
McGuire, Mike  
Melendez, Melissa A.  
Morrell, Mike  
Roth, Richard  
Rubio, Susan  
Skinner, Nancy  
Umberg, Thomas J.  
Wieckowski, Bob

# California State Senate

## TRANSPORTATION



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## AGENDA

Friday, May 29, 2020  
9 a.m. -- Senate Chambers

### MEASURES HEARD IN FILE ORDER

Consent items indicated by \*

- |     |          |                |  |
|-----|----------|----------------|--|
| 1.  | SB 909*  | Dodd           | Emergency vehicles.(Urgency)   |
| 2.  | SB 921*  | Dahle          | State highways: Route 174: relinquishment.   |
| 3.  | SB 1024* | Jones          | Off-highway vehicles.  |
| 4.  | SB 1238* | Hueso          | Department of Transportation: highways and roads:<br>recycled plastics study and specifications. |
| 5.  | SB 1291* | Transportation | Federal Statewide Transportation Improvement Program:<br>submissions.(Urgency)                   |
| 6.  | SB 1351* | Beall          | Transportation planning.   |
| 7.  | SB 1373  | Bates          | State highways: State Route 241: reduction.  |
| 8.  | SB 1459* | Caballero      | Transportation Development Act: Counties of San Luis<br>Obispo and Stanislaus.(Urgency)          |
| 9.  | SCR 77*  | Glazer         | Representative Ellen O'Kane Tauscher Memorial Bore.  |
| 10. | SCR 86*  | Hurtado        | Officer Jonathan Diaz Memorial Overcrossing.   |



**COMMENTS:**

- 1) *Author's statement.* According to the author, "During the Tubbs Fire of 2017, the Napa County Sheriff concluded that first responders needed a new way to alert the community that mandatory evacuations are in effect in the event of another catastrophic emergency. The Napa County Sheriff decided that the Hi-Lo audible warning, as commonly heard on European first responder vehicles, would be a practical solution. In the year following the Tubbs Fire, Napa County successfully evacuated its citizens on three separate occasions, receiving positive feedback from the community. Given the success of alerting the public impending catastrophic wildfires by using Hi-Lo sirens, it is appropriate that local law enforcement have the authority to use this tool for emergency alert. This distinct warning is proven effective and will save lives as California deals with the ongoing wildfire threat. It tells people to stop what they are doing, gather their loved ones and get out now. When seconds count, that unmistakable blast, telling people to evacuate, is absolutely critical."
- 2) *Wildfires.* Over the past several years, California has experienced a series of devastating wildfire seasons. Recent notable fires include, the Carr Fire (July 2018) in Shasta and Trinity Counties, which burned over 229,000 acres with eight fatalities associated with the fire. Additionally, the Camp Fire (November 2018) in Butte County, which burned over 151,000 acres with 86 fatalities associated with the fire. Unfortunately, the upcoming 2020 wildfire season does not appear to deviate from the past several years. The California Department of Forestry and Fire Protection's (Calfire) website currently notes, "large fire potential may increase to above normal this spring across Southern California in response to the possibility of near to above normal rates of offshore wind events. "Grassfire Season" may be a few weeks earlier than usual in 2020 with resource demand likely centered on foothill and urban interface regions."
- 3) *Evacuation procedures.* Throughout the State, counties encourage their residents to prepare evacuation plans in anticipation of a natural disaster. For example, the County of Los Angeles Fire Department produced a document titled "Ready! Set! Go!" which serves as a template and checklist for residents to prepare for catastrophic situations, such as wildfires. In circumstances where evacuations are necessary, state and local officials use a variety of informational tools and notifications to inform residents on evacuation procedures. For instance, in Marin County, the County Sheriff's department's "Alert Marin" program will inform Marin County Residents via texting, e-

mailing, and call messaging regarding natural disaster notifications and evacuation updates.

- 4) *Sirens.* Existing law directs CHP to establish siren criteria for authorized emergency vehicles through regulations. These regulations specify three different siren functions (e.g. wail, manual, and yelp) are currently allowed and further specifies no other siren functions are permitted unless authorized by the CHP Commissioner and are approved on an experimental basis. The author's office notes that County of Napa is currently in the middle of a two year pilot program to use the hi-lo audible warning as a notification tool for natural disasters and/or evacuations. Since the program began, they have used the hi-lo audible warning sound to evacuate residents on three separate occasions. According to the author, Napa County has received positive feedback from the community on each occasion. Additionally, first responders in two other Northern California counties have used the hi-lo audible warning for evacuation purposes over the past several years.
- 5) *Statewide authorization.* This bill proposes to allow emergency vehicles statewide to use the hi-lo audible warning function when notifying residents of an evacuation without receiving authorization from CHP. The author asserts that as this notification has been effective in several Northern California counties and should be expanded to allow emergency vehicles statewide to utilize this tool for evacuations purposes.
- 6) *Technical cleanup.* While the provisions specified in this bill are well intended, should this bill pass out of this committee, the author may wish to consider clarifying that emergency vehicles authorized to install and use the hi-lo audible warning function are in alignment with authorized emergency vehicles permitted to use sirens as specified in the Vehicle Code. Additionally, in order to ensure consistency, the author may wish to include additional details with respects to hi-lo audible specs to ensure the warning signals sound comparable throughout the state, which is similar to other siren functions in the Vehicle Code.
- 7) *Urgency Clause.* This bill includes an urgency measure and shall go into effect immediately upon passage by the Legislature and signed by the Governor.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

California Police Chiefs Association  
California State Sheriffs' Association  
Solano County Board of Supervisors

**OPPOSITION:**

None received.

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** SB 921 **Hearing Date:** 5/29/2020  
**Author:** Dahle  
**Version:** 2/4/2020  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Randy Chinn

**SUBJECT:** State highways: Route 174: relinquishment

**DIGEST:** This bill authorizes the California Transportation Commission to relinquish to the City of Grass Valley the portion of Route 174 within its city limits if the Department of Transportation and the city enter into an agreement.

**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 the California Transportation Commission to relinquish to the City of Grass Valley the portion of Route 174 within its city limits if the Department of Transportation and the city enter into an agreement.
- 2) On and after the effective date of the relinquishment, 1) the relinquished portion of Route 174 ceases to be a state highway, and 2) the City of Grass Valley must ensure the continuity of traffic flow and maintain signs directing motorists to the continuation of Route 174.

**COMMENTS:**

- 1) *Purpose.* The purpose of this bill is to turn over responsibility for the portion of State Route 174 within the City of Grass Valley to the city, relieving Caltrans from that responsibility. The author notes that the city has worked with Caltrans on this proposal and believes that relinquishment to the city is a simple way to ensure the roadway is properly maintained.
- 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) *Description.* This portion of Route 174 is a two-lane road with sidewalks and bicycle lanes, which goes through downtown Grass Valley.
- 4) *Funding Pending.* Caltrans has a \$2.8 million road upgrade project (SHOPP) scheduled for the end of 2021 for the portion of State Route 174 that is covered by this bill. If this bill becomes law, this funding could be transferred to the City of Grass Valley to achieve those same purposes.
- 5) *Support.* Writing in support, the City of Grass Valley notes that relinquishment will help it better maintain the underground utilities in the area. It would also allow the city to configure the roadway to better support parking and walkability in their downtown area.

**RELATED LEGISLATION:**

**AB 1456 (Kiley, Chapter 619 of 2019)** — Authorizes relinquishment of a portion of Route 193 to the City of Lincoln.

**SB 757 (Allen, 2019)** — Authorizes relinquishment of a portion of Route 710. This bill is pending in the Assembly.

**SB 989 (Wieckowski, Chapter 461 of 2018)** — Authorizes relinquishment of a portion of Route 84 to the City of Fremont.

**AB 2272 (Mayes, Chapter 433 of 2018)** — Authorizes relinquishment of a portion of Route 111 to the City of Palm Springs.

**AB 2473 (Bonta, Chapter 321 of 2018)** — Authorizes relinquishment of a portion of Route 185 to the City of San Leandro.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

City of Grass Valley

**OPPOSITION:**

None received.

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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<b>Bill No:</b>	SB 1024	<b>Hearing Date:</b>	5/29/2020
<b>Author:</b>	Jones		
<b>Version:</b>	4/30/2020		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Manny Leon		

**SUBJECT:** Off-highway vehicles

**DIGEST:** This bill makes various changes to pertaining to the identification and operation of certain off-highway vehicles (OHV), as specified.

**ANALYSIS:**

*Existing law:*

- 1) Generally requires motor vehicles that are operated or used exclusively off the highways to be issued and display an identification plate or device issued by the Department of Motor Vehicles (DMV).
- 2) Specifies certain vehicles are exempt from this requirement, including 4-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course, as specified.
- 3) Permits a motorcycle issued a special transportation identification device to be transported on a highway to and from a closed course. Further authorizes a special transportation identification device to be issued upon payment of a fee.
- 4) Requires DMV, upon identifying an OHV subject to identification, to issue to the owner a suitable identification plate or device that is capable of being attached to the vehicle, as specified. Additionally requires DMV to determine the size, color, and letters or number of the identification plate or device issued for OHVs. Further specifies a violation of the Vehicle Code is punishable as an infraction.
- 5) Requires all OHV identification plates or devices to be displayed in a specified manner, including on the left fork leg of a motorcycle, either horizontal or vertical, and visible from the left side of the motorcycle.
- 6) Generally imposes specified fees on off-highway motor vehicles, including,

among others, a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification and a special fee of \$33 paid at the time of payment of the service fee.

- 7) Requires certain fees associated with OHVs to be deposited in the Off-Highway Vehicle Trust Fund, and requires moneys in the fund to be allocated for specified purposes related to off-highway recreation.
- 8) Requires all OHVs to meet specified requirements, including, but not limited to, a requirement that the vehicle be equipped with a spark arrester maintained in effective working order. Additionally, exempts from these requirements certain OHVs being operated in an organized racing or competitive event upon a closed course.

**This bill:**

- 1) Exempts specially constructed OHVs operated solely in organized racing or competitive events upon a closed course from the identification device requirement for motor vehicles operated exclusively off the highways.
- 2) Repeals provisions relating to special transportation identification devices for motorcycles and corresponding fees, and makes other related conforming changes. Additionally provides that competition all-terrain vehicles (ATVs) are not exempt from identification device requirements, as specified.
- 3) Requires that for the issuance or renewal of an OHV or ATV that is model year 2022 or newer and used solely for purposes of competition, that a specified configuration for the vehicle identification number and product identification number is established and further requires the OHV or ATV is labeled solely for competition use by the United States Environmental Protection Agency.
- 4) The bill would impose restrictions on the operation of a competition motorcycle or ATV on public lands, including, but not limited to, requirements that a rider possess a current and valid competition card from a race-sanctioning organization when practicing on public lands outside of a sanctioned event, and that a competition motorcycle or ATV have an off-highway motor vehicle identification label in order to be operated on public lands.
- 5) Further exempts ATVs with engines below a specified size from the abovementioned identification requirement.
- 6) Requires that a competition motorcycle display an identification plate or decal on the left side of the motorcycle, as specified.
- 7) Imposes a fee on competition motorcycles and ATVs in an amount not to

exceed specified costs, including, but not limited to, the regulatory costs of the DMV and California Highway Patrol (CHP) for the administration and enforcement of OHVs used for competitive purposes. Further specifies the fee may be imposed up to \$104 at the time of registration renewal or issuance.

- 8) For OHVs used in competition that would qualify for certain equipment exemptions, requires these vehicles to be equipped with a muffler, spark arrester, and silencer or other device that limits noise emissions when operating on public lands.

### COMMENTS:

1) *Author's statement.* According to the author, "The Red Sticker has allowed competition motorcycles to operate in the state of California for the past two decades. This regulation is within the California Air Resources Board (CARB) and not within statute. The regulation is sunseting in 2021, and losing it will end a viable competition sport in California, decimate local economies that rely on this sport, wreak havoc in motorcycle sales, and stop almost \$4 million that annually go to the OHV Trust Fund. This bill's Competition Sticker will replace the Red Sticker and continue the revenue stream, as well as the advantages of identification that come with the program—including allowing law enforcement to trace these types of vehicles."

2) *Red sticker program.* As a means to address air quality and greenhouse gas compliance issues, CARB established regulations to limit the use of OHVs that do not meet emission standards applicable for California OHV riding areas. Upon establishment of the regulations, CARB and DMV worked together to develop criteria for identifying non-complying OHVs. Currently, OHVs are registered by DMV and are issued a red or green sticker depending upon certain criteria:

**Green stickers** are issued for all California OHVs year model 2002 and older, including those that were previously issued a red sticker, and to 2003 and newer complying vehicles. Green stickers are issued to OHVs for year round use at all California OHV riding areas.

**Red stickers** are issued to 2003 year model and newer OHVs that are not certified to California OHV emission standards. If an OHV has a "3" or "C" in the eighth position of the vehicle identification number (VIN) then the vehicle is issued a red sticker. Red stickers are issued to OHVs that can use California OHV riding areas for seasonal use only. CARB notes that it first adopted OHV exhaust standards in 1994, in part to reduce emissions from high emitting two-

stroke OHVs. In 1998, after extensive collaboration with stakeholders, the red sticker program was created. Under the current program, beginning with the 2003 model year and older, OHVs that do not meet emissions standards receive a red registration sticker from DMV.

Specifically, for red sticker OHVs, the availability to operate is based on a seasonal calendar that varies for the nine state OHV recreational parks and many sections of federal park lands. While some parks allow red sticker OHVs to operate year round, others enforce strict periods of operation. During peak ozone season, the red sticker limits operation at certain off-highway recreational vehicle parks located in non-attainment areas. Additionally, state statutes and regulations specify the locations to affix both red and green stickers on the vehicle depending on the type of OHV, set basic equipment requirements, and exempts program requirements if the OHV is operated solely on private property.

- 3) *Red Sticker Sunset.* In July 2013 CARB began conducting an assessment of the red sticker program. Based on the outcome of the assessment, CARB subsequently worked closely with industry stakeholders and other state agencies to develop regulatory amendments in 2019 to end the Red Sticker Program in 2021. CARB notes in its information digest pertaining to the 2019 amendments, “The red sticker program was envisioned as a temporary measure to provide stability in the market while manufacturers developed a full range of OHRV that complied with California’s emissions standards. This temporary measure has now been in effect for more than twenty years, and the majority of off-highway motorcycles (OHMC) sold in California are red sticker vehicles with no emissions controls.”
- 4) *Moving forward.* The provisions specified in this bill aims to strike a balance between allowing certain OHVs to practice and professionally compete within the state and curbing the continuing sale and use of OHVs that do not meet emission requirements. The author asserts that allowing OHVs to continue to operate for competitive purposes is vital to many local economies and establishing the proper identification for these particular OHVs and ATVs ensures that they are appropriately used. As CARB has indicated that the red sticker program was intended to only remain temporarily; the program designed by this bill allows for the continued use of certain OHVs solely for competitive purposes while additionally incentivizing riders to purchase and operate green sticker OHVs – which meet CARB emission standards and are not subject to a seasonal riding schedule. Provisions in this bill also allow for OHV youth training programs to continue by State Parks and additionally provides State departments the flexibility to adjust program fees to reflect ongoing program costs.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday,  
May 21, 2020.)

**SUPPORT:**

American Motorcyclist Association  
CMDA-California Motorcycle Dealers Association  
District 36 Motorcycle Sports Committee, INC.  
Off Road Vehicle Legislative Coalition  
Sacramento Pacific International Trials Society

**OPPOSITION:**

None received.

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** SB 1238

**Hearing Date:** 5/29/2020

**Author:** Hueso

**Version:** 5/22/2020

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Amy Gilson

**SUBJECT:** Department of Transportation: highways and roads: recycled plastics study and specifications

**DIGEST:** This bill requires Department of Transportation (Caltrans) to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as paving materials, and, depending on the findings, authorizes Caltrans to develop specifications for the use of recycled plastics in asphalt.

**ANALYSIS:**

*Existing law*

- 1) Provides that Caltrans has full possession and control of all state highways and all property and rights in property acquired for state highway purposes. (Streets and Highways Code (SHC) §90)
- 2) Requires Caltrans to use recycled materials unless it determines that the use of these materials is not cost effective. Specifies that lifespan, durability, and maintenance cost are factors that shall be considered in determining cost-effectiveness. (Public Resources Code §42701).
- 3) Defines “recycled materials” to include recycled asphalt pavement (RAP), crushed concrete subbase, and paving materials utilizing crumb rubber from automobile tires. (PRC §42700 and 42701).
- 4) Authorizes Caltrans to establish specifications for the use of reclaimed asphalt pavement of up to 40% for hot mix asphalt mixes. (PRC §42704)
- 5) Requires Caltrans to phase in the use of crumb rubber (rubber granules derived from a waste tire) in lieu of other materials on projects that use asphalt depending on analysis comparing the cost differential between asphalt

containing crumb rubber and conventional asphalt. (PRC §42703)

- 6) Requires, by January 1, 2017, local agencies to adopt Caltrans standards (42700) on the use of recycled materials or to discuss why the standards are not being adopted at a public hearing. (PRC §42704.5)

**This bill:**

- 1) Makes findings and declarations regarding California's recycling goals and examples of various projects experimenting with the use of recycled plastics in asphalt used for road construction and repair.
- 2) Requires Caltrans to conduct a study to assess the feasibility, cost-effectiveness (including, lifespan, durability, and maintenance cost of the material), and lifecycle environmental benefits of including recycled plastic in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road.
- 3) Authorizes Caltrans to develop specifications for including recycled plastic in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road if the department determines in the study that including recycled plastic in asphalt is feasible and that recycled plastic can be included in asphalt in a manner that is cost effective and provides lifecycle environmental benefits.
- 4) Requires Caltrans to submit a report to the Legislature on its progress studying recycled plastics and progress, if applicable, toward the development of the specifications for recycled plastics on or before March 1, 2023.
- 5) Requires a local agency that has jurisdiction over a street or highway to either adopt any specification for the use of recycled plastics that Caltrans adopts or to discuss at a regularly scheduled public hearing of the local agency's legislative or other governing body why the standards are not being adopted.

**COMMENTS:**

- 1) *Purpose.* According to the author, "In 2011, California established a statewide goal of 75 percent recycling by 2020, and as a state, we are far from achieving this goal. The environmental and public health impacts of plastic pollution will continue to devastate the environment and cost the state millions in clean up and mitigation costs. In order to reduce our plastic surplus and meet our state's environmental and recycling goals, innovation is necessary. As the fifth largest

economy in the world, California must make investments and create incentives into green technology across all industries to address the effects of climate change on our state. Municipalities across the world have experimented with the inclusion of recycled plastic in road repair projects, and, last year, UC San Diego reported to be the first in California to install a road on campus using recycled plastic in its asphalt mix. As our state invests in transportation infrastructure, we must ensure that we continue funding sustainable solutions that will ultimately benefit both our state and our environment. SB 1238 addresses this by conducting a study assessing the feasibility, cost-effectiveness and lifecycle environmental benefits of recycled plastics in asphalt production used for highway or road construction and repair. Through this strategy California can uniquely position itself as an innovator in the transportation industry by introducing new technology that could revolutionize the way we look at recycled plastic.”

- 2) *Caltrans specifies what materials may be used in state highway work to ensure quality.* Caltrans has developed quality standards for various types of materials to enable their use in the construction, rehabilitation, and maintenance of the state highway system. Without these standards, it would be difficult for Caltrans to use recycled materials, because it would be unclear whether or not the material is of the quality necessary to properly maintain the roadway. The standards do not require Caltrans to use minimum amounts of various types of recycled materials. However, recycled materials are often the cheaper than virgin. This bill paves the road towards new specifications for the use of recycled plastics in asphalt.
- 3) *What about roads beyond the state highway system?* Many transportation agencies opt to use Caltrans specifications for their own projects. To encourage recycled material use throughout the state, AB 2355 (Levine, Chapter 609, Statutes of 2014) required local agencies to either adopt Caltrans’ specifications for recycled materials or to discuss at a public hearing why the standards are not being adopted. SB 1238 would require a local agency to do the same for any specification for the use of recycled plastic in asphalt that Caltrans develops.
- 4) *Using recycled materials in roads.* Many recycled materials may be used in road work, in accordance with Caltrans specifications. Road rehabilitation, maintenance, and demolition is itself a source of recycled aggregate (gravel-like recovered concrete crushed-up to a uniform size) that can serve as new road base and subbase, the weight-bearing foundations of a road. Furthermore, road work provides a recycling market for waste tires. California is faced with the significant challenge of diverting or safely managing more than 51 million reusable and waste tires generated each year. Waste tires broken down into



crumb rubber is used in asphalt pavement to replace virgin material. AB 338 (Levine, Chapter 709, Statutes of 2005) requires Caltrans to make use of a specific weight of crumb rubber per metric ton of the total amount of asphalt paving materials it uses each year. In 2017, Caltrans used an average of 58.46 million pounds of crumb rubber modifier (CRM) in rubberized asphalt concrete, or 15.88 pounds of CRM per metric ton. This is the result of many years of study and specifications development that continues today.

- 5) *Pilot projects and research into incorporating recycled plastics into roads.* An estimated 35 million tons of waste are disposed of in California's landfills each year. CalRecycle is tasked with diverting at least 75% of solid waste from landfills statewide by 2020. However, CalRecycle reported that the state's recycling rate has hit a new low of 40%, and California has struggled to develop a native market for some recycled plastics. Recognizing an opportunity, the Bonita Vista High School Green Team and the Bonita Vista High School Progressive Club proposed the idea behind SB 1238, which initiates Caltrans research that could lead to a new market for recycled plastics as pavement materials.

Plastics in asphalt has been considered for decades, and be used in demonstration projects around the world. For example, in 2012 the City of Vancouver reportedly used blue box recycled plastics as an asphalt additive. However, in the United States, a 2018 University of California at San Diego project appears to be a first. This project incorporated a recycled plastic product developed by the UK-based MacRebur into an asphalt road. In 2019, Dow reported two pilot projects, in Texas and Michigan, that incorporate post-consumer plastic into asphalt. Los Angeles is reportedly testing TechniSoil Industrial's process of grinding up existing road and recycling it in place with the addition of recycled PET plastic (the plastic used to make water bottles).

- 6) *Plastics in state highways? Not so fast.* SB 1238 requires Caltrans to conduct a study to assess the feasibility, cost-effectiveness (including lifespan, durability, and maintenance cost of the material), and lifecycle environmental benefits of including recycled plastic in asphalt. While it may appear that any diversion of post-consumer plastics would be beneficial, this is not always the case over the lifecycle of a product. The benefits depend on how much plastic can be diverted from landfill and whether this plastic would replace or complement waste tires already recycled in asphalt. Furthermore, an unwise additive could prevent end-of-life road material from being recycled once again and any degraded durability could lead to otherwise unnecessary roadwork- and its associated greenhouse gas emissions. Notably, this bill leaves the type of recycled plastic and precise application in asphalt is open-ended, making the research

potentially quite broad.

SB 1238 also authorizes Caltrans to establish specifications for cost-effective, environmentally beneficial use of recycled plastic in asphalt. For comparison, crumb rubber specifications took decades to develop and continue to be actively researched. Scaling-up from the recycled plastic road projects completed so far to prime time on California's state highways would likely be a long road, but create opportunities to recycle plastics that would otherwise go to waste.

#### **RELATED LEGISLATION:**

**SB 1227 (Skinner, 2020)** – requires cities and counties to allow the use of recycled materials in road maintenance and rehabilitation in order to be eligible for Road Maintenance and Rehabilitation Program (SB 1) funds. *SB 1227 is in the Senate Transportation Committee. The author agreed to hold the bill in light of the in light of the COVID-19 pandemic.*

**AB 2355 (Levine, Chapter 609, Statutes of 2014)** — required, by January 1, 2017, local agencies to adopt Caltrans standards on the use of recycled materials or to discuss why the standards are not being adopted at a public hearing.

**AB 812 (Ma, Chapter 230, Statutes of 2012)** — authorized the Caltrans to establish specifications for the use of up to 40% reclaimed asphalt pavement for hot asphalt mixes on or before January 1, 2014.

**SB 420 (Simitian, Chapter 392, Statutes of 2006)** — expanded the application of recycled-content requirements for road paving projects to all paving construction and repair projects.

**AB 338 (Levine, Chapter 709, Statutes of 2005)** — requires the Caltrans to make use of a specific weight of crumb rubber per metric ton of the total amount of asphalt paving materials it uses each year.

**AB 574 (Wolk, Chapter 693, Statutes of 2005)** — encouraged the use of recycled concrete. Defined “recycled concrete,” authorized recycled concrete to be used if a user has been informed the concrete may contain recycled materials, and prohibited recycled concrete from being sold to Caltrans or the Department of General Services only when specifically requested by the department.

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

**POSITIONS:** (Communicated to the committee before noon on Wednesday,

May 21, 2020.)

**SUPPORT:**

American Chemistry Council  
Green Team at Bonita Vista High School  
Macrebur Southern California  
San Diego Climate Action Network  
Wildcoast

**OPPOSITION:**

None received.

**ARGUMENTS IN SUPPORT: >**

**ARGUMENTS IN OPPOSITION: >**

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** SB 1291 **Hearing Date:** 5/29/2020  
**Author:** Committee on Transportation  
**Version:** 4/3/2020  
**Urgency:** Yes **Fiscal:** Yes  
**Consultant:** Amy Gilson

**SUBJECT:** Federal Statewide Transportation Improvement Program:  
submissions

**DIGEST:** This urgency bill suspends the 2020 requirement that a Metropolitan Planning Organization (MPO) submit a Federal Transportation Improvement Program (FTIP) to the Department of Transportation (Caltrans).

**ANALYSIS:**

*Existing federal law:*

- 1) Requires, every four year, each MPO to develop an FTIP, which is a list of upcoming transportation projects covering a period of at least four years. Requires the FTIP to include all regionally significant projects receiving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funds or for which FHWA or FTA approval is required.
- 2) Establishes the Federal Clean Air Act (FCAA), which through its implementing regulations:
  - a) Establishes National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, and
  - b) Designates air basins that do not achieve NAAQS as non-attainment.
- 3) Requires, under FCAA, that in areas experiencing air quality problems, transportation planning including FTIPs must be consistent with air quality goals as determined through the transportation conformity process.

*Existing State Law:*

- 1) Requires every MPO and transportation planning agency to, no later than October 1 of each even-numbered year, submit its FTIP to Caltrans for incorporation into the Federal Statewide Transportation Improvement Program (FSTIP).
- 2) Requires Caltrans to prepare the FSTIP in accordance with federal law to be submitted to the United States Secretary of Transportation no later than December 1 of each even-numbered year.

**This bill:**

- 1) Specifies that an MPO or transportation planning agency shall not be required to submit a FTIP to the department for 2020.
- 2) Specifies that Caltrans shall not be required to submit a FSTIP to the United States Secretary of Transportation for 2020.
- 3) Contains an urgency clause and explanation that, due to changes in federal law, many MPOs and transportation planning agencies are unable to comply with existing law, which requires to entities to submit FTIPs to Caltrans for 2020.

**COMMENTS:**

- 1) *Purpose.* This bill ensures that transportation projects, and their associated safety benefits and jobs, can proceed despite months of uncertainty around Federal Transportation Improvement Program (FTIP) approval. For most Metropolitan Planning Organizations (MPOs) in California, adoption of a new FTIP requires use of California's emissions model, EMFAC, to accurately estimate future transportation emissions and demonstrate that the FTIP conforms with Federal Clean Air Act (FCAA) criteria pollutant standards.

The new Federal SAFE Vehicles Rules Parts One and Two roll back greenhouse gas emission and fuel economy standards and revoke California's authority to set more stringent emissions standards. In light of these rules, state and federal agencies determined what adjustments to EMFAC were needed to reflect changes in future emissions, concluding this process in mid-May. However, this process took place during the crucial window MPOs need to prepare FTIPs for the state's October 1, 2020 deadline. On average, FTIPs take over six months to complete, and not all MPOs meet during the summer months. SB 1291 eliminates the 2020 FTIP requirement. This enables MPOs to continue delivering on projects in their 2018 FTIPs before returning to the

regular 2-year FTIP cycle by 2022.

- 2) *FTIPs are not federally required this year.* Federal law requires each MPO to develop an FTIP, which is a list of upcoming transportation projects covering a period of at least four years. The FTIP must include all regionally significant projects receiving FHWA or FTA funds or for which FHWA or FTA approval is required. Rural non-MPO regions do not prepare an FTIP. However, they report to Caltrans any federally funded or regionally significant projects. Caltrans then prepares the FSTIP for submission to the US Department of Transportation (US DOT), which includes the non-MPO regions' projects plus the FTIPs from California's 18 MPOs. State law requires this process to occur every even-numbered year, but federal law is more flexible, only requiring an MPO to prepare a new FTIP only every four years. Therefore, state-mandated deadlines are pending (an MPO to submit its FTIP to Caltrans by October 1 of this year and Caltrans to submit the FSTIP to US DOT by December 1), but preparation of new FTIPs may be deferred until the next federal deadline in 2022.
- 3) *Most California MPOs must demonstrate that their FTIP conforms with the FCAA.* The FCAA sets NAAQS for six criteria pollutants: ozone, particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead. Areas that have worse air quality than the NAAQS for one or more pollutant are non-attainment areas. Fourteen out of the 18 MPOs in California include non-attainment areas. Because transportation projects may lead to changes in criteria pollutant emissions, these MPOs must perform a conformity determination to demonstrate that their FTIPs conform with FCAA requirements. Conformity determination requires use of California's emissions model, EMFAC, to estimate associated transportation emissions. The EMFAC is maintained by the California Air Resources Board but must be approved federally.
- 4) *Federal Safer Affordable Fuel Efficient (SAFE) Vehicles Rule Part One and Two.* In the past year, the National Highway Traffic Safety Administration (NHTSA) and the US Environmental Protection Agency (US EPA) issued the federal SAFE Vehicles Rule, Parts One and Two which together have the effect of rolling back greenhouse gas emission and fuel economy standards and revoking California's authority to set more stringent standards. Part One went into effect November 26, 2019 and revokes California's authority to set its own passenger car and light truck greenhouse gas emissions standards and set zero-emission vehicle mandates. Part Two will go into effect June 29, 2020 and

requires corporate average fuel economy (CAFE) and CO<sub>2</sub> emissions efficiency to increase by 1.5% each year, compared with the CO<sub>2</sub> standards issued in 2012, which would have required increases of about 5% per year.

- 5) *Consequence of SAFE Vehicles Rule Part One and Two on FTIP.* To reflect SAFE Vehicles Rule Part One, the California Air Resources Board (CARB) prepared adjustments to the EMFAC (CARB's EMFAC Off-Model Adjustment Factors to Account for the SAFE Vehicles Rule Part One). Before approving new transportation plans that require a conformity determination (including FTIPs), the FHWA required US EPA to accept the use of these adjustments. US EPA approved Part One adjustments March 12, 2020 – a six month process from rule publication to approval. During that period, approval of new transportation plans and amendments to existing plans that required conformity determinations could not take place.

Since Part Two will increase emissions, it seemed possible that additional EMFAC adjustment factors would be necessary, and it was unclear on what timeframe any new guidance would be issued. However, at the May 13, 2020 California Transportation Commission (CTC) meeting, CARB announced that Part 2 would increase upstream emissions, and therefore not impact transportation conformity determinations. FHWA also stated that EMFAC, as adjusted to address Part 1, may continue to be used.

- 4) *Too late.* This guidance comes after months of uncertainty and leaves inadequate time for the FTIP process to be completed by the state's October 1, 2020 deadline. On average, FTIPs take over half a year to complete, and not all MPOs meet during the summer months. This bill helps to ensure that transportation projects that have already been approved can proceed despite the uncertainty created by the SAFE Vehicles Rules Part One and Two. Eliminating the state requirement that MPOs submit a FTIP in 2020 enables projects consistent with the 2018 FTIP to proceed. MPOs would return to the regular two- year FTIP cycle by 2022.

According to the California Association Councils of Governments:

The challenge that SB 1291 addresses is timing. It takes as long as eight months to put together the information to develop a list of projects under ideal circumstances. The process involves detailed conversations with all local agencies about all the projects will occur, outreach, analysis, circulation, and ultimately, approval by the Regional Agency board before it can be submitted to Caltrans. Each regional list is subject to the conformity

analysis. If conformity cannot be demonstrated, the projects in the list cannot proceed. State-wide, the total value of projects is over \$130 billion (though each region would be subject to its own analysis).

Accordingly, SB 1291 affords Regional Agencies some flexibility with the unique circumstances surrounding the SAFE Rule and other events this year. We also appreciate that SB 1291 permits the process to be completed prior to 2022 (which would be the deadline under federal law). Most Regional Agencies actually prefer a two-year FSTIP cycle to the four-year federal minimum because it allows more flexibility in delivering projects (if one project unexpectedly stalls, there is a larger shelf of conforming projects in which they can shift resources under a two-year cycle). As a result, we actually expect that our member Regional Agencies will work with Caltrans to adopt the next FSTIP prior to the federal deadline. SB 1291 affords them this flexibility.

5) *Urgency Clause.* This bill includes an urgency measure and shall go into effect immediately upon passage by the Legislature and signed by the Governor.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

- Association of Monterey Bay Area Governments
- California Association of Council of Governments
- Council of San Benito County Governments
- Placer County Transportation Planning Agency
- Sacramento Area Council of Governments
- San Diego Association of Governments
- San Luis Obispo Council of Governments
- Santa Barbara County Association of Governments
- Santa Cruz County Regional Transportation Commission
- Shasta Regional Transportation Agency
- Southern California Association of Governments
- Stanislaus Council of Governments
- Transportation Agency for Monterey County (TAMC)



**OPPOSITION:**

None received.

**-- END --**



and regulations pertaining to the transfer policies of transit agencies within their jurisdiction every four years.

### COMMENTS:

- 1) *Author's Statement.* According to the author, "SB 1351 is a common sense measure that places accountability provisions on RTPAs, transit agencies and the Caltrans Director. Currently, existing law does not place a cap on the amount of TDA revenue the Caltrans director may approve to be used for transportation planning purposes by RTPA's. This bill places an allocation cap on the approval process to hold the Caltrans director and RTPAs accountable. Additionally, this bill ensures RTPAs and county transportation commissions are updating their regulations and procedures every four years for local transit agencies relative to transfer policies to again ensure our public agencies are accounting for the latest technology and cost effective methods."
- 2) *Transportation Planning.* According to the Federal Transit Administration, transportation planning "plays a fundamental role in a state, region, or community's vision for its future. It includes a comprehensive consideration of possible strategies; an evaluation process that encompasses diverse viewpoints; the collaborative participation of relevant transportation-related agencies and organizations; and open, timely, and meaningful public involvement. Transportation planning is a cooperative process designed to foster involvement by all users of the system, such as businesses, community groups, environmental organizations, the traveling public, freight operators, and the general public, through a proactive public participation process."
- 3) *TDA.* The Mills-Alquist-Deddeh Act of 1971, known as the TDA, provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans.

TDA established two funding sources: the Local Transportation Fund (LTF), and the State Transit Assistance (STA) fund. Provided certain conditions are met, counties with a population under 500,000 (according to the 1970 federal census) may also use the LTF for local streets and roads, construction and maintenance. The STA funding can only be used for transportation planning and mass transportation purposes. Existing law generally allows for RTPAs to use up to three percent of their annual revenue for transportation planning and programming purposes. Existing law also allows for the Caltrans Director to increase this amount upon request by the RTPA and at the Director's discretion. However, existing law does not impose a limit on the amount the Caltrans director may grant. The provisions specified in the bill placed a five percent

cap on the amount that may be increased.

- 4) *Transit Transfer Policies.* Typically, transit agencies allow a rider to transfer from one operator/service to another for a discounted fare. As transit agencies, services, and frequencies greatly vary throughout the state, transfer policies between operators also vary in detail. For example, a rider on a Foothill Transit (San Gabriel and Pomona Valley) bus may transfer onto a LA METRO rail line using an electronic TAP card for fifty cents and must use the transfer within a certain timeframe. Whereas a rider using a Clipper card on AC Transit (Alameda and Contra Costa) offers a variety of transfer discounts and, at times, free transfers depending on the transit operator. Currently, statute requires RTPA's to establish transfer policies for two or more transit operators that are within its jurisdiction. However, existing law does not require RTPAs to update transfer policies once established. This bill simply requires RTPAs to update their transfer policies for transit operators every four years to consider and incorporate the most up-to-date technology and practices relative to rider transfers.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

None received.

**OPPOSITION:**

None received.

-- END --



- 8) At the local level, Measure V, passed by the City of San Clemente voters and adopted in 2008, requires voter approval of two types of actions: 1) changing the zoning of open space to a non-open space zone, and 2) to allow land uses in open space that weren't allowed in any open space zone.

This bill deletes from the state highway system the portion of SR 241 from State Route 5 south of the City of San Clemente to Oso Parkway east of the City of Mission Viejo.

#### COMMENTS:

- 1) *Author's statement.* According to the author, "SB 1373 clarifies existing law that State Route 241 shall not run through the City of San Clemente, by realigning the route's starting point to Oso Parkway east of the City of Mission Viejo. Existing statute designates State Route 241 as starting at State Route 5 south of the City of San Clemente, with the terminus of each side of State Route 241 starting and ending outside the City of San Clemente. However, some have sought to interpret the statute to allow State Route 241 to run through the City of San Clemente. This bill would delete from the state highway system the portion of State Route 241 from State Route 5 south of the City of San Clemente to Oso Parkway east of the City of Mission Viejo. This bill will re-establish the trust between our local entities. SB 1373 will ensure that the compromise will be enduring and that needed congestion relief projects for the region get built."
- 2) *TCA.* The Transportation Corridor Agencies (TCA) consists of two JPAs formed under statute enacted by the legislature in 1986 to plan, finance, construct, and operate toll roads in Orange County. TCA consists of two local government agencies:
  - a) The San Joaquin Hills Transportation Corridor Agency which oversees the San Joaquin Hills Toll Road State Route 73 (SR-73), which stretches 15 miles from Newport Beach to San Juan Capistrano in southwest Orange County.
  - b) The Foothill/Eastern Transportation Corridor Agency which runs both the Foothill Toll Road and the Eastern Toll Road which include State Routes 133, 241, and 261, linking State Route 91 (SR-91) near the Orange County/Riverside County border to Interstate 5 (I-5) in Irvine and also to communities in South Orange County.

TCA has constructed and currently operates approximately 51 miles of toll

roads primarily in south Orange County and employs a staff of approximately 68 employees. The Boards of Directors for both the San Joaquin and Foothill/Eastern agencies are comprised of local elected officials in Orange County with toll rates ranging anywhere from \$2 to slightly over \$10 depending on the distance traveled. The toll roads maintained by TCA are financed with tax-exempt nonrecourse toll revenue bonds on a stand-alone basis; taxpayers are not responsible for repaying TCA debt, rather toll revenue and developer fees cover debt service obligations.

- 3) *SR 241*. SR 241 is a 12 mile state highway that is a toll road for its entire length in Orange County. Its southern half from Ladera Ranch to near Irvine is the Foothill Transportation Corridor, while its northern half to the State Route 91 that ends in the City of Anaheim is part of the Eastern Transportation Corridor. SR 241 connects with two other highways of the Eastern Transportation Corridor: State Route 133 and State Route 261. SR 241 travels parallel to Interstate 5, ultimately terminating at Oso Parkway near Mission Viejo in southern Orange County. As noted, the SR 241 toll road was constructed by TCA and is owned by the state of California. Construction of SR 241 was financed with bonds, which are repaid with toll revenues.
- 4) *South County Traffic Relief Effort (SCTRE)*. In early March of this year, TCA's Board of Directors approved its Scoping and Alternatives Screening Report for the SCTRE approving one alternative to continue evaluating. This alternative, otherwise known as "Alternative 22 untolled," recommends extending Los Patrones Parkway directly east of the City of Mission Viejo from Cow Camp Road to Avenida La Pata as a major thoroughfare. This board-approved recommendation also directs TCA staff to work in collaboration with a number of local agencies to carry out several other projects, including completing a high-occupancy lane on Interstate 5 and the widening of State Route 74 (Ortega Highway) in South Orange County. The Los Patrones Parkway extension will be constructed in an unincorporated portion of Orange County, not within San Clemente's city limits.

However, the project development process leading up to TCA's recent action did not lack controversy. Prior to the selection of Alternative 22, TCA, at one point in time, was in the process of evaluating and seeking comment on over twenty alternatives; several of which would require construction through the City of San Clemente or construction on Interstate 5. These alternatives raised concerns from a large number of residents from San Clemente and surrounding communities along with a number of local public agencies. TCA's March board-approved recommendation for the Los Patrones Parkway extension remedies many of the concerns from the abovementioned groups.

5) *Is this bill necessary?* The author asserts this bill was introduced to clarify SR 241 will not be constructed through the City of San Clemente. However, existing law does not mandate that SR 241 is required to be constructed through San Clemente; state law merely references SR 241's southern terminus as "south of San Clemente." While this bill, if enacted, would in fact prohibit the construction/operation of a state highway through San Clemente, TCA's SCTRE formal process of evaluating alternatives, public comment, and working with public agencies over several years determined that expanding SR 241 as a toll road through San Clemente was not a feasible alternative, and as a result, TCA will now move forward with extending Los Patrones Parkway as an untolled major thoroughfare south to Avenida La Pata. Additionally, as public concerns and growing lack of trust throughout the SCTRE process is without doubt understandable, enacting this proposal in the current legislative session does not prohibit future legislation from again altering SR 241's boundaries within the state highway system. Lastly, it is unclear how this proposal, if enacted, would affect a series of lawsuits currently underway between the City of San Clemente and TCA.

**RELATED LEGISLATION:**

**AB 3331 (Brough, 2020)** — identical to this bill, deletes from the state highway system the portion of State Route 241 from State Route 5 south of the City of San Clemente to Oso Parkway east of the City of Mission Viejo. *This bill is currently in the Assembly Transportation Committee.*

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

None received.

**OPPOSITION:**

City of Mission Viejo  
City of Rancho Santa Margarita

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** SB 1459

**Hearing Date:** 5/29/2020

**Author:** Caballero

**Version:** 3/26/2020

**Urgency:** Yes

**Fiscal:** No

**Consultant:** Manny Leon

**SUBJECT:** Transportation Development Act: Counties of San Luis Obispo and Stanislaus

**DIGEST:** Modifies the Transportation Development Act's farebox recovery ratio (FRR) requirements for certain public transportation agencies, as specified.

**ANALYSIS:**

*Existing law:*

- 1) Provides, under the Transportation Development Act (TDA) of 1971, funding for transit and non-transit related purposes that comply with regional transportation plans. It serves to improve existing public transportation services and encourage regional transportation coordination.
- 2) Provides, under the TDA, funding for public transit from two funding sources:
  - a) Local Transportation Fund (LTF), which is derived from a 1/4 cent of the general sales tax collected statewide.
  - b) State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.
- 3) Authorizes Regional Transportation Planning Agencies (RTPAs) to administer transit funding made available under the TDA. Imposes certain financial requirements on transit operators making claims for transit funds, including requirements that fares collected by the operator cover a specified percentage of operating costs, and that an operator's total operating cost per revenue vehicle hour not exceed operating revenues and the percentage change in the Consumer Price Index. Establishes different farebox recovery requirements depending upon population.
- 4) Defines "operating costs" for purposes of calculating a transit agency's FRR.

- 5) Requires a transit operator in an urbanized area to maintain a 20% FRR in order to be eligible for LTF TDA funds.
- 6) Requires a transit operator in a non-urbanized area to maintain a 10% FRR in order to be eligible for LTF TDA funds.
- 7) Allows a one-year “grace year” for transit operators who fail to meet their FRR, for which they do not lose LTF funds.
- 8) Provides that state regulations create a three-year penalty cycle for transit operators who do not meet their FRRs in which a penalty, or loss of some LTF funds, does not occur until the end of the third fiscal year after non-compliance. Allows operators to retain full receipt of LTF funds if they achieve the required FRR within the penalty cycle.
- 9) Authorizes the Metropolitan Transportation Commission, for transit operators serving the San Francisco Bay Area Rapid Transit District area, excluding the City and County of San Francisco, to make a determination as to whether transit operators have met the requirements for claims for transit funds by evaluating the operators as a group rather than individually if their services are coordinated.
- 10) Authorizes the San Diego Metropolitan Transit System, for transit operators providing service within the area under their jurisdiction, to make a determination as to whether transit operators have met the requirements for claims for transit funds by evaluating them as a single operator.
- 11) Authorizes the Sacramento Area Council of Governments, for transit operators serving the area of Sacramento County and the cities within the County, to make a determination as to whether transit operators have met the requirements for claims for transit funds by evaluating some or all of the operators as a group rather than individually if their services are coordinated.
- 12) Provides the Stanislaus Council of Government (Stan COG) the authority to reduce its FRR by up to five percent if certain conditions are met. Further provides Stan COG the abovementioned authority for two fiscal years, ending on July 1, 2020.

**This bill:**

- 1) Extends Stan COG’s FRR authorization for an additional three fiscal years terminating on July 1, 2023.
- 2) Additionally provides the exemption to the San Luis Obispo Council of

- Governments (Slo COG) for the same number of fiscal years.

**COMMENTS:**

- 1) *Author's Statement.* According to the author, "SB 1459 provides temporary relief from farebox ratio recovery requirements so that transit operators in the counties of San Luis Obispo and Stanislaus can continue to access funding to maintain existing service. The COVID-19 pandemic has exacerbated farebox collection challenges, compromising the ability of transit operators to provide essential dial-a-ride services for society's most vulnerable."
- 2) *TDA.* In 1971, the Legislature enacted the Mills-Alquist-Deddeh Act, otherwise known as the TDA, which dedicated a statewide 1/4 cent sales tax to local transportation. That 1/4 cent sales tax, now known as the Local Transportation Fund (LTF), primarily committed revenues for public transit. Later, the Legislature created a second state funding source for public transit under the TDA called the State Transit Assistance (STA). The STA, is derived from the sales tax on diesel fuel and is distributed to local agencies based on population and transit operator revenues.

With respect to the LTF, the California Department of Tax and Fee Administration, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. For the STA, funds are appropriated by the Legislature to the State Controller's Office (SCO). The SCO then allocates the tax revenue, by formula, to RTPAs and other selected transportation agencies. Current law requires that 50 percent of STA funds be allocated according to population and 50 percent be allocated according to operator revenues.

To be eligible to receive its full share of LTF, existing law requires a transit operator to meet a specified ratio of fare revenues to operating cost, called the FRR. Generally, existing law defines the minimum ratio necessary to receive all LTF funding as either 20% for urban operators, or 10% for operators in a non-urbanized area. If a transit operator fails to meet its specified FRR, existing law requires the RTPA to withhold a percentage of the LTF equal to the percentage by which the operator missed its expected ratio.

- 3) *Stanislaus County.* The transit operators in Stanislaus County have been struggling since the 2010 census. In the 2010 census, the population of the county exceeded the 500,000-population threshold in TDA law, thus requiring transit operators serving the County to increase their FRRs by 10% (from 10% to 20%).

Specifically, during Stan COG's review of transit claims in the 2016-17 fiscal

year, it was determined that the City of Ceres was non-compliant with the required FRRs in the 2014-15 fiscal year, which initiated the penalty cycle required by TDA. In the 2017-18 fiscal year, the City of Ceres was found to be non-compliant with the required FRRs in the 2015-16 year. Following the TDA penalty cycle the 2014-15 fiscal year was determined by Stan COG to be a grace year, with fiscal year 2015-16 being identified as a non-complaint year subject to penalty. As a result, the City of Ceres' transit claim for fiscal year 2017-18 was reduced by \$22,710. This shortfall was recouped from local general funds. At that time, City of Ceres indicated that without some sort of relief from the required FRR, they would be forced to eliminate transit service to avoid having to pay additional penalties with general funds that are typically utilized to provide other essential services, such as police and fire.

- 4) *SB 903*. In order to remedy Stan COG's FRR challenges, SB 903 (Chapter 107, Statutes of 2018) was enacted in the 2018 legislative session. At that time, the author stated that due to the residential and commercial development practices of local agencies, and in order for transit to continue operating at its current level, some reprieve in the FRR is needed. In the end, SB 903 provided Stan COG FRR relief for a period of two years and further required Stan COG to study and submit a report to the Legislature with recommendations on how to remedy Stan COG's FRR issues. Ultimately, the report found that due to FRR's requirements and the transit service arraignments within Stanislaus County, Stan COG's best options to meet FRR would be to either reduce and rearrange service and/or raise fares.
- 5) *Current State of Transit*. This bill proposes to extend FRR relief set forth in SB 903 for an additional three fiscal years and to also now include Slo COG as an additional qualifying agency. Its important to note that upon the enactment of SB 903, at the requests of both Chairs of the Senate and Assembly Transportation Committees, the California Transit Association (CTA) formed the TDA task force to evaluate TDA requirements and provide any recommendations (if applicable) relative to changes/reforms to FRR and/or other TDA requirements. At the time this analysis was prepared, the task force remains in the process of developing recommendations, however, by the end of 2019 it had been reported that at least five other transit agencies would be in jeopardy of failing to meet TDA's FRR requirements.

Moreover, the COVID-19 pandemic has currently placed most transit agencies throughout the state in dire financial crisis as the negative impacts have been threefold: substantial ridership declines, increased personal protective equipment supply/labor costs, and sharp declines in sales tax revenue (a vital transit revenue source). While the overall impacts are far from being known, it is known that revenue losses have tallied in the tens of millions in a matter of

months and meeting FRR requirements will be a significant challenge for most transit agencies through the state over the next year at the very minimum. Efforts are currently underway to evaluate potentially enacting a number of policies statewide to provide greater flexibility in various transit revenue sources and program requirements in order to provide a menu of tools that transit operators may utilize to address their funding shortfalls and increased safety expenses as they attempt to restore services to previous levels and increase ridership over the next several years. If those policies are enacted, the provisions specified in this bill would not be necessary. However, as the abovementioned policies are presently under consideration with no decision made and Stan COG and Slo COG are in fact experiencing challenges in meeting FRR requirements with transit agencies within their jurisdictions, this measure is within reason to provide an assurance that FRR relief will be provided to these jurisdictions.

- 6) *Urgency Clause.* This bill includes an urgency measure and shall go into effect immediately upon passage by the Legislature and signed by the Governor.

**RELATED LEGISLATION:**

**SB 903 (Chapter 107, Statutes of 2018)** — authorized Stan COG, for two fiscal years, to reduce the required FRR for its transit operators up to 5 percent below the required ratio effective for the 2015-16 fiscal year under certain circumstances.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

Stanislaus Council of Government (Sponsor)  
City of Modesto  
San Luis Obispo Council of Governments  
Stanislaus Regional Transit  
Turlock Transit

**OPPOSITION:**

None received.

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**SENATE COMMITTEE ON TRANSPORTATION**

**Senator Jim Beall, Chair**

**2019 - 2020 Regular**

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**Bill No:** SCR 77 **Hearing Date:** 5/29/2020  
**Author:** Glazer  
**Version:** 1/22/2020  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Amy Gilson

**SUBJECT:** Representative Ellen O’Kane Tauscher Memorial Bore

**DIGEST:** This resolution names the fourth bore of the Caldecott Tunnel the representative Ellen O’Kane Tauscher memorial Bore.

**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 names the fourth bore of the Caldecott Tunnel the representative Ellen O’Kane Tauscher memorial Bore. It requests that the Department of Transportation determine the cost of appropriate signs and, upon receiving donations from non-state sources sufficient to cover the cost, to erect those signs.

**COMMENTS:**

- 1) *Purpose.* “Congresswoman Ellen O’Kane Tauscher was a dedicated public servant serving the 10th Congressional District from 1997 to 2009. During her tenure and among many other accomplishments, Rep. Tauscher was crucial in securing funding for projects in her district including nearly \$200,000,000 for Lawrence Livermore National Laboratory’s ‘super laser’ project and \$33,000,000 for specific congestion-relieving projects in her district. Of note, the fourth bore on State Route 24 at the Caldecott Tunnel – essential to improving the congestion from Contra Costa to Alameda and San Francisco Counties – largely became a reality because of Rep. Tauscher’s tenacity and effective leadership in Washington that secured the federal funding necessary to begin and complete the project. Renaming the fourth bore of the Caldecott Tunnel to the Representative Ellen O’Kane Tauscher Memorial Bore is a fitting way to honor Congresswoman Tauscher for her service to the 10th Congressional District, the residents of California, and all Americans.”
- 2) *Background.* Ellen O’Kane was born in Newark, New Jersey, on November 15, 1951. She became one of the first women to hold a seat on the New York Stock Exchange, and served as an officer of the American Stock Exchange. Tauscher received her first political experience serving as the state cochair for Dianne Feinstein’s successful 1992 and 1994 Senate campaigns. In 1996, Tauscher won her congressional seat against the incumbent representative on a platform of gun control, women’s reproductive rights, and increased spending on education.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

Contra Costa Transportation Authority  
Contra Costa County Supervisor Karen Mitchoff

**OPPOSITION:**

None received.

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This resolution designates the 19th Avenue overcrossing on State Route 198 in the City of Lemoore as the Officer Jonathan Diaz Memorial Overcrossing. It requests that the Department of Transportation determine the cost of appropriate signs and, upon receiving donations from nonstate sources sufficient to cover the cost, to erect those signs.

**COMMENTS:**

- 1) *Purpose.* According to the author, “Officer Jonathan Diaz, was fatally shot and killed the night of November 2, 2019 while attending to a domestic dispute. During the altercation Diaz successfully intervened to save a victim only to be fatally shot returning to deescalate the disagreement.”
- 2) *Background.* Officer Jonathan Diaz, father of three, began his law enforcement career in his hometown of Huron, California. In 2016, Officer Diaz moved to the Lemoore Police Department. He was awarded Officer of the Year in 2018 and earned the position of Gang Investigator for the Kings County Major Crimes Task Force. Officer Diaz mentored at-risk youth through the Youth Adult Awareness Program.

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

**POSITIONS:** (Communicated to the committee before noon on Thursday, May 21, 2020.)

**SUPPORT:**

Lemoore Police Department and Lemoore City Council

**OPPOSITION:**

None received.

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