



Board Report

File #: 2016-0583, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 42.

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended positions:

- A. **AB 1889 (Mullin)** -High-Speed Rail Authority: high-speed train operation. **SUPPORT**
- B. **SB 882 (Hertzberg)** - Crimes: Public Transportation: Fare Evasion by minors **NEUTRAL**
- C. **Proposition 53 (Cortopassi)** - California Public Vote on Bonds Initiative **OPPOSE**
- D. **AB 1217 (Daly)** - Membership on the Orange County Fire Authority (OCFA) **OPPOSE**

ATTACHMENTS

- Attachment A - AB 1889 (Mullin) Legislative Analysis
- Attachment B - SB 882 (Hertzberg) Legislative Analysis
- Attachment C - Proposition 53 (Cortopassi) Legislative Analysis
- Attachment D - AB 1217 (Daly) Legislative Analysis

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ATTACHMENT A

BILL: AB 1889

AUTHOR: ASSEMBLYMEMBER KEVIN MULLIN
(D-SAN FRANCISCO)

SUBJECT: HIGH-SPEED RAIL AUTHORITY: MEMORANDUM OF
UNDERSTANDING PROJECTS

STATUS: SENATE COMMITTEE ON APPROPRIATIONS

ACTION: SUPPORT

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on AB 1889 (Mullin). This bill would add clarifying language to the 2012 statute (SB 1029) that appropriated the \$8 billion federal and state funds to construct the high-speed rail segments in the Central Valley and provide “bookend” funding for the High Speed Rail project.

ISSUE

Existing law authorizes the High Speed Rail Authority to develop and implement a high speed rail system in California. Under Proposition 1A, \$9.95 billion in general obligation bond authority was programmed to fund the planning and construction of the high-speed rail system and provided allocations for “bookend” projects that would include rail system improvements that fed into the high-speed rail system. The High Speed Rail Authority has the mandate to administer funding for these “bookend” connectivity projects and AB 1889 (Mullin) adds clarifying language to the statute that would assist in securing the funding as specified.

This bill provides that upon approval of a funding plan for a specific corridor or usable segment by the High-Speed Rail Authority (HSRA), the project(s) identified in the funding plan will be deemed suitable and ready for high-speed train operation, as specified.

DISCUSSION

In 2012, the California High Speed Rail Authority (SCHRA) released its business plan which included so called “bookend” investments. These investments are essential elements of the project in Northern and Southern California that while ultimately needed for the project would provide utility for rail services now. These improvements were memorialized in Memoranda of Understanding (MOU) between Northern California transportation agencies and Southern California transportation agencies including

Metro. Metro is a signatory to the Southern California MOU. The Legislature subsequently approved legislation funding the High Speed Rail project which included funding for the bookend investments. Under that plan funding plan approved by the Legislature, funding was made available for the bookend projects in Southern and Northern California. In Northern California, this includes improvements to the Caltrain Corridor. In Southern California these projects include the required improvements to Union Station as well as grade separations and track improvements that are ultimately needed for the HSR project. The projects are ultimately needed for the HSR project and as an added benefit they do provide utility now for existing rail services.

The language in the original budget agreement needs to be clarified so that funding can be made available for these projects. These projects are not somehow separate from the HSR project; rather they are projects that are ultimately required for the completion of the HSR project. AB 1889 simply clarifies the language of the budget trailer bill and will ensure that these vital projects can be funded.

Staff recommends that the Board adopt a SUPPORT position on AB 1889 (Mullin).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

The enactment of the provisions in this statute could result in securing accelerated funding for Metro's list of approved "bookend" projects. The estimated financial impact has yet to be determined.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or neutral position on the bill. An oppose or neutral position would be inconsistent with Metro's Board approved 2016 State Legislative Program Goal Number 10 which involves working to support efforts to implement the High Speed Rail project in Los Angeles and ensure timely implementation of Proposition 1A funding allocations as well as previous Board actions to support the MOU projects.

NEXT STEPS

Should the Board decide to adopt a SUPPORT position on this bill, staff will communicate the Board's position to the author and work to ensure its passage. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT B

BILL: SB 882

AUTHOR: SENATOR ROBERT HERTZBERG
(D-VAN NUYS)

SUBJECT: MINORS: FARE EVASION

STATUS: ASSEMBLY THIRD READING FILE

ACTION: NEUTRAL

RECOMMENDATION

Staff recommends that the Board of Directors adopt a NEUTRAL position on SB 882 (Hertzberg). This bill would amend existing law to prohibit a minor from being charged with an infraction or misdemeanor for fare evasion and/or the misuse of a discount transit ticket; and authorize transit agencies to use an administrative process to cite and process minors in violation of specified prohibited acts.

ISSUE

Existing law authorizes public transportation agencies to impose and enforce administrative penalties for certain adult passenger misconduct, (e.g.: fare evasion, smoking where prohibited, unauthorized sale of goods) in a public transit facility or vehicle. Existing law also allows two agencies, Metro and San Francisco Municipal Transportation Agency to adopt ordinances allowing these agencies to implement an administrative process for these citations.

This bill would:

- Prohibit transit agencies from issuing criminal citations to minors for specified offenses related to fare evasion.
- Allow transit agencies to use an administrative process to cite minors in the same manner as adults, for violations on transit properties or vehicles, including such acts as fare evasion, disturbing the peace and smoking and eating/drinking where prohibited.

DISCUSSION

Under the authority granted by the state under the provisions of SB 1749 (Migden, 2006) and SB 1320 (Hancock, 2010), Metro's Transit Court was established. Transit Court provides an alternative civil infraction (administrative) process for fare evasion for adults. Originally, the existing transit courts were limited to processing violations for

adults. Last year, SB 413 (Weickowski) allowed transit operators to seek administrative penalties against minors for specified transit violations, including fare evasion.

According to the Assembly Public Safety Committee analysis of the legislation, “This bill decriminalizes fare evasion by minors, making the administrative review process the only option for collecting penalties from minors.” Since Metro has already adopted such an ordinance SB 882 does not effectively apply to Metro with the exception that Metro needs to complete the process of incorporating minors into its transit court process in accordance with SB 413.

The California Transit Association (CTA), which sponsored SB 413 (Weickowski, 2014) opposes the measure, citing that enacting this legislation would pose an undue financial and operational challenge for transit agencies that do not currently have a Transit Court equivalent in other regions within the state of California.

The bill is currently opposed by the California Police Chiefs’ Association, State Sheriff’s Association, California Transit Association, Riverside Transit Agency and Sacramento Regional Transit District. Support for this measure includes a number of youth organizations, legal juvenile and community coalitions.

Staff recommends that the Board adopt a NEUTRAL position on SB 882 (Hertzberg).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

There could be potential financial impacts related to updating the agency’s current fare evasion policy to enable the issuance of administrative citations to minors and adjudication through the use of Metro’s Transit court.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or support position on the bill. An oppose or support position would pre-suppose that Metro would be impacted by this legislation. By considering a NEUTRAL position on the measure, staff maintains that Metro has mechanisms in place to cite and process minors through Metro’s established Transit Court, and this legislation does not hinder Metro’s ability to do so.

NEXT STEPS

Should the Board decide to adopt a NEUTRAL position on this bill, staff will communicate the Board’s position on the proposed legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT C

BILL: PROPOSITION 53

AUTHOR: DEAN & JOAN CORTOPASSI

SUBJECT: CALIFORNIA PUBLIC VOTE ON BONDS INITIATIVE: PUBLIC AGENCY BOND ISSUANCES

STATUS: NOVEMBER 8, 2006 GENERAL ELECTION BALLOT

ACTION: OPPOSE

RECOMMENDATION

Staff recommends that the Board of Directors adopt a OPPOSE position on Proposition 53.

ISSUE

Proposition 53 would require a statewide vote on any bond issuance over \$2 billion by the State of California.

DISCUSSION

The State of California is authorized to issue bonds for various purposes based on measures that have been approved by the voters in California. Once these bond measures are approved, the State implements a process mainly through the budget act and other mechanisms to actually implement the bonds authorized by the voters. Proposition 53 would require an additional vote anytime the specific bond measures are being implemented and that implementation process results in a sale of \$2 billion or more of the previously approved bond measures.

Local agencies such as Metro are specifically exempt from Proposition 53 so there is not direct impact to Metro's ability to issue bonds. However, Metro frequently partners with the State in the funding of major transportation improvement projects and those projects may rely on the ability of the State to sell bonds as authorized by the voters. Most recently, Metro partnered with Caltrans to successfully implement projects funded by Proposition 1B which was passed by the voters in 2006. These projects include improvements to Interstate 5 in both the San Fernando Valley and the Gateway Cities areas as well as goods movement projects throughout the region.

Proposition 53 would jeopardize the state's ability to issue bonds and creates significant uncertainty with the ability of the state to sell bonds and thus implement key infrastructure projects.

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

There could be potential financial impacts related to Metro's ability to fund major infrastructure projects in Los Angeles County.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a neutral position on the bill. A neutral position would be inappropriate due to the significant impact Proposition 53 would have on major infrastructure projects.

NEXT STEPS

Should the Board decide to adopt an OPPOSE position on this bill, staff will communicate the Board's position on this measure in accordance with the laws governing the communication of government agencies on proposed statewide ballot measures.

ATTACHMENT D

BILL: AB 1217

AUTHOR: ASSEMBLYMEMBER TOM DALY
(D-ANAHEIM)

SUBJECT: MEMBERSHIP ON THE ORANGE COUNTY FIRE AUTHORITY
(OCFA)

STATUS: SENATE THIRD READING FILE

ACTION: OPPOSE

RECOMMENDATION

Staff recommends that the Board adopt an OPPOSE position on AB 1217 (Daly).

ISSUE

Assembly Bill 1217 would:

- Prohibit the Orange County Fire Authority from appointing alternates to its Board of Directors.

The bill represents an intrusion into local control by the State Legislature by prohibiting a local agency from determining its appropriate governing structure.

DISCUSSION

Existing law, the Joint Powers Act, allows government entities to form joint powers agencies to exercise their individual powers in common. Cities in Orange County have formed the OCFA for the provision of emergency services. The bill arises out of a discussion amongst the JPA members regarding the governing of this JPA. The JPA has been in existence since 1995 and has been amended before.

Staff are concerned that the introduction of legislation on a specific governing structure of a specific agency is an unwarranted intrusion by the state into the governing structure of a local agency.

Staff recommends that the Board adopt an OPPOSE position on AB 1217 (Daly).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

This bill has no direct impact to Metro.

ALTERNATIVES CONSIDERED

Staff has considered adopting a neutral position on the bill. A neutral position would be inconsistent with previous Board actions that support local control.

NEXT STEPS

Should the Board decide to adopt an OPPOSE position on this bill, staff will communicate the Board's position to the author and others in the legislative process. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.