Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2017-0201, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 41.

..Meeting_Body

EXECUTIVE MANAGEMENT COMMITTEE
APRIL 20, 2017

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended positions:

- **B. AB 91 (Cervantes)** - High -Occupancy vehicle lanes **OPPOSE**
- **C. AB 344 (Melendez)** - Toll Evasion Violations **OPPOSE**
- **D. AB 673 (Chu) -** Public transit operators: vehicle safety requirements ~~**OPPOSE UNLESS AMENDED**~~ **NEUTRAL**
- **E. AB 695 (Bocanegra)** - Avoidance of on-track equipment **SUPPORT**
- **F. AB 1454 (Bloom) / SB 768 (Allen)** - Transportation projects: lease agreements **SUPPORT**
- **G. SB 422 (Wilk)** - Transportation projects: comprehensive development lease agreements **SUPPORT (Sponsor)**

ATTACHMENTS

Attachment B - AB 91 (Cervantes) Legislative Analysis
Attachment C - AB 344 (Melendez) Legislative Analysis
Attachment D - AB 673 (Chu) Legislative Analysis
Attachment E - AB 695 (Bocanegra) Legislative Analysis
Attachment F - AB 1454 (Bloom)/ SB 768 (Allen) Legislative Analysis
Attachment G - SB 422 (Wilk) Legislative Analysis

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ATTACHMENT B

BILL: **ASSEMBLY BILL 91**
AS AMENDED MARCH 22, 2017

AUTHOR: **ASSEMBLYMEMBER SABRINA CERVANTES (D-RIVERSIDE)**

SUBJECT: **HIGH-OCCUPANCY VEHICLE LANES**

STATUS: **ASSEMBLY APPROPRIATIONS COMMITTEE**
SCHEDULED HEARING: APRIL 5, 2017

PASSED ASSEMBLY TRANSPORTATION COMMITTEE
MARCH 21, 2017 (11-2)

ACTION: **OPPOSE**

RECOMMENDATION

Staff recommends that the Board of Directors adopt an OPPOSE position on Assembly Bill 91 (Cervantes) as amended on March 22, 2017.

ISSUE

Assemblymember Sabrina Cervantes introduced AB 91 which would amend existing law related to the operation of High-Occupancy vehicle (HOV) lanes in Riverside County.

Specifically the bill would:

- Prohibit, beginning July 1, 2018 a high-occupancy vehicle (HOV) lane from being established in the County of Riverside, unless the lane is established to be operational only during peak hours;
- Require any existing HOV lane in the County in Riverside that is not a toll lane to be converted to be operational only during peak hours;
- Authorize Caltrans on or after May 1, 2019 to reinstate 24-hour HOV lanes in Riverside County if specified findings are made, and would require a report to be submitted to the Legislature regarding impacts to traffic as a result of the prescribed provisions.
- Provide that these provisions apply only to the extent that they do not endanger federal funding.

DISCUSSION

AB 91 (Cervantes) would require that high-occupancy vehicle (HOV) lanes be converted to be enforced only during peak hours. HOV lanes, also known as “carpool lanes,” are restricted-access lanes intended to increase the capacity of California’s highways,

provide incentives for carpooling, and protect the environment. The lanes are identified by diamond symbols painted on the pavement and their use is limited to the restrictions indicated by signs posted along the freeway.

In Northern California, HOV lane restrictions are in place Monday through Friday during the posted peak hours, permitting other vehicles to access the lanes during off-peak hours; however, in Southern California, HOV lane restrictions are in place 24-hours a day, seven days a week. Currently, AB 91 applies only to Riverside County; however, staff finds that this could set a precedent for other counties in Southern California, should it go into effect. A 2015 Caltrans report cites that Los Angeles County is unique in its highway congestion; with peak hours lasting beyond the normal commuter am and pm peak hours.

If the measure is passed, in its current form, it would be highly detrimental to Riverside County Transportation Commission (RCTC) which operates HOV lanes and High-Occupancy Toll (HOT) lanes. This bill is precedent setting, and its implementation could have potential unforeseen impacts on traffic congestion and HOV lane operation if expanded to Los Angeles County.

In its current form, AB 91 excludes HOT lanes from the peak only provision. Currently Metro operates ExpressLanes on the I-10 and I-110 corridors, with plans to expand the HOT lane network in the county. This could impact Caltrans and Metro's plans for future expansion of HOV/HOT lane network to address the congestion in Los Angeles County.

Staff recommends that the Board adopt an OPPOSE position on the measure AB 91 (Cervantes).

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Staff has determined that there is no direct financial impact to Metro due to the enactment of the proposed legislation. Short-term impacts to Caltrans in Riverside County would include costs for new signage and lane re-striping to implement the new provisions, and the costs would be incurred again, upon lifting the peak-only provisions.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or neutral position on the bill. A support or neutral position would be inconsistent with Metro's Board approved 2017 State Legislative Program Goal #9, which is to oppose any legislation that could negatively impact Metro's ability to operate the ExpressLanes program. A support position on this legislation would be contrary to our agency's goal of preserving Metro's ExpressLanes operation and cost-effectively building highway and transit projects funded under Measure R and Measure M.

NEXT STEPS

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

ATTACHMENT C

BILL: **ASSEMBLY BILL 344**

AUTHOR: **ASSEMBLYMEMBER MELISSA MELENDEZ (R-LAKE ELSINORE)**

SUBJECT: **TOLL EVASION VIOLATIONS**

STATUS: **ASSEMBLY THIRD READING FILE APRIL 4, 2017**

PASSED ASSEMBLY TRANSPORTATION COMMITTEE MARCH 28, 2017 (14-0)

ACTION: **OPPOSE**

RECOMMENDATION

Staff recommends that the Board of Directors adopt an OPPOSE position on Assembly Bill 344 (Melendez).

ISSUE

Assemblymember Melissa Melendez introduced legislation that would amend existing law related to the operation of High-Occupancy vehicle toll (HOT) lanes.

Specifically the bill would:

- Not require a person contesting a notice of toll evasion violation to pay the toll evasion penalty until after the processing or issuing agency finds as the result of an administrative review or court finds that the contestant did not commit the violation.

DISCUSSION

Staff recommends that the Board adopt an oppose position on the measure, AB 344 (Melendez), the bill would require that agencies administering toll lanes make substantial changes to the program administration regarding collection of fees associated with toll violations. Existing law provides that toll evasion is a civil offense, similar to the provisions related to parking citations. Existing law also prescribes the administrative appeals procedures, including that a person contesting a violation must deposit the toll evasion penalty amount at the time an appeal is requested via administrative hearing or court review. Unpaid toll evasion citations can result in DMV holds being issued to a repeat violator.

Currently Los Angeles Metro operates toll lanes (ExpressLanes) on the I-10 and I-110 freeway corridors. The current process in place for toll violations allows customers ample time and opportunity to contest a toll violation and to have the violation reviewed prior to elevating to the level of administrative review. If the toll was issued in error, Metro makes accommodations to ensure that the user is not incorrectly noticed. Metro investigates the accuracy of the violation, and if an error is found, the violation is dismissed and the customer is notified that they are not responsible for payment of the toll or any penalties incurred. If the toll violation is, in fact, verified, the customer is informed that they are responsible, and depending on whether the user has a FasTrak account, is encouraged to sign up for an account to have the penalty amount dismissed. The customer, if found responsible, would only be required to submit payment for the amount of the toll and any associated penalties. If the individual is not satisfied with the result of the investigation, they may request an administrative review.

The Assembly Transportation Committee bill analysis for AB 344 cites that the bill is consistent with actions taken by the Judicial Council of California in 2015, noting that payment of parking citations and other vehicle code violations is not required before contesting a ticket. The first opportunity for a potential violator, in the case of parking and moving vehicle citations is to contest the violation. This provision does not directly align with Metro's current ExpressLanes operations, as customers are given opportunities for review and contesting a violation prior to elevating to the level of administrative review. To-date, since the ExpressLanes program's inception, no issued violations have been elevated to the level of Administrative Review.

The Transportation Corridor Agencies (TCA) which operates toll facilities in Orange County opposes AB 344 (Melendez), stating that existing law includes a dispute process where the violation can be contested without any payment being remitted. Existing legislation requires that the issuing agency investigate any contested violation to ensure the accuracy of the transaction, lack of payment and the registered owner of the vehicle. This review process for a toll evasion is fair and thorough and therefore the legislation is unnecessary and duplicative. AB 344 encourages delay by those wishing to avoid payment of tolls on non-factual grounds, significantly increasing the administrative burden on local agencies which would be costly and would likely result in no meaningful difference in outcomes.

The bill establishes that a customer would not be required to pay the violation prior to requesting an administrative review. Staff finds that amending the vehicle code to postpone payments until after the administrative review may directly impact Metro's ability to operate the ExpressLanes, in effect, encouraging users to request an administrative level review to avoid or delay payments.

Staff recommends that the Board adopt an OPPOSE position on the measure AB 344 (Melendez).

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Staff is reviewing potential impacts to Metro's ExpressLanes operations.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or neutral position on the bill. A support or neutral position would be inconsistent with Metro's Board approved 2017 State Legislative Program goals. A support position on this legislation would also be contrary to our agency's goal of preserving Metro's ExpressLanes current operations.

NEXT STEPS

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

ATTACHMENT D

BILL: **ASSEMBLY BILL 673**

AUTHOR: **ASSEMBLYMEMBER KANSEN CHU (D-SAN JOSE)**

SUBJECT: **PUBLIC TRANSIT OPERATORS: VEHICLE SAFETY REQUIREMENTS**

STATUS: **REFERRED TO COMMITTEE ON TRANSPORTATION**

ACTION: ~~**OPPOSE UNLESS AMENDED**~~ **NEUTRAL**

RECOMMENDATION

Staff recommends that the Board of Directors adopt ~~an OPPOSE UNLESS AMENDED~~ a NEUTRAL position on Assembly Bill 673 (Chu).

ISSUE

Assemblymember Kansen Chu introduced AB 673, which would make substantial changes to provisions related to equipment vehicle standards for public transit operators.

Specifically the bill would:

- Require a public transit operator, before placing a new bus into revenue operations, to take into consideration recommendations of, and best practices standards developed by, the exclusive representative of the recognized organization representing bus operators of the transit operator for the purpose of protecting bus operators from the risk of assault from persons and by removing blind spots; and
- Require a public transit operator, before placing a new bus into revenue operations, to ensure that the bus is equipped, at a minimum, with specified features, including, among others, transparent, glare-free, accessible partition enclosures around the bus operator seating area capable of withstanding gun fire, a door or window to the left of the bus operator seating area that allows for safe and rapid emergency egress from the vehicle, and mirrors and pillars that allow the bus operator to adequately view pedestrians crossing in front of the bus, as specified.
- Require these standards to be implemented only to the extent that they comply with the Federal Motor Vehicle Safety Standards. By creating a new crime and imposing new duties or public transit operators; and
- Impose a state-mandated local program without provisions for reimbursement for public transit operators.

DISCUSSION

Staff recommends that the Board adopt ~~an oppose unless amended~~ a neutral position on the measure, AB 673 (Chu). As introduced, the bill would require LA Metro, along with other public transit agencies to adhere to strict regulations related to vehicle equipment and barrier installation before placing buses into revenue service. Metro's Operations Department is retrofitting buses that are currently in the fleet and installing barrier equipment for operator safety on new buses that addresses the concerns related to bus operator safety.

AB 673 (Chu), in its current form, makes certain assumptions and requirements related to vehicle procurements for public transit operators. The bill would require Metro and other transit operators to confer with bus operators labor unions to take into consideration best practices and recommendations for improving bus operator safety. The bill would also require public transit operators to ensure that all buses are equipped at the minimum with all of the following:

(1) Transparent, glare-free, accessible partition enclosures around the bus operator seating area capable of withstanding gun fire.
(2) A door or window, at least the same size as a passenger emergency window, to the left of the bus operator seating area that allows for safe and rapid emergency egress from the vehicle.
(3) A mechanism that allows for direct connection to local law enforcement, such as a panic button.
(4) Low-mounted, reasonably sized left-side mirrors that allow the bus operator, regardless of size, to adequately view pedestrians crossing in front of the bus.
(5) Reasonably sized "A" pillars that allow the bus operator, regardless of size, to adequately view pedestrians crossing in front of the bus.
(6) An overall bus operator seating area that eliminates blind spots to the greatest extent feasible.

Pursuant to the 2017 Board adopted State Legislative Program, staff is supportive of the intent of this legislation, which is to reduce assaults on operators. Staff recommends that the following amendments be sought:

(1) Remove provisions of the bill related to adding "Section 24019 of the Vehicle Code" which makes specifications (as outlined above) related to bus procurements, vehicle equipment and barriers for public agencies.

With the proposed amendments, the bill would then only require Metro to consult with representatives of the bus operators to ensure that bus safety standards are prioritized in future bus procurements.

Staff recommends that the Board adopt an ~~OPPOSE UNLESS AMENDED~~ NEUTRAL position on the measure AB 673 (Chu).

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The estimated financial impact has yet to be determined. This bill would likely increase potential costs to the agency related to vehicle procurement and vehicle equipment procurement, while increasing the risk for litigation.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or neutral position on the bill. Adopting a support position on the bill would be counter to the advocacy efforts of the California Transit Association, which represents public transit agencies statewide.

NEXT STEPS

Should the Board decide to adopt ~~an OPPOSE UNLESS AMENDED~~ a NEUTRAL position on this measure; staff will communicate the Board's position to the author and work to ensure inclusion of the Board approved amendments in the final version of the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT E

BILL: **ASSEMBLY BILL 695**

AUTHOR: **ASSEMBLYMEMBER RAUL BOCANEGRA (D-SAN FERNANDO)**

SUBJECT: **AVOIDANCE OF ON-TRACK EQUIPMENT**

STATUS: **ASSEMBLY APPROPRIATIONS COMMITTEE HEARING: APRIL 5, 2017**

PASSED ASSEMBLY TRANSPORTATION COMMITTEE MARCH 21, 2017 (14-0)

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on Assembly Bill 695 (Bocanegra).

ISSUE

Assemblymember Raul Bocanegra introduced AB 695 which would make changes related to safety provisions at rail crossings.

Specifically the bill would:

- Make it a violation for vehicles and pedestrian failure to yield safely to on-track equipment at a railroad or transit grade crossing.

DISCUSSION

As introduced, the bill would require that vehicles or pedestrians approaching a railroad or rail transit grade crossing yield to on-track equipment.

Existing law requires motorists to stop for trains at grade crossings but does not include on-track equipment. AB 695 (Bocanegra), in its current form, aims to address pedestrian and vehicle safety at grade crossings and railroads by adding on-track maintenance equipment to the code section. Motorists and pedestrians will be required to stop at a safe distance and observe safety precautions for maintenance equipment, which is not currently required under existing law.

This measure will increase safety for maintenance workers, pedestrians and motor vehicles at Metro's many grade crossings, countywide. The bill could also have a potential positive impact to safety at grade crossings for freight corridors.

Staff recommends that the Board adopt a SUPPORT position on the measure AB 695 (Bocanegra).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation. Safety may be improved at Metro's specified transit grade crossings due to added enforcement for vehicles and pedestrians who are in violation of the regulation when on-track maintenance equipment is present.

FINANCIAL IMPACT

The estimated financial impact has yet to be determined.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or neutral position on the bill. Adopting an oppose position on the bill would be counter to the agency's efforts to improve safety system-wide for patrons and employees.

NEXT STEPS

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

ATTACHMENT F

BILL: **ASSEMBLY BILL 1454 (BLOOM)**
&
SENATE BILL 768 (ALLEN)

AUTHOR: **ASSEMBLYMEMBER RICHARD BLOOM (D-WEST HOLLYWOOD)**

SENATOR BEN ALLEN (D-SANTA MONICA)

SUBJECT: **TRANSPORTATION PROJECTS: COMPREHENSIVE DEVELOPMENT LEASE AGREEMENTS**

STATUS: **AB 1454 - ASSEMBLY TRANSPORTATION COMMITTEE HEARING: APRIL 17, 2017**

SB 768 – REFERRED TO SENATE TRANSPORTATION AND HOUSING COMMITTE

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on the measures, Assembly Bill 1454 (Bloom) and Senate Bill 768 (Allen).

ISSUE

Assemblymember Richard Bloom and Senator Ben Allen have introduced AB 1454 and SB 768 which would make changes to provisions that grant Caltrans and regional transportation agencies the authority to enter into public-private partnerships under Section 143 of the Streets and Highways code.

Specifically AB 1454 and SB 768 would:

- Extend the authorization indefinitely for Caltrans and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities (public-private partnerships or P3's).

DISCUSSION

Under Section 143 of the Streets and Highways Code, Caltrans and regional transportation agencies were granted authorization to enter into public-private partnerships. This authorization expired on January 1, 2017. AB 1454 (Bloom) and SB 768 (Allen) would extend indefinitely the authorization for Caltrans and regional transportation agencies to enter into public-private partnerships (P3's).

A public-private partnership is a collaboration between a public agency and a private partner to deliver an infrastructure project, public service or facility. Current law authorizes Caltrans and regional transportation planning agencies to utilize the "Design-Build" method to deliver infrastructure projects and separately authorizes each entity to collect tolls or user-fees.

The P3 authorization would expand that authority to allow Caltrans and transportation planning agencies to enter comprehensive lease agreements to design, build, finance, operate and maintain facilities on the state highway system. The P3 model can reduce risk exposure for the public sector by allocating more risk to private sector. Private partners are financially accountable for meeting performance standards, ensuring cost certainty, service quality, and state of good repair. P3's are a tool that can be used to accelerate project delivery.

Staff recommends that the Board adopt a SUPPORT position on the measures AB 1454 (Bloom) and SB 768 (Allen).

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The estimated financial impact has yet to be determined.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a oppose or neutral positions on the bills. Adopting an oppose position on the bills would be counter to the Board adopted State Legislative Program Goal #3 to work to ensure implementation of Metro's Board adopted LRTP. This goal contains activities related to pursuing public-private partnerships and other innovative opportunities to advance projects in the LRTP.

NEXT STEPS

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

ATTACHMENT G

BILL: **SENATE BILL 422**

AUTHOR: **SENATOR SCOTT WILK (SANTA CLARITA)**

SUBJECT: **TRANSPORTATION PROJECTS: COMPREHENSIVE DEVELOPMENT LEASE AGREEMENTS**

STATUS: **SENATE TRANSPORTATION AND HOUSING COMMITTEE HEARING: APRIL 25, 2017**

ACTION: **SUPPORT - SPONSOR**

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on the Metro Sponsored bill, Senate Bill 422.

ISSUE

Senator Scott Wilk has introduced SB 422, a Metro sponsored bill that would make changes to provisions granting Caltrans and regional transportation agencies the authority to enter into public-private partnerships under Section 143 of the Streets and Highways code. The bill was amended on March 20, 2017 to extend the authority to Santa Clara Valley Transportation Authority.

Specifically, SB 422 would:

- Extend the authorization indefinitely for Caltrans and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities (public-private partnerships or P3's); and,
- Include within the definition of "regional transportation agency" the Santa Clara Valley Transportation Authority.

DISCUSSION

Under Section 143 of the Streets and Highways Code, Caltrans and regional transportation agencies were granted authorization to enter into public-private partnerships. This authorization expired on January 1, 2017. SB 422 (Wilk) would extend indefinitely the authorization for Caltrans and regional transportation agencies to enter into public-private partnerships (P3's). The measure would also clarify the definition of "regional transportation agency" to include the Santa Clara Valley Transportation Authority, thereby authorizing the authority to enter into P3's under these provisions. The legislation re-instates the public-private partnership.

A public-private partnership is a collaboration between a public agency and a private partner to deliver an infrastructure project, public service or facility. Existing law authorizes Caltrans and regional transportation planning agencies to utilize the "Design-Build" method to deliver infrastructure projects and separately authorizes each entity to collect tolls or user-fees.

The P3 authorization would expand that authority to allow Caltrans and regional transportation planning agencies to enter comprehensive lease agreements to design, build, finance, operate and maintain facilities on the state highway system. The P3 model can reduce risk exposure for the public sector by allocating more risk to private sector. Private partners are financially accountable for meeting performance standards, ensuring cost certainty, service quality, and state of good repair. P3's are a tool that can be used to accelerate project delivery.

Staff recommends that the Board adopt a SUPPORT – SPONSOR position on the measure SB 422 (Wilk).

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The estimated financial impact has yet to be determined.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a oppose or neutral positions on the bill. Adopting an oppose position on the bill would be counter to the Board adopted State Legislative Program Goal #3 to work to ensure implementation of Metro's Board adopted LRTP. This goal contains activities related to pursuing public-private partnerships and other innovative opportunities to advance projects in the LRTP.

NEXT STEPS

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