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Government Relations

April 2, 2009

TO: Dennis Fay, Executive Director
Alameda County Congestion Management Agency

FR: Steve Wallauch
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RE: Recommended Bill Positions

This memo is in response to your request for recommended positions on the higher priority bills that have been introduced this session. In general these recommendations are consistent with positions adopted by the ACCMA Board on similar bills from prior legislative sessions. This is not a comprehensive list of bills that you may want to bring to the Board, but a start.

AB 798 (Nava) I-02/26/2009	California Transportation Financing Authority: toll facilities.	Recommended Position: Support & Seek Amendments
	The CMA supported this bill last year when it was AB 3021. AB 798 would create the California Transportation Financing Authority (CTFA), which would establish a process to issue bonds for publicly financed transportation projects. The bill defines a "Project Sponsor" to include a regional transportation planning agency, county transportation commission, as well as a JPA, and the entities in each Bay Area County that is responsible for countywide transportation plans. However, the Bay Area entities responsible for the countywide plan must also obtain the consent of MTC before applying for financing. AB 798 allows a project sponsor to pledge fuel taxes, including Prop 42 revenue, local transportation sales taxes, and developer fees as the source of payment for the bonds, in addition to tolls. Suggested amendments: The ACCMA may want to consider the following amendments: • Deleting the need for Bay Area counties to obtain the consent of MTC before applying for financing with the CTFA. However, the ACCMA could apply directly as a JPA. • Expanding the definition of eligible projects to include bus facilities. AB 798 currently defines a project as:	

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	"Project" shall mean and include all or a portion of the "planning, design, development, finance, construction, reconstruction, rehabilitation, improvement, acquisition, lease, operation, or maintenance of highway, public street, rail, or related facilities supplemental to or improvements upon existing facilities currently owned and operated by the department or other project sponsor.	
AB 949 (Logue) I-02/26/2009	Transportation: State-Local Partnership Program.	Recommended Position: Oppose
	NOTE: AB 949 would expand the definition of local matching funds for the purpose of allocating SLPP funds to include any fee or tax, including revenue from mineral or resource extraction fees or taxes. The bill removes the requirement that local matching funds must be voter approved, and the local fee or tax is not required to be dedicated to transportation improvements. Since SLPP funds are allocated by a formula based on the amount of local voter approved fees or taxes generated in a county. Changing the definition would have unknown, but potentially significant, impact to the amount of SLPP funds currently expected for projects in Alameda County.	
AB 1386 (Hayashi) I-02/27/2009	State Highway Route 238.	Recommended Position: Support
	NOTE: AB 1386 amends existing law to allow for the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements. Existing law limits the use of these funds to state facilities. This bill is sponsored by the City of Hayward. This change is critical for the implementation of proposed improvements that are being considered as part of the Local Alternative Transportation Improvement Plan for the Route 238 corridor.	
ACA 9 (Huffman) I-02/06/2009	Local government bonds: special taxes: voter approval.	Recommended Position: Support
	NOTE: ACA 9 amends the Constitution to reduce the vote requirement for passage for a special tax or local general obligation bond from 2/3 to 55%. ACA 9 would allow any special tax to be enacted with the approval of 55% of the voters. ACA 9 also allows for general obligation bonds to be	

	approved with 55% of the voters; however, the bonds must be used solely for infrastructure projects, which include transportation, sewer, water, and parks projects as well as low income housing projects. Local governments are also required to comply with specified auditing requirements if bonds are enacted with a 55% vote.	
ACA 15 (Arambula) I-03/10/2009	Local government transportation projects: special taxes: voter approval.	Recommended Position: Support
	NOTE: ACA 15 would amend the Constitution to allow local governments to impose a special tax upon approval of 55% of the voters. ACA 15 defines a special tax for purposes of the 55% threshold as providing funding for transportation projects.	

HOV Lanes Exemptions: There have been several bills introduced that would extend sunset dates or expand the use of HOV lanes by single occupant vehicles. In the past the ACCMA has opposed these bills.

The ACCMA should consider taking an "Oppose" or "Oppose Unless Amended" position on each of these bills, or consider adopting a blanket policy on exempting certain vehicles or individuals from the HOV lane occupancy requirement. The policy could include a requirement that extending an exemption shall only be granted once a determination is made that the HOV lane segment meets or exceeds Level of Service C.

AB 497 (Block) I-02/24/2009	Vehicles: high-occupancy vehicle lanes: used by physicians.	
	NOTE: This bill would allow a physician to use an HOV lane regardless of occupancy requirements when traveling to an emergency call if the car displays an insigne to be developed by the Department of Motor Vehicles.	
AB 670 (Berryhill, Bill) I-02/25/2009	Vehicles: high-occupancy vehicle lanes: veterans.	
	NOTE: This bill would exempt from HOV occupancy restrictions any vehicle driven by a veteran or active duty member of the United States Armed Forces. The vehicle must display a distinctive decal approved by the DMV.	

AB 1500 (Lieu) I-02/27/2009	High-occupancy lanes: single occupancy vehicles: sunset date.	
	NOTE: This bill extends the sunset date by 5 years from January 1, 2011 to January 1, 2016 on existing law that allows specified types hybrid and low emission vehicles to use an HOV lane regardless of the number of occupants.	
AB 1502 (Eng) I-02/27/2009	Vehicles: HOV lanes.	:
	NOTE: This bill extends the sunset date by 6 years from January 1, 2011 to January 1, 2017 on existing law that allows specified types of low-emission vehicles to use an HOV lane regardless of the number of occupants. However, under this bill the sunset date for the exemption for hybrid vehicles would remain January 1, 2011.	
SB 535 (Yee) I-02/27/2009	Vehicles: HOV lanes.	
	NOTE: This bill deletes the January 1, 2011 sunset date in existing law that allows specified low emission and hybrid vehicles to use HOV lanes regardless of occupancy requirements While the bill deletes the sunset date, the bill retains language that would repeal the HOV lane exemption if prohibited by federal law.	