

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 25, 2020

From: MITCH WEISS, Executive Director

Reference Number: 4.1, Action

Prepared By: Paul Golaszewski
Deputy Director

Published Date: March 13, 2020

Subject: State and Federal Legislative Matters

Issue:

Should the California Transportation Commission (Commission):

- 1.e Accept the report on state legislation monitored by staff, as presented in Attachment A?e
- 2.e Adopt a position of support and submit a letter (included in Attachment B) to Assembly Member Friedman on Assembly Bill (AB) 1992? This bill would require the California Transportation Plan and the Transportation Asset Management Plan to address the forecasted impacts of climate change.e
- 3.e Adopt a position of support and submit a letter (included in Attachment C) to Assembly Member Daly on AB 2310? This bill would appropriate interest earnings on revenues deposited in the Road Maintenance and Rehabilitation Account for highway maintenance and rehabilitation programs.e

Recommendation:

Staff recommends the Commission:

- 1.e Accept the staff report on state legislation, as presented in Attachment A.e
- 2.e Adopt a position of support for AB 1992 and transmit the letter in Attachment B to Assembly Member Friedman.e
- 3.e Adopt a position of support for AB 2310 and transmit the letter in Attachment C to Assembly Member Daly.e

State Legislation:

The last day for Members to introduce bills for the 2019-20 legislative session was February 21, 2020. Members introduced 735 new bills between the two houses (512 bills in the Assembly and 223 bills in the Senate), bringing the total number of bills introduced this legislative session to 2,203. The last day for each house's policy committees to report bills introduced in that house to their respective fiscal committees is April 24, 2020. The last day for fiscal committees to report bills to the floor of the house in which they were introduced is May 15, 2020.

Commission staff are monitoring 42 bills, pursuant to the Commission's bill monitoring policy. A list of the bills is included in Attachment A. The first part of the list contains 31 bills with substantive provisions, while the second part contains 11 spot (or placeholder) bills. Among the bills monitored, Commission staff recommend adopting a support position on AB 1992 (Friedman) and AB 2310 (Daly) and transmitting the associated support letters in Attachments B and C. (The attachments also contain copies of the bills.) Both bills would implement recommendations from the Commission's 2019 Annual Report and are summarized below.

AB 1992 (Friedman) Transportation: asset management plan: California Transportation Plan: transportation infrastructure: climate change.

Introduced: 1/27/2020. Status: Assembly - In committee process - Transportation

This bill would require the California Department of Transportation (Caltrans), in consultation with the Commission, to update the Transportation Asset Management Plan (TAMP) on or before December 31, 2022, and it would require the update to address the forecasted impacts of climate change. The bill also would require the California Transportation Plan (CTP), next due in 2025, and a related report from the Strategic Growth Council, to include a forecast of the transportation impacts of climate change and measures to address them. Additionally, the bill would state the intent of the Legislature to establish a program to fund climate change adaptation planning for transportation impacts, data collection, modeling, and training.

This bill would implement recommendations from the Commission's 2019 Annual Report. At its July 2019 Transportation Policy Forum, the Commission heard from technical experts and stakeholders about the need to integrate Caltrans' climate change vulnerability assessments into transportation planning documents, including the TAMP and the CTP. The need for climate adaptation planning resources also was highlighted because an adaptation planning grant program authorized under Senate Bill 1 will end in 2019-20. (The program is ending because it was funded from loan repayments from the General Fund, which have been fulfilled.)

Staff Recommendation: Support

AB 2310 (Daly) Road Maintenance and Rehabilitation Account apportionment of funds: accrued interest.

Introduced: 2/14/2020. Status: Assembly - In committee process - Transportation

This bill would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account (RMRA) to Caltrans for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program (SHOPP).

This bill would implement a recommendation from the Commission's 2019 Annual Report. Senate Bill 1 (Beall, Chapter 5, 2017) created the RMRA, which receives about \$3 billion annually in state revenues from specified fuel taxes and vehicle fees. Revenues deposited in the RMRA are dedicated sequentially for six purposes in fixed amounts and then the balance of revenues are divided equally between highway maintenance/SHOPP and the Local Streets and Road Program. Currently, interest earnings on revenues deposited into the RMRA total about \$20 million but statute does not assign these resources to a specific program. Therefore, the interest earnings effectively end up in the RMRA's cash balance. Assigning the interest earnings to highway maintenance/SHOPP is consistent with the intent of Senate Bill 1 for the RMRA balance to support highway maintenance and rehabilitation. It also recognizes that local investment accounts earn interest on the revenues associated with the Local Streets and Roads Program.

Staff Recommendation: Support

State Budget Update:

The Senate Budget and Fiscal Review Committee and Assembly Budget Committee and their respective subcommittees have been meeting to review the Governor's proposed budget. The Commission does not have any budget change proposals before the committees this year. The next major milestone for the development of the state budget will occur on May 14, when the Governor releases his May Revise changes to his January budget proposal.

Federal Matters:

Chair Van Konynenburg and Executive Director Weiss, along with Secretary Kim and Director Omishakin, attended the annual American Association of State Highway Transportation Officials (AASHTO) Washington Briefing on February 24-27, 2020, in Washington D.C. As part of this event, time is set aside for attendees to meet with Members of Congress to discuss their federal legislative priorities. The California attendees met with Senator Kamala Harris, House Transportation & Infrastructure Committee Chair Peter DeFazio, Representative Julia Brownley, Representative Mark DeSaulnier, Representative Josh Harder, Representative Alan Lowenthal, Representative Mike Levin, Representative Grace Napolitano, and Representative Harley Rouda, as well as staff for House Speaker Nancy Pelosi, Senator Diane Feinstein, Representative Jared Huffman, and Representative Doug LaMalfa.

The California attendees discussed with Congressional Members and their staff five priorities for California related to electric vehicle charging stations, climate change resiliency, road charge, federal environmental review assignment, and funding for rail and transit. These priorities were drawn from the *California Federal Surface Transportation Reauthorization Principles*, which the Commission endorsed at the October 9, 2019 Commission meeting. Attachment D contains a summary of the five priorities, as prepared by the California State Transportation Agency (CalSTA).

Attachments:

- Attachment A: Bills being monitored by Commission staff
- Attachment B: AB 1992 (Friedman) support letter and bill text
- Attachment C: AB 2310 (Daly) support letter and bill text
- Attachment D: AASHTO briefing memo prepared by CalSTA

Attachment A: Part 1

Legislation Monitored by Commission Staff: Substantive Bills (As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-1112	Friedman	Shared mobility devices: local regulation.	<ul style="list-style-type: none"> • Defines a “shared mobility device” and requires them to include a single unique alphanumeric ID. • Allows a local authority to require a shared mobility device provider to provide the local authority with deidentified and aggregated trip data. • Prohibits the sharing of individual trip data, except as provided by the Electronic Communications Privacy Act. • Allows a local authority to ban persons from deploying and offering shared mobility devices for hire on its public right of way, subject to the California Environmental Quality Act. 	Senate-In Committee Process - Transportation
AB-1350	Gonzalez	Free youth transit passes: eligibility for state funding.	<ul style="list-style-type: none"> • Requires transit agencies to offer free youth transit passes to persons 18 years of age and under in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program. • Requires those free youth transit passes to count as a full price fare for purposes of calculating the ratio of fare revenues to operating costs. 	Senate-Pending Referral

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-1908	Chen	Department of Transportation: Homeless Encampment and Litter Program.	<ul style="list-style-type: none"> • Requires the California Department of Transportation (Caltrans), within its maintenance program, to establish a Homeless Encampment and Litter Program to provide timely abatement and cleanup of homeless encampments on department property and specified expedited and coordinated access to housing and supportive services. • Requires Caltrans to offer a location for lease for purposes of a temporary emergency shelter or feeding program if the department responds to three or more homeless encampments within 30 days at that location. 	Assembly-In Committee Process - Transportation
AB-1991	Friedman	Transit and Intercity Rail Capital Program: passenger tramways.	<ul style="list-style-type: none"> • Expands the purpose of the Transit and Intercity Rail Capital Program to authorize funding for passenger tramway transit systems. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
 (As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-1992	Friedman	Transportation: asset management plan: California Transportation Plan: transportation infrastructure: climate change.	<ul style="list-style-type: none"> • Requires Caltrans, in consultation with the California Transportation Commission (Commission), to update the Transportation Asset Management Plan on or before December 31, 2022, and for the update to also address the forecasted transportation infrastructure impacts of climate change. • Requires both the 3rd update to the California Transportation Plan, which is due in 2025, and the Strategic Growth Council's related report to include a forecast of the transportation impacts of climate change and measures to address those impacts. • States the intent of the Legislature to enact legislation that would establish a new program to fund climate change adaptation planning for transportation impacts, data collection, modeling, and training. 	Assembly-In Committee Process - Transportation
AB-2006	Fong, Salas	State Highways: relinquishment: State Highway Route 184.	<ul style="list-style-type: none"> • Authorizes the Commission to relinquish to the County of Kern and the City of Bakersfield a specified portion of State Highway Route 184, under certain conditions. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2012	Chu	Free senior transit passes: eligibility for state funding.	<ul style="list-style-type: none"> • Requires transit agencies to offer free senior transit passes to persons over 65 years of age in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program, and the Low Carbon Transit Operations Program. • Requires those free senior transit passes to count as full price fares for purposes of calculating the ratio of fare revenues to operating costs. 	Assembly-In Committee Process - Transportation
AB-2121	Friedman, Ting	Traffic safety.	<ul style="list-style-type: none"> • Requires Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual. • Requires the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation. • Extends the period of time a prima facie speed limit may be justified by an engineering and traffic survey. 	Assembly-In Committee Process - Transportation
AB-2148	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	<ul style="list-style-type: none"> • Requires the Strategic Growth Council, by July 1, 2021, to establish guidelines and develop criteria for the formation of regional climate adaptation planning groups and plans for each geographic region of a transportation planning agency. 	Assembly-In Committee Process - Natural Resources

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2172	Petrie-Norris	State highways: Route 133: relinquishment.	<ul style="list-style-type: none"> • Authorizes the Commission to relinquish to the City of Laguna Beach a specified portion of Route 133 if Caltrans and the city enter into an agreement, as specified. 	Assembly-In Committee Process - Transportation
AB-2176	Holden	Free student transit passes: eligibility for state funding.	<ul style="list-style-type: none"> • Requires transit agencies to offer free student transit passes to persons attending the California Community Colleges, the California State University, or the University of California in order to be eligible for state funding under the Mills-Alquist-Deddeh Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program. 	Assembly-In Committee Process - Transportation
AB-2262	Berman	Regional transportation plans: sustainable communities strategies: zero-emission vehicle readiness plan.	<ul style="list-style-type: none"> • Requires each sustainable communities strategy to also include a zero-emission vehicle readiness plan. 	Assembly-In Committee Process - Transportation
AB-2310	Daly	Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.	<ul style="list-style-type: none"> • Continuously appropriates interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to Caltrans for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2331	Muratsuchi	Greenhouse gases: aviation sector: reporting.	<ul style="list-style-type: none"> • Requires the California Air Resources Board (CARB) to adopt regulations to require the reporting of emissions of greenhouse gases from the aviation sector, as provided. • Requires CARB to include in the greenhouse gases inventory the emissions of greenhouse gases from the aviation sector. • Requires CARB to submit recommendations by July 1, 2022 to the appropriate policy committees of the Legislature on actions it could take to achieve reductions in the emissions of greenhouse gases in the aviation sector. 	Assembly-In Committee Process - Natural Resources
AB-2542	Kalra	Local transportation funds: State Transit Assistance Program: reports.	<ul style="list-style-type: none"> • Changes the reporting date for local transportation agencies to report to the State Controller on the State Transit Assistance Program from June 15 every year, to within 7 months after the end of each fiscal year. • Changes the reporting method on the revenues available and expenditures made, with regards to local transportation funds available for public transportation, from a report to the Legislature, to be publicly available on the Controller's internet website. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2674	Ting	Toll bridges: pedestrians and bicycles.	<ul style="list-style-type: none"> • Extends the prohibition of a toll from being imposed on the passage of a pedestrian or bicycle over various toll bridges owned by the state and the Golden Gate Bridge until January 1, 2031. 	Assembly-In Committee Process - Transportation
AB-2738	Quirk-Silva	Highway Users Tax Account: apportionment to counties: expenditure.	<ul style="list-style-type: none"> • Expands the purposes for which a county may spend moneys deposited into its road fund from the Highway Users Tax Account to include any street or road within the county. • Requires the county board of supervisors to consult with cities in the county, before expending moneys from the Highway Users Tax Account. Also requires the county to use the funds equitably throughout the county and to improve roads with the highest need. 	Assembly-In Committee Process - Transportation
AB-2828	Friedman	Traffic safety.	<ul style="list-style-type: none"> • Requires Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual every 6 months starting 2022. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2860	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	<ul style="list-style-type: none"> • Extends from December 31, 2020 to December 31, 2025 the requirement for 20 percent of the Greenhouse Gas Reduction Fund allocation for the Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program to be made available to support early commercial deployment of existing zero- and near-zero emission heavy-duty truck technology. • Creates a separate definition for "near-zero emission" and revises the definition for "zero-emission". 	Assembly-In Committee Process - Transportation
AB-2866	Eduardo Garcia, Mathis	Vehicular air pollution: Clean Fleet Program.	<ul style="list-style-type: none"> • Requires the California Air Resources Board (CARB) to adopt the Clean Fleet Program by July 1, 2021, to reduce the emissions of greenhouse gases, to improve air quality, and to benefit low-income residents by providing certain incentives for the displacement of petroleum diesel with biofuels. • Requires CARB to adopt guidelines for the program and to begin the implementation of the program on January 1, 2022. • Requires CARB, on July 1, 2021, and every fiscal year thereafter, to set specific and measurable goals for the displacement of petroleum fuel with biofuels. 	Assembly-In Committee Process - Transportation
AB-2873	Kalra	Public transit operators: bus procurement: new technology considerations.	<ul style="list-style-type: none"> • Requires a public transit operator to take into consideration changing, introducing, or training employees of the transit operator on new technology. 	Assembly-In Committee Process - Transportation

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2953	Gray	State highways: landscaping and cleaning: groundwater.	<ul style="list-style-type: none"> Requires Caltrans to eliminate the use of potable groundwater from groundwater basins subject to critical conditions of overdraft for purposes of landscaping and cleaning highways except when a district director determines not doing so would threaten public health or safety. 	Assembly-In Committee Process - Transportation
AB-3205	Salas	Regions Rise Grant Program.	<ul style="list-style-type: none"> Establishes the Regions Rise Grant Program within the Governor's Office of Business and Economic Development for the purpose of enabling regions to collaborate and create interdisciplinary and cross-sector regional strategies to address key regional issues and challenges, including transportation. 	Assembly-Pending Referral
AB-3335	Friedman	California Environmental Quality Act: transit priority projects.	<ul style="list-style-type: none"> Increases the percentage of area for all parcels in a transit priority project to be within ½ mile of a major transit stop or high-quality transit corridor, from 25% to 50%, in order to meet the requirements for limited CEQA review. 	Assembly-Pending Referral

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
SB-757	Allen	State highways: relinquishment.	<ul style="list-style-type: none"> • Requires Caltrans to report to the Commission by April 1, 2021, and biennially thereafter, on which state highway routes or segments primarily serve regional travel and do not facilitate interregional movement of people and goods. • Authorizes the Commission to relinquish a portion of a state highway to a county or city, if the department and the county or city concerned have entered into an agreement providing for the relinquishment. Requires the department to complete a cost-benefit analysis and the Commission to hold a public hearing on these relinquishments, among other requirements. • Requires the Commission to compile a list of all portions of the state highway system relinquished in the previous 12 months and include this information in its annual report to the Legislature. • Exempts a specified segment of Route 710 from these provisions. 	Assembly-Pending Referral
SB-895	Archuleta	Energy: zero-emission fuel, infrastructure, and transportation technologies.	<ul style="list-style-type: none"> • Requires the State Energy Resources Conservation and Development Commission to provide technical assistance and support for the development of zero-emission fuels, zero-emission fueling infrastructure, and zero-emission fuel transportation technologies, rather than for the development of clean petroleum diesel fuels. 	Senate-In Committee Process - Energy, Utilities and Communications

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
SB-921	Dahle	State highways: Route 174: relinquishment.	<ul style="list-style-type: none"> • Authorizes the Commission to relinquish to the City of Grass Valley the portion of Route 174 within its city limits. 	Senate-In Committee Process - Transportation
SB-992	Beall	Road Repair and Accountability Act of 2017: reporting website.	<ul style="list-style-type: none"> • Requires the Transportation Agency to oversee the development and implementation of an internet website to provide timely fiscal information regarding the development and implementation of each transportation program or project funded, at least in part, by revenues from the Road Repair and Accountability Act of 2017. 	Senate-In Committee Process - Transportation
SB-1183	Hertzberg	Electric vehicle charging master plan.	<ul style="list-style-type: none"> • Requires the California Energy Commission (CEC), to conduct an assessment on the market for and technological development of electric vehicles and infrastructure. • Requires the CEC to convene a new EV Infrastructure Council to develop an Electric Vehicle Charging Master Plan. • Establishes a goal of the state to deploy no less than 250,000 publicly available electric vehicle charging station plugs by 2025 • Requires the Alternative and Renewable Fuel and Vehicle Technology Program and programs required by the Public Utilities Commission to accelerate widespread transportation electrification to be consistent with the Electric Vehicle Charging Master Plan. 	Senate-In Committee Process - Energy, Utilities and Communications

Legislation Monitored by Commission Staff: Substantive Bills
(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
SB-1227	Skinner	Road Maintenance and Rehabilitation Program.	<ul style="list-style-type: none"> Requires cities and counties receiving funds from the Road Maintenance and Rehabilitation Program to apply standard specifications that allow for the use of recycled materials at or above the level allowed in Caltrans' most recently published standard specifications for specified materials. 	Senate-In Committee Process - Transportation
SB-1363	Allen	Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.	<ul style="list-style-type: none"> Requires the California Air Resources Board (CARB) to provide, no later than December 31, 2022, each metropolitan planning organization with greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050, and with vehicle miles traveled reduction targets for 2035, 2045, and 2050, and to release, no later than September 30, 2022, a draft of those targets. Requires metropolitan planning organizations to additionally submit monitoring mechanisms, forecasted development patterns and transportation measures, policies supported by measurable local and regional commitments of funding, incentives, technical assistance, education, collaborative planning actions, and drafts of their sustainable communities strategies to CARB. 	Senate-Pending Referral

Total Measures: 31

Attachment A: Part 2

Legislation Monitored by Commission Staff - Spot Bills (As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
AB-2145	Ting	Transportation electrification: vehicle charging stations.	<ul style="list-style-type: none"> States the intent of the Legislature to enact legislation to reform the electric vehicle charging infrastructure approval process employed by the California Public Utilities Commission to help ensure that, by 2030, California will safely install enough electric vehicle charging ports to meet the demand for charging infrastructure through public and private investment. 	Assembly-Pending Referral
AB-3068	Gloria	State highway system.	<ul style="list-style-type: none"> Makes non-substantive changes to a provision of law related to the routes in the state highway system. 	Assembly-Pending Referral
AB-3209	Aguiar-Curry	California Transportation Commission.	<ul style="list-style-type: none"> Makes non-substantive changes to a provision of law related to the California Transportation Commission (Commission). 	Assembly-Pending Referral
AB-3280	Chu	Trade Corridor Enhancement Account.	<ul style="list-style-type: none"> Makes non-substantive changes to a provision of law related to the Trade Corridor Enhancement Account. 	Assembly-Pending Referral
SB-1040	McGuire	Department of Transportation.	<ul style="list-style-type: none"> Declares the intent of the Legislature to enact future legislation relating to the California Department of Transportation (Caltrans). 	Senate-In Committee Process - Rules
SB-1130	Gonzalez	Airport land use commissions	<ul style="list-style-type: none"> Makes non-substantive changes to the State Aeronautics Act, which governs the creation and operation of airports in the state. 	Senate-In Committee Process - Rules

Legislation Monitored by Commission Staff - Spot Bills

(As of March 10, 2020)

Bill	Lead Authors	Subject	Description	Status
SB-1238	Hueso	City streets and highways	<ul style="list-style-type: none"> • Make a non-substantive change to a provision of law related to Caltrans' approval of tunnels on state highways. 	Senate-In Committee Process - Rules
SB-1291	Beall	State highway system.	<ul style="list-style-type: none"> • Makes non-substantive changes to a provision of law related to the routes in the state highway system. 	Senate-In Committee Process - Rules
SB-1303	Hill	Local transportation funds: municipal services: claims.	<ul style="list-style-type: none"> • Makes non-substantive changes to a provision of law relating to the approval of claims for local transportation funds. 	Senate-In Committee Process - Rules
SB-1351	Beall	Department of Transportation: state highways.	<ul style="list-style-type: none"> • Makes non-substantive changes to a provision of law related to Caltrans and the Commission. 	Senate-Pending Referral
SB-1454	Durazo	Department of Transportation: sale of excess state highway property.	<ul style="list-style-type: none"> • Makes non-substantive changes to a provision of law related to the sale of excess state highway property. 	Senate-Pending Referral

Total Measures: 11

DRAFT

Attachment B

PAUL VAN KONYENBURG, Chair
HILARY NORTON, Vice Chair
BOB ALVARADO
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STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

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CALIFORNIA TRANSPORTATION COMMISSION

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March 25, 2020

The Honorable Laura Friedman
Assembly Member, 43rd District
State Capitol, Room 2137
Sacramento, CA 95814

RE: Support for Assembly Bill 1992

Dear Assembly Member Friedman:

As part of its statutory charge, the California Transportation Commission (Commission) advises the Administration and the Legislature on state transportation policies and makes recommendations for legislation to improve California's transportation system.

The Commission adopted a position to support Assembly Bill 1992 at its March 25, 2020 meeting. This bill would require the Transportation Asset Management Plan and the California Transportation Plan be updated to address the forecasted transportation infrastructure impacts of climate change. The measure also would state legislative intent to create a program to fund climate change adaptation planning for transportation impacts, data collection, modeling, and training. Both provisions of Assembly Bill 1992 would implement legislative recommendations the Commission made in its 2019 Annual Report to the Legislature.

Assembly Member Friedman
RE: Support for Assembly Bill 1992
March 25, 2020
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With the effects of climate change projected to increase in the coming years, California will almost certainly continue to face increased natural disasters, such as floods and fires, that will affect its transportation infrastructure and, by extension, the mobility, economy, and safety of its residents. The Commission therefore believes that it is important for the state to update transportation planning documents to recognize the effects of climate change and to provide critically needed planning resources.

The Commission commends your leadership to ensure California takes bold steps to make its transportation infrastructure more resilient to withstand natural events. Commissioners and staff are available to provide information that may assist you in moving this legislation forward. If we can be of assistance, please contact the Commission's Executive Director, Mr. Mitch Weiss, at (916) 654-4245.

Sincerely,

PAUL VAN KONYNENBURG
Chair

c: Commissioners, California Transportation Commission
The Honorable Jim Beall, Chair, Senate Transportation Committee
The Honorable Jim Frazier, Chair, Assembly Transportation Committee
Mitch Weiss, Executive Director, California Transportation Commission
David S. Kim, Secretary, California State Transportation Agency
Toks Omishakin, Director, California Department of Transportation

ASSEMBLY BILL

No. 1992

Introduced by Assembly Member Friedman

January 27, 2020

An act to amend Sections 14526.4 and 65072.2 of the Government Code, relating to transportation.

legislative counsel's digest

AB 1992, as introduced, Friedman. Transportation: asset management plan: California Transportation Plan: transportation: infrastructure: climate change.

Existing law vests the Department of Transportation with full possession and control of the state highway system. Existing law requires the department, in consultation with the California Transportation Commission, to prepare a robust asset management plan that assesses the health and condition of the state highway system and with which the department is able to determine the most effective way to apply the state's limited resources.

Existing law requires the department to prepare the California Transportation Plan for submission to the Governor and the Legislature, to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. The plan is required to consider various subject areas for the movement of people and freight, including environmental protection. Existing law requires the Strategic Growth Council, by January 31, 2022, to complete a report that includes, among other things, an overview of the California Transportation Plan

and specified sustainable communities strategies and alternative planning strategies.

This bill would state the intent of the Legislature to enact legislation that would establish a new program to fund climate change adaptation planning for transportation impacts, data collection, modeling, and training. The bill would require the department, in consultation with the commission, to update the asset management plan on or before December 31, 2022, and for the update to also address the forecasted transportation infrastructure impacts of climate change. The bill would require both the 3rd update to the California Transportation Plan, which is due in 2025, and the Strategic Growth Council's report to include a forecast of the transportation impacts of climate change and measures to address those impacts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation that would establish a new program to fund climate
3 change adaptation planning for transportation impacts, data
4 collection, modeling, and training.

5 SEC. 2. Section 14526.4 of the Government Code is amended
6 to read:

7 14526.4. (a) The department, in consultation with the
8 commission, shall prepare a robust asset management plan to guide
9 selection of projects for the state highway operation and protection
10 program required by Section 14526.5. The asset management plan
11 shall be consistent with any applicable state and federal
12 requirements.

13 (b) The department may prepare the asset management plan in
14 phases, with the first phase to be implemented with the 2016 state
15 highway operation and protection program, and the complete asset
16 management plan to be prepared no later than the 2020 state
17 highway operation and protection program.

18 (c) In connection with the asset management plan, the
19 commission shall do both of the following:

20 (1) Adopt targets and performance measures reflecting state
21 transportation goals and objectives.

1 (2) Review and approve the asset management plan, including
2 the final version of the first phase and the complete plan prepared
3 by the department pursuant to subdivision (b).

4 (d) (1) *The department, in consultation with the commission,*
5 *shall update the asset management plan on or before December*
6 *31, 2022.*

7 (2) *The updated asset management plan shall also address the*
8 *forecasted transportation infrastructure impacts of climate change.*

9 (d)

10 (e) As used in this section, "asset management plan" means a
11 document assessing the health and condition of the state highway
12 system with which the department is able to determine the most
13 effective way to apply the state's limited resources.

14 SEC. 3. Section 65072.2 of the Government Code is amended
15 to read:

16 65072.2. (a) The department shall address in the California
17 Transportation Plan how the state will achieve maximum feasible
18 emissions reductions in order to attain a statewide reduction of
19 greenhouse gas emissions to 1990 levels by 2020 and 40 percent
20 below 1990 levels by December 31, 2030, as required by the
21 California Global Warming Solutions Act of 2006 (Division 25.5
22 (commencing with Section 38500) of the Health and Safety Code),
23 and how the plan is consistent with, and supports attaining, all
24 state ambient air quality standards, as set forth in Section 70200
25 of Title 17 of the California Code of Regulations, and national
26 ambient air quality standards, as established pursuant to Section
27 7409 of Title 42 of the United States Code, in all areas of the state,
28 as described in California's state implementation plans required
29 by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), taking
30 into consideration the use of alternative fuels, new vehicle
31 technology, tailpipe emissions reductions, ride sharing, vehicle
32 pooling, and expansion of public transit, commuter rail, intercity
33 rail, bicycling, and walking. The plan shall identify the statewide
34 integrated multimodal transportation system needed to achieve
35 these results.

36 (b) Commencing with the third update to the California
37 Transportation Plan, the department shall include the following
38 information in the plan:

39 (1) A forecast of the impacts of advanced and emerging
40 technologies over a 20-year horizon on infrastructure, access, and

1 transportation systems. For purposes of this paragraph, "advanced
2 and emerging technologies" includes, but is not limited to, shared,
3 autonomous, connected, and electric transportation options.

4 *(2) A forecast of the transportation impacts of climate change
5 and measures to address those impacts.*

6 ~~(2)~~

7 *(3) A review of the progress made implementing past California
8 Transportation Plans including, but not limited to, a review of
9 actions taken in each region of the state to achieve the goals and
10 policies outlined in the plan.*

11 (c) (1) The Strategic Growth Council shall complete a report
12 by January 31, 2022, and shall submit this report to the relevant
13 policy and fiscal committees of the Legislature. The report shall
14 contain all of the following:

15 (A) An overview of the California Transportation Plan and all
16 sustainable communities strategies and alternative planning
17 strategies prepared pursuant to paragraph (2) of subdivision (b) of
18 Section 65080, and an assessment of how implementation of the
19 California Transportation Plan, sustainable communities strategies,
20 and alternative planning strategies will influence the configuration
21 of the statewide integrated multimodal transportation system.

22 (B) A review of the potential impacts and opportunities for
23 coordination of the following funding programs: the Affordable
24 Housing and Sustainable Communities Program, the Transit and
25 Intercity Rail Capital Program, the Low Carbon Transit Operations
26 Program, the Transformative Climate Communities Program, and
27 the Sustainable Transportation Planning Grant Program. The review
28 shall be conducted in consultation with the agencies that administer
29 these programs. The review shall include recommendations for
30 the improvement of these programs or other relevant transportation
31 funding programs to better align the programs to meet long-term
32 common goals, including the goals outlined in the California
33 Transportation Plan.

34 *(C) A forecast of the transportation impacts of climate change
35 and measures to address those impacts.*

36 (2) The requirement for submitting a report imposed under
37 paragraph (1) is inoperative on January 31, 2026, pursuant to
38 Section 10231.5 of the Government Code.

1 (3) A report to be submitted pursuant to paragraph (1) shall be
2 submitted in compliance with Section 9795 of the Government
3 Code.

O

DRAFT

Attachment C

PAUL VAN KONYENBURG, Chair
HILARY NORTON, Vice Chair
BOB ALVARADO
YVONNE B. BURKE
LUCETTA DUNN
CARL GUARDINO
FRAN INMAN
CHRISTINE KEHOE
JOSEPH K. LYOU, PH.D.
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio
MITCH WEISS, Executive Director



CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52
SACRAMENTO, CA 95814
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
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March 25, 2020

The Honorable Tom Daly
Assembly Member, 69th District
State Capitol, Room 3120
Sacramento, CA 95814

RE: Support for Assembly Bill 2310

Dear Assembly Member Daly:

As part of its statutory charge, the California Transportation Commission (Commission) advises the Administration and the Legislature on state transportation policies and makes recommendations for legislation to improve California's transportation system.

The Commission adopted a position to support Assembly Bill 2310 at its March 25, 2020 meeting. This measure would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the California Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program. This would implement a legislative recommendation the Commission made in its 2019 Annual Report to the Legislature.

The Commission commends your leadership in ensuring that interest earnings derived from state transportation revenues are statutorily assigned to the appropriate

Assembly Member Tom Daly
RE: Support for Assembly Bill 2310
March 25, 2020
Page 2

transportation funding programs. Commissioners and staff are available to provide information that may assist you in moving this legislation forward. If we can be of assistance, please contact the Commission's Executive Director, Mr. Mitch Weiss, at (916) 654-4245.

Sincerely,

PAUL VAN KONYNENBURG
Chair

c: Commissioners, California Transportation Commission
The Honorable Jim Beall, Chair, Senate Transportation Committee
The Honorable Jim Frazier, Chair, Assembly Transportation Committee
Mitch Weiss, Executive Director, California Transportation Commission
David S. Kim, Secretary, California State Transportation Agency
Toks Omishakin, Director, California Department of Transportation

ASSEMBLY BILL

No. 2310

Introduced by Assembly Member Daly

February 14, 2020

An act to amend Sections 2031 and 2032 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2310, as introduced, Daly. Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest:

Existing law creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. Existing law provides for the deposit of various funds, including revenues from certain fuel taxes and vehicle fees, for the program in the Road Maintenance and Rehabilitation Account. Existing law requires funds available for the program to be allocated for various specified purposes and requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the Department of Transportation for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula.

This bill would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the department for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2031 of the Streets and Highways Code
2 is amended to read:

3 2031. The following revenues shall be deposited in the Road
4 Maintenance and Rehabilitation Account, which is hereby created
5 in the State Transportation Fund:

6 (a) Notwithstanding subdivision (b) of Section 2103 and
7 pursuant to subdivision (a) of Section 2103.1, the portion of the
8 revenues in the Highway Users Tax Account attributable to the
9 increases in the motor vehicle fuel excise tax pursuant to
10 subdivision (c) of Section 7360 of the Revenue and Taxation Code,
11 as adjusted pursuant to subdivision (d) of that section.

12 (b) The revenues from the portion of the transportation
13 improvement fee pursuant to subdivision (c) of Section 11053 of
14 the Revenue and Taxation Code.

15 (c) The revenues from the increase in the vehicle registration
16 fee pursuant to Section 9250.6 of the Vehicle Code, as adjusted
17 pursuant to subdivision (b) of that section.

18 (d) Notwithstanding subdivision (b) of Section 2103 and
19 pursuant to paragraph (2) of subdivision (b) of Section 2103.1,
20 one-half of the revenues attributable to the increase in the diesel
21 fuel excise tax pursuant to subdivisions (b) and (c) of Section
22 60050 of the Revenue and Taxation Code.

23 (e) *Any interest earned on the revenues in the Road Maintenance
24 and Rehabilitation Account.*

25 (e)
26 (f) Any other revenues designated for the program.

27 SEC. 2. Section 2032 of the Streets and Highways Code is
28 amended to read:

29 2032. (a) (1) After deducting the amounts appropriated in the
30 annual Budget Act, as provided in Section 2031.5, two hundred
31 million dollars (\$200,000,000) of the remaining revenues deposited
32 in the Road Maintenance and Rehabilitation Account shall be set
33 aside annually for local or regional transportation agencies that
34 have sought and received voter approval of taxes or that have
35 imposed fees, including uniform developer fees as defined by
36 subdivision (b) of Section 8879.67 of the Government Code, which
37 taxes or fees are dedicated solely to transportation improvements.
38 The Controller shall each month set aside one-twelfth of this

1 amount, except in ~~fiscal year 2017-18~~, *the 2017-18 fiscal year*,
2 the Controller shall set aside one-eighth of this amount, to
3 accumulate a total of two hundred million dollars (\$200,000,000)
4 in each fiscal year. The Controller may adjust the amount in the
5 final month or months of each fiscal year if necessary to achieve
6 the annual amount specified in this subdivision.

7 (2) Eligible projects under this subdivision include, but ~~not~~ are
8 *not* limited to, sound walls for a freeway that was built before 1987
9 without sound walls and with or without high-occupancy vehicle
10 lanes if the completion of the sound walls has been deferred due
11 to lack of available funding for at least 20 years and a noise barrier
12 scope summary report has been completed within the last 20 years.

13 (3) Notwithstanding Section 13340 of the Government Code,
14 the funds available under this subdivision in each fiscal year are
15 hereby continuously appropriated for allocation by the commission
16 for road maintenance and rehabilitation and other transportation
17 improvement projects pursuant to Section 2033.

18 (b) After deducting the amounts appropriated in the annual
19 Budget Act pursuant to Section 2031.5 and the amount allocated
20 in subdivision (a), beginning in the 2017-18 fiscal year, one
21 hundred million dollars (\$100,000,000) of the remaining revenues
22 shall be available annually for expenditure, upon appropriation by
23 the Legislature, on the Active Transportation Program ~~created~~
24 *established* pursuant to Chapter 8 (commencing with Section 2380)
25 ~~of Division 3~~ to be allocated by the California Transportation
26 Commission pursuant to Section 2381. The Controller shall each
27 month set aside one-twelfth of this amount, except in the 2017-18
28 fiscal year, when the Controller shall set aside one-eighth of this
29 amount, to accumulate a total of one hundred million dollars
30 (\$100,000,000) in each fiscal year. The Controller may adjust the
31 amount in the final month or months of each fiscal year if necessary
32 to achieve the annual amount specified in this subdivision.

33 (c) After deducting the amounts appropriated in the annual
34 Budget Act pursuant to Section 2031.5 and the amounts allocated
35 in subdivisions (a) and (b), beginning in the 2017-18 fiscal year,
36 four hundred million dollars (\$400,000,000) of the remaining
37 revenues shall be available annually for expenditure, upon
38 appropriation by the Legislature, by the department for bridge and
39 culvert maintenance and rehabilitation. The Controller shall each
40 month set aside one-twelfth of this amount, except in the 2017-18

1 fiscal year, when the Controller shall set aside one-eighth of this
 2 amount, to accumulate a total of four hundred million dollars
 3 (\$400,000,000) in each fiscal year. The Controller may adjust the
 4 amount in the final month or months of each fiscal year if necessary
 5 to achieve the annual amount specified in this subdivision.

6 (d) After deducting the amounts appropriated in the annual
 7 Budget Act pursuant to Section 2031.5 and the amounts allocated
 8 in subdivisions ~~(a), (b), and (c)~~; *(a) to (c), inclusive*, beginning in
 9 the 2017–18 fiscal year, twenty-five million dollars (\$25,000,000)
 10 of the remaining revenues shall be transferred annually to the State
 11 Highway Account for expenditure, upon appropriation by the
 12 Legislature, to supplement the freeway service patrol program.
 13 The Controller shall each month set aside one-twelfth of this
 14 amount, except in the 2017–18 fiscal year, when the Controller
 15 shall set aside one-eighth of this amount, to accumulate a total of
 16 twenty-five million dollars (\$25,000,000) in each fiscal year. The
 17 Controller may adjust the amount in the final month or months of
 18 each fiscal year if necessary to achieve the annual amount specified
 19 in this subdivision.

20 (e) After deducting the amounts appropriated in the annual
 21 Budget Act pursuant to Section 2031.5 and the amounts allocated
 22 in subdivisions ~~(a), (b), (c), and (d)~~, *in the 2017–18, 2018–19,*
 23 *2019–20, 2020–21, and (a) to (d), inclusive, in the 2017–18 to*
 24 *2021–22 fiscal years, inclusive*, from revenues in the Road
 25 Maintenance and Rehabilitation Account that are not subject to
 26 Article XIX of the California Constitution, five million dollars
 27 (\$5,000,000) shall be appropriated in each fiscal year to the
 28 California Workforce Development Board to assist local agencies
 29 to implement policies to promote preapprenticeship training
 30 programs to carry out the projects that are funded by the account
 31 pursuant to Section 2038. Funds appropriated pursuant to this
 32 subdivision in the Budget Act but remaining unexpended at the
 33 end of each applicable fiscal year shall be reappropriated for the
 34 same purposes in the following year's Budget Act, but all funds
 35 appropriated or reappropriated pursuant to this subdivision in the
 36 Budget Act shall be liquidated no later than June 30, 2027.

37 (f) After deducting the amounts appropriated in the annual
 38 Budget Act pursuant to Section 2031.5 and the amounts allocated
 39 in subdivisions ~~(a), (b), (c), (d), and (e)~~; *(a) to (e), inclusive*,
 40 beginning in the 2017–18 fiscal year, twenty-five million dollars

1 (\$25,000,000) of the remaining revenues shall be available annually
2 for expenditure, upon appropriation by the Legislature, by the
3 department for local planning grants, as described in Section
4 2033.5. The Controller shall each month set aside one-twelfth of
5 this amount, except in the 2017-18 fiscal year, when the Controller
6 shall set aside one-eighth of this amount, to accumulate a total of
7 twenty-five million dollars (\$25,000,000) in each fiscal year. The
8 Controller may adjust the amount in the final month or months of
9 each fiscal year if necessary to achieve the annual amount specified
10 in this subdivision.

11 (g) After deducting the amounts appropriated in the annual
12 Budget Act pursuant to Section 2031.5 and the amounts allocated
13 in subdivisions (a), (b), (c), (d), (e), and (f), (a) to (f), inclusive,
14 beginning in the 2017-18 fiscal year and each fiscal year thereafter,
15 from the remaining revenues, five million dollars (\$5,000,000)
16 shall be available, upon appropriation, to the University of
17 California for the purpose of conducting transportation research
18 and two million dollars (\$2,000,000) shall be available, upon
19 appropriation, to the California State University for the purpose
20 purposes of conducting transportation research and
21 transportation-related workforce education, training, and
22 development. Before the start of each fiscal year, the Secretary of
23 Transportation and the chairs Chairs of the Assembly Committee
24 on Transportation and the Senate Committee on Transportation
25 and Housing may set out a recommended priority list of research
26 components to be addressed in the upcoming fiscal year.

27 (h) Notwithstanding Section 13340 of the Government Code,
28 the balance of the revenues deposited in the Road Maintenance
29 and Rehabilitation Account are hereby continuously appropriated
30 as follows:

31 (1) Fifty percent for allocation to the department for maintenance
32 of the state highway system or for purposes of the state highway
33 operation and protection program. *State Highway Operation and*
34 *Protection Program.*

35 (2) Fifty percent for apportionment to cities and counties by the
36 Controller pursuant to the formula in clauses (i) and (ii) of
37 subparagraph (C) of paragraph (3) of subdivision (a) of Section
38 2103 for the purposes authorized by this chapter.

39 (i) *Notwithstanding Section 13340 of the Government Code or*
40 *any other law, interest earnings derived from revenues deposited*

1 *in the Road Maintenance and Rehabilitation Account shall be*
2 *continuously appropriated to the department for maintenance of*
3 *the state highway system or for purposes of the State Highway*
4 *Operation and Protection Program.*

O



Gavin Newsom
Governor

David S. Kim
Secretary

915 Capitol Mall, Suite 350B
Sacramento, CA 95814
916-323-5400
www.calsta.ca.gov

The California State Transportation Agency (CalSTA) recently developed the attached **"California Federal Surface Transportation Reauthorization Principles"** document signed by over 30 state, local and tribal governments as well as transit, port and business stakeholder groups. We are very pleased to see that the U.S. House Transportation & Infrastructure (T&I) Committee's **"Moving Forward Framework"** reflects policies that we have either successfully implemented in California or have championed in our Consensus Principles in the areas of climate action, resilience, innovation and access to the economy for all our citizens.

We are also very encouraged by the U.S. Senate Environment and Public Works Committee's **"America's Transportation Infrastructure Act of 2019"** (S. 2302, ATIA) focus on safety, wildlife crossing mitigation, resiliency, greenhouse gas emission reductions and bridge investment. **CalSTA welcomes the opportunity to be a resource to Congress, and where appropriate, provide testimony regarding these areas where California is providing strong national transportation policy leadership. Additionally, we seek your support for some specific federal priorities, including:**

I. Zero Emission Vehicles and Charging Infrastructure

We appreciate and support the *"Moving Forward Framework"* emphasis on investing in zero emission buses - clearly a priority in California as we work to transition California's entire transit bus fleet to zero emission by 2040. CalSTA is supporting this transition with state grants, and the Governor's state Fiscal Year (FY) 20-21 budget proposes a new "Climate Catalyst Fund" revolving loan program to stimulate private investment in climate-related projects - including the deployment of zero emission vehicle (ZEV) charging infrastructure. But robust federal investment is also needed to deploy ZEVs and charging infrastructure and we would like to work with Congress on this issue.

Additionally, the California Department of Transportation (Caltrans) is on the leading edge of ZEV adoption, both in its own agency fleet as well as in building ZEV charging infrastructure to support California's target for five million ZEVs on the road by 2030. Caltrans publicly-accessible ZEV "30-in-30" Program is in the early construction stage. The "30-in-30" Program will install publicly-accessible ZEV fast chargers at key facilities along State Highway System right-of-way.

However, current federal restrictions on commercial activity (and the charging of fees) along interstate right-of-ways (23 U.S.C. § 111) may inhibit cost-recovery and public-private partnerships (P3) to deploy ZEV infrastructure along California highways.

- **Request: California continues to urge Congress to provide the flexibility needed to encourage private investment in ZEV infrastructure and facilitate its successful deployment along the interstate.** It should be noted that in October 2018 the Trump Administration Infrastructure Proposal, "Legislative Outline for Rebuilding Infrastructure in America", proposes amending 23 U.S.C. § 111 to provide flexibility to commercialize interstate rest areas.

Moreover, in April 2019, Caltrans submitted a Special Experimental Project Number 15 (SEP-15) program application to the Federal Highway Administration (FHWA) proposing to allow service fees to be charged for ZEV fueling at California state-owned property in the federally-assisted right-of-way. **Both California U.S. Senators and eight California members of the U.S. House T&I Committee signed a letter supporting Caltrans' application.** After receiving initial comments from FHWA, Caltrans revised its application and submitted a SEP-15 ZEV Infrastructure Implementation Plan in December of 2019.

- **Request: California respectfully requests continued Congressional support for its SEP-15 application and ZEV Implementation Plan.**

II. Climate Resilience

We are encouraged that both the House "Moving Forward Framework" and the Senate S. 2302 ATIA bill create new programs to make our infrastructure more resilient to the effects of climate change. California is experiencing impacts from extreme weather, exacerbated by climate change, which places a heavy burden on our road and rail systems. Through emergency repair work to the State Highway System in the aftermath of the 2017 winter storms and recent 2018 wildfires, Caltrans incurred hundreds of millions in FHWA Emergency Relief-eligible costs. And sea level rise due to climate change, in combination with storm surges, has the potential to damage and inundate hundreds of miles of the coastal highway and rail systems by the end of the century.

California is already taking proactive steps to make its transportation system more resilient, for example: updating the California Highway Design Manual to include the latest climate-informed data on precipitation and heat; completing climate change vulnerability assessments and developing climate adaptation strategies; and preparing a climate action report to prioritize adaptation investments toward at-risk assets. Additionally, the Governor's state FY 20-21 budget proposes a \$4.75 billion Climate Resilience Bond for the November 2020 ballot for investments to reduce climate risk.

FHWA Emergency Relief – California's current total FHWA Emergency Relief-program eligible need is approximately \$880 million. The American Association of Highway and Transportation Officials (AASHTO) has called for increasing the flexibility of the FHWA Emergency Relief program to allow for betterments in repair work that will reduce the risk of future reoccurring damages. At the same time, federal regulations require increasingly complex Emergency Relief-eligible projects to be ready for funding obligation within two years of the disaster event.

- **Request:** California believes the Emergency Relief program should be amended to allow for betterments to make Infrastructure more resilient, and that state and local governments should be provided five to six years to obligate federal Emergency Relief funds, as called for in H.R. 3193, "*Transportation Emergency Relief Funds Availability Act*" (introduced by Congressman John Garamendi), as these projects become increasingly complex. H.R. 3193 is cosponsored by 44 members of the California U.S. Congressional delegation.

Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor and Del Mar Bluffs

Erosion - The LOSSAN Rail Corridor is the nation's second busiest intercity rail corridor. Currently, the State of California funds 100 percent of the operating subsidy for Pacific Surfliner service, Amtrak's highest ridership state-supported service carrying 2.9 million passengers annually. State funds also provide significant operating and capital support for the North County Transit District's COASTER commuter rail service. Additionally, the corridor supports significant freight rail operations and is part of the U.S. Strategic Rail Corridor Network (STRACNET).

A portion of the LOSSAN Rail Corridor runs through the City of Del Mar on bluffs located adjacent to the Pacific Ocean. The Del Mar Bluffs, which support the railroad infrastructure and track bed, have experienced and continue to be vulnerable to major erosion that threatens the stability and viability of the route.

CalSTA has convened a Working Group of regional leaders to explore near-term stabilization and long-term realignment of the LOSSAN Rail Corridor. Additionally, the San Diego Association of Governments (SANDAG) has submitted a Federal Railroad Administration (FRA) *Federal-State Partnership for State of Good Repair (SOGR)* grant application for near-term Del Mar Bluffs stabilization work. Likewise, Caltrans has also applied to the U.S. Department of Transportation's (U.S. DOT) *Infrastructure for Rebuilding America (INFRA)* program for funding to stabilize the Del Mar Bluffs.

- **Request:** Support federal grant applications to U.S. DOT for work to stabilize the LOSSAN Rail Corridor in the Del Mar Bluffs.
- **Request:** Organize a Congressional Delegation (CODEL) or Field Hearing to review California transportation efforts and inspect the status of LOSSAN Rail Corridor Del Mar Bluffs erosion. We believe that this is a project of regional and national significance.

III. Road Charge

In 2017, California completed a 5,000-vehicle road charge pilot program – the largest road charge pilot program ever conducted. California is currently conducting additional demonstrations, including a pay-at-the-pump model. Federal funding support is critical to finding ways to ensure the sustainability of transportation revenues. California has already received funding for road charge demonstrations under the

federal *Surface Transportation System Funding Alternatives (STSFA) Program*; California intends to apply for additional federal funds in April 2020.

We are encouraged that the Senate S. 2302 ATIA bill includes \$15 million annually for state programs to explore alternative funding mechanisms, and \$10 million annually for a national research program, while the House "Moving Forward Framework" calls for authorizing a multi-year national pilot program. Additionally, we support the Senate ATIA bill's inclusion of State Departments of Transportation on a Federal Funding System Alternative Advisory Board, and ATIA's increase of the federal share for STSFA grants from 50 percent to 70 percent. Road charge needs to remain a funding priority as Congress works to pass reauthorization legislation.

- **Request: California asks that a federal surface transportation reauthorization bill continue to include funding to assist with road charge implementation.** Additionally, the reauthorization bill should provide State DOTs a prominent role in shaping federal road charge policy.

IV. NEPA Assignment Statutory Extension

Since 2007, Caltrans has performed federal responsibilities for environmental decisions and approvals under the National Environmental Policy Act (NEPA) for highway projects in California funded by the FHWA. Through "NEPA Assignment," Caltrans has been able to cut the regulatory burden on thousands of road projects, achieving time savings of months and years in reviewing and approving environmental documents. And last year, the California legislature provided a permanent waiver of 11th Amendment sovereign immunity to further strengthen California's NEPA Assignment program.

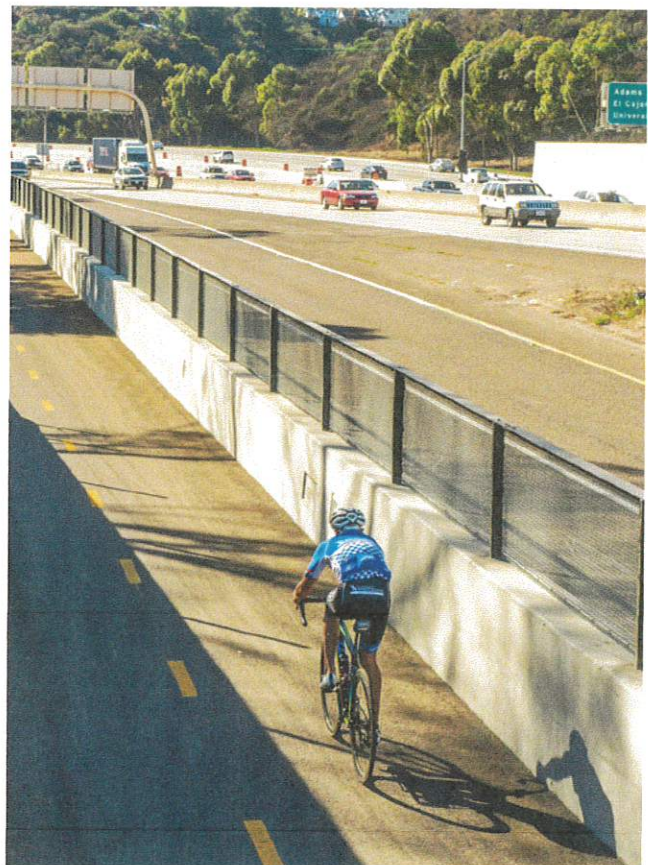
- **Request: Given California's successful track record in the NEPA Assignment Program, California supports extending the federal statutory term of years for NEPA Assignment agreements from five to ten years.** Lengthening the assignment agreement terms will reduce the workload on federal and state staff and mitigate the risk of these agreements lapsing before assignment authority can be renewed.

V. Rail and Transit Investment

CalSTA strives to transform the lives of all Californians through a safe, accessible, low carbon, 21st century multimodal transportation system built on major investments in transit and rail. The Governor's state FY 20-21 budget includes \$1.4 billion for transit, rail, and transit-oriented development projects, including High-Speed Rail funded by continuous appropriations of revenues derived from California's Cap and Trade emissions trading system. We appreciate and support the "Moving Forward Framework" inclusion of \$55 billion for transformative rail investments and \$105 billion for transformative transit investments.

- **Request: Provide robust federal funding to support rail and transit investments.**

California Federal Surface Transportation Reauthorization Principles



Transportation is vital to California's economy — the world's fifth largest economy — representing 12 percent of the U.S. population. Measured by value, more international goods enter the nation through California than any other state — moving through its 12 seaports, 12 major cargo-handling airports and 3 land ports of entry with Mexico. So, investment in California's transportation infrastructure powers the entire national economy, and Californians are stepping up and doing their part to support infrastructure investment.

- California has joined cities, counties, regions and states across the country to increase infrastructure funding. Senate Bill (SB) 1, the landmark Road Repair and Accountability Act of 2017, which was backed by a broad coalition of supporters, invests \$54 billion over the next decade — \$5.4 billion annually — to fix roads, freeways, bridges, and put more dollars toward transit, safety programs and active transportation infrastructure in communities across California.
- What is more, residents of California's "Self-Help Counties," representing more than 88 percent of the state's population, have voted to fund regional transportation improvements. Twenty-five California counties have passed measures that will provide over \$194 billion in funding over the next 30 to 40 years for multi-modal transportation improvements across the State.

With the passage of SB 1 and local sales tax measures, Californians have prioritized funding for transportation projects — including nationally significant projects and the preservation of federal-aid highways. California is eager to partner with the federal government, and we stand ready and willing to match increased federal infrastructure investment.

We join other state, local and tribal governments across America in our need for a strong federal partner to make needed "fix it first" investments to preserve our existing assets, deliver transportation infrastructure improvements that will create jobs, increase safety, improve mobility, address emerging issues including climate change resiliency and keep the economy growing in California and across the nation. We also believe that federal infrastructure

investment should recognize and reward states like California that come to the table with new funding to support successful partnership with the federal government.

We recommend the principles below guide the development of Surface Transportation Reauthorization legislation. We would also note that the U.S. Senate Environment and Public Works Committee has already advanced the America's Transportation Infrastructure Act of 2019 reauthorization legislation, which moves in certain policy directions that are consistent with a number of principles we have outlined.

Restore Highway Trust Fund Solvency and Provide a Multi-Year Surface Transportation Reauthorization

To simply maintain the current federal Highway Trust Fund spending levels adjusted for inflation after the Fixing America's Surface Transportation Act (FAST Act, P.L. 114-94) expires in federal fiscal year (FFY) 2020, Congress will need to identify an additional \$114 billion for a six-year surface transportation reauthorization bill. At the same time, it is crucial that federal transportation programs provide long-term funding stability for transportation projects that can take multiple years to plan and construct.



- Any new Surface Transportation Reauthorization legislation should include new sustainable, user-based revenues to ensure the long-term solvency of the Highway Trust Fund and provide for increased, multi-year direct federal investment. Federal revenue options can draw upon the experience of California and 30 other states that have successfully enacted transportation revenue packages since 2012.
- California supports a six-year Surface Transportation Reauthorization bill that will provide funding stability and certainty and allow for deliberate infrastructure planning and investment.
- In addition to robust General Fund support, Surface Transportation Reauthorization legislation should ensure that the Federal Transit Administration (FTA) programs continue to receive their historical funding share from the Highway Trust Fund.
- The California Department of Transportation (Caltrans) conducted the nation's largest vehicle miles traveled (VMT) road charge pilot to date, which included 5,000 participating vehicles travelling more than 37 million miles. Congress should continue providing funding to states willing to research or pilot innovative transportation user-based revenue mechanisms.
- Congress should repeal FAST Act section 1438 that requires the rescission of \$7.57 billion in unobligated contract authority for core FAST Act highway programs; the American Association of State Highway and Transportation Officials (AASHTO) estimates that California may have approximately \$693.2 million in unobligated contract authority subject to rescission in FFY 2020 because of FAST Act section 1438. Congress should also exclude any rescission in the next Surface Transportation Reauthorization.
- California supports maintaining the federal and local match for transportation projects, so that the required local match for projects does not increase unless state or local grantees opt to voluntarily increase their match. Additionally, Congress should maximize the use and flexibility of federal funds by eliminating requirements for non-federal matches, particularly in rural and tribal areas that have fewer resources.
- California supports increasing Highway Safety Improvement Program (HSIP) funding, consistent with our request to grow the core highway programs, and we recommend restoring flexibility to HSIP funds to be used for non-infrastructure safety programs such as behavioral efforts, public awareness, education, enforcement, research, improving system resilience, and pilot or experimental projects. To improve safety for bicyclists and pedestrians, Congress should consider targeting a portion of HSIP funding to address vulnerable user safety in areas where user fatalities are above the national average.

Build on Bipartisan FAST Act Structure and Address Emerging Issues — Climate Resiliency and New Mobility Technologies

California strongly supported the passage of the bipartisan FAST Act. Adopted in 2015, the FAST Act provided long-term certainty needed to advance multi-year highway, transit, passenger rail and multi-modal freight improvements. Any new Surface Transportation Reauthorization legislation should increase funding for the core highway, transit, passenger rail, and multi-modal freight programs authorized by the FAST Act. Congress should also explore ways to improve core FAST Act programs to provide states greater flexibility to achieve national goals, such as improving safety. Policy recommendations follow:

- California has maintained the Highway Bridge Program for locally-owned bridges that was eliminated by the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141). Consistent with our request to grow core highway programs, California supports increased funding for the National Highway Performance Program (NHPP) and Surface Transportation Program Block Grant Program (STBG program), which support California's local Highway Bridge Program. California also supports maintaining the flexibility Congress provided in the FAST Act to use NHPP funding for bridges on non-National Highway System federal-

aid roads. The current California local Highway Bridge Program need greatly exceeds the \$300 million allocated annually to the program. Any new bridge program Congress creates must distribute funding on needs-based criteria.

While California supports the FAST Act program structure as the starting point for a Surface Transportation Reauthorization bill, Congress should also consider new funding programs, flexibility or policies to ensure our infrastructure is prepared for rapidly emerging issues, including: making our infrastructure more resilient to climate change and preparing it for new mobility technologies.

In recent years, California has experienced extreme weather exacerbated by climate change. Through emergency repair work in the aftermath of the 2017 winter storms and 2018 wildfires, California incurred hundreds of millions in Federal Highway Administration (FHWA) Emergency Relief-eligible costs. Sea level rise due to climate change, in combination with storm surges, has the potential to inundate hundreds of miles of the coastal highway by the end of the century. California's 2018 4th Climate Change Assessment shows that increasing temperatures are expected to increase road construction costs between 3 and 9 percent.

- Congress should increase planning funds to help state and local governments identify and address complexities around climate change.
- Congress should create a new needs-based multi-modal formula program that will make our transportation networks resilient in the face of a changing climate.
- AASHTO has noted that certain federal requirements slow the delivery of transportation projects using the FHWA's Emergency Relief funds, and it has called for the program to be streamlined. At the same time, federal regulations require Emergency Relief-eligible projects to be ready for funding obligation within two years of the disaster event. California believes the Emergency Relief Program should be streamlined, and that state and local governments should be provided five to six years to obligate federal Emergency Relief funds,

as called for in H.R. 3193, Transportation Emergency Relief Funds Availability Act.

California is also a national leader in technology and intelligent transportation systems. We urge Congress to support emerging transformative technologies — including connected and autonomous vehicles; app-enabled crowd-sourced data gathering; and integrated, automated multi-modal ticketing that will ease accessibility to all modes of transportation — and take measures to prepare our infrastructure for these technologies.

- Congress should create a new flexible program to fund transportation capital and operational investments to take advantage of and prepare our transportation infrastructure for emerging technologies that are transforming the way people and goods are moved.

Freight/Goods Movement

California is the nation's international trade leader in terms of value and quantity of goods handled by its seaports, airports, railroads and roadways. In fact, more than 40 percent of the total containerized cargo entering the U.S. arrives through California and almost 30 percent of the nation's exports flow through ports in the Golden State. The State's agricultural sector, supported by California's rural freight infrastructure, is a critical source of goods for export and is the largest producer of food in the U.S. With the passage of SB 1 and local sales tax measures, California is coming to the table with significant new, non-federal funding to keep goods moving efficiently and boost national economic growth.

Nevertheless, in 2017 and 2018, the U.S. Department of Transportation (U.S. DOT) announced \$2 billion in discretionary Better Utilizing Investments to Leverage Development (BUILD) grants. In those two years, California received five BUILD grants totaling \$81.5 million, representing only 4 percent of the total funding from the 132 grants awarded nationwide. Likewise, during that period, California was awarded two Infrastructure for Rebuilding America (INFRA) grants totaling \$97 million, representing only 6.3 percent of the \$1.53 billion awarded. Congress and

the U.S. DOT can do better to ensure federal freight/goods movement programs prioritize eligibility for regions with nationally significant freight flows — which clearly include several parts of California!

- California supports freight funding programs to address critical issues facing our nation's major freight corridors and mitigating the impacts on local transportation systems and public health. A Surface Transportation Reauthorization bill should increase funding for freight/goods movement programs and discretionary freight funding programs should prioritize eligibility for regions with nationally significant freight flows, major port complexes and rural/agricultural freight networks, including support for short line rail freight operators to maintain the region's economic competitiveness.
- California supports increasing funding for the National Highway Freight Program (NHFP), removing the 10 percent cap on non-highway investment and providing flexibility for states to use discretion in determining the amount of NHFP formula funding dedicated to multi-modal freight projects identified in the state's freight investment plan. Congress should also consider apportioning NHFP funding based on need. Additionally, Congress should remove the caps on the INFRA Program used for grants to freight rail, water (including ports), or other freight intermodal projects.
- Congress should reestablish the National Cooperative Freight Research Program (NCFRP) to provide research products to assist states in their delivery of freight transportation projects with



funding beyond the amount prescribed for the federally managed Research Technology & Education Programs, and State Planning & Research-funded programs.

Sustainability and Climate Action

California is a national leader in efforts to address climate change, with more than a decade of policy leadership that includes the Sustainable Communities and Climate Protection Act (SB 375), which requires metropolitan planning organizations (MPOs) to create "sustainable communities strategies" to reduce Greenhouse Gas (GHG) in their long-range transportation plans. California state and local agencies are working to reduce the transportation sector's GHG emissions consistent with state goals, and to adapt the system so it is more resilient to climate risk.

Additionally, some California agencies are investigating pricing strategies, such as tolled express lanes, toll bridges, and cordon pricing, as a means of reducing VMT and providing revenue for transit and active transportation improvements, to subsidize transportation costs for low income households, or to attract private investment.

Moreover, California supports policies that will empower and reward transportation agencies for operating, investing in and managing the transportation system to more efficiently move people and goods with lower environmental, health and climate impacts, through higher vehicle occupancy, support of Zero-Emission Vehicles (ZEV) technology, increased use of rail, transit, cycling and walking, and other strategies.

We are very concerned that the National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) recently proposed to amend Corporate Average Fuel Economy (CAFE) and GHG emissions standards for passenger cars and light trucks. The Safer Affordable Fuel Efficient (SAFE) Vehicles Proposed Rule for Model Years 2021-2026 (SAFE Vehicle Rule) would also revoke California's waiver of preemption to set more stringent vehicle emissions standards than the federal

government, and potentially harm the delivery of transportation projects that must demonstrate conformity with air quality plans.

- Federal policy should further reward states like California that have made significant multi-modal investments to improve air quality and advance sustainability strategies.
- Congress should authorize an incentive grant program that rewards states, local governments, tribal governments and MPOs that have adopted or are willing to adopt "Best Practices" to reduce VMT and GHG emissions (including congestion pricing) and integrate transportation planning and investment decisions with other land-use, economic development, pricing and other strategies, and also provide financial incentives for rural sustainability initiatives.
- Congestion Mitigation and Air Quality Improvement (CMAQ) program funds, STBG and other flexible highway and transit programs support California in implementing innovative carbon reduction strategies and, as noted earlier in our letter, we support growing those core programs.
- Congress should provide assistance for data collection, and determining and quantifying GHG emissions, and other important data for addressing climate change. Congress should also provide funding, training, tools, and uniform standards for the collection and sharing of roadway and traffic data specifically for local, rural and tribal roadways, including assistance and funding for data collection required by federal performance management rules.
- Current federal restrictions on commercial activity (and the charging of fees) along interstate right-of-ways (23 U.S.C. § 111) inhibit public-private partnerships to deploy ZEV charging infrastructure. California continues to urge Congress to provide the flexibility needed to encourage private investment in ZEV infrastructure and facilitate its successful deployment along the federal-aid and interstate right-of-way. California also supports S. 674, the Clean Corridors Act of 2019, which would provide grant funding for the installation of electric

vehicle charging stations and hydrogen fueling infrastructure along designated corridors across the National Highway System.

- A new Surface Transportation Reauthorization bill should facilitate the expanded use of tolling by lifting restrictions on tolling existing interstate general purpose surface lane capacity. California also supports reversing the FTA policy of excluding bus service provided in HOT lanes from the 49 U.S.C. § 5337 "High-Intensity Motorbus" funding program; this policy reduces funding for regions across California that convert high-occupancy vehicle lanes to High Occupancy Toll (HOT) Lanes.
- California supports funding for wildlife crossings and programs to prevent wildlife-vehicle collisions.
- California strongly opposes the NHTSA/EPA SAFE Vehicle Rule's revocation of California's waiver of preemption to set more stringent vehicle emissions standards than the federal government.



Fund Multi-modal Mobility Solutions

The transportation sector in California accounts for 50 percent of the state's total GHG when accounting for associated fuel production, making it the single largest source of emissions in the state. At the same time, cities across California suffer from tremendous gridlock – in fact, 5 of the 20 most congested cities in North America are in California. Additionally, California's population is aging: between now and 2026, the number of Californians 65 or older is expected to climb by 2.1 million; an ageing state requires transportation solutions for those who cannot drive. And, when 50 percent of California households cannot afford the cost of housing in their local markets, the transportation system must still provide access to jobs and opportunity for those who do not have cars.

Changing this reality requires a multi-modal approach to mobility and increased investment — from all levels of government — in proven solutions like public transportation, active transportation and passenger rail. In California, we are doing our part — SB 1, the state's landmark transportation funding package, directs significant funding annually to public transportation, active transportation, and passenger rail; and counties across the state are choosing to tax themselves to invest in an “all of the above” approach to mobility.

Public Transportation: California urges Congress to ensure that the next Surface Transportation Reauthorization bill recognizes California's significant commitment to public transportation programs, and we request that Congress craft policies to reward California's public transit agencies for this commitment.

Additionally, in December 2018 the California Air Resources Board adopted the Innovative Clean Transit regulation (ICT). The regulation establishes a zero-emission bus purchase mandate, beginning as soon as 2030 (2023 for large transit agencies), with the goal of converting all transit buses in California to zero-emission (battery-electric, fuel cell) technologies by 2040. The successful implementation of the ICT will eliminate climate-changing fossil

fuels from more than 10,000 buses in California. Components and supply chains developed for transit buses, as a result of the ICT, may one day support electrification in other heavy-duty sectors.

- California supports growing core federal transit programs and transit-eligible highway programs, which have proven effective in delivering essential funds to transit operators to address their pressing state of good repair and capital investment needs. Specifically, the Surface Transportation Reauthorization legislation should increase funding for the following formula programs: FTA's Section 5307 and Section 5311 Urbanized Area and Non-Urbanized Area formula; FTA's Section 5337 State of Good Repair (SOGR); FTA's Section 5339 Bus and Bus Facilities; FHWA STBG and CMAQ Programs.
- California supports increased investment in the FTA's Capital Investment Grants (CIG) Program (greater than \$2.6 billion annually) to fully fund existing Full Funding Grant Agreements (FFGAs) and support new FFGAs. California also supports legislative language directing the U.S. DOT to expeditiously execute FFGA and administer CIG Program as intended by Congress.
- California urges Congress to increase funding of the federal transit program for Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities (49 U.S. § 5310) to address the growing transportation needs for these target populations.
- The Surface Transportation Reauthorization bill should help states and transit agencies transitioning to ZEVs by tailoring FTA's Low Emission/No Emission Program to incentivize and reward pursuing aggressive climate change solutions, while also increasing the funding authorized for the Program.
- California supports actions to grow on the successes found through the FTA's Mobility on Demand (MOD) Sandbox Pilot Program. MOD and/or Micro Transit projects implemented by local transit agencies and/or transit agency partnerships with shared mobility providers are proving successful for enhancing mobility for the traveling public. These solutions could not be

possible without the advent of travel planning application technology. These tools are enabling on-demand ride-hailing-sharing services, and in many cases proving to increase transit's share of overall transportation trips taken regionally and inter-regionally.

- The FTA's Section 5311(f) Program allocates discretionary grants to California's rural transit agencies. These agencies use this funding to provide critical intercity bus services that connect rural and urban populations. However, funding for this program is not adequate. Caltrans routinely receives more applications than the program can fund. As California's population continues to grow, and the need for transportation between California's communities continues to increase, funding for intercity bus services will become critical to the inter-regional transportation systems that move people across the State and beyond. California therefore requests an increase to the 5311(f) Program without decreasing the regional apportionments currently allocated to rural transit agencies for services funded through the 5311(f) parent program — FTA's Section 5311.
- California supports initiatives to develop and retain the workforce necessary to successfully deliver transit services, including additional flexibility on the use of federal funds like FTA's sections 5307 and 5311 for training purposes, as well as a significant increase in the funding authorized for FTA's Section 5314 Program. This funding could be used for apprenticeship and other workforce development programs and to expand funding for regional and statewide training consortium programs that provide advanced transit specific training through local community colleges, transit associations and similar educational institutions.
- California supports flexibility in the SOGR Program, including reduction of the waiting period for eligibility to access Section 5337 fixed guideway funds. Flexibility will allow public transit agencies that receive funding under both the High-Intensity Fixed Guideway and High-Intensity Motorbus Elements to apply their formula shares toward their highest-priority state of good repair needs.

Active Transportation: Investing in active transportation furthers the State's sustainability and climate preparedness objectives and improves the quality of life and public health of Californians. California has made a major commitment to walking and bicycling through investment in our Active Transportation Program, and we want to continue to increase that investment with new federal funding.

- California supports increasing funding for both the STBG Program, including proportionate growth for the Transportation Alternatives (STBG-TA) set-aside, and HSIP. Funding from STBG-TA and HSIP support California's Active Transportation Program. Congress should ensure that active transportation projects continue to be eligible for funding from the Highway Trust Fund.
- To address the low obligation rate of STBG-TA funding, Congress should take steps to ease the obligation of STBG-TA funds, including: allowing up to 5 percent of these funds to be used for staff or consultant technical assistance to strengthen potential grant applications and allowing HSIP funding to serve as a state or local match for STBG-TA projects that address a safety concern. Generally, California supports expanding opportunities for micro-businesses to participate in transportation projects.
- Congress should authorize a competitive grant program to fund planning, design and construction of regional active transportation networks and long-distance inter-regional cycling infrastructure. Congress should also authorize a study to determine best available estimates of the total amount of non-highway recreational fuel taxes received by the Department of the Treasury and transferred to the Highway Trust Fund to support the Recreational Trails Program.

Passenger Rail: California is making significant investments in intercity passenger and commuter rail, and therefore supports dedicated long-term federal investment in passenger rail programs. Modernizing the state's passenger rail system will: reduce emissions by enabling more Californians to switch from driving and flying to traveling by clean, fast and efficient rail service; open freight capacity to enhance the flow of goods from our fields and ports; connect regional

economies (e.g., the Central Valley and the Coast) and sustain an innovative state economy that will help drive America's economic competitiveness. Any new Surface Transportation Reauthorization legislation should provide significant funding for the High-Speed Intercity Passenger Rail program, establish dedicated funding for intercity passenger and commuter rail, increase funding for the FHWA's Railway-Highway Crossings Program (23 U.S.C. § 130), and reauthorize and fully fund FAST Act authorized Federal Railroad Administration intercity passenger rail grant programs, including the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program and SOGR Program.

- Congress should establish a dedicated formula capital funding program for intercity passenger rail that is additive to existing transit formula programs. The program should cover capital projects to improve and expand passenger rail service and capital maintenance of equipment. Eligible project costs should be made available under multi-year federal support agreements, with partial funding of project elements (without independent utility) not impacting future applications for additional allocations.



- Railroad crossing incidents are the second leading cause of rail-related deaths in America. California supports strengthening Section 130 to accelerate the number of critically important safety projects that are constructed each year and providing 100 percent federal contribution for Section 130 projects. Many communities are doing what they can to improve safety at at-grade crossings, but the most effective method — grade separation — is often expensive. Additionally, recent requirements for 10 percent non-federal matching funds has created significant challenges as railway-highway grade crossing projects often involve railroad companies, small cities or counties with little or no resources. Increasing Section 130 federal participation to 100 percent would help ensure the selection of projects for this program would continue to be data driven and not influenced by the availability, or lack of, the 10 percent matching funds.
- California supports reauthorizing the CRISI Grant Program, and the SOGR, at no less than FFY 2018 funding levels. California also supports expanding the eligibility of the SOGR Program. The current program is limited to publicly owned assets. This restriction limits the ability for States to partner with private freight railroads to invest in critical assets that are required to serve passenger rail. The program should expand eligibility to allow for funding for non-public assets with the requirement that such funding results in some guaranteed level of public access (e.g., railroad slots) or shared public ownership. Such an approach will incentivize privately owned railroads to partner with public agencies and potentially expand the provision of passenger railroad service.
- California supports creating a legislative resolution to the issue of "States as Railroads" and System Safety Program responsibility. States who sponsor, but do not operate, intercity passenger rail services, are not railroads nor are they railroad carriers. Section 225 of the Railroad Advancement of Innovation and Leadership with Safety (RAILS) Act includes language that clarifies that States are not rail carriers if they do not operate a rail service.

- Congress should include a multi-billion dollar, dedicated and sustainable Positive Train Control Operations and Maintenance support program for intercity passenger and commuter rail operators.
- California stands with the American Road and Transportation Builders Association, the American Public Transportation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters and the Transportation Trades Department AFL-CIO and others in requesting Congress prohibit the U.S. DOT from terminating its cooperative grant agreements with the California High-Speed Rail Authority.

Shorten Project Delivery Time and Provide Flexibility To Fully and Efficiently Utilize Federal Funds

California transportation agencies are proactively identifying efficiencies and policy improvements to responsibly manage the public's money and assets. For example, under Assembly Bill (AB) 1282, the California State Transportation Agency has convened a multi-agency Transportation Permitting Task Force to establish reasonable deadlines

for transportation project permit approvals and provide for greater certainty of permit approval requirements. Additionally, SB 1, the Road Repair and Accountability Act of 2017, requires Caltrans to achieve \$100 million in annual efficiencies that can be redirected towards maintaining and rehabilitating the State Highway System. And since 2007, Caltrans has performed federal responsibilities for environmental decisions and approvals under the National Environmental Policy Act (NEPA) for highway projects in California funded by the FHWA. Through "NEPA Assignment," Caltrans has been able to cut the regulatory burden on thousands of road projects, achieving time savings of months and years in reviewing and approving environmental documents.

- California strongly supports efforts to streamline federal regulations to facilitate more expeditious project delivery without diminishing environmental standards and safeguards.
- Given California's successful track record in the NEPA Assignment Program, California supports extending statutory term of years for NEPA Assignment agreements from five to ten years.



Public/Private Partnerships and Financing

Public-private partnership (P3) procurement methods are not a substitute for robust direct federal transportation investment nor a solution for federal infrastructure funding challenges. Rather, the financing element of P3 projects, in some instances, may leverage private sector resources in addition to mitigating design, construction, maintenance, and operations risks for the public sector. These arrangements often involve a project-related revenue stream, such as vehicle tolling and/or federal credit assistance programs.

- California supports innovative financing tools and urges Congress to fund and streamline the application process for the Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation and Improvement Finance (RRIF) Programs, ensuring continuing eligibility for Transit Oriented Development (TOD) projects in both programs, and clarify that federal loans should be classified as local funds on federal grant applications.
- California supports expanding tolling options on the interstate highway system, and authorizing the America Fast Forward Transportation Bonds and Build America Bonds to provide a powerful new finance tool for transportation agencies to use when financing major capital projects, and restoring tax exemption for advance refunding bonds.
- California supports new and increased funding for FTA's Section 3005(b) Expedited Project Delivery Program.

Tribal Transportation

California has 109 federally recognized Native American tribes and is home to 750,000 Native Americans, the highest population of any state. There are over 580,000 acres of Tribal trust lands found throughout California. Tribal governments provide transportation infrastructure, including road and bridge construction and maintenance.

In many states, the Native American population is disproportionately represented in fatalities and crash statistics. Native Americans' risk of motor-vehicle related death is about four times that of the general population. The risk is even higher for the population between 4 and 44 years old. Tribal communities must have the tools and funding to provide safe and efficient infrastructure.

- California supports an overall increase in federal transportation spending, including an increase in Tribal Transportation Program (TTP) and TTP planning funds.
- California also supports funding the Tribal High Priority Projects Program that has not been funded since the enactment of MAP-21. This program is crucial to tribal governments to complete their highest priority projects, which often include efforts to repair and reconstruct facilities following an emergency or natural disaster.
- California administers a tribal set-aside for projects using HSIP funding, and California supports an overall increase in HSIP funding that can be used to improve tribal transportation safety.
- The California Native American Advisory Committee has expressed concerns with the new centralized formatting of the Tribal Transportation Technical Assistance Program (TTAP), including reduced quality of training, a lack of one-on-one interaction with trainers, a lack of relevant training subject matter for California tribal transportation programs, and inconvenient course locations. California urges Congress to review recent changes to the TTAP to ensure that it meets the needs of tribal customers, including possibly authorizing a Government Accountability Review of TTAP. Additionally, the TTAP curriculum should include quality instruction on grant application writing and grant administration.
- California supports tribal transit pass programs or other mobility support for tribal members in areas with existing public transit services.

Consensus Principles Signatories

Associated General Contractors of California	Native American Advisory Committee
Association of Monterey Bay Area Governments	Placer County Transportation Planning Agency
Butte County Association of Governments	Rails-to-Trails Conservancy
California Alliance for Jobs	Rural Counties Task Force
California Association for Coordinated Transportation	Sacramento Area Council of Governments
California Association of Councils of Government	San Benito Council of Governments
California Association of Port Authorities	San Diego Association of Governments
California State Association of Counties	San Luis Obispo Council of Governments
California Transit Association	Santa Cruz County Regional Transportation Commission
California Transportation Commission	Self-Help County Coalition
Council of San Benito County Governments	Siskiyou County of Public Works
El Dorado County Transportation Commission	Solano Transportation Authority
Humboldt County Association of Governments	Southern California Association of Governments
LA Metro	Transportation Agency for Monterey County
Metropolitan Transportation Commission	Transportation California
National Indian Justice Center	Urban Counties of California

