

**TRANSPORTATION, COMMUNICATIONS & PUBLIC WORKS POLICY COMMITTEE  
HIGHLIGHTS**

**Thursday, March 29, 2012  
DoubleTree Hotel, Grove Room, Ontario, CA**

**ATTENDANCE**

Members: Armstrong, Harry (Acting Chair); Barone, Vida; Biery, James; Boga, Terrence; Bond, James; Brooks, Susan; Espinosa, Robert; Fergusson, Kelly; Fredericks, Alice; Freeland, Chris; Gustavson, David; Hudson, Dave; Johnson, Richard; Lautenschleger, Joel; Matsumoto, Michael; Overcashier, Lynn; Parks, Yvonne; Parra, Daniel; Patterson, Larry; Pieper, Darold; Ray, Caren; Rios, Mona; Rodriguez, Ralph; Schaefer, John; Slowik, Matthew; Swanson, Angela; Taylor, Jerry; Teaford, Bonnie; Wilson, Fred

League Partners: Cohen, Paul; Bui, Tami

Staff: Jennifer Whiting, Legislative Representative; Jeff Kiernan, Regional Public Affairs Manager; Sam Caygill, Public Affairs Program Manager

**I. Special Order of Business: Post Redevelopment & State Budget Update**

A general briefing of all policy committee members was held prior to each committee meeting. League President Mike Kasperzak, Mayor of the City of Mountain View, opened the briefing by welcoming the participants and thanking them for their involvement. He then introduced League Executive Director Chris McKenzie.

Mr. McKenzie outlined the work and initial recommendations of the League's Task Force on Next Generation of Economic Tools. He stated that some progress has been made in cleaning up issues with AB X1 26, the redevelopment dissolution legislation, with the introduction and movement of AB 1585 (Perez); he also encouraged cities to support the bill in the Senate. The task force continues to review and consider options for establishing new tools that local agencies can use for infrastructure and economic development, including SB 214 (Wolk) related to infrastructure finance districts. Mr. McKenzie gave an update on pension reform, stating that the League has remained engaged in the issue and had recently met with all of the legislators working on the issue in the Capitol, but it remained uncertain what would emerge from the legislature. Finally, he mentioned that the League's lawsuit over the loss of city shares of vehicle license fees (VLF) through SB 89 will be heard in early May in Sacramento Superior Court.

Legislative Director Dan Carrigg and Fiscal Policy Advisor Michael Coleman then provided an update on the state budget.

Mr. Carrigg outlined the new dynamics affecting state budget process derived from Propositions 25 and 26. Prop. 25 lowered the vote threshold to approve a budget from two-thirds to a majority, and also require legislators to forfeit salary when they fail to pass a budget by, June 15, the Constitutional deadline. Mr. Carrigg explained that legislative leadership had filed a lawsuit against the state Controller over whether he had the authority –he exercised in 2011--to determine if a budget approved by the Legislature was balanced. He also said that Democratic legislators were balking at accepting the Governor's budget cuts, and the Governor's proposed tax measures would not fully offset the projected deficit. Prop. 26 had closed off the previously-used tactic of the legislature attempting to fund state programs with "regulatory fees." He cautioned city officials to remain watchful.

Mr. Coleman presented an outline of the state budget and current state deficit, including the different deficit projections by the Legislative Analyst Office and Department of Finance. He

also explained the contents of the Governor's two tax proposals intended for the November ballot, which seek to increase personal income tax and sales tax. He said taxing high income earners made forecasting expected state revenues difficult to predict.  
<http://www.californiacityfinance.com/ConferenceMaterials.htm>

In addition, League Legislative Representative and Federal Liaison Jennifer Whiting, reported on the activities in Washington DC. She focused her comments on the federal transportation reauthorization bill and FY 2013 appropriations. The current SAFETEA-LU extension expires March 30, and Congress needed to act before then to extend the program provisions and the federal gas tax again while they continue to debate the longer-term solutions. During the policy committee meeting, Congress did approve a 90-day extension. Looking longer term, the Senate has approved a two-year bill, but the House is still in negotiations.

Ms. Whiting also encouraged city officials to contact their Congressional representatives about the importance of retaining funding for programs benefitting cities, like CDBG, in the FY 2013 appropriations process. She also encouraged cities to participate in the League's survey on the importance of federal funding for cities.

[http://www.cacities.org/resource\\_files/30640.FederalUpdateMarch2012PolicyCommittees.pdf](http://www.cacities.org/resource_files/30640.FederalUpdateMarch2012PolicyCommittees.pdf)

Following the general briefing, each committee met for their respective meetings (individual committee agendas available at [www.cacities.org/polcomm](http://www.cacities.org/polcomm)).

## **II. Welcome and Introductions**

Acting Chair Harry Armstrong opened the meeting, explained that the Chair and Vice Chair were unable to attend, and asked everyone to introduce themselves.

## **III. Public Comment**

There was no public comment.

## **IV. Approval of 2012 Committee Work Program**

Staff reminded the committee of the items added to the work program at the January meeting. The work program was unanimously approved.

## **V. State Budget Update**

### **1. Creation of Transportation Agency**

Staff briefed the committee on the known details and process for approval of the Governor's proposal to reorganize the Business, Transportation, and Housing Agency. The reorganization would create a Transportation Agency. Staff will continue to monitor the proposal and provide more information as needed.

## **VI. State Legislative Update**

Staff provided the committee with a list of pending legislation that the League has a formal or pending position on. In addition, the following specific items were discussed:

### **1. AB 819 (Wieckowski). Bikeways.**

AB 819 would require CalTrans to establish procedures for local agencies to request approval to use nonstandard planning, designs, construction features, signs, markers, and traffic control for bikeways and roadways where bicycles are used.

Comments and views from committee members were very mixed. In opposition to the bill, committee members stated that this basically means that safety standards would be ignored, and

that local agencies would not have design immunity possibly resulting in increased lawsuits. There were also arguments that this would put pressure on city councils to ignore successful standards and that drivers/cyclists from other states would not be familiar with nonstandard designs.

In support of the bill, members argued that from a policy perspective, we are encouraging people to get out of the cars and use alternative forms of transportation and this could help. Some members stated that in their area the flexibility is needed because the standard designs don't work for them. In addition, members noted that this is permissive, and does not require that city councils use nonstandard features.

A motion was made and seconded to support the bill. The motion failed with a vote of 8-16. A second motion was made and seconded to oppose unless amended to provide a process to create design immunity for local agencies. The motion passed with 8 no votes.

2. AB 1650 (Portantino). Public Utilities. Emergency/Disaster Preparedness.  
Removed from agenda.

3. AB 1706 (Eng). Vehicles. Unladen Weight.

As currently in print, this bill changes the definition of "unladen weight" of a vehicle. Staff explained that the bill is a spot intended to be amended to address the issue with transit buses that are over the legal weight limit, which the committee acted on in January. Staff updated the committee on the negotiations with the CA Transit Association and requested that no action be taken at this time to allow the negotiations to continue.

There were several comments from committee members. One member indicated that he would not support grandfathering in current buses. Another expressed that articulated buses are a major problem that has nothing to do with regulations, but has more to do with passenger weight. Committee members also asked several questions including the weight difference between fuel systems (fuel cell vs. CNG vs. diesel) and how different sized buses change traffic patterns.

Ultimately, the committee agreed unanimously to recommend that negotiations continue.

4. AB 1897 (Campos). General Plan: General Food Element.

AB 1897 requires cities and counties to add the general plan an element for healthy food.

While there was very little discussion from the committee, members did note that this is another example of the state encroaching on local planning authority. There was a motion made and seconded to oppose. The motion carried unanimously.

5. AB 2277 (Hueso). Adopt a Highway Program. Courtesy Signs.

AB 2277 would require that CalTrans notify local governments when an Adopt a Highway Courtesy sign is being placed in their jurisdiction, require the local government to hold a public hearing and allow the local jurisdiction to reject or approve the sign.

Committee members have a spirited discussion regarding this legislation. While members discussed the opportunity for giving their communities a voice, they also discussed the challenges and liability that local jurisdiction would face. Committee members expressed reservations about the results of such a bill. There was support for the notification sections of the bill.

There was a motion made and seconded to oppose. The motion carried unanimously.

6. AB 2559 (Buchanan). Natural Gas Pipelines: Pipeline Integrity Management.

AB 2559 requires the PUC to ensure notification to a city whenever a pipeline integrity plan may result in work in the city, and requires the city to expedite any permit associated with that work.

Committee members agreed that this is a very important issue, but raised concerns that in the past utility companies have interpreted “expedited permitting” to mean that they didn’t have to meet permitting or plan review requirements of a city.

There was a motion made a seconded to support if amended to clarify that the bill does not exempt gas corporations from any permitting or plan review requirements. The motion carried unanimously.

7. AB 1627 (Dickinson). Environmental Quality: Building Standards: VMT.

Kirstin Kolpitcke, League Legislative Representative, briefed the committee on AB 1627, which would prohibit local governments from issuing local building permits until it has been confirmed that the building satisfies standards designed to reduce VMT. The League currently has an oppose position, and no action was required by the committee. Ms. Kolpitcke was also able to report to the committee that discussions with supporters and the author were progressing.

8. Water Quality Bill Package.

League staff, Kyra Ross, updated the committee on the water quality bill package. Ross noted there are two parts to the package: the Governor’s reorganization proposal of the state’s nine water quality control boards and a package of bills to address ex-parte communication (SB 965 Wright), economic impacts (SB 964 Wright) and scientific peer review of statewide general permits issued (SB 1301 Blakeslee) and updated by the State Water Resources Control Board. Ross noted that the Governor’s office has removed their proposal from the budget process and will now pursue the reorganization proposal in SB 900 (Steinberg). Ross also noted that the three bills dealing with the State Water Board will be heard in their first committee on April 16<sup>th</sup>. No action was taken on this item.

On the federal level, the effort to fix problems associated with the “10% Rule” has gained some momentum. The League recently signed onto a letter in support of a solution. The letter can be found on the League’s website at [www.cacities.org/federal](http://www.cacities.org/federal).

**VII. Federal Update**

1. Transportation Reauthorization

Staff provided the committee with an additional status report on the transportation reauthorization, including that Congress had just (in the last two hours) passed a short term extension of both the transportation programs and federal gas tax. The new sunset date is June 30, 2012.

Staff also shared a briefing and list of recommendations on the House version that was acted on by the Board of Directors in February. The House released their version of the reauthorization shortly following the January TCPW policy committee meeting, and staff had been advised that it would move quickly. Time limitations required staff to take the item directly to the Board. All but three recommendations on the House bill were in line with the recommendation of the TCPW committee on the Senate Version. The additional three recommendations were unique to the House bill and had not been discussed.

**VIII. Municipal Solar Programs: The City of Lancaster and SolarCity**

Jason Caudle, Deputy City Manager for the City of Lancaster spoke to the committee on the City's solar program. The City created a community partnership with SolarCity to offer neighboring residents, businesses and nonprofit organizations in the Antelope and Santa Clarity Valley more affordable ways to adopt solar power. By working together with SolarCity, the city is able to simplify the process of going solar—by offering discounted solar pricing, custom solar system designs and solar system monitoring. Mr. Caudle also informed the committee about the California Clean Energy Authority also created by the City of Lancaster to help cities and municipal utilities find realistic answers to the challenges of complying with the state's environmental standards. More information on Solar Lancaster can be found at: [www.solarlanaster.org](http://www.solarlanaster.org). More information on California Clean Energy Authority can be found at: [www.californiacleanenergyauthority.com](http://www.californiacleanenergyauthority.com)

**IX. Briefing and Discussion on High Speed Rail**

Staff provided a handout on the status of legislation, initiatives, and state and federal proposals that could impact High Speed Rail. Staff reported that the High Speed Rail Business Plan should be finalized soon, and that the Governor is expected to release a High Speed Rail plan. Multiple committee members expressed frustration with the project and High Speed Rail Authority. One member pointed out that many cities were relying on redevelopment funding to pay for necessary infrastructure surrounding the planned stations, but that is no longer an option. Another expressed frustration that an existing rail station is being eliminated and a new station is planned, but has no infrastructure or services available nearby. Still another express frustration that they were unable to get a seat at the table, that their concerns were being brushed over, and that the ridership numbers were inaccurate.

At the request of a committee member, staff brought to the committee background information on AB 1455 (Harkey), which would prohibit additional funding for the HSR project to be spent. Staff noted that the bill is unlikely to garner the necessary support in the legislature for passage and that there is also at least one initiative planned that would accomplish the same goal. Staff recommended that no action be taken at this meeting, and committed to continue to bring information on the project to future committee meetings.

Upon review of the pending legislation related to High Speed Rail, members expressed a desire to support AB 41 (Hill). Staff reported that the subject area, while impacting the High Speed Rail Authority, actually lies within the purview of the Administrative Services Committee. An informal poll of the committee showed that a little more than half are interested in supporting the legislation. Staff committed to discuss the legislation with the Administrative Services Committee staff to see if current League policy would support a position.

**X. Update on TCPW Working Groups**

Neither working group has yet met, but staff intends to convene meetings before the June policy committee meeting.

**XI. Next Meeting: THURSDAY, June 14, 2012, Sacramento Convention Center**

**[Place on organization letterhead]**

**Date**

The Honorable Rod Wright  
State Capitol, Room 5064  
Sacramento, CA 94248-0001  
Fax: (916) 445-3712

**Re: SB 964 (Wright). Water Quality**  
**NOTICE OF SUPPORT**

Dear Senator Wright,

The City of **[Insert City Name]** supports your measure, SB 964, which would limit the circumstances under which the State Water Resources Control Board (State Water Board) is exempt from specific requirements in the Administrative Procedure Act (APA) that govern the actions taken by state agencies when they adopt rules, regulations and standards.

Under current law the State Water Board is exempt from the APA requirements for regulations when it issues, denies or revokes specified waste discharge requirements and permits, regardless of whether these requirements and permits would otherwise be regarded as “regulations” because of their general application to a significant number of persons or entities, even though the same requirements apply to nearly every other state agency. Moreover, the State Water Board is not required to evaluate the cost impacts to those affected by the permits, discuss alternatives to the regulatory action, or comply with other procedural safeguards contained in the rulemaking procedures of the APA when it issues these general permits.

SB 964 would require that the State Water Board adopt regulations using the procedural safeguards defined in the APA whenever it issues, denies, or revokes waste discharge requirements, general permits and waivers that apply on a statewide, region-wide, or industry-wide basis.

**[Insert specific examples of how looking at cost impacts would help your city]**

For these reasons and to further the goal of creating a process that is efficient and produces effective outcomes, the City of **[Insert City Name]** supports SB 964. If you have any questions about our position, please contact **[Insert Name]**, at **[Insert Phone Number]**.

Sincerely,

**[Insert Name, Title, City]**

cc: Kyra Ross, League of California Cities, ([kross@cacities.org](mailto:kross@cacities.org) or Fax 916-658-8240)  
**Your Senator**  
**Your Assembly Member**  
**Your Regional Public Affairs Manager**

**[Place on organization letterhead]**

**[Insert Date]**

The Honorable Rod Wright  
State Capitol, Room 5064  
Sacramento, CA 94248-0001  
Fax: (916) 445-3712

**Re: SB 965 (Wright). Water Quality**  
**NOTICE OF SUPPORT**

Dear Senator Wright,

The City of **[Insert Name]** supports your bill, SB 965 which will clarify there is no prohibition on *ex parte* communications between members of the State Water Resources Control Board or the California regional water quality boards (State Water Boards) and the regulated community in connection with specified permit proceedings, including those involving the issuance or modification of general storm water permits.

The clarification provided by this legislation is essential to remove a formidable obstacle that prevents the effective exchange of information between the Board and our organization. The challenges presented by the current format are detrimental to the effort to protect the waters of the State and the fiscal health of municipalities, water agencies and businesses throughout the State.

We have found the challenges created by the *ex parte* communication rules to be counterproductive to our efforts of working with the Board in the development of effective and efficient solutions for meeting the increasing demands of the Clean Water Act and the stormwater permits. **[Insert specific information on how this bill will help your city]**

For these reasons and to further the goal of creating a process that is efficient and produces effective outcomes, the City of **[Insert Name]** supports SB 965.

If you have any questions about our position, please contact **[Insert Name]**, at **[Insert Phone Number]**.

Sincerely,

**[Insert Name, Title, City]**

cc: Kyra Ross, League of California Cities, ([kross@cacities.org](mailto:kross@cacities.org) or Fax 916-658-8240)  
**Your Senator**  
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