TRANSPORTATION, COMMUNICATIONS, & PUBLIC WORKS POLICY COMMITTEE
Thursday, January 23
10:00 a.m. – 3:00 p.m
Hyatt Regency, 1209 L Street, Regency D, Sacramento

AGENDA

SPECIAL ORDER: State Budget and Issues Briefing for all policy committee members
10:00 – 10:45 a.m., Regency EF, Hyatt Regency
Upon adjournment, individual policy committee meetings will begin

I. Welcome and Introductions

II. Public Comment

III. Overview of Parliamentary Procedures and Roberts Rules (Attachment A)  Informational

IV. Committee Orientation (Attachment B)  Informational

V. League Strategic Goals for 2020 (Attachment C)  Informational

VI. Update of Existing Policy & Guiding Principles (Attachment D)  Action

VII. California’s Transportation Infrastructure  Informational
- Speaker: Elissa Konove, Undersecretary, California State Transportation Agency

VIII. FCC “Small Cell” Order Litigation Update  Informational
- Speaker: Tripp May, Shareholder, Telecom Law Firm, PC

IX. Legislative Update (Attachment E)  Informational
- Speaker: Rony Berdugo, Legislative Representative, League of California Cities

X. Rule 20 Draft League Policy (Attachment F & F1)  Action
- Speaker: Caroline Cirrincione, Legislative Policy Analyst, League of California Cities

XI. 2020 Draft Work Program (Attachment G)  Action

NOTE: For all meeting materials and additional resources, please visit: www.cacities.org/TCPW

Next Meeting: Thursday, April 2, Sheraton Park Hotel, 1855 S Harbor Blvd, Anaheim

NOTE: Policy committee members should be aware that lunch is usually served at these meetings. The state’s Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials’ statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you may...

Brown Act Reminder: The League of California Cities’ Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

1. Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: if fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or
2. A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

Informational Items: Any agenda item listed for information purposes may be acted upon by the Policy Committee if the Chair determines such action is warranted and conforms with current League policy. If the committee wishes to revise League policy or adopt new policy for an item listed as informational, committees are encouraged to delay action until the next meeting to allow for preparation of a full analysis of the item.
Parliamentary Procedure Basics Relating to League Policy Committees
(adapted from Robert’s Rules of Order Newly Revised)

Note: This document is designed to provide practical examples of common procedural matters encountered by League policy committees. It strives to provide guidance to foster productive and efficient meetings; it is not meant to be an exhaustive or comprehensive discussion of Robert's Rules. As always, it is the role and discretion of the chair to provide helpful guidance to individuals that may digress from the appropriate form and substance related to the conduct of meetings and the presentation of motions and other procedural matters set forth below.

I. COMMON MOTIONS

1. Main Motions
   Purpose: To introduce items to the committee for their consideration.
   Example: "I move the staff recommendation to support AB 123."

2. Motion to Amend
   Purpose: Retains the main motion under discussion, but changes it in some way.
   Example: "I move to amend the (presented main) motion to support AB 123 if amended."

"Friendly" Amendments
   Purpose: To offer an amendment to the main motion that is still supportive of the main motion.
   Example: If there is currently a motion to support AB 123 on the floor and a committee member makes a "friendly" amendment to support AB 123 and also request that staff report back after contacting the sponsor for clarification on specific language.

Note: This is commonly mishandled procedurally. Often the individual that seeks to offer the "friendly" amendment will inquire if the maker of the original motion will "accept" the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.

However, if it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like

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any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption.

3. **Substitute Motion**
   *Purpose:* Removes the motion under discussion and replaces it with a new motion.

   *Example:* When there is a main motion on the floor to support a bill, a substitute motion would be, "I move a substitute motion that the committee oppose AB 123."

### Addressing Multiple Motions
The following examples provide guidance relating to how multiple motions are handled, and the impact failed substitute motions have on original (main motions) and any proposed amendments. The last motion presented should be considered first.

*Note:* Substitute motions commonly occur during policy committee meetings, yet Robert's Rules does not make a distinction between motions to amend and substitute motions. However, motions to amend must be considered prior to a main motion. Because the use of "substitute" motions is fairly widespread, the label as it is reflected in practice is used in the examples below. Rosenberg's Rules of Order do reference substitute motions and their impact is also reflected below.

**Example 1**
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move that we support AB 123, if amended."
Committee Member 3: "I move a substitute motion that we oppose AB 123."

**Characterizing the Motions:**
In the above example:
- Committee Member 1 has made a (main) motion.
- Committee Member 2 has made an *amendment* to Committee Member 1's motion.
- Committee Member 3 has made a *substitute* motion to Committee Member 1's motion.

**Order for Consideration and the Possible Outcomes**
Committee Member 3's motion is considered first. If Committee Member 3's motion *fails*, Committee Member 2's motion will be considered next. If Committee Member 2's motion *fails*, Committee Member 1's motion will be considered. If Committee Member 2's motion *passes*, there is no need to consider Committee Member 1's motion.

If Committee Member 3’s motion *passes*, there is no need to consider Committee Member 1’s motions because Committee Member 3’s motion replaces Committee Member 1’s original motion. There is also no need to consider Committee Member 2's motion since it is an amendment to Committee Member 1's motion that has been replaced by Committee Member 3’s substitute motion.

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Example 2
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move a substitute motion that we oppose AB 123."
Committee Member 3: "I move that we oppose AB 123 unless amended."

Characterizing the Motions
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1’s motion
Committee Member 3 has made an amendment to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

Reviewing the Possible Outcomes
Committee Member 3’s motion should be considered first. If the motion fails,
Committee Member 2’s motion is considered.
If Committee Member 2’s motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 2's motion substitutes for it.

If Committee Member 3’s motion fails, Committee Member 2's motion is considered. If Committee Member 2's motion fails, the substitute motion for Committee Member 1’s motion fails, and Committee Member 1’s motion is considered.

If Committee Member 3’s motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 3's motion substitutes for it.

Example 3
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move a substitute motion that we oppose AB 123."
Committee Member 3: "I move a substitute to the substitute motion that we take no position on AB 123."

Characterizing the Motions
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1’s motion
Committee Member 3 has attempted to make a substitute to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

Reviewing the Possible Outcomes
While procedurally permissible, in an effort to avoid confusion Committee Member 3’s motion should not be entertained by the chair until Committee Member 1 and Committee Member 2's motions have been discussed and voted upon.

Committee Member 2's motion should be considered first. If the motion fails
Committee Member 1’s motion is considered. If Committee Member 1’s motion fails, then Committee Member 3's may make the motion to "take no position on AB 123."

If Committee Member 2's motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 2's motion substitutes for it.
4. **Motion to Withdraw**  
*Purpose:* To withdraw an item from discussion.

*Making the Motion to Reconsider:* Only the individual that made the initial motion can make a motion to withdraw an item from discussion. The individual may interrupt a speaker (after being recognized by the chair) to withdraw the motion under discussion at any time.

*Note:* This type of motion typically occurs following some debate by the committee that may provide additional information that influences the mover to reconsider continued debate on the original motion presented. Another member may subsequently make the same motion after it has been properly withdrawn.

*Example:* “Madame Chair, I move to withdraw my motion to support AB 123.”

5. **Motion to Reconsider**  
*Purpose:* To revisit discussion of an issue.

*Making the Motion to Reconsider:* A motion to reconsider must be made by an individual that previously voted in the majority of the original motion. A motion to reconsider made by an individual that previously voted in the minority must be characterized as out of order.

*Timing:* A motion to reconsider must be made at the same meeting where the original motion was discussed, or the next meeting of the body. Motions for reconsideration following the next meeting are out of order.

*Example:* “I move to reconsider the committee’s position to support AB 123.”

6. **Motion to Table**  
*Purpose:* This motion is often used in the attempt to "kill" a motion by setting it aside. The option is always present, however, to "take from the table," for reconsideration by the committee.

*Note:* This type of motion should be reserved to temporarily set an item aside if agreed upon by a majority of the committee to take up an item of immediate urgency. However, in practice it is sometimes used as an option to end debate and prevent a vote, and not typically to take up an item of immediate urgency. This is technically improper procedure (or out of order) under Robert's Rules.

*Example:* “I move that the committee table the motion to support AB 123.”

7. **Call for the Question**  
*Purpose:* To refocus the committee on the agenda in the event there is sentiment that the discussion has drifted. The individual seeking to end debate must first be recognized by the Chair, make the motion and the motion must receive a second. The motion must be adopted by a 2/3 vote or unanimous consent.

*Example:* “I move the previous question.”
Note: The above procedure is consistent with Roberts Rules, however, in practice when an individual calls for the question a vote is not usually taken. The motion simply serves as an indicator to the chair that the debate may have drifted from the agenda, and the chair should remind the committee to return to the agenda. If there is a sense that the current discussion is productive the chair may elect to ask for a vote relating to the motion to call for the question, or the chair may propose continued discussion for some short period to allow individuals that wish to speak the opportunity.

8. **Motion to Appeal**  
*Purpose:* To appeal a ruling made by the chair. A committee member may move to appeal a ruling by the Chair, but it must be seconded and receive a majority vote to be reversed.

*Example:* "I move to appeal the Chair’s ruling that the committee approved support of AB 123."

9. **Adding an Item to the Agenda for Consideration**  
*Purpose:* To have the committee discuss an item that is not on the prepared agenda before them. Because the League is committed to complying with the legal requirements and spirit of the Brown Act additional agenda items may be considered only if they fall within any of the below exceptions:

- An item may be added to the agenda by circulation to the committee members and posting on the League website at least 72 hours prior to the meeting.

- An item may be placed on the agenda at the meeting if the majority decides that it is an “emergency situation.” An emergency situation includes work stoppage, crippling disaster, or any other activity that impairs public health safety or both.

- Two-thirds of the committee members present (or all of the members if less than two-thirds are present) must determine that there is a need for immediate action, and the need to take action arose *subsequent* to the circulation of the agenda.

If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

Note: This procedure is typically used when there is a supplemental agenda that is distributed at the meeting that was not mailed to the committee prior to the meeting.

II. **OTHER ITEMS**

1. **Point of Privilege**  
*Purpose:* To draw attention to an item that interferes with the comfort of the meeting.

*Example:*
Committee Member: “Point of privilege.”
Chair: “State your point.”
Committee Member: “Madame Chair, may we inform the hotel staff that the room is uncomfortably hot and request that the air conditioning be adjusted.”
2. **Point of Order**  
   *Purpose:* To draw attention to inappropriate conduct at the meeting.

   *Example:*  
   Committee Member: “Point of order.”  
   Chair: “State your point.”  
   Committee Member: “Madame Chair, the motion was approved without opportunity for debate.”

3. **Public Comment**  
   In the spirit of the Brown Act an opportunity for public comment is included on all agendas. The chair should exercise discretion in determining the appropriateness and extent of public comment during committee meetings setting reasonable limits as needed.

III. **HOW TO PRESENT A MOTION**

1. Obtain the floor by raising your hand and wait to be recognized by the chair.  
2. Make your motion.  
   a. Speak clearly and concisely.  
   b. Always state a motion affirmatively. For example, "I move the staff recommendation that we support AB 123..." rather than, "I move that we do not take a position ...".  
   c. Avoid comments unrelated to the subject of the motion.  
   d. Avoid making any arguments supporting your motion at this time, simply state the motion.  
3. Wait for someone to second your motion.  
4. Another member will second your motion or the chair will call for a second.  
5. If there is no second to your motion it is lost and no vote will be taken by the committee.  
6. If there is a second to your motion the chair should re-state the motion, or ask League staff to re-state the motion.  
   a. The chair will say, "it has been moved and seconded that we ..." This places the motion before the committee for consideration and action.  
   b. The committee then either debates the motion or may move directly to a vote.  
   c. Once a motion is presented to the committee by the chair it becomes "committee property," and cannot be changed by the maker of the motion without the consent of the committee.  
7. At this point the individual making the initial motion (the mover) may elect to expand on the motion. For example, this would be the appropriate time for the mover to present an argument in support of the motion.  
8. The chair should always recognize the mover first.  
   a. All comments and debate must be directed to the chair.  
   b. Keep to the time limit (if any) for speaking that has been established.  
   c. The mover may speak again only after other speakers are finished, unless called upon by the chair.  
9. **Putting the Question to the Committee**  
   a. The chair asks, "Are you ready to vote on the question?"  
   b. If there is no more discussion, a vote is taken on the motion.  
   c. If the motion passes, the committee moves on to the next item on the agenda.
d. If the motion fails, and no other motion is on the floor, then a new motion is in order.

*Note: If a motion to support AB 123 fails, this does not mean that there is opposition to AB 123 by default. A separate motion to oppose AB 123 or some other formal motion must be made and voted on by the committee.*

IV. VOTING ON A MOTION

1. **Voting is Conducted by Voice**
   The chair asks those in favor to say, "aye," those opposed to say "no." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. Following the vote, the chair should announce the outcome.

   **Example:**
   Chair: There is a motion and a second to support AB 123. All those in favor say, "aye." All those opposed say, "no." If the outcome by voice is clearly in support the chair would announce that, "The motion to support AB 123 passes." If the outcome results in opposition to the motion, the chair would announce that, "The motion to support AB 123 fails." If the outcome is unclear the chair, or another member may ask for a hand count.

V. QUORUM

1. **Presumption of a Quorum**
   The presence of a quorum is presumed unless the issue is raised.

   *Note: It is not necessary, and is disfavored for the chair to routinely begin a meeting inquiring about the presence of a quorum.*

2. **Calculating the Presence of a Quorum**
   If the issue of whether a quorum is present is raised, a quorum consists of a majority of all appointed, voting members of a policy committee. A majority simply means more than half, not fifty percent plus one.

3. **Votes Taken Prior to the Question of Whether a Quorum is Present Are Valid**
   If a vote(s) is taken prior to the question of whether a quorum was present is asked, and it is later determined that a quorum was not present when the vote(s) was taken, the action taken is still valid.

4. **Votes Taken in the Absence of a Quorum are Advisory**
   A vote may be taken on matters even if a quorum is not present, but all votes taken by that body will be advisory to the League Board or the General Resolutions Committee, and the Board or the General Resolutions Committee must be advised that a quorum of the body was not present. The vote count should also be noted and communicated.
HOW LEAGUE POLICY COMMITTEES WORK

Role and Responsibility of Committee Members
The strength of the League’s policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy. Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

The League has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing the League’s engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to the League’s Board of Directors. Once approved, these positions are adopted as formal League policy and become part of the League’s compilation of existing policy entitled, “Summary of Existing Policy and Guiding Principles” (Summary). This document will be updated in April 2020 and every two years thereafter. The Summary, in its entirety, is located on the League’s Web site at www.cacities.org/advocacy. Individual sections are located on each policy committee’s Web page, which are available at www.cacities.org/polcomm.

Policy Committee Legislative Agenda Items
League policy committees review bills or regulatory proposals on issues for which the League does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

Committee Recommendations on Positions on Bills
The committee’s actions or positions are a recommendation to the League Board of Directors for a formal League position. Possible committee recommendations can be:

- Support
- Oppose
- Support-if-amended (as appropriate, specific amendments may be requested)
- Oppose-unless-amended (as appropriate, specific amendments may be requested)
- No position
- Neutral

There are nuanced differences between some of these positions. For example, “support-if-amended” sends a very different message than “oppose-unless-amended.” Both positions might seek the same change but the support-if-amended position means that the League would be listed with the “supporters” of the bill in most legislative analysis. In addition, “no position” and “neutral” have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture the League needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.
Approval by League Board Needed for All Committee Recommendations

All committee actions are recommendations to the League Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of the League. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board’s consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board’s discussion. Staff will also provide information about the reasons behind the committee’s recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to the League Board and if there is a different recommendation, the League Board resolves the difference.

Role of the Committee Chair

The chair’s role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

Committee Schedule and Process

Committees generally meet three times a year (January in Sacramento, April in Anaheim, and So. San Francisco in June), plus an abbreviated meeting at the Annual Conference (October in Long Beach) to review resolutions if any are assigned to it. (The October meeting schedule will be announced in mid-August). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m. and are scheduled on Thursdays and Fridays. Please note that each policy committee will rotate which day it will occur on a yearly basis, so plan accordingly prior to submitting future applications.

Agendas/Disseminating Information

A meeting notice is emailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is emailed at least one week before a meeting and also sent via e-mail. Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on the League’s Website: www.cacities.org/polcomm.

We encourage you to visit the League’s Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on the League’s priorities and a link to track individual bills and the League’s position on them. You should also subscribe to the League’s electronic newsletter CA Cities Advocate.
For meetings that are heavy in legislative review (generally in April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

How to Get an Item on the Agenda
Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, the League tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

Issues Should Have Statewide Impact
Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that the League must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, the League likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

Brown Act and Roberts Rules of Order
The League tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. The League also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

Staffing for Committee
Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a “main” committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee’s work.

League Partners and Other Guests
The League Partners have the ability to appoint up to two non-voting representatives to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of the League Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.
Throughout the state, city leaders – urban, suburban and rural – work hard every day to improve the quality of life for their residents. To meet this commitment to our communities, city leaders come together annually and set the League of California Cities strategic priorities, to strengthen our cities as vibrant places to live, work, and play. We stand ready to work collaboratively with the Governor, the Legislature and other stakeholders to accomplish these strategic priorities in 2020.

1. **Improve the supply and affordability of housing.** Provide cities with financial tools to increase construction of housing, particularly for vulnerable populations, reform state regulatory barriers, and ensure cities retain flexibility based on the size, geography, demographics, impact mitigation and land use needs of each community.

2. **Advocate for increased funding and resources to prevent homelessness and assist individuals experiencing homelessness.** Secure additional resources and flexibility to provide navigation assistance, emergency shelters and permanent supportive housing and strengthen partnerships with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.

3. **Address cities’ fiscal sustainability to deliver essential services and meet pension obligations.** Raise awareness among stakeholders about the fiscal challenges cities face and work collaboratively to secure new revenue tools and flexible prudent policies to ensure cities are able to provide essential services to their residents while maintaining their ability to meet pension obligations.

4. **Strengthen community and disaster preparedness, public safety, and resiliency.** Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.

5. **Address public safety concerns of California cities.**
   - Reform recently enacted criminal justice laws — enacted by both statute and initiative — that have eroded public safety protections of California residents through the passage of the Police Chiefs/Grocer’s-sponsored criminal justice reform measure eligible for the November 2020 state ballot, or by equivalent reforms achieved through legislative action.
   - Protect public safety by reducing access to firearms by the mentally ill.
   - Support additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking and workforce development for ex-offender reentry.
Transportation, Communication and Public Works

Scope of Responsibility

The Committee on Transportation, Communication and Public Works reviews both state and federal legislation as it relates to issues of transportation funding, construction, public works, telecommunications, and other related areas.

Summary of Existing Policy and Guiding Principles

Transportation

The League supports constitutional protections for transportation funding to be dedicated for transportation purposes only and opposes any efforts to reduce or eliminate transportation funding for local government.

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. One of the League’s priorities is to protect the consistent and continuous appropriation of new monies from various sources directly to cities and counties for the preservation, maintenance and rehabilitation of the local street and road system. New and additional revenues should continue to meet the following policies:

- **System Preservation and Maintenance.** Given the substantial needs for all modes of transportation, a significant portion of new revenues should continue to focus on system preservation. Once the system has been brought to a state of good repair, revenues for maintenance of the system would be reduced to a level that enables sufficient recurring maintenance.

- **Commitment to Efficiency.** Priority should continue to be used to improve current systems. Recipients of revenues should incorporate operational improvements and new technology in projects.

- **All Users Based System.** New revenues should continue to be borne by all users of the system from the traditional personal vehicle that relies solely on gasoline, hybrid or electric technology, to commercial vehicles moving goods in the state, and even transit, bicyclists, and pedestrians who also benefit from the use of an integrated transportation network.

- **Alternative Funding Mechanisms.** Given that new technologies continue to improve the efficiency of many types of transportation methods, transportation stakeholders must be open to new alternative funding mechanisms. Further, the goal of reducing greenhouse gases is also expected to affect vehicle miles traveled, thus further reduce gasoline consumption and revenue from the existing gas tax. The existing user based fee, such as the base $0.30 cent gas tax is a declining revenue source. Collectively, we must have the political will to push for sustainable transportation revenues.

- **Unified Statewide Solution.** For statewide revenues, all transportation stakeholders must stand united in the protection of new revenues. Any new statewide revenues should address the needs of the entire statewide transportation network, focused in areas where there is defensible and documented need.

- **Equity.** New revenues should continue to be distributed in an equitable manner, benefiting both the north and south and urban, suburban, and rural areas as well as being equally split between state and local projects.

- **Flexibility.** Needs vary from region to region and city to city. New revenues and revenue authority should continue to provide the flexibility for the appropriate level of government to meet the goals of the constituents.
• **Accountability.** All tax dollars must be spent properly, and recipients of new revenues must be held accountable to the taxpayers, whether at the state or local level.

• **Education.** Through the City and County Pavement Improvement Center (CCPIC), educational opportunities to provide additional research and development, guidance, specifications, tools, and training in pavement management and engineering must be made available to local governments to help ensure local streets and roads last longer, cost less, and are more sustainable.\(^1\)

The League supports a permanent shift of the sales tax on gasoline for transportation purposes and an allocation formula equivalent to 40/40/20 split of 40 percent to cities and counties, 40 percent to STIP and 20 percent to transit.

The League supports enhanced autonomy for local transportation decision-making and pursues transportation policy changes that move more dollars and decisions to local policy leaders. The League supports spending transportation moneys for transportation purposes. The League will seek the maximum share of available funding for local transportation programs. The League supports implementation of federal transportation funding re-authorization legislation in a manner that supports these principles.

*The League supports the preservation and expansion of transportation grant funding opportunities to help incorporate new transportation technologies and practices into local transportation networks, such as active transportation grant funding and transportation innovation grant funding.*\(^2\)

*The League opposes the state pursuing any transportation policy change that would result in a reduction of revenue losses from the Highway Users Tax Account and/or the Road Maintenance and Rehabilitation Program. The League supports a requirement for the state to consult with the League of any transportation policy changes to help ensure any such strategies include funding equal to or greater than what cities already receive to maintain, operate, and rehabilitate their existing streets and roads network.*\(^3\)

*The League supports the ongoing study of the Road User Charge, which aims to identify an alternative to the gas tax as a way to fund transportation infrastructure.*\(^4\)

*The League supports efforts that streamline funding streams between the state, federal, and local governments that help reduce the amount of time and resources it takes to fund and complete transportation projects, such as NEPA delegation and the Match-Exchange Program.*\(^5\)

*The League opposes conditioning a city’s share of transportation funding on housing related goals, such as planning and production, instead favoring comprehensive housing solutions for housing problems.*\(^6\)

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\(^1\) The League formally joined into a partnership with UC Berkeley, UC David, Cal Poly Slo, Chico State, San Jose State, Cal State Long Beach, and CSAC to create the City and County Pavement Improvement Center which received seed funding from SB 1 set asides for the UC/CSU system.

\(^2\) AB 2418 (Mullin, 2018) – Support

\(^3\) AB 40 (Ting, 2019) – Oppose Unless Amended

\(^4\) SB 1328 (Beall, 2019) – Support

\(^5\) AB 252 (Daly) – Support

\(^6\) SB 137 (Dodd, 2019) – Support

\(^7\) AB 1568 (McCarty, 2019) – Oppose
The League supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities are not affected. Furthermore, this funding should not compete with preservation of the road system in light of the identified $73 billion in unmet needs on the city and county street and road system, as identified in the California Statewide Local Streets and Roads Needs Assessment Report completed in 2016. The League opposes any mandatory set-asides or prioritization for bicycle and pedestrian access on the state or local system using state or local maintenance and/or rehabilitation funding.  

The League opposes requiring a city or parking processing agency to automatically cancel notices of parking violations, prior to a request from a vehicle owner, if the violation does not substantially match the corresponding information on the vehicle registration.

The League opposes efforts that limit the ability for cities to remove or immobilize vehicles that chronically ignore moving and/or parking violations and/or are operating unlawfully on public roads.  

The League supports the visionary effort of the High-Speed Rail project, and supports the involvement of local officials in the project planning and implementation. However, the League opposes efforts to exempt the High-Speed Rail project from the California Environmental Quality Act (CEQA) and other processes that provide an opportunity for local input. The League also supports efforts to reaffirm voter support of the project, including voter reconsideration for the bond.

The League supports the development of best practices and funding to support all modes of goods movement including ports, roadways, storage/distribution centers, rail and air. A focus should be kept on job creation and retention, economic development, and safety. The League encourages cities to actively engage their region and the state in making goods movement decisions.

The League supports efforts to improve the California Public Utilities Commission’s ability to respond to and investigate significant transportation accidents in a public and timely manner to improve rail shipment, railroad, aviation, marine, highway, and pipeline safety.

The League supports efforts to expand the Caltrans Business Logo Program.

The League supports having a balanced regulatory framework over both the taxi and TNC industries and encourages the PUC to include biometric identification data from TNC drivers and to have TNC companies conduct vehicle safety inspections and a policy where both industries where they are regulated by the state’s PUC, while giving cities the ability to regulate both industries when any given city finds that state regulation is insufficient for their community.

The League supports the Full Funding Grant Agreement (FFGA) process for the Federal Transit Administration’s (FTA) Capitol Investment Grant (CIG) program.

**Public Works**

The League supports retaining maximum flexibility for timely and cost-effective completion of public works projects. The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding.

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8 **SB 127 (Wiener, 2019) - Oppose**

9 **AB 516 (Chiu, 2019) - Oppose**
The League supports efforts to divert products that contribute to decreased capacity and increased maintenance costs at wastewater treatment facilities.

The League encourages the state to adopt maximum response time for all necessary state reports, including Project Study Reports, to allow for a timely and cost-effective completion of public works projects. The League supports the certification of private firms to complete reports when state staff is unavailable.

The League supports expedited permitting when the work is necessary to ensure the integrity of gas pipelines, provided that local permitting and plan review requirements are met.

The League opposes efforts to alter the way the Caltrans prioritizes its litter cleanup and abatement program to just the segments of highway that receive the highest number of complaints. 10

The League supports improving the state’s seismic readiness and resiliency, including tax credits for retrofitting seismically vulnerable buildings and the state conducting its own survey of buildings that are potentially vulnerable in seismic prone regions of the state. The League opposes any efforts to impose such a mandate on local governments. 11 12 13

**Mircomobility**

The League supports efforts that reassert local authority to regulate emerging transportation technologies, such as e-scooters and e-bicycles and opposes efforts to limit this authority and the city’s access to meaningful data from companies operating within their jurisdiction. 14 15

**Vehicles**

The League supports a requirement for transit operators to provide at least one staff person in each of its fully-automated transit vehicles in the early stages of autonomous transit vehicle deployment. 16

The League opposes all efforts that allow vehicles and vehicle operators on the road that will jeopardize the integrity of the public infrastructure or the health and safety of the motoring public. The League supports all efforts to retain maximum control of the local street and road system. The League supports traffic safety enhancements such as motorcycle helmets, child restraints, seat belt and speed limit laws.

The League opposes any efforts to increase truck size or weight. The size and weight of trucks is important because it affects the stability and control of the truck, the way it interacts with other traffic, and the impact it has when colliding with other vehicles. Truck safety is particularly important because these vehicles share city streets and county roads with users — such as, motorists, pedestrians, cyclists, motorcyclists, and bus riders.

10 AB 1395 (Chu, 2018) – Oppose
11 AB 2681 (Nazarian, 2018) – Oppose
12 AB 429 (Nazarian, 2019) – Support
13 AB 234 (Nazarian, 2019) – Support
14 AB 1112 (Friedman, 2019) – Oppose
15 AB 1286 (Muratsuchi, 2019) – Cosponsor (Support)
16 SB 336 (Dodd, 2019) - Support
The League encourages cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

The League supports a requirement that all state rulemaking bodies consider the following factors for any proposed rule impacting vehicles: the weight added to any vehicle; the effect any added weight would have on pavement wear; and the resulting costs to state and local governments.

The League supports efforts to protect consumers from unscrupulous tow trucker companies and operators.

The League holds that increasing vehicle fines do not improve safety around school zones and encourages other efforts, such as increased police presence and additional crossing guards as better solutions to safety issues in school zones.

The League supports legislation that authorizes the testing or conducting of pilot projects for autonomous vehicles.

### Contracts

The League supports maintaining maximum local flexibility in the area of contracting and contract negotiations. The League supports changes to law that allow cities options to use design-build contracting and other innovations designed to bring efficiency to public contracting. The League also supports contracting out with private entities to increase project delivery efficiency and affordability.

The League opposes efforts to shift additional legal costs and liability away from design professionals and contractors to local governments.

### Telecommunications

The League supports a state tax levied on direct broadcast satellite television service providers if the proceeds are distributed to support local public safety programs consistent with a geographic distribution methodology that reflects households using this service, and provided that the tax is repealed should the revenues be diverted by the state for another purpose.

Traditional franchising at the local level has served the valuable purpose of tailoring service to unique local conditions and needs and assuring responsiveness of providers to consumers. The continued involvement of local government in any new state or federal regulatory scheme by way of locally negotiated agreements is an essential component of telecommunications regulations that best serves the needs of consumers, and is consistent with the goal of providing consumers greater choice in telecommunications options.

Any new state or federal standards must conform to the following principles:

**Net Neutrality**

- Access to fast, reliable, and high quality internet is essential for the success of our collective communities.
- Reliable communications and data networks for essential services, such as police and fire, are necessary, especially during times of emergency.
• Communications and data networks are increasingly important for the relationship between local government and its residents and business.
• Net neutrality prevents internet service providers from blocking, throttling, degrading, or providing for paid prioritization of lawful content, applications, or services.
• Free and open internet can spur innovation and help close the digital divide in California.\textsuperscript{17,18}

Revenue Protection
• Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
• Regulatory fees and/or taxes should apply equitably to all telecommunications service providers.
• A guarantee that all existing and any new fees/taxes remain with local governments to support local public services and mitigate impacts on local rights-of-way.
• Oppose any state or federal legislation that would pre-empt or threaten local taxation authority.

Rights-of-Way
• To protect the public’s investment, the control of public rights-of-way must remain local.
• Local government must retain full control over the time, place and manner for the use of the public right-of-way in providing telecommunications services, including the appearance and aesthetics of equipment placed within it.

Access
• All local community residents should be provided access to all available telecommunications services.
• Telecommunications providers should be required to specify a reasonable timeframe for deployment of telecommunications services that includes a clear plan for the sequencing of the build-out of these facilities within the entire franchise area.

Public Education and Government (PEG) Support
• The resources required of new entrants should be used to meet PEG support requirements in a balanced manner in partnership with incumbent providers.
• For cities currently without PEG support revenues, a minimum percentage of required support needs to be determined.

Institutional or Fiber Network (INET)
• The authority for interested communities to establish INET services and support for educational and local government facilities should remain at the local level.

Public Safety Services
• The authority for E-911 and 911 services should remain with local government, including any compensation for the use of the right-of-way. All E-911 and 911 calls made by voice over internet protocol shall be routed to local public safety answering points (PSAPs); i.e., local dispatch centers.
• All video providers must provide local emergency notification service.

Customer Service Protection
• State consumer protection laws should continue to apply as a minimum standard and should be enforced at the local level. Local governments should retain the authority to assess penalties to improve customer service.

\textsuperscript{17} SB 822 (Wiener, 2018) – Support
\textsuperscript{18} AB 1699 (Levine, 2019) – Support
**Other Issues: Wireless Infrastructure**

- Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.
- The League supports the authority of cities to zone and plan for the deployment of telecommunications infrastructure. The League supports the ability of cities to maintain and manage the public right-of-way and receive compensation for its use. The League supports the innovation and economic development potential of the “information superhighway” and the many possible benefits in the areas of telecommuting and productivity it promises. The League will work with the California Public Utilities Commission, the various telephone companies and federal regulatory agencies to improve telephone area code planning in California.
- The League supports model agreements between cities and wireless communications providers for the deployment of wireless infrastructure, including small cells and macro cell towers, within their jurisdiction.19
- The League supports a requirement of telecommunications providers to notify the California Office of Emergency Services (CalOES) of 911 service or emergency warning outages to help ensure the most efficient deployment of emergency services in affected areas.20

**Plain Old Telephone System (POTS):**

The League believes the following principles in order to ensure minimum standards are met before service withdrawals of plain old telephone systems are made:

- Require that reliable communications systems are in place prior to any technology transition to ensure vital government services and public safety operations are available to communicate with citizens during emergencies.
- Telecommunications service should be technology neutral to include similar regulatory protections and obligations, such as maintenance of infrastructure, access to facilities, and provision of basic voice and broadband service.
- Ensure a transparent process for the phase out of POTS, avoiding self-certification and arbitrary timelines for CPUC review of withdrawal requests.
- Require carriers to assist local governments in a proposed service withdrawal area to determine which public services are dependent on them.
- Require the CPUC to consult with State and local agencies to verify alternative communications services that meet or exceed POTS quality, accessibility, reliability, and affordability and determine adequate transition times, especially to ensure functionality of the 911 system.
- For wireless technology alternatives, local governments must have guaranteed priority access to the 911 system.
- Ensure State enforcement and accountability over any proposed service withdrawals.
- Require that the transition to an alternative service is cost neutral for consumers, with additional costs borne by the carriers, including ancillary costs such as software and equipment, for instance.
- Require the CPUC to notify and work with cities and other local governments of proposed service withdrawals to ensure appropriate transitions.
- Carrier cost savings from any such transition should be shared with customers, including local governments through a state developed and administered financial assistance program.

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19 Discussion that took place during the ongoing battle between the League and telecoms providers regarding small cell infrastructure. While the board supported the exploration of this legislation, there wasn’t enough of a consensus to move forward with an actual proposal, especially with litigation happening simultaneously in federal court.
20 SB 670 (McGuire, 2019) – Support
• Require that “Lifeline” rates for customers with special needs are cost and technology neutral, in the short and long term.
• Require that telecommunications companies that withdraw plain old telephone service within any given area continue to maintain the infrastructure and if no longer in use, be responsible and pay for the removal of the infrastructure.

The League opposes a deregulated framework for Voice over Internet Protocol (VoIP) technology given that VoIP is often a “communication of last resort,” as the state’s populace rapidly moves away from plain old telephone service and onto VoIP or wireless communications. 21

Air Pollution

The League will monitor developments and the ramifications of efforts to regulate air quality and related congestion strategies as it is related to transportation.

Note: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League’s General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”

21 AB 1366 (Gonzalez, 2019) – Oppose
VIII. Transportation, Communications and Public Works

IX. Active Transportation and “Micromobility”

AB 1336 (Smith) Child Health and Safety Fund.
Chapter 47, Statutes of 2019
This measure expands the list of child health and safety concerns that may be funded via monies deposited into the Child Health and Safety Fund. The Child Health and Safety Fund is funded by the “Have a Heart, Be a Star, Help Our Kids” license plate program and civil penalties on child daycare facility providers.

*SB 400 (Umberg) Reduction of Greenhouse Gases Emissions. Mobility Options.
Chapter 271, Statutes of 2019
This measure adds bike sharing and electric bicycles to the statutorily defined “mobility option” within the state’s cap-and-trade funded Replace Your Ride program within the Clean Cars 4 All Program. This program offers low-income and disadvantaged community participants up to $4,500 in "commuter bucks" for ridesharing services, carpooling, car sharing, and now bike sharing as well as electric bicycle purchases.

*SB 543 (Pan) Pedicabs.
Chapter 280, Statutes of 2019
This measure repeals the sunset date and makes permanent existing law that allows for the consumption of alcohol on pedicabs authorized by local ordinance or resolution.

B. Broadband

AB 488 (Aguiar-Curry) California Broadband Council.
Chapter 426, Statutes of 2019
This measure adds the Secretary of Food and Agriculture, the State Librarian, and the Governor’s Tribal Advisor, or their designees, respectively, to the membership of the California Broadband Council tasked with promoting broadband deployment and adoption in unserved and underserved areas of the state.

C. Electric Vehicles, Vehicle Emissions and Vehicle Technology

Chapter 672, Statutes of 2019 (Urgency)
This measure requires the California Alternative Energy and Advanced Transportation Financing Authority (CAEATF) to evaluate a project application, for a sales and use tax exclusion, for the extent to which a project will create new, or result in the loss of, permanent, full-time jobs in the state. This measure also directs the CAEATF to
evaluate the average and minimum wage of any full-time employees proposed to be hired or not retained.

**AB 784** (Mullin) Sales and Use Taxes. Exemption. California Hybrid and Zero-emission Truck and Bus Voucher Incentive Project. Transit Buses. Chapter 684, Statutes of 2019 (Urgency)
This measure provides a state-only sales and use tax exemption for any zero-emission technology medium and heavy duty transit bus vehicles eligible for the California Hybrid and Zero Emission Truck and Bus Voucher Incentive Project funded by the Air Quality Improvement program. This measure sunsets on January 1, 2024.

This measure clarifies that existing law prohibits a person, business, or government agency, including a law enforcement agency, from hacking or otherwise accessing without authorization, computer data, and computer systems in a motor vehicle.

**AB 880** (Obernolte) Transportation Network Companies. Participating Drivers. Criminal Background Checks. Chapter 618, Statutes of 2019
This measure prohibits a transportation network company from contracting with, employing, or retaining drivers who have been convicted of human trafficking offenses.

This measure requires existing and future parking spaces served by electric vehicle charging equipment to be counted towards compliance with local parking minimums. This measure also requires existing and future accessible parking spaces with an access aisle served by electric vehicle charging equipment to be counted as at least two standard automobile parking spaces towards compliance with local parking minimums.

This measure extends the sunset on CAEATFA, which provides a sales and use tax exemption to projects that promote the use of advanced manufacturing. This measure sunsets on January 1, 2026.

**AB 1614** (Gipson) Vehicles. License Plate Pilot Program. Chapter 319, Statutes of 2019
This measure extends for one year a pilot program conducted by the California Department of Motor Vehicles (DMV) to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards. This measure also authorizes the DMV to evaluate the inclusion of participants in the Business Partner Automation Program within the scope of the pilot program. This measure sunsets on January 1, 2021.
**AB 1671** (Berman) Department of Transportation. Motor Vehicle Technology Testing.
Chapter 322, Statutes of 2019
This measure extends by four years the authorization for the California Department of Transportation (Caltrans), in coordination with the California Department of Highway Patrol (CHP), to conduct testing of technologies that enable drivers to safely operate motor vehicles with less than 100 feet between each vehicle or combination of vehicles. This measure also requires Caltrans to submit an additional updated report to the Legislature by April 1, 2023, regarding its findings and any recommendations for subsequent actions for the tested technologies. This measure sunsets on January 1, 2024.

**SB 44** (Skinner) Medium- and Heavy-duty Vehicles. Comprehensive Strategy.
Chapter 297, Statutes of 2019
This measure requires the California State Air Resources Board (CARB), in consultation with Caltrans, the California Energy Resources Conservation and Development Commission (CEC), and the Governor’s Office of Business and Economic Development (GO-Biz), in collaboration with stakeholders, to update CARB’s 2016 mobile source strategy. This update is to include a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles to bring the state into compliance with federal ambient air quality standards and to reduce medium-duty and heavy-duty vehicle sector greenhouse gas (GHG) emissions starting on January 1, 2021, and every five years thereafter. This measure also requires CARB to recommend reasonable and achievable goals to reduce emissions from medium-duty and heavy-duty vehicles by 2030 and 2050 as part of the comprehensive strategy and to align with the California Sustainable Freight Action Plan. This measure requires the updated mobile source strategy to be submitted to the Legislature.

*SB 210* (Leyva) Heavy-duty Vehicle Inspection and Maintenance Program.
Chapter 298, Statutes of 2019
This measure requires CARB, in consultation with the Bureau of Automotive Repair, to adopt and implement regulations for a Heavy-Duty Vehicle Inspection and Maintenance Program (HDVIMP) for non-gasoline, heavy-duty, on-road motor vehicles that exceed 14,000 pounds. Zero emission vehicles, publicly owned emergency vehicles, authorized emergency vehicles, military vehicles, and new vehicles that meet stringent reduced oxides of nitrogen emission standards are exempt from this measure.

Chapter 484, Statutes of 2019
This measure requires an existing proceeding within the California Public Utilities Commission (CPUC), starting on December 31, 2020, to establish strategies and quantifiable metrics to maximize the use of feasible and cost-effective electric vehicle grid integration by January 1, 2030. This measure requires the CPUC to consider how electric vehicle grid integration can mitigate any generation, transmission, and
distribution costs, or increase the economic, social, or environmental benefits associated with transportation electrification.

D. Parking

*AB 833* (Lackey) Parking Penalties.
Chapter 495, Statutes of 2019 (Urgency)
This measure clarifies that late fees and/or penalty assessments associated with parking violations are not to be calculated into the $300 programmatic cap for a local entity’s payment installment plan.

E. Policies Linking Transportation and Housing

Chapter 534, Statutes of 2019
This measure adds a representative from the California Department of Housing and Community Development (HCD) to the statutorily required minimum of two joint meetings per year held by the California Transportation Commission (CTC) and CARB to coordinate their implementation of policies that affect transportation, housing, and air quality.

*SB 211* (Beall) State Highways. Leases.
Chapter 343, Statutes of 2019
This measure authorizes Caltrans to lease highway airspace and real property to a state agency, city, county, or political subdivision of a city or county for temporary emergency shelters or feeding programs. This measure requires the entity that enters into the lease to pay Caltrans $1 per month for the lease and an annual administrative fee up to $5,000, or the actual cost for Caltrans to administer the lease, not to exceed $15,000. This measure authorizes Caltrans to terminate the lease at any time without penalty if needed for departmental purposes.

F. Public Works and Contracting.

*AB 456* (Chiu) Public Contracts. Claim Resolution.
Chapter 489, Statutes of 2019
This measure extends by seven years a claim resolution process that was originally established in 2017, and set to expire in 2020, for any payment dispute a contractor has against a local agency on a public works project that prescribes specific stratified methods of dispute resolution that local agencies must adhere to within specific timelines. This measure sunsets on January 1, 2027.
**AB 695** (Medina) Community College Facilities. Design-build Contracts.  
Chapter 492, Statutes of 2019  
This measure extends by five years the authorization for school districts and community college districts to procure design-build contracts for public works projects, originally set to expire in 2020. This measure prohibits design-build contractors and all of their subcontractors from being prequalified unless they commit to using a skilled and trained workforce from the building and construction trades for those aspects of the work. This measure sunsets on January 1, 2030.

**AB 1089** (Stone, Mark) Santa Cruz Metropolitan Transit District.  
Chapter 107, Statutes of 2019  
This measure increases from $25,000 to $50,000 the threshold for the purchase of supplies, equipment, and materials by the Santa Cruz Metropolitan Transit District to be awarded to the lowest responsible or best value bidder. This measure requires the district to obtain a minimum of three quotations for a procurement exceeding $5,000, $50,000 for the purchase of supplies, equipment, or materials, and $10,000 for the construction of facilities and works.

*AB 1768* (Carrillo) Prevailing Wage. Public Works.  
Chapter 719, Statutes of 2019  
This measure expands the definition of public works to include work conducted during site assessment or feasibility studies. This measure also adds preconstruction work, including design, site assessment, feasibility studies, and land surveying to be part of public works, regardless of whether any further construction work is conducted for purposes of paying prevailing wage.

**SB 128** (Beall) Public Contracts. Best Value Construction Contracting for Counties Pilot Program.  
Chapter 501, Statutes of 2019  
This measure extends a pilot program originally set to expire in 2020 by five years, which authorizes the Counties of Alameda, Los Angeles, Riverside, San Bernardino, San Diego, San Mateo, and Solano, to select a bidder based on best value for construction projects in excess of $1 million while expanding the pilot to the Counties of Santa Clara and Monterey. The pilot program authorizes these counties to use a best value construction contracting method to award individual annual contracts for up to $3 million for repair, remodeling, or other repetitive work done according to unit prices. The pilot program requires the board of supervisors for participating counties to submit a report about projects awarded using the best value procedures to the Legislature by January 1, 2024. This measure sunsets on January 1, 2025.

*SB 197* (Beall) Department of Transportation. Retention Proceeds.  
Chapter 842, Statutes of 2019  
This measure makes permanent existing law originally set to expire in 2020, which prohibits Caltrans from withholding retention proceeds when making progress payments for work performed by a contractor.
Chapter 145, Statutes of 2019
This measure specifies that a Professional Engineers Act or Professional Land Surveyors’ Act licensee retained as an expert witness that enters into a nondisclosure agreement shall not be prevented from reporting violations to the Board of Professional Engineers, Land Surveyors, and Geologists.

G. Seismic Safety

*AB 548 (Rodriguez) Earthquake Brace and Bolt Program. 
Chapter 219, Statutes of 2019
This measure requires the California Residential Mitigation Program (CRMP) that administers the Earthquake Brace and Bolt program to provide outreach to low-income households to increase awareness of the Earthquake Brace and Bolt program in communities where the program is offered. This measure requires the CRMP to set aside at least 10 percent of the funds available each year for the Earthquake Brace and Bolt program to provide supplemental grants to low-income homeowners selected for program grants.

SR 10 (Hertzberg) Relative to the 25th Anniversary of the Northridge Earthquake of 1994.
Adopted January 18, 2019
This measure declares that the Senate intends to continue to study, plan, prepare, support, and fund future actions that will strengthen the state’s ability to anticipate, withstand, and respond to the next major earthquakes. This measure also resolves that the Senate hereby states its intent that the lessons learned from past earthquakes be applied to the State’s preparedness and emergency response efforts.

H. Telecommunications

*AB 497 (Santiago) Deaf and Disabled Telecommunications Program. 
Chapter 287, Statutes of 2019 (Urgency)
This measure extends a requirement originally set to expire in 2020 by five years for the CPUC to impose a surcharge up to half of one percent to subscriber intrastate telephone service to fund the Deaf and Disabled Telecommunications Program (DDTP). This measure sunsets on January 1, 2025.

Chapter 232, Statutes of 2019
This measure allows public safety agencies to make calls using automatic dialing-announcing devices for testing basic, enhanced, Next Generation, and similar 911 telephone systems.
**AB 1079** (Santiago) Telecommunications. Privacy Protections.
Chapter 449, Statutes of 2019
This measure allows public safety agencies to test systems that respond to 911 calls and emergency communications to unpublished or unlisted phone numbers without having to get prior consent from such subscribers.

Chapter 398, Statutes of 2019
This measure prohibits telecommunications providers from throttling internet traffic for first responder agencies during an emergency.

**SB 208** (Hueso) Consumer Call Protection Act of 2019.
Chapter 471, Statutes of 2019
This measure requires telecommunications providers to implement caller identification authentication protections by January 1, 2021, and allows the CPUC to coordinate with the Attorney General (AG) to enforce federal prohibitions on illegal robocalls in California.

Chapter 412, Statutes of 2019 (Urgency)
This measure requires telecommunications providers to notify the Governor’s Office of Emergency Services (CalOES) whenever there is an outage limiting the ability for customers to make 911 calls or receive emergency notifications within 60 minutes of discovering the outage. This measure also requires CalOES to notify the affected county office(s) of emergency services, the sheriff of any county, and any public safety answering point affected by the outage.

I. Transit and Rail

**AB 752** (Gabriel) Public Transit. Transit Stations. Lactation Rooms.
Chapter 616, Statutes of 2019
This measure requires that there are lactation rooms open to the public in a private/secure location that include a chair, electrical outlet, and shelf or table in an enclosed space, other than a public restroom, at multimodal transit stations that begin construction or renovation on or after January 1, 2021. This measure defines a multimodal transit station that is subject to the bill’s provisions as a rail station that:
- Supports intercity rail service;
- Will be part of California’s high-speed rail system;
- Serves as a stop or transfer point between intercity rail or high-speed rail;
- Has a publicly accessible indoor area of at least 5,000 square feet;
- Has a public restroom; and
- Has staff during operating hours.
This measure also includes the following stations into the definition of a multimodal transit station: the Anaheim Regional Transportation Intermodal Center, Bakersfield Station, Jack London Square Station, Los Angeles Union Station, Robert J. Cabral Station, Sacramento Valley Station, Salesforce Transit Center, San Jose Diridon Station, Santa Fe Depot; and Santa Fe Passenger Depot.

For a renovation to trigger the installation of a lactation room requires more than 25 percent of the space of the indoor area of the multimodal transit station, not including train platforms, walkways, or track areas.

*AB 1017* (Boerner Horvath) **New or Modified Railroad Crossings. Approval.**
Chapter 233, Statutes of 2019
This measure requires the CPUC to make an engineer available from the Rail Crossings and Engineering Branch to any city or county that develops and adopts via resolution a plan to improve mobility for multimodal access for new or modified railroad crossings.

*AB 1351* (Lackey) **Transit Operators. Paratransit and Dial-a-ride Services. Assessment.**
Chapter 627, Statutes of 2019
This measure requires the California State Transportation Agency (CalSTA), in consultation with public transit operators, to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator's similar dial-a-ride and paratransit services. This measure requires CalSTA to publish the assessment online by July 1, 2021. This measure requires CalSTA to adopt a statewide program for individuals with disabilities certified by a public transit operator to use its dial-a-ride and paratransit services to use another in-state public transit operator's similar dial-a-ride and paratransit services.

*AB 1560* (Friedman) **California Environmental Quality Act. Transportation. Major Transit Stop.**
Chapter 631, Statutes of 2019
This measure revises the definition of “major transit stop” for purposes of qualifying for a CEQA exemption, to include a bus rapid transit station, with a frequency of service interval of 15 minutes or less during peak commute times.

*AB 1824* (Committee on Natural Resources) **California Environmental Quality Act. Exemption for Closure of Railroad Grade Crossing.**
Chapter 466, Statutes of 2019
This measure exempts from CEQA the closure of a railroad grade crossing by order of the California Public Utilities Commission (CPUC) if the commission finds the crossing to present a threat to public safety. This measure also makes additional technical and clarifying changes. This measure sunsets on January 1, 2025.
Chapter 702, Statutes of 2019
This measure requires CalOES and the California Department of Food and Agriculture (CDFA), in consultation with public transit operators and county emergency management officials, to develop best practices for allowing pets on public transit vehicles serving areas subject to an evacuation order. This measure requires public transit operators to allow passengers to board transit vehicles with their pets in areas under an evacuation order per the development of best practices.

Chapter 652, Statutes of 2019
This measure authorizes Caltrans to provide funding to joint powers authorities responsible for intercity passenger rail services for the purpose of entering into a contract with Amtrak or a public or private motor carrier of passengers for intercity transportation connecting to intercity rail service.

**J. Transportation – Funding, Planning, Safety and Streamlining**

Chapter 160, Statutes of 2019
This measure makes permanent the authority for Caltrans to carry out the National Environmental Policy Act (NEPA), which was set to expire in 2020.

*AB 285* (Friedman) California Transportation Plan.
Chapter 605, Statutes of 2019
This measure requires Caltrans to address how the state will attain a 40 percent reduction of greenhouse gas emissions below 1990 levels by the end of 2030 and how it will be consistent with state and national ambient air quality standards within the California Transportation Plan to be completed by December 31, 2025.

*AB 634* (Salas) Traffic Control Devices. Roundabouts. Memorial and Dedication Signs.
Chapter 95, Statutes of 2019
This measure adds roundabouts as a type of highway facility that may be used for memorial or dedication signing by Caltrans.

*AB 723* (Quirk) Transactions and Use Taxes. County of Alameda. Santa Cruz Metropolitan Transit District.
Chapter 747, Statutes of 2019
This measure provides the County of Alameda and County of Santa Cruz room under the two percent transactions and use tax cap by allowing a tax imposed by the Bay Area Rapid Transit (BART) to not count towards the cap, clarifying that a .05 percent tax
authorized by previous law does not count towards the cap in Santa Cruz County, and clarifying that a transactions and use tax imposed by the Santa Cruz County Metropolitan Transit District shall not be considered for the purposes of the two percent cap.

This measure requires, by July 1, 2021, Caltrans to update guidance on the appropriate use of specified positive protection measures - including, but not limited to automated flagger assistance devices, buffer lanes, impact attenuator vehicles, and temporary barriers - with the goal of isolating workers or work zones from traffic. This measure also requires Caltrans to compensate contractors for the use of a safety device, upon request, where the updated guidance authorizes but does not require the use of that safety device.

*AB 1266* (Rivas, Robert) Traffic Control Devices. Bicycles. Chapter 221, Statutes of 2019
This measure requires Caltrans to develop standards for lane striping, pavement markings, and signage that would allow bicyclists to proceed straight through a dedicated right or left-hand turn lane.

**AB 1413** (Gloria) Transportation. Transactions and Use Taxes. Chapter 758, Statutes of 2019
This measure authorizes the Placer County Transportation Planning Agency to impose up to a one percent transactions and use tax to the entirety of or a portion of the County, excluding the Tahoe Basin, depending on voter approval. The revenues from the tax must be spent only on transportation and transit projects that benefit the portion of the County where the tax is imposed.

**AB 1633** (Grayson) Regional Transportation Plans. Traffic Signal Optimization Plans. Chapter 633, Statutes of 2019
This measure authorizes cities within the jurisdiction of the Metropolitan Transportation Commission (MTC) to develop and implement a traffic signal optimization plan for reducing travel times, stops, and fuel use. This measure requires Caltrans and cities that develop these plans to coordinate any adjustments required for signals owned or operated by Caltrans.

**AB 1810** (Committee on Transportation) Transportation. Omnibus Bill. Chapter 636, Statutes of 2019
This measure:
- Extends for one year, until 2022, the pilot program for the California Department of General Services (DGS) to test the effectiveness of the “best value” procurement method for up to $20 million annually for purchasing and equipping heavy mobile fleet vehicles for Caltrans;
• Clarifies that the San Diego Metropolitan Transit System is a transit district, exempting the district from city and county zoning and building ordinances;
• Allows an authorized officer of a local transportation authority to sign revenue bonds issued by the authority in conjunction with a sales tax increase in lieu of the Chair or Vice-Chair of the authority;
• Authorizes the CTC to negotiate the relinquishment of the remainder of State Route 72 with the City of Whittier and Los Angeles County, except for the portion(s) located in the City of La Habra;
• Authorizes counties to maintain or remove cattle guard facilities with gas tax funds;
• Deletes the requirement for a person who operates a motorized scooter to have a motorcycle endorsement, while preserving the requirement to have a driver’s license; and
• Prohibits limousine passengers and party-buses from smoking or ingesting marijuana.

*SB 137 (Dodd) Federal Transportation Funds. State Exchange Programs. Chapter 639, Statutes of 2019
This measure authorizes Caltrans to expand the existing Match-Exchange Program to regions with populations greater than 200,000, allowing Caltrans to swap up to $100 million of its funds in a fiscal year with federal funds from local transportation projects, for purposes of reducing duplicative federal environmental review requirements for locally sponsored projects.

SB 358 (Committee on Transportation) Transportation. Chapter 643, Statutes of 2019
This measure:
• Requires the California State Controller’s Office (SCO) to withhold road maintenance and rehabilitation account funds from cities and counties that are unable to meet their minimum expenditure requirements instead of requiring a payback of those funds for noncompliance; and
• Makes other technical and clarifying changes to transportation related statutes.

K. Undergrounding and Utilities

This measure requires, starting in 2021, every operator that owns, operates, or maintains a subsurface installation such as underground pipeline, conduit, duct, or wire to supply an electronic positive response (i.e. electronic ticket status updates) to the regional notification center. Regional notification centers are nonprofits or organizations of operators of subsurface installations that provide advance warning of excavations close to existing subsurface installations, before the legal start date and time of the excavation.
SB 70 (Nielsen) Electricity. Undergrounding of Electrical Infrastructure.
Chapter 400, Statutes of 2019
This measure requires each electrical corporation’s wildfire mitigation plan to include where and how it considered undergrounding electrical distribution lines in areas with the highest wildfire risk.

Chapter 410, Statutes of 2019
This measure requires public and private utilities to notify all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event. This measure also requires telecommunications providers to designate points of contact within the company to receive notifications from public and private utilities in anticipation of possible deenergization events and to notify stakeholders, such as public safety offices and emergency response offices, about the impacts to communications capabilities during such events.

SJR 5 (Beall) California Transportation Infrastructure.
Resolutions Chapter 142, Statutes of 2019
This measure urges Congress and the President of the United States (President) to enact bipartisan federal infrastructure legislation to restore California’s and other states’ crumbling road and freight infrastructure, respond to growing traffic congestion, and increase investment in public transportation. This measure urges Congress and the President to address the shortfall in the federal Highway Trust Fund by restoring the lost purchasing power of the federal fuel tax in order to provide the long-term funding stability necessary for California and other states.
Rule 20A Proposed Revisions to the Summary of Existing Policy and Guiding Principles

Purpose:

The city of Rancho Palos Verdes submitted a resolution to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League of California Cities call upon the CPUC to increase utilities’ funding allocations for Rule 20A projects.

The Environmental Quality; Transportation, Communication, and Public Works; and the General Resolutions Committee considered the resolution at the League’s Annual Conference in October of 2019.

All three committees had robust discussions about the resolution, with consensus around the intent and urgency of the bill; however, some details were unclear and needed to be discussed and analyzed by staff further. The General Resolutions Committee took action to table the resolution at the Annual Conference and to defer the discussion and drafting new existing policy on this issue to the appropriate policy committees in January of 2020.

While the resolution has been included as an attachment for the committee’s reference, the committee will not be considering this resolution. Pursuant to the action taken by the General Resolutions Committee, League staff is proposing adopting new existing policy that encompasses the scope and intent of this resolution.

Both the Environmental Quality and Transportation, Communications, and Public Works policy committees will discuss and debate the proposed new existing policy changes.

Background:

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California’s wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to the 2018 catastrophic wildfires, Governor Newsom established in 2019 a Strike Force
tasked with developing a “comprehensive roadmap” to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom’s Wildfire Strike Force program report concludes, “It’s not a question of “if” wildfire will strike, but “when.”

**Very High Fire Hazard Severity Zones**

California [Government Code Section 51178](https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/).

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state’s population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire’s maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

**CPUC Rule 20 Program**

The CPUC’s Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

**Rule 20A**

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative

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budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around $95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government’s Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities’ service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the change from the 1990 total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the change from the 1990 total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E’s Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E’s annual allocations for Rule 20A have been around $41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects
For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor’s Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

**Rule 20A Credit System Imbalance Threatens Program Effectiveness**

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total $95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over $1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20A.pdf).

Note: The existing credit allocation formulas do not consider a municipality’s need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

**Rule 20B**

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

**Rule 20C**

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

**Rule 20D--Wildfire Mitigation Undergrounding Program**

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E the objective of the Rule 20D undergrounding is exclusively for fire

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hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E’s Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

**Comments:**

**CPUC Currently Exploring Revisions to Rule 20**

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

**Beyond Rule 20A: Additional Options for Funding Undergrounding Projects**

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

**Rule 20D Expansion**

The City of Berkley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkley," found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.
One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

**Franchise Surcharge Fees**
Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately $36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately $3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

**Existing League Policy:**

**Public Safety:**
The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions.

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities’ authority and discretion to provide all emergency services to their communities.

**Transportation, Communication, and Public Works:**
Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs.

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding.

**Environmental Quality**
The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city’s general fund.

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises.

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community.

**Community Services**
The League supports measures that provide resources for local governments to coordinate services to assist displaced residents and communities recover from wildfires, earthquakes and other natural disasters.”

**2019 Strategic Priority**
Improve Disaster Preparedness, Recovery and Climate Resiliency.
- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

**2020 Strategic Priority**
Strengthen community and disaster preparedness, public safety, and resiliency.
Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.

**Proposed Changes:**

**The League supports the inclusion of wildfire mitigation as an eligible project to receive the California Public Utilities’ Rule 20 funds and efforts to expand funding for Rule 20.**
Staff Comments:

The proposed policy seeks to incorporate two main elements: adding wildfire mitigation as an eligible project to receive rule 20 funds; and expand funding for rule 20 projects to support those wildfire mitigation efforts.

During the discussion around the resolution, deciding on which map or designation to follow for determining what was “high risk” or “very high risk” was difficult. The proposed policy does not determine who can access these funds, instead any city in the rule 20 program would to be able to use rule 20 funds for wildfire mitigation.

Staff Recommendation:

League staff recommends the committee APPROVE the proposed changes to League existing policy.
**NOTE: This is the amended version of the resolution from the General Resolutions Committee. This document is for reference only, not for consideration.**

1. **RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS**

**Source:** City of Rancho Palos Verdes  
**Concurrence of five or more cities/city officials:** Cities: Hidden Hills; La Canada Flintridge; Laguna Beach; Lakeport; Malibu; Nevada City; Moorpark; Palos Verdes Estates; Rolling Hills; Rolling Hills Estates; Ventura  
**Referred to:** Environmental Quality and Transportation, Communication and Public Works Policy Committees

**WHEREAS,** the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

**WHEREAS,** conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

**WHEREAS,** the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

**WHEREAS,** the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

**WHEREAS,** California is experiencing fire seasons of worsening severity; and

**WHEREAS,** undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

**WHEREAS,** brush fires are not restricted to starting near streets with high volumes of public traffic; and

**WHEREAS,** some cities would like to use private firms to design, inspect and construct Rule 20A projects; and

**WHEREAS,** expanding Rule 20A criteria to facilitate undergrounding projects that prevent fires, and expanding the Rule 20D program to all utility providers would help prevent fires; and

**WHEREAS,** expanding Rule 20A criteria as described above and increasing funding allocations for new Rule 20A projects and allowing excess funds to be
transferred between cities would lead to more undergrounding projects that help prevent fires; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects that help prevent fires to the list of criteria for eligibility, to increase funding allocations for Rule 20A projects, to increase flexibility for cities utilizing Rule 20, and to expand the Rule 20D program to all utility providers.
January 15, 2020

Environmental Quality Policy Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear Members of the Committee:

The City of Rancho Palos Verdes thanks you for your thoughtful consideration last October of our conference resolution regarding the expansion of California’s Rule 20 program, and your constructive amendments.

We are unable to attend the January 24 meeting, but wish to restate our support for all of the revisions that were agreed upon by the policy and General Resolutions committees, which strengthened the proposed policy by broadening the language to go beyond the Rule 20A program and the Very High Fire Hazard Severity Zone designation.

We ask that you advance the proposed policy to the League’s Board of Directors for consideration as a formal policy. The League already has a seat at the table in the rulemaking process with the California Public Utilities Commission, so now is the time for our cities to advocate for these changes.

We again thank you for your support and solidarity on this issue and look forward to working collaboratively to ensure a future where it is possible for more fire-prone communities to put power lines underground.

Thank you,

John Cruikshank
Mayor

cc: Derek Dolfie, Legislative Representative, League of California Cities
    Jason Rhine, Assistant Legislative Director, League of California Cities
    Ara Mihranian, Interim City Manager
    Kit Fox, Interim Deputy City Manager
    Rancho Palos Verdes City Council
2020 Strategic Priorities and Draft TCPW Work Program

1. **Improve the supply and affordability of housing.** Provide cities with financial tools to increase construction of housing, particularly for vulnerable populations, reform state regulatory barriers, and ensure cities retain flexibility based on the size, geography, demographics, impact mitigation and land use needs of each community.

2. **Advocate for increased funding and resources to prevent homelessness and assist individuals experiencing homelessness.** Secure additional resources and flexibility to provide navigation assistance, emergency shelters and permanent supportive housing and strengthen partnerships with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of—or already experiencing—homelessness in our communities.

3. **Address cities’ fiscal sustainability to deliver essential services and meet pension obligations.** Raise awareness among stakeholders about the fiscal challenges cities face and work collaboratively to secure new revenue tools and flexible prudent policies to ensure cities are able to provide essential services to their residents while maintaining their ability to meet pension obligations.

4. **Strengthen community and disaster preparedness, public safety, and resiliency.** Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.

5. **Address public safety concerns of California cities.**
   - Reform recently enacted criminal justice laws — enacted by both statute and initiative — that have eroded public safety protections of California residents through the passage of the Police Chiefs/Grocer’s-sponsored criminal justice reform measure eligible for the November 2020 state ballot, or by equivalent reforms achieved through legislative action.
   - Protect public safety by reducing access to firearms by the mentally ill.
   - Support additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking and workforce development for ex-offender reentry.

In addition, the TCPW Policy Committee will focus on the following issues in 2020: