

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

Friday, June 14, 2019

Sacramento Convention Center, 1400 J Street, Rm. 202, Sacramento

**ATTENDANCE**

Members: Lindsey Horvath (Chair), Newell Arnerich (V.Chair), Steve Baker, Kim Bergel, Randy Breault, Cal Campbell, Tuija Catalano, Ross Chun, Keith Cooke, Kathryn Downs, Paul Fadelli, Dominic Farinha, Ben Fine, Alice Fredericks, Chris Freeland, Lynne Kennedy, Linda Krupa, Chin Ho Liao, Armonda Longoria, Tim McGallian, Jennifer Mendoza, Hernan Molina, Linda Molina, Lou Munoz, Henry Nickel, David Norman, Dan Parra, Jerry Pentin, Jay Spurgin, George Spurr, John Tulloch, John Valdivia, Lloyd White, Bryce Wilson

League Partners: Lisa Holmes, Michael Kraman

Staff: Rony Berdugo

**I. State Budget and General Briefing**

Jeff Slowey, Chair, League Revenue and Taxation Policy Committee, gave a brief introduction to the General Briefing Session. After his welcome, he introduced League President Jan Arbuckle, Council Member, Grass Valley, who welcomed everyone to the third round of policy committee meetings of the year. President Arbuckle thanked everyone for making the trip to Sacramento for policy committees and expressed her appreciation for their attendance. President Arbuckle then shared that she has visited all of the League's 16 regional divisions and shared how much she has enjoyed visiting the various divisions. President Arbuckle closed by reiterating the importance of policy committees and expressing that the League is strongest when we focus on our common interests.

President Arbuckle then introduced Carolyn Coleman, League Executive Director. Ms. Coleman thanked President Arbuckle for all of the hard work she dedicates to her role. She also briefly mentioned the success of the recent Joint Disaster Summit that brought together local government and the Governor to discuss disaster response in the state. Ms. Coleman went onto acknowledge the League partners in the room and thank League staff for all of their hard work. She concluded by reminding everyone that while we have already done so much to protect the interests of cities this legislative session, there is still much work to be done.

Ms. Coleman then introduced Dan Carrigg, League Deputy Executive Director and Legislative Director. The rest of the briefing was presented by the League's legislative team. Mr. Carrigg began giving a brief overview of the budget and highlighted how Governor Newsom has heeded the advice of Governor Brown regarding budget spending.

Mr. Carrigg then introduced the League's fiscal advisor, Michael Coleman, to walk everyone through the State Budget update. Mr. Coleman's State Budget Update included how the State is going to spend the \$20.8 Billion surplus and pay down debts while growing its reserves. He also went on to explain how the impact of the sales tax exemption of diapers and menstrual products will have on local revenues. Mr. Coleman handed the meeting back over to Mr. Carrigg where he then introduced the League's lobbyists to discuss their respective issue areas.

Jason Rhine, League Assistant Legislative Director, focused on the housing affordability and availability challenges throughout the state. Mr. Rhine highlighted several bills including SB 330, SB 13, AB 1279, and AB 1763. Mr. Rhine encouraged policy committee members to speak to their legislator about SB 330 and to look at the SB 330 Action Alert. SB 330 would, among other things, declare a statewide housing crisis for a five-year period and freeze nearly all project related fees once a developer submits a “preliminary” application. (For more information, please visit the League’s Action Center.) Mr. Rhine also briefly discussed the unprecedented amount of dollars to housing and homelessness. The Housing and Homelessness Update Document mentions several existing funding opportunities including SB 2 planning grant dollars. While the Housing and Homelessness Budget Trailer bill had not yet been released, Mr. Rhine stated that the League has been working closely with the Governor’s office and Legislators on the trailer bill language.

Dane Hutchings, Director, Government Affairs at Renne Public Policy Group (RPPG), is currently on contract with the League representing the League on issues related to governance, transparency, and labor relations. Mr. Hutchings began by discussing the political realities in Sacramento surrounding employee relations legislation and then briefly discussed several bills regarding workers’ compensation and elections. Mr. Hutchings highlighted SB 266, which would require cities to directly pay retirees compensation that has been deemed “disallowed.” This would result in an unconstitutional gift of public funds and would lead to a significant increase in costs for some cities. Mr. Hutchings also highlighted several bills in the workers’ compensation space, including SB 542, AB 932, and AB 1400, which would expand the scope of workers’ compensation and ultimately lead to increased costs for local agencies. More details can be found in the Workers’ Compensation Document. While Governor Brown held the line on worker’s compensation, we will have to wait and see where Governor Newsom will land on workers’ compensation bills this year.

Charles Harvey, League Legislative Representative, gave an update on various public safety related issues including cannabis, drones, and police use of force. Mr. Harvey discussed AB 392 (Weber), the reintroduction of a police use-of-force bill from last year, which the League opposed. AB 392 was amended and a large number of law enforcement groups now no longer oppose the bill. More information can be found in the Police Use of Force Document. On the topic of cannabis, Mr. Harvey discussed AB 1356 (Ting). Under this bill, if more than 50 percent of the voters of a local jurisdiction voted in favor of Proposition 64, these local jurisdictions would be required to adopt a local licensing structure for retail commercial cannabis activity. More specifically, the bill requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses. AB 1356 was moved to the inactive file and is dead for the year.

Derek Dolfie, League Legislative Representative, highlighted evolving environmental and community services issues. The issue of improving the quality of drinking water in California continues this year with several proposals spanning from an increased safe drinking water tax to general fund allocations. There is currently a deal struck that does not involve a tax but the deal is not finalized. Another major issue is organic waste diversion and the regulations that will implement a 50% reduction target coming out this summer. Mr. Dolfie also discussed the various bills and proposals that have been introduced because of the recent wildfires. This includes the issue of utility liability and the recommendation out of the Governor’s Strike Force Report. The discussion is ongoing and the League will continue to work closely with the Governor’s office and Legislators on the language. More details regarding disaster and

emergency response can be found in the Disasters and Emergency Response Document. Mr. Dolfie also touched on issues such as homelessness and a master plan on aging.

Rony Berdugo, League Legislative Representative, discussed transportation, communications, and public works. Mr. Berdugo began by discussing the proposal to link SB 1 transportation dollars with housing production. The proposal was met with hostility by many legislators and will not be included in the budget this year. Mr. Berdugo then described AB 516 (Chiu). This measure would eliminate the ability for cities and law enforcement to adequately enforce state and local vehicle violations. This bill is still moving through the legislative process and Mr. Berdugo encouraged policy committee members to speak to their legislator about the bill. More information can be found in the AB 516 Action Alert. (For more information, please visit the League's Action Center.) Next, he discussed the FCC small cell order and how the League and others have attempted to push back against this in the courts and on the federal level. Finally, Mr. Berdugo discussed two bills related to scooters that have been tabled for the year, seismic safety legislation, the 911 fee budget trailer bill, and AB 1699 (Levine), which would prohibit a mobile internet service provider from impairing or degrading the lawful internet traffic of public safety agencies during a state of emergency.

Lastly, Dan Carrigg briefly discussed issues related to revenue and taxation. Mr. Carrigg touched on AB 147 (Burke) being signed into law. This measure implements the Wayfair decision in California and increases revenue for local governments. It is also anticipated that revenues collected through the implementation of AB 147 will be higher than what was initially expected. Mr. Carrigg went on to discuss SB 5, an important economic development bill. SB 5 would reinvest the state into tax increment financing. A renewed investment would greatly improve opportunities for economic development and provide a great opportunity for the state to work with locals to accomplish shared state and local goals. Mr. Carrigg encouraged policy committee members that are with cities who have not yet submitted a support letter, to do so as soon as they can. (For more information, please visit the League's Action Center.)

## **II. Welcome and Introductions**

Members of the committee introduced themselves. The Chair thanked the members and league partners for their time and contributions.

## **III. Public Comment**

No public comments

## **IV. Community Choice Aggregation (CCA) Issues**

Chair Horvath introduced the guest speaker, Sean MacNeil, the Director of Legislative Affairs at the California Community Choice Association (CalCCA). Mr. MacNeil started his presentation by addressing where CCA's are currently located in the state, and which communities are interested in having a CCA to demonstrate their proliferation. Mr. MacNeil then briefed the committee on the priority bills that CalCCA is weighing in on this legislative session. After covering each of these bills, Mr. MacNeil took questions from the committee. Several committee members ask clarification questions in regards to how CCA's are regulated and the current role of the California Public Utilities Commission (CPUC) in that regulation.

Chair Horvath asked if the committee would want to move to have CCA issues considered in the environmental quality committee. The committee proceeded to make this motion, which passed with unanimous support

#### **V. California's Road User Charge Pilot Program**

Chair Horvath introduced the guest speaker, Garth Hopkins, the Deputy Director of Planning at the California Transportation Commission (CTC). Mr. Hopkins began his presentation by briefing the committee on the concept of a state road user charge and how this policy would differ from a gas tax. Mr. Hopkins explained that a road user charge would be a replacement to the gas tax where drivers pay by miles driven. Mr. Hopkins then gave an overview of why a road charge may be preferable to a gas tax in the future. He explained that in recent years, money collected from the gas tax has decreased while miles traveled by Californians has increased. This means that people are driving more, but gas tax revenue is not reflecting that increase. Mr. Hopkins explained that this issue is due in part to the proliferation of fuel-efficient cars that are using less gas to travel longer distances. Mr. Hopkins then addressed the California Road Charge Pilot Program which had 5,000 vehicles across the state participate and looked at how different technologies would operate in reporting mileage.

At the conclusion of Mr. Hopkins presentation, Chair Horvath opened the committee up to questions. Several committee members raised concerns that a road user charge would not be equitable. Specifically, there were concerns about how this charge would impact low-income individuals who have moved away from high job areas and are traveling farther distances for work. The committee also wondered how this charge would work for drivers crossing over state lines. Rony Berdugo commented on Mr. Hopkins presentation relaying to the committee the importance of looking at how roads will be funded beyond [SB 1](#) and how California will plan on addressing road maintenance into the future.

#### **VI. Legislative Agenda**

##### **1. [AB 1100 \(Kamlager-Dove\)](#). Electric Vehicles. Parking Requirements.**

Rony Berdugo summarized AB 1100, a bill that would require existing and future parking spaces designated for electric vehicle charging to be counted as at least one standard vehicle parking space for compliance with local parking minimum requirements. The bill would also require existing and future van accessible parking spaces designated for electric vehicle charging to be counted as at least two standard parking spaces for compliance with local parking minimum requirements. The committee discussed the staff recommendation and approved for board consideration.

##### **Committee Recommendation:**

Adopt a support position on AB 1100 (Kamlager-Dove).

**Action: Approved unanimously.**

##### **2. [AB 1366 \(Gonzalez\)](#). Voice over Internet Protocol & Internet Protocol enabled Communications.**

Rony Berdugo summarized AB 1366, a bill that would extend until January 1, 2030 Voice over Internet Protocol (VoIP) deregulation, which prohibits the state and local governments from regulating VoIP. The bill also requires the California Public Utilities Commission (CPUC) to report annually the number and type of VoIP complaints received to the Legislature and Attorney General. The bill would allow for the CPUC to have

authority regarding the safety of VoIP lines and facilities, obtaining network outage information, and requiring state lifeline program requirements.

The bill also requires VoIP providers to notify each new customer of any state and federal backup power requirements, credit customer bills back for service outages exceeding 24 hours, and to initiate steps to restore service within 24 hours of receiving service outage information and to have service restored within 72 hours when such information is received. The committee discussed the staff recommendation and approved for board consideration.

**Committee Recommendation:**

Adopt an oppose position on AB 1366 (Gonzalez).

**Action: Approved unanimously.**

**VII. Legislative Update – Current Bill Positions & Issues**

Chair Horvath introduced Patrick Whitnell, General Counsel, League of California Cities to update the committee on the ongoing litigation against the FCC order related to oversight authority over small and macro wireless facilities. Mr. Whitnell explained that the League has joined with two other coalitions that also filed litigation on this issue and that they had submitted their opening brief earlier in the week. While Mr. Whitnell was unsure of what the timeline for this litigation would be, he stated that the next step will be for the FCC to reply to the League's opening brief. A committee member asked Mr. Whitnell what the League's goal was in this litigation process. Mr. Whitnell explained that the League's position is that the rules that cities followed prior to FCC adoption of these regulations worked better for cities and that there is no reason to divest cities of their historic role in regulating telecommunication agencies.

Chair Horvath then introduced Jason Rhine, Assistant Legislative Director, League of California Cities to update the committee on issues pertaining to housing. Mr. Rhine started his update by addressing the budget. He explained that there is a lot of money in the budget for housing and that the issues the League is facing are not in the budget itself but in the trailer bill language which has no deadline to pass. Mr. Rhine then walked through the bills that the League is currently weighing in on this legislative session on housing and homelessness.

Rony Berdugo directed committee members to visit the TCPW website at <http://www.cacities.org/tcpw> to get the latest information on bills the league is supporting, opposing, watching, and monitoring. The various resources have links to bill hearing calendars as well that the League is actively engaged on and/or watching.

**VIII. AB 516 Opposition Lobbying**

Rony Berdugo highlighted [AB 516 \(Chiu and Santiago\)](#) for the committee. Rony Berdugo addressed the public safety and health hazard issues relate to this legislation. He then directed the committee to the provided contact information for legislators working on this bill and encouraged committee members to reach out to them and voice their opposition.

**2019 Work Program Items Covered to Date:**

**1. Transit & Mobility Options – Scooters, Bikes, and Safety**

- AB 1266 (R. Rivas) – Right Turn Lanes – Action Item
- SB 127 (Wiener) – ATP & the SHOPP – Action Item

- AB 1112 (Friedman) – City Scooter Preemption – League Opposition
- AB 1286 (Muratsuchi) – Minimum Scooter Requirements – League Support

**2. Small Cell Preemption Updates – Litigation, Regulation, & Legislation Updates**

- Update from League’s contracted attorney, Tripp May from Telecom Law Firm, regarding the FCC Order litigation.
- H.R. 530 (Eshoo) – League Action Alert to Urge Congressional Cosponsors
- Update from the League’s General Counsel, Patrick Whitnell, regarding the the latest update on the FCC Order litigation.

**3. Exploring the Road User Charge/Vehicle Miles Traveled Charge & how that will fund local streets and roads.**

- AB 40 (Ting) – Transition to ZEVs by 2040 – Action Item
- Electric Vehicle Charging Infrastructure Update/Presentation
- 2018 Local Streets & Roads Needs Assessment Update/Presentation
- Update from the California Transportation Commission’s Director of Planning, Garth Hopkins, regarding the state’s Road Charge Pilot Program, its conclusion, results, and what the extension of the program will be considering.

**4. Monitor Community Choice Aggregation Policies & Proposals**

- CalCCA presentation from their Director of Legislative Affairs, Sean MacNeil, regarding legislation CalCCA is monitoring.
- Motioned and approved to have the League’s EQ Committee consider weighing in on measures that affect CCA’s.

**Next Meeting (tent.): Annual Conference, Long Beach, October 16**

*Staff will notify committee members after August 22<sup>nd</sup> if the policy committee will be meeting in October.*