

CTC High Priority Bills
Bills that could directly impact the Commission's work and are of statewide significance to transportation

AB 1756 (Brough R) Transportation funding.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would repeal the Road Repair and Accountability Act of 2017.

Position: Oppose

AB 1759 (McCarty D) General plans: housing element: production report: withholding of transportation funds.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under the Road Maintenance and Rehabilitation Program, existing law requires funds to be made available for apportionment by the Controller to cities and counties pursuant to a specified formula. Prior to receiving an apportionment of funds, an eligible city or county must submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the Commission to report to the Controller the cities and counties that have submitted a list of projects. This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, with respect to the housing and land use element of their general plans, in order to remain eligible for an apportionment of these transportation funds. This bill would require the Controller to withhold the apportionment of these transportation funds for each city and county that is not in compliance with this requirement.

AB 1806 (Ting D) Budget Act of 2018.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: This bill would make appropriations for the support of state government for the 2018–19 fiscal year. This bill contains other related provisions.

AB 1866 (Fong R) Transportation funding.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would create the Traffic Relief and Road Improvement Program to address traffic congestion and deferred maintenance on the state highway system and the local street and road system. The bill would provide for the deposit of various existing sources of revenue in the Traffic Relief and Road Improvement Account, which the bill would create in the State Transportation Fund, including revenues attributable to the sales and use tax on motor vehicles, revenues attributable to automobile and motor vehicle insurance policies from the insurer gross premiums tax, revenues from certain diesel fuel sales and use taxes, revenues from certain vehicle registration fees, and certain miscellaneous State Highway Account revenues.

AB 1874 (Voepel R) Fuel taxes: Off-Highway Vehicle Trust Fund.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the moneys attributable to the excise tax on gasoline related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund. Current law requires the Controller to withhold \$833,000 from the monthly transfer to the Off Highway Vehicle Trust Fund, and transfer that amount to the General Fund. This bill would, on June 30, 2019, eliminate the requirement that the Controller withhold \$833,000 from the monthly transfer to the Off-Highway Vehicle Trust Fund and transfer that amount to the General Fund. The bill would thereby transfer this amount monthly to the Off-Highway Vehicle Trust Fund.

AB 1898 (Mathis R) State highways: property leases.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes the Department of Transportation to lease certain property, including the area above or below a state highway, and certain property held for future highway purposes, to public agencies under specified terms and conditions, including specific provisions governing leases of airspace and other property in the City and County of San Francisco for purposes of an emergency shelter or feeding program. Current law also requires that a lease be offered on a right of first refusal by the department to the city and county or a political subdivision of the city and county and authorizes leases of property for park, recreational, or open-space purposes. This bill would make these provisions applicable to any airspace under a freeway or real property acquired for highway purposes located in a disadvantaged community, as specified.

AB 1901 (Obernolte R) California Environmental Quality Act: exemption: roadway projects.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements. This bill would extend the above exemption indefinitely.

Position: Support

AB 1905 (Grayson D) Environmental quality: judicial review: transportation projects.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, in an action or proceeding seeking judicial review under the California Environmental Quality Act, prohibit a court from staying or enjoining a transportation project that would reduce total vehicle miles traveled, that is included in a sustainable communities strategy, and for which an environmental impact report has been certified, unless the court makes specified findings.

Position: Support

AB 2418 (Mullin D) Transportation: emerging transportation technologies: California Smart Cities Challenge Grant Program.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the California Smart City Challenge Grant Program to enable municipalities to compete for grant funding for emerging transportation technologies to serve their transportation system needs, and would specify certain program goals. The bill would require the California Transportation Commission to form the California Smart City Challenge Workgroup to provide the commission with guidance on program matters, as specified. The bill would authorize the commission, in consultation with the workgroup, to develop guidelines for the program, which would not be subject to the Administrative Procedure Act, and to revise them as necessary.

Position: (Recommended) Support

AB 2615 (Carrillo D) Department of Transportation: powers and duties: memoranda of understanding.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Transportation to enter into memoranda of understanding with all appropriate public agencies, including the Department of Parks and Recreation and any local public entity, for purposes of providing maximum and safe pedestrian access to state and local parks.

AB 2629 (Eggman D) Department of Transportation: state highways.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Department of Transportation and the California Transportation Commission and provides that the department has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission. This bill would make nonsubstantive changes to these provisions.

AB 2734 (Frazier D) California Transportation Commission.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

AB 2851 (Grayson D) Federal funds: highway safety improvements.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current federal law provides for apportionment of certain federal funds to the state for highway safety improvements. Current law requires these funds to be deposited in the State Highway Account and provides that these funds are appropriated for allocation by the California Transportation Commission. This bill would make nonsubstantive changes to these provisions.

AB 2919 (Frazier D) Transportation: permits.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would state the intent of the Legislature to enact legislation that would require all permitting agencies that interact with the Department of Transportation, including, but not limited to, the Department of Fish and Wildlife, the State Water Resources Control Board, and the California Coastal Commission, to approve and complete permits within a 2-year timeframe.

AB 3024 (Nazarian D) City streets and highways.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes the legislative body of a city to do any and all things necessary to lay out, acquire, and construct any section or portion of any street or highway within its jurisdiction as a freeway and to make any current street or highway a freeway. This bill would make nonsubstantive changes to this provision.

AB 3059 (Bloom D) Congestion pricing demonstration pilot projects.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides for the development of a congestion management program for each county that includes an urbanized area by a designated congestion management agency. Current law authorizes the Metropolitan Transportation Commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits. This bill would authorize 2 congestion pricing demonstration projects in northern California and 2 in southern California.

AB 3246 (Committee on Transportation) Transportation: omnibus bill.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a fee on motor vehicles, as specified, that is paid quarterly to the Controller and continuously appropriated for disbursement to the county, as specified, to be used to fund programs relating to vehicle theft crimes. Current law requires a county that imposes this fee to issue an annual report to the Controller on or before August 31. Existing law requires the Controller to suspend a county's fee for one year if the county fails to submit the report by November 30 and requires the Controller to inform the Department of Motor Vehicles on or before January 1 that a county's authority to collect the fee is suspended. This bill would instead require the Controller to inform the Department of Motor Vehicles on or before February 1 that a county's authority to collect the fee described above is suspended.

SB 1000 (Lara D) Transportation electrification: electric vehicle charging infrastructure.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Energy Commission, in consultation with the State Air Resources Board (state board), to develop minimum labeling standards for publicly accessible electric vehicle charging stations, to develop a cost-per-vehicle-mile-driven price metric for charging stations, to be known as the e-gallon rating, to develop, and biennially reassess, minimum charging speed standards for direct current fast charging stations and for electric vehicle batteries, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use state moneys to more proportionately deploy new charging station infrastructure.

SB 1029 (McGuire D) North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the North Coast Railroad Authority, before April 1, 2019, to transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to both its right-of-way south of a point in the City of Willits and the railroad assets the authority owns to an unspecified successor agency, and to transfer its rights, privileges, and responsibilities relating to its right-of-way north of that point in the City of Willits to the Department of Transportation. The bill would abolish the authority after those transfers are made.

Position: (Recommended) Support

SB 1037 (Cannella R) State government finance: Road Maintenance and Rehabilitation Program.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Prior to receiving an apportionment of funds under the Road Maintenance and Rehabilitation Program from the Controller in a fiscal year, current law requires a city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Current law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of an initial or subsequent report, to apportion funds to cities and counties included in the report, as specified. This bill would make nonsubstantive changes to the provisions requiring the commission to submit the specified reports to the Controller.

SB 1328 (Beall D) Mileage-based road usage fee.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of the Transportation Agency. Under current law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax and to make recommendations to the Secretary of the Transportation Agency on the design of a pilot program, as specified. Current law repeals these provisions on January 1, 2019. This bill would extend the operation of these provisions until January 1, 2023.

Position: (Recommended) Support

SB 1427 (Hill D) High-occupancy vehicle and high-occupancy toll lanes.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides that the Department of Transportation has full possession and control of the state highway system. Current law authorizes the department to construct exclusive or preferential lanes for high-occupancy vehicles. This bill would provide that it is the intent of the Legislature to enact legislation to improve the performance of HOV and HOT lanes by providing additional resources for, and authorizing new approaches to, the enforcement of lane occupancy requirements.

SCR 90 (Roth D) Joseph Tavaglione Interchange.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: This measure would designate the interchange where State Highway Routes 60 and 91 meet Interstate 215 in the County of Riverside as the Joseph Tavaglione Interchange. The measure would request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Position: (Recommended) Support

CTC Secondary List

Bills that may not directly impact the Commission, but could present areas of concern or opportunities to provide technical assistance.

AB 87 (Ting D) Autonomous vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Motor Vehicles to include in regulations it adopts relating to application requirements for the testing of autonomous vehicles on public roads without the presence of a driver inside the vehicle, a requirement that the manufacturer certify that the local authorities within the jurisdiction where the autonomous vehicle will be tested have been provided with a written notification, as specified, and a requirement that the manufacturer provide certain law enforcement agencies with a copy of a law enforcement interaction plan.

AB 118 (Committee on Budget) Transportation.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Transportation to develop and submit to the Legislature and specified legislative caucuses, by January 1, 2019, a detailed outreach plan intended to increase procurement opportunities for new and limited contracting small business enterprises, as defined, including, but not limited to, those owned by women, minority, disabled veterans, LGBT, and other disadvantaged groups, in all the department’s transportation programs, to undertake specified outreach activities required to be included in the plan, and to update that plan and submit it to specified entities.

AB 427 (Muratsuchi D) California Aerospace Commission.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the California Aerospace and Aviation Commission consisting of 17 members, as specified, to serve as a central point of contact for businesses engaged in the aerospace and aviation industries and to support the health and competitiveness of these industries in California. The bill would require the commission to make recommendations on legislative and administrative action that may be necessary or helpful to maintain or improve the state’s aerospace and aviation industries and would require the commission to report and provide recommendations to the Governor and the Legislature, as specified.

AB 558 (Quirk-Silva D) Alternative fuel vehicles: flexible fuel vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law creates the Joint Legislative Committee on Climate Change Policies and requires the committee to ascertain facts and make recommendations to the Legislature and to committees of the Legislature concerning the state’s programs, policies, and investments related to climate change, as specified. This bill would provide that the joint committee may recommend that the State Air Resources Board provide education and support to local governments regarding specific components of local government climate action plans, such as ensuring the use of E85 in flexible fuel vehicles, expanding infrastructure for zero-emission vehicles, and enabling active transportation.

AB 636 (Irwin D) Local streets and roads: expenditure reports.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, with limited exceptions, requires each city and county to submit to the Controller a complete report of expenditures for street and road purposes by October 1 of each year relative to the preceding fiscal year ending on June 30. This bill would instead require the report to be submitted to the Controller within 7 months after the close of the fiscal year adopted by a county, city, or city and county. The bill would make other conforming changes.

AB 1395 (Chu D) State highways: Department of Transportation: litter cleanup and abatement: report.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Transportation, within its maintenance programs relating to litter cleanup and abatement, to assign the highest priority to litter deposited along state highway segments that carry the highest traffic volumes and the segments found by the department to have the highest incidences of litter and to reallocate existing litter cleanup resources as necessary in order to implement this priority. The bill would also require the department, on or before January 1, 2020, to conduct an assessment of the problem of litter on state highways and to make a specified report to the Legislature on its findings.

AB 1561 (Quirk-Silva D) Economic development: infrastructure: logistic hubs.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Director of the Governor’s Office of Business and Economic Development to provide to the Legislature, not later than February 1, 2019, a strategy for international trade and investment that includes, at minimum, specified components. Existing law requires that this strategy include a framework that enables the office to evaluate on an ongoing basis, as appropriate, current workforce, infrastructure, research and development, and other needs of small and large firms, including, among other things, airports. Instead require that the strategy identify the process the Governor’s Office of Business and Economic Development will use to complete that evaluation, and would require that the strategy also evaluate logistic hubs.

AB 2145 (Reyes D) Vehicular air pollution.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would add as eligible projects for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program those projects that support grid integration and integrated storage solutions and charging management demonstration and analytics. The bill would additionally require the energy commission, as part of the guidance developed for the program, to advise the State Air Resources Board on to how to allocate moneys for vehicle charging infrastructure consistent with the energy commission’s investment plan strategies on charging infrastructure that is part of the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007. The bill instead would require the guidance to promote projects that assist the state in reaching its climate goals beyond 2030.

AB 2206 (Brough R) Vehicles: registration information.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law generally requires a motor vehicle to be registered, and the appropriate fees paid, in order to operate the vehicle on a highway, as specified. Upon registering a vehicle, current law requires the Department of Motor Vehicles to issue a certificate of ownership to the legal owner and a registration card to the owner, as specified. Current law requires a registration card to contain certain information upon its face, including the name and residence or business address of the owner and of the legal owner of the vehicle. The bill would require the registration card issued for a vehicle to display, as a separate line item, the amount of the transportation improvement fee that is included in the cost of registration for the vehicle.

AB 2252 (Limón D) State grants: state grant administrator.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish, within the Government Operations Agency, a state grant administrator who is designated by the Governor to serve as the state’s primary point of contact for information on grants provided by state agencies. The bill would authorize the state grant administrator, among other things, to support the establishment of a statewide network of individuals who serve as point of contact for state grant opportunities in state agencies.

AB 2304 (Holden D) Transit pass programs: status report.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law declares that the fostering, continuance, and development of public transportation systems are a matter of statewide concern. Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. This bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2022, on the status of transit pass programs statewide, as specified.

AB 2341 (Mathis R) California Environmental Quality Act: aesthetic impacts.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would specify that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for purposes of CEQA and that the lead agency is not required to evaluate the aesthetic effects of those projects.

AB 2548 (Friedman D) Commute benefit policies: Los Angeles County Metropolitan Transportation Authority: South Coast Air Quality Management District.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law creates the Los Angeles County Metropolitan Transportation Authority (LACMTA), with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin, which incorporates a specified portion of the jurisdiction of the authority. This bill would authorize the authority, in coordination with the district, to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 entities with a specified number of employees to offer certain employees commute benefits, as specified.

AB 2856 (Melendez R) California Environmental Quality Act: housing development projects.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would, except as provided, prohibit the court, in an action or proceeding brought alleging a violation of CEQA, from staying or enjoining the siting, construction, or operation of housing development projects, as defined.

AB 2865 (Chiu D) High-occupancy toll lanes: Santa Clara Valley Transportation Authority.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer, and operate a value pricing high-occupancy toll (HOT) lane program on 2 corridors included in the high-occupancy vehicle lane system in the County of Santa Clara and on State Highway Route 101 in the County of San Mateo in coordination with the City/County Association of Governments of San Mateo County and the San Mateo County Transportation Authority, as prescribed. This bill would make nonsubstantive changes to these provisions.

AB 2951 (Gloria D) Commute benefit policies.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes a program that authorizes the Metropolitan Transportation Commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits. Current law requires that the ordinance specify certain matters, including any consequences for noncompliance. This bill would make nonsubstantive changes to this program.

AB 2955 (Friedman D) Traffic: City of Burbank.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize the City of Burbank, when conducting an engineering and traffic survey of the public streets within the boundaries of the Rancho Master Plan area in the city, to consider equestrian safety, in addition to the specified factors set forth. This bill contains other related provisions.

AB 2996 (Fong R) Department of Transportation: Job order contracting.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The State Contract Act generally provides for a contracting process by state agencies for public works of improvement pursuant to a competitive bidding process, under which bids are awarded to the lowest responsible bidder, with specified alternative procurement procedures authorized in certain cases. This bill, until July 1, 2022, would authorize the Department of Transportation to use job order contracting, an alternative procurement procedure, for certain types of highway maintenance work.

AB 3079 (O'Donnell D) Ports.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides for the formation of port districts and prescribes procedures for the formation and operation of those districts. Under current law, a port district is governed by a board of port commissioners, comprised as specified. This bill would declare the intent of the Legislature to enact legislation relating to public ports in California.

AB 3106 (Nazarian D) Autonomous vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes regulations for the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if the manufacturer meets prescribed requirements. This bill would make technical, nonsubstantive changes to those provisions.

AB 3132 (Chau D) Autonomous vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes an autonomous vehicle to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if specified requirements are met, including that the autonomous vehicle is being operated on roads in the state solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology. Current law defines "autonomous technology" and "autonomous vehicle" for those purposes. This bill would make technical, nonsubstantive changes to those provisions

AB 3165 (Friedman D) Hydrogen-fueled vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Energy Resources Conservation and Development Commission to allocate \$20 million annually, as specified, until there are at least 100 publicly available hydrogen-fueling stations in the state. Current law provides that the commission may cease providing funding for those stations once the commission determines, in consultation with the State Air Resources Board, that the private sector is establishing publicly available hydrogen-fueling stations without the need for government support. This bill would delete the latter provision.

AB 3177 (Chávez R) North County Transit District.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would provide that it is the intent of the Legislature to enact legislation relating to the North County Transit District.

SB 760 (Wiener D) Bikeways: design guides.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize a city, county, regional, or other local agency, when using the alternative minimum safety design criteria, to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials. The bill would authorize a state entity that is responsible for the planning and construction of roadways to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials.

SB 827 (Wiener D) Planning and zoning: transit-rich housing bonus.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require a local government to, if requested, grant a development proponent of a transit-rich housing project a transit-rich housing bonus if that development meets specified planning standards, including complying with demolition permit requirements, local inclusionary housing ordinance requirements, preparing a relocation benefits and assistance plan, any locally adopted objective zoning standards, and any locally adopted minimum unit mix requirements. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a 1/2 mile radius of a major transit stop or a 1/4 mile radius of a stop on a high-quality transit corridor.

SB 839 (Mitchell D) Budget Act of 2018.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: This bill would make appropriations for the support of state government for the 2018-19 fiscal year. This bill would declare that it is to take effect immediately as a Budget Bill.

SB 903 (Cannella R) Transportation Development Act: County of Stanislaus.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize the Stanislaus Council of Governments, a transportation planning agency, to consider population density when determining if specified operators have met the requirements for claims for transit funds, and to reduce the applicable ratio of fare revenues to operating cost for specified operators by up to 5 percentage points from the ratio that was effective during the 2016-17 fiscal year if the population density of the County of Stanislaus is less than, or equal to, 1000 persons per square mile.

SB 989 (Wieckowski D) State highways: relinquishment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize the California Transportation Commission to relinquish to the City of Fremont a specified portion of Route 84 within its city limits, upon terms and conditions the commission finds to be in the best interests of the state, if the department and the city enter into an agreement providing for that relinquishment.

SB 1117 (Beall D) Department of Transportation: highway engineers.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides that the Department of Transportation has full possession and control of the state highway system. Current law specifies certain powers and duties of the department relative to the recruitment and retention of highway engineers, including participation by the department in student loan repayment, offering of salaries above the lowest salary step, and various other provisions. This bill would make a nonsubstantive change to these provisions.

SB 1289 (Committee on Judiciary) Maintenance of the codes.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes. This bill would make nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

SB 1301 (Beall D) State permitting: environment: processing times.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Fish and Wildlife, the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, the State Water Resources Control Board, and a California Regional Water Quality Control Board, for certain permits that each entity administers, to keep an accurate record of permit processing times. The bill would require these entities to issue a quarterly report that discloses any legally mandated permit processing times and the average permit processing times for all projects and for large-sized projects, as specified.

SB 1324 (Roth D) Director of Transportation.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides that any reference in any law or regulation to the State Highway Engineer shall be deemed to refer to the Director of Transportation. This bill would make nonsubstantive changes to that provision.

SB 1342 (Cannella R) Autonomous vehicles.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes an autonomous vehicle to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if specified requirements are met, including that the autonomous vehicle is being operated on roads in the state solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology. Current law defines "autonomous technology" and "autonomous vehicle" for those purposes. This bill would make technical, nonsubstantive changes to those provisions.

SB 1376 (Hill D) Transportation network companies: accessibility plans.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would express the intent of the Legislature that every transportation network company ensure that it provides full and equal access to all persons with disabilities.

SB 1387 (Beall D) Peninsula Rail Transit District.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, operative under certain conditions, redesignates the Peninsula Corridor Study Joint Powers Board as the Peninsula Rail Transit District, comprised of 9 members appointed from various governing bodies situated in the City and County of San Francisco and the Counties of San Mateo and Santa Clara, with specified powers. This bill would repeal the provisions relating to the Peninsula Rail Transit District.

SB 1479 (Stern D) Los Angeles County Metropolitan Transportation Authority.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides that the Los Angeles County Metropolitan Transportation Authority is the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission. Existing law provides that the authority, at a minimum, reserves to itself exclusively specified powers and responsibilities, including, among other things, approval of labor contracts covering employees of the authority and organizational units of the authority and the approval of transportation zones. This bill would make nonsubstantive changes to these provisions.

AGENDA ITEM 2: LEGISLATIVE UPDATE**DISCUSSION****A. BACKGROUND**

CALCOG has started the California Academy for Regional Leaders or CARL for short. We have posted the baseline introductory information on the website. We are able to offer this this first year at a significantly reduced cost for the caliber of training we are bringing on because of a grant from Caltrans. The purpose of this item is to go over some elements of the broader aspects of the program.

B. HOUSING & LAND USE**AB 686 - Affirmatively Further Fair Housing (Santiago)**

- Senate Transportation & Housing
- Would add a detailed housing opportunity analysis to all transportation investments; in current form, but CALCOG has received assurances that the full scope of the bill should not apply to RTPA/MPOs – but there still is a desire to hook the analysis to RHNA and a regional study of some kind.
- Two-year bill in second house, up in May

AB 1771 - Planning & Zoning: RHNA (Bloom)

- Assembly Local Government Committee
- Seeking more equitable distribution of RHNA -

AB 1778 – Transit Oriented Development Law of 2018 (Holden)

- Assembly Local Government Committee
- 04/17/18 Hearing cancelled by request of author
- Would allow city or county to form redevelopment agency to finance affordable housing or TOD projects

AB 1782 - Affordable Housing Authorities: Infrastructure (Frazier)

- In Assembly Housing & Community Development Committee
- Hearing scheduled for 05/19/18
- Would authorize an affordable housing authority to provide for infrastructure to support the development of affordable housing. Infrastructure includes streets, roads, power lines, sewer lines, water lines, & gas lines within ¼ mile of the affordable housing development.

AB 2553 - Vertical Housing Districts (Friedman)

- In Assembly Housing & Community Development Committee
- Would allow city or county to designate a high-transit area as a vertical housing zone. Would provide developers with incentives (30 years – excess property tax revenues) to build denser and taller housing projects in VHZs (multi-family housing & low-income housing requirements)

SB 827 - Transit Rich Housing Bonus (Weiner)

- Did not pass committee
- The super controversial, super transit density bonus bill that everyone was talking about but did not make it out of its first committee bill

SB 828 - Land Use: Housing Element (Weiner)

- Referred to Senate Appropriations Committee
- Oppose unless amended
- This bill makes a number of changes to the RHNA process.

SB 961 - Enhanced Infrastructure Districts (Allen)

- NIFTI - 2
- Referred to Senate Transportation & Housing
- Would allow a city, county or city and county adopt infrastructure financing districts and allocate tax revenues to the district if within ½ mile of a rail transit station or within 300 feet of a transit rich boulevard served by BRT or high-frequency bus service.
- Of interest for its potential to serve as a new funding source for some kind of last mile options in certain zones.

C. TRANSPORTATION BILLS

AB 1745 - Clean Cars 2040 Act (Ting)

- Assembly Transportation Committee
- 04/16 Hearing cancelled at request of the author
- Commencing 01/01/2040, would prohibit DMV registration of non zero emission vehicles.

AB 1756 - Transportation Funding Repeal (Brough)

- Assembly Transportation Committee
- We would bother to oppose this bill if it was going anywhere
- Would repeal SB 1

AB 1905 - Environmental Quality: Judicial Review: Transportation (Grayson)

- Assembly Natural Resources
- This started out well by expanding exemption for cities under 100,000 for road repair maintenance work to all cities; has now been amended to narrow scope in return for three year extension.

AB 3059 - GoZone (Bloom)

- Assembly Transportation Committee
- 04/23 Hearing cancelled at request of author
- Would authorize 2 Go Zone demo projects in Norcal and Socal. "Go Zone demonstration program" to mean a transportation program that reduces vehicle congestion by targeting

highly congested areas with additional transportation choices and decongestion fees that encourage people to take transit, carpool, bike, walk, or adjust trip times.

SB 936 - OPR: Autonomous Vehicles Smart Planning Task Force (Allen)

- Referred to Senate Appropriations Committee
- Support
- Requires OPR to convene the Task Force (MPO representation included)
- Task Force to recommend policies on the deployment of autonomous vehicles, related to clean air and climate goals, reducing vehicle miles traveled and traffic congestion, shared mobility, integration with other transportation and transit networks, and equity.

SB 1119 - LCTOP (Newman)

- Senate Appropriations Committee (April 30)
- Support
- Would expand eligible program activities to include transit fare subsidies, student fare programs, expanded service to hospitals and employment centers, and purchase of zero-emission buses. Would allow the expanded eligible programs to meet LCTOP DAC requirements.

SB 1328 - Mileage-based Road Usage Fee (Beale)

- Assembly. Ordered to third reading
- Support
- Would extend CTC Road Usage Pilot Study from 2019 to 2023

SB 1466 - Local Sales Taxes: Online Sales: Place of Delivery (Glazer)

- Senate Governance and Finance Committee
- 04/19/18 Hearing cancelled at request of the author
- Would change online sales tax collection to the place of delivery rather than the place where the sale was consummated.
- Will only take affect if SCA 20 is passed

SCA 20 - Local Sales Taxes: Online Sales (Glazer)

- In Senate
- Re-referred to Committee on Elections & Constitutional Amendments
- Would change Bradley-Burns Local Sales Tax law: Online sales would be consummated at the place of delivery rather than place of sale

D. TMI on TNCs

AB 2986 – TNCs: disclosure of participating driver information (Cunningham)

- Assembly Communication & Conveyance
- Would require TNCs to provide passenger with driver's name, photo, vehicle information, and license plate number via TNC's online platform when passenger is matched with a driver.

SB 1014 – Zero Emission Vehicles (Skinner)

- Senate Appropriations Committee
- Would require, beginning 01/01/2030, that 100% of vehicles purchases, leased, owned or contracted by TNCs to be zero-emission vehicles

SB 1080 – TNCs: Driver Identification (Newman)

- In Senate Appropriations
- Allows TNC drivers to possess either a valid CA driver's license or, if a non-resident military member, a valid driver's license issued from the member's home state.

SB 1376 – TNCs: Accessibility for Persons with Disabilities (Hill)

- In Senate Appropriations
- Would require TNCs to provide full and equal access to all persons with disabilities
- Would consider assessing fees on TNCs to fund on-demand accessible transportation to persons with disabilities

F. OTHER ISSUES

- APS v. SCS
- PIDs

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Subject: Washington Friday Report - April 20, 2018

Washington Friday Report

Volume XX, Issue

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SIMON AND COMPANY
Intergovernmental Relations and Federal Affairs

Washington Friday Report

April 20, 2018

Inside this Issue...

- Sanctuary Cities
- Budget and Appropriations Update
- Farm Bill
- Opioid Crisis
- FAA Reauthorization
- FTA Administrator Nomination
- Internet Sales Tax

Congress is working earnestly on a number of fronts, such as the Farm bill and the FAA authorization. The courts are busy too, on Sanctuary Cities and the Internet Sales Tax. And how about the White House? We thought we were finished with the FY18 budget, but the White House now wants to have the last word. And both the agencies and the Hill want to do something about opioids. Lots more including a farewell to an American original. Have a great weekend!

- Bike Lanes
Causing a Stir
- A First Lady –
Also a First
Mother – Departs



TOP STORIES

Sanctuary Cities

A federal appeals court in Chicago has [ruled](#) that the Administration exceeded its legal authority in trying to implement new grant conditions regarding immigration enforcement without approval from Congress. As you may recall, the City of Chicago filed suit against the Administration regarding these additional grant requirements last summer. A three-judge panel of Republican appointees made the ruling. In their opinion, they wrote the following:

"The Attorney General in this case used the sword of federal funding to conscript state and local authorities to aid in federal civil immigration enforcement. But the power of the purse rests with Congress, which authorized the federal funds at issue and did not impose any immigration enforcement conditions on the receipt of such funds...It falls to us, the judiciary, as the remaining branch of the government, to act as a check on such usurpation of power."

It could not be said better or with greater clarity. We'll update you on any appeals or next steps.



Budget and Appropriations Update

There were a few signals this week as to what is to come in FY2019 appropriations. U.S. Department of Housing and Urban Development (HUD) Secretary **Ben Carson** testified in front of the Senate Appropriations Committee and justified the Administration's proposal to cut HUD funding by 14 percent in FY19. As many of you know, the Administration has proposed to eliminate HUD'S Community Development Block Grant; the HOME Investment Partnerships and Choice Neighborhoods programs, to name a few. Senate appropriators robustly questioned Secretary Carson, presenting the merits of many these programs and even asking about improper spending at the Department following the "dining table" incident.

Courtesy of the City of Rancho Cordova, in town as part of the "Cap-to-Cap" meeting, we actually sat down with Senate Appropriations staff to discuss HUD programs and future funding in general. While they reminded us that the budget deal affords more discretionary spending in FY19 than FY18, they said the additional money should be dispersed pretty easily and to not expect large funding spikes like we did in FY18 for FY19. They also said funding for opioid related programs may be a focal point of the next appropriations round.

Finally, Senate Majority Leader **Mitch McConnell** also

commented on appropriations this week, rejecting the President’s forthcoming FY18 funding “rescissions” package – also known now as “the clawback”. The proposal is expected to ask Congress to cut billions in spending on nondefense programs approved as part of the FY18 omnibus. Leader McConnell said he cannot walk back on the budget agreement made with Democrats, which the Administration was a part of as well. Nevertheless, we do expect several rescission requests from the Administration, none of which are likely to be approved by the Congress. A potential problem though: if the Administration makes a rescission request, that freezes funding for 45 days – but the 45 days must be when Congress is in continuous session. If a recess comes after the clock starts, the clock must be reset. So a rescission request by the White House – which OMB Director **Mick Mulvaney** has promised – could delay the disbursement of FY18 funds. We will update you accordingly.

OTHER NEWS AND GRANTS

Farm Bill

The House Agriculture Committee reported out a new authorization of the Farm Bill – the [Agriculture and Nutrition Act of 2018 \(H.R. 2\)](#) – just one week after the text was released. The over 600–page document contains many controversial provisions, including but not limited to, changes to the Supplemental Nutrition Assistance Program (SNAP) and the repeal of certain environmental protections. However, there are proposed funding increases to the Food Insecurity Nutrition Program. The bill would also establish a new Food Waste and Recovery Liaison position at the USDA.

As it pertains to SNAP, the legislation would mandate new work requirements. All able-bodied adults between the ages of 18 and 59 would be required to work or be enrolled in a job-training program for at least 20 hours a week beginning in 2021, increasing to 25 hours per week in 2026. The Committee's majority argues that the existing work requirements in SNAP are not working as they are intended. The legislation also modifies categorical eligibility, which will now be *"based on their eligibility and receipt of benefits from other low-income assistance programs."* The Committee's majority shared this [fact sheet](#) on SNAP justifying their positions.

Other concerns relate to environmental protections – in particular, the bill undermines the Endangered Species Act (ESA) and Clean Water Act. The legislation exempts the U.S. Environmental Protection Agency from ESA requirements regarding the impacts of toxic pesticides on endangered wildlife (Section 9111). It also eliminates Clean Water Act protections when pesticides are sprayed into rivers and streams. For more, click on [Majority Section-by-Section Overview](#), [Majority Fact Sheet](#), and [Minority Statement](#).



Opioid Crisis

The Drug Enforcement Administration (DEA) has issued a [Notice of Proposed Rulemaking](#) that would limit the amount of opioids certain companies can manufacture each year. Specifically, the proposal would allow the DEA to set opioid production limits if they believe a particular opioid or a particular company's opioid are being diverted for misuse. You can read more [here](#).

In related news, the Senate Finance Committee held a [hearing](#) on the opioid crisis this week. They specifically examined substance use disorders in Medicare, Medicaid, and Human Services Programs. Two high level officials from the departments with jurisdiction within the U.S. Department of Health and Human Services testified.

FAA Reauthorization

The House Transportation and Infrastructure Committee recently [released](#) the [text](#) of the next FAA Reauthorization. Here are a few key components of the legislation: it does not adjust the current Passenger Facility Charge; it funds the Airport Improvement Program at \$3.35 billion annually until 2023; it excludes provisions relating to the privatizing of the air traffic control services; it requires FAA to conduct reviews regarding airport noise exposure and unmanned aircraft systems, and more. You can read the Committee's overview of the legislation [here](#). We also wanted to provide the Airports Council International – North America's comprehensive [overview](#) for you to look at as well.



FTA Administrator Nomination

The Senate Banking Committee held a [nomination hearing](#) for the next Federal Transit Administration (FTA) Administrator, Thelma Drake. Unfortunately, the prospects of filling the open position soon are not looking great after Senator **Robert Menendez** (D-N.J.) said he'd stall the nomination. He claims she reversed her favorable assessment of the New York–New Jersey massive Gateway rail tunnel program as a “nationally significant” project and that she agreed to this description behind closed doors but reversed her stance in front of the full Committee. A “nationally significant” designation would help the project compete for federal dollars.

Internet Sales Tax

The Supreme Court heard oral arguments around online sales taxes this week – we reported on the highest court’s role in January. The consideration stems from a suit filed in South Dakota (South Dakota v. Wayfair) challenging the Supreme Court’s 1992 *Quill* decision that barred states from collecting sales taxes. Several of the Supreme Court Justices expressed views that Congress is best suited to resolve this debate, given they have been well aware of the issue for over 20 years and have the ability to develop a compromise on a solution. We expect a decision by the Court sometime in May, but at this

point would have to bet that they throw the ball back to Congress.



Recently, we sent many of you grant notices on the following: the [EPA Region 8 FY 2018–2019 Wetland Program Development Grants](#); the [EPA Water Infrastructure Finance and Innovation Act \(WIFIA\) Program](#); and the [Fiscal Year \(FY\) 2018 Advanced Transportation and Congestion Management Technologies Deployment \(ATCMTD\) Initiative](#).

Please contact Jen Covino with any questions about grants.

Bike Lanes Causing a Stir

We thought you would be interested in the following [story](#) from The Wall Street Journal regarding creating bike lanes in cities across the nation: “*Creating Bike Lanes Isn’t Easy. Just Ask Baltimore. Or Boulder. Or Seattle.*” Critics cite increased traffic congestion and reduced parking, while proponents argue they are much safer for cyclists.



A First Lady – Also a First Mother – Departs

There have been so many fond remembrances of **Barbara Bush** in the days since her passing earlier this week, which is quite fitting considering that she is only the second woman in American history to be the spouse and mother of a U.S. President. And unlike **Abigail Adams**, she was alive and well during her son's presidency, so we had the opportunity to observe and learn from her over a 20-year period – the twelve years of her husband's vice presidential and presidential terms, and the eight years of her son's tenure in the White House. We thought you would enjoy this photo from the way back when the First Lady, well known for her efforts to expand literacy, greeted Len's lovely wife **Linda Simon**, who was then a journalist, at a reception thanking writers for their work on related projects. Our warm wishes and gratitude to the Bush family for their matriarch's many years of service.

If you have any questions about this edition of the *Washington Friday Report*, please feel free to contact [Silvana Caldera](#) or [Len Simon](#).

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Subject: Washington Friday Report - April 27, 2018

Washington Friday Report

Volume XX, Issue

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SIMON AND COMPANY
Intergovernmental Relations and Federal Affairs

Washington Friday Report

April 27, 2018

Inside this Issue...

- A Troubling Proposal from HUD
- Opioid Crisis: House and Senate Try for Solutions
- DACA: The Courts Speak Again
- FAA Reauthorization
- FY18 COPS Office Grants
- Transportation and Infrastructure

It's hard to believe that as we write this today, just about 1/3 of 2018 is now behind us, and what an interesting year it has been. This week is a good example of the challenges we've faced all year as authorizations, funding opportunities, new Administration proposals and court decisions pile up almost daily, a bit like a traffic jam. At least it almost feels like spring. Here's a review of a very dense

Meetings Around
Town

- BUILD is the New TIGER
- Byrne JAG Awards on Hold
- FY19 Appropriations Update
- MBK Community Challenge
- Federal Marijuana Policy

policy and program week for your review. Have a great weekend!



TOP STORIES



A Troubling Proposal from HUD

U.S. Department of Housing and Urban Development (HUD) Secretary **Ben Carson** unveiled a proposal this week that would substantially raise the rent for those receiving federal housing

subsidies, as well as give HUD the power to impose work requirements on those recipients. The Department has proposed legislative text – the [Making Affordable Housing Work Act](#) – with the goal of placing *“HUD’s rental assistance programs on a more fiscally sustainable path.”* You can read the announcement from HUD on the proposal [here](#) and the actual legislative text [here](#).

The the proposal would make significant changes should it become law. First, it would raise the rent for tenants in subsidized housing to 35 percent of gross income, up from the current standard of 30 percent of adjusted income. Some tenants would get a much higher rent increase if they are substantially below the new rent floor HUD would establish. It would allow public housing authorities or property owners to impose work requirements. It would also give the Secretary significant discretion to determine through regulation: the definition of work; the maximum number of hours required weekly; and *“other criteria the Secretary determines are needed to prevent adverse impacts.”*

The proposal is a piece of the Administration’s larger government-wide effort to reform public assistance, including imposing work requirements on relevant programs. Should Congress approve the proposed rent increases, it is estimated that about half of the 4.7 million families receiving housing benefits would be affected. For some cases, the rental payments would triple from \$50 per month to a minimum of \$150, according to HUD officials. Early reaction from Congressional Republicans indicates there is not much enthusiasm for taking this on now in what remains of a short legislative year, but you can be certain that this proposal will be around for the duration of this Administration. *We will keep you informed on any next steps.*

Opioid Crisis: House and Senate Try for Solutions

There has been significant movement on several legislative proposals in Congress this week related to the opioid crisis. However, the process in the House and Senate looked very different this week, with a bill passing with bipartisan support in the Senate HELP Committee and almost 10 hours of contentious, partisan debate taking place in the House Energy and Commerce Committee.

The Senate HELP Committee reported out S. 2680, the [Opioid Crisis Response Act](#), which includes over 40 proposals and is a result of months of hearings and input from stakeholders. They also voted in favor of the [Over-the-Counter Drug Safety, Innovation, and Reform Act](#) and [legislation](#) to increase the authority of the Secretary of Health and Human Services to restrict the entrance of illicit drugs into the United States. The House Energy and Commerce Committee advanced [57 bills](#) on opioid related issues. Committee Democrats largely objected to the process in which the bills were considered. They argued the majority was emphasizing “*quantity over quality*,” citing the fact that many of the discussion drafts were not fully vetted by staff, stakeholders, and the appropriate agencies. *We will keep you posted on final legislation that may be considered and especially any new funding available under these legislative initiatives.*



DACA: The Courts Speak Again

In one of the many lawsuits filed regarding the termination of the DACA program, a D.C. federal judge has ruled that the Administration must re-open the program and take new applications. This is significant because previous orders that have kept the program alive did not include accepting new applications, solely renewing existing enrollees. This is the third judge to rule against the Administration on the DACA program, and wrote in part, the decision to rescind the program *“was arbitrary and capricious because the Department failed adequately to explain its conclusion that the program was unlawful.”* You can read the full ruling [here](#).

FAA Reauthorization

Earlier this afternoon, the House overwhelmingly passed the [FAA Reauthorization bill](#) (H.R. 4) by a vote of 393 to 3. It reauthorizes Federal Aviation Administration programs for five years and received bipartisan support from the House Transportation and Infrastructure Committee. You can read a bipartisan overview of the bill [here](#). For more information, click [FAA one pagers](#); [Ranking Member statement](#); or [FAA package materials](#).

OTHER NEWS AND GRANTS

FY18 COPS Office Grants

As we are writing this, the Department of Justice Community Oriented Policing Services (COPS) announced the opening of three FY18 grant opportunities: (1) [Community Policing Development \(CPD\) Program](#); (2) [COPS Anti-Heroin Task Force \(AHTF\) Program](#), and (3) [COPS Anti-Methamphetamine Program \(CAMP\)](#).

The purpose of the CPD Program is to support innovative, evidence-based strategies that will advance the field and practice of community policing and the **application deadline is June 7, 2018**. The Anti-Heroin Task Force (AHTF) and the COPS Anti-Methamphetamine Program (CAMP) both provide funding to state law enforcement agencies and the application deadline is **June 27, 2018** for both opportunities. For more information, click on [CPD Program Fact Sheet](#); [AHTF Program Fact Sheet](#); and [CAMP Program Fact Sheet](#).



**Transportation and Infrastructure Meetings Around
Town**

Courtesy of the Fresno Council of Governments' annual "One Voice" trip to D.C., we had the opportunity to spend three days this week focusing on transportation and infrastructure and meeting with the key players here in D.C. We wanted to share what we heard from the Senate and House Committees with jurisdiction over these topics, as well as the Administration.

Both the Senate Environment and Public Works and House Transportation and Infrastructure Committees said they will move forward with some type of draft bill regardless of the lack of appetite from lawmakers to pass a transportation and infrastructure package. They acknowledged the lull we have been reporting on the last few months, as well as the many concerns about the Administration's proposal. Drafts may be more "traditional" in nature, including funding existing programs with the possibility of using pilot programs as a means to insert new policies. Both Committees mentioned addressing the Highway Trust Fund shortfall, with the House Committee confirming a forthcoming proposal perhaps as early as this summer.

We visited the U.S. Department of Transportation and discussed the highly criticized 80/20 local-federal match in their infrastructure proposal as well what they have on their agenda in the months ahead. As far as the local-federal match, they said the proposed flip would be more gradual and disclosed that in many of the recent discretionary grant applications they weren't seeing many applicants with lower than a 40% match. Their point was that many localities are already moving towards a higher match, even if the 80 percent seems unattainable. They also highlighted the new BUILD program, which we cover below, and forthcoming Autonomous Vehicle guidance (the 3.0 version).

BUILD is the New TIGER

Late last Friday, the Administration [announced](#) a new round of the TIGER program – and with a new name too – the **Better Utilizing Investments to Leverage Development (BUILD)** Transportation Program. There is \$1.5 billion in discretionary grant funding available through the BUILD program – the largest for TIGER since it was initiated in 2009. The Administration sought TIGER’s elimination so the tripling of its funding between FY17 and FY18 shows the breadth of its’ congressional support. The program is for surface transportation projects with significant local and regional significance and can support roads, bridges, transit, rail, ports or intermodal transportation. For more, click [Grant Memo](#), [BUILD NOFO](#), [BUILD FAQ](#), and [BUILD vs. TIGER](#).



Recently, we sent many of you grant notices on the [EPA Office of Transportation and Air Quality FY18 Clean Diesel Program](#); [FTA FY18 Low or No Emissions Vehicle \(Low-No\) Program](#); [Education Innovation and Research \(EIR\) Program](#); and the [DOT FY18 BUILD Program](#).

Please contact Jen Covino with any questions about grants.

Byrne JAG Awards on Hold

The Department of Justice (DOJ) Bureau of Justice Assistance recently announced it will not award FY 2017 Byrne JAG funds yet because of a nationwide injunction issued by the U.S.

District Court in September. That nationwide injunction relates to DOJ's ability to condition Byrne JAG awards on receiving notice and access to detainees suspected of being in the country illegally, and not DOJ's desire to award or distribute funds. You can read more [here](#).



FY19 Appropriations Update

Republican leadership in both chambers are hoping for more swift action on appropriations bills for the FY19 cycle. Their tentative plan is to pass regular appropriations bills, followed by a continuing resolution in September past November to avoid funding debates or drama near the election. The only potential wrinkle is House Majority Leader **Kevin McCarthy** and the Administration's desire to rescind FY18 spending, which may be proposed very soon. *We'll keep you updated.*

MBK Community Challenge

We wanted to share some information on the [My Brother's Keeper Community Challenge](#) that we have been reporting on the last few weeks. The [link](#) to the initial webinar is now up, as well as a [toolkit](#) for those interested in applying. They will continue to hold webinars on different facets of the program,

you can view their full webinar schedule [here](#). Applications are due **May 24, 2018**.



Federal Marijuana Policy

Senate Minority Leader Chuck Schumer recently [announced](#) he will be introducing a bill to decriminalize marijuana. While we have seen increased federal interest on this topic, including as a means to curb opioid addiction, he is the first lawmaker in a leadership position to spearhead a legislative effort. Other leaders in Congress that address different components of federal marijuana policy are Senator **Cory Booker**, Rep. **Don Young**, Rep. **Dana Rohrabacher**, and Rep. **Early Blumenauer**. *We'll update further.*

If you have any questions about this edition of the *Washington Friday Report*, please feel free to contact [Silvana Caldera](#) or [Len Simon](#).

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