

Topic: **Reduce, reuse, recycle - transitioning from 2009 to 2010**
Update: **February 19, 2010**

This legislative update is sent to city council members, state legislative offices, agencies, local officials and others interested in following high-speed rail's progress. It is a service provided by CARRD, Californians Advocating Responsible Rail Design, to help inform the public of legislative activities related to the HSR project. These updates are available on CARRD's website, www.calhsr.com. To receive regular updates contact Rita Wespi at rwespi@carrdnet.org.

Creating new legislation is a two-year process. We've entered the second year and passed an important date in the life of a bill: any bill which has not passed out of its House of Origin by January 31 is effectively dead. Now is a perfect time to take inventory of which bills successfully chaptered into law, which ones are still actively moving through committee, and which ones we can safely drop from our lengthy Watch List.

REDUCE:

These are bills which I've taken off the list because they became law, were vetoed by the Governor or died in committee. Thankfully, there are a lot!

- **Which bills became law?**

Enrolled and Chaptered in 2009:

[SB 391](#), (Liu, Lowenthal) Requires Caltrans to address trans. planning policy & process; relates to sustainable communities strategy. Does not specifically include HSR.

[SB 734](#), (Lowenthal) Allocates funds for various projects including grade separation, freight, etc.

[SB 783](#), (Ashburn) Establishes additional requirements for CHSRA business plan.

[AB 282](#) (Asm Trans Committee) Variety of trans concerns; includes \$1B for emission reductions, \$4B for public trans; placing \$250M into fund for grade separations, allocation is to be made in consultation & coordination with HSRA.

- **Vetoed bills:**

[SB 555](#) (Kehoe) Prohibits person from acquiring conservation easement by eminent domain unless specified procedures are followed. Allows current holder to state objections. [Veto](#): provides opponents a tool to impede infrastructure planning and development.

[AB 338](#) (Ma) Increase transit village from ¼ to ½ mile of transit station. Affects affordable housing, density, funding of TODs. Authorizes city or co. to make infrastructure improvements without voter approval. Requires local govts to use at least 20% of tax increment of certain bond funds for afford housing. [Veto](#): this measure would undermine the rights of voters to approve or reject proposals to redirect their tax dollars and incur public debt. [...] elections are the sole basis of public input and fiscal discipline in the creation of an IFD, and it is necessary to require voter approval.

[AB 733](#) (Galgiani) Authorizes CHSRA to allow job creations as a factor when awarding contracts. [Veto](#): it could cause delays & jeopardize success in securing billions.

- **Dead bills:**

Is there a more flattering label? Say good-bye to the following bills:

[SB 526](#) (Ashburn) required at least 1 Amtrak train to travel via Altamont and terminate in SF.

[AB 1111](#) (Blakeslee) Sales tax exemption for alt. energy projects, HSR.

[AB 928](#) (Blakeslee) CHSRA to develop earthquake early warning sys.

REUSE:

These are live bills from 2009 which have been gutted and reused for a new purpose.

[AB 289](#) (Galgiani) CHSRA appoints Exec Dir, Gov appoints 5 Deputy Directors, Exec Dir appoints necessary staff.

[AB 1375](#) (Galgiani) Repeal and reenact CHST Act in Public Utilities Code. Creates new Dept. of Rail in BTHA.

RECYCLE:

These are HSR bills from 2009 which the Governor vetoed but have found their way back. Buyer beware.

[AB 987](#) (Ma) is a near duplicate of [AB 338](#) (Ma) which increases the size of a transit village and allows 'infrastructure financing districts' to be created without an election. The Governor [vetoed](#) the bill because "this measure would undermine the rights of voters to approve or reject proposals to redirect their tax dollars and incur public debt." It's important for local governments to understand the implications of these types of bills especially in the context of HSR, its stations, and any upgraded local rail stations such as Caltrain, Metrolink, etc.

[AB 1747](#) (Galgiani) Authorizes the CHSRA to set fares and schedules, relocate highways and utilities, acquire rights-of-way through eminent domain, issue debt, and allow job creations as a factor when awarding contracts. This is a duplicate of [AB 733](#) (Galgiani) which the Governor [vetoed](#) because "it could result in unnecessary additional costs and delays and may jeopardize the success of the project in securing the billions of dollars that are needed to construct this project."

NEW IN 2010:

These newly introduced bills are significant ones and should be followed closely. I'll describe them in more detail in a future update.

[SB 964](#) (Alquist) Appropriate \$25M from HSR bond to work with CA Com Colleges to establish a workforce development pgm.

[SB 965](#) (DeSaulnier) Provides CHSRA with unambiguous statutory authority to receive and expend federal funds; requires CHSRA to submit regular expenditure plans to the Legislature.

[AB 1805](#) (Calderon, Nestande) Enacts "CEQA Litigation Protection Pilot Program of 2010". Exempts 25 projects per year from judicial review. Requires the BTH to select projects that meet requirements.

[ABX8 37](#) (Calderon) – same as AB 1805.

ACTIVE CARRYOVER BILLS:

Finally, the bills we've been watching since last year which met the Jan 31 deadline of passing through their house of origin: [SB 409](#) (Ducheny), [SB 455](#) (Lowenthal), [SB 474](#) (Ducheny), [SB 476](#) (Correa), [SB 686](#) (DeSaulnier), [AB 153](#) (Ma). Their descriptions are in the table.

Incidentally, February 19 is the last day for new bills to be introduced. The next update will include any last-minute introductions.

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CARRD is a grassroots organization committed to creating public awareness, providing relevant up-to-date information, and assisting local and state representatives in advocating for the best possible outcome of California's high-speed rail project.

This legislative update is provided by Rita Wespi of **CARRD**. To receive an electronic version with active hyperlinks send email to rwespi@carrdnet.org or visit www.calhsr.com.

Updated 2/19/10

Bill numbers are hyperlinked to their doc set; links in the Description column are of particular interest; votes are linked; dates are linked to video. Links to Budget Subcommittee Hearings and CHSRA Board Meetings are in the Committee Info tables on Page 2.

Noteworthy changes: [AB 289](#) (grade separation CEQA exemptions) was rewritten to appoint CHSRA staff ASAP. [SB 409](#), [AB 1375](#) significant amendments related to restructuring the CHSRA. [AB 987](#) (Ma) related to transit villages, [AB 1375](#) (Galgiani) CHSRA may appoint exec staff ASAP. **New:** [SB 964](#) (Alquist), [SB 965](#) (DeSaulnier), [AB 1747](#) (Galgiani), [AB 1805](#) and [ABX8 37](#) (Calderon, Nestande).

Senate Bills					
Bill	Author	Hearing	Description	Status/Update	Location
SB 409	Ducheny		Creates Dept. of Railroads, transferring all rail functions from Caltrans to new dept; also moves rail safety from CPUC to rail dept. (see CPUC Report). Amend 1/26 adds funding plan, rail connectivity plan, Sen confirmation of Gov appts.	4/14 Trans Com: on hold for CA Research Bureau's study. 6/9 Sen Trans: (10-0) 8/27 Sen Appr: (13-0) 1/28 Senate Floor: (32-0)	Assembly
SB 455	Lowenthal		Gov appointed members of CHSRA are subject to Senate approval. CHSRA exemption for property acquisition. Like Caltrans, they'd be exempt from DGS, SPWB and DOF body of law. Trans Anal 4/16. Appr Anal 5/26. Sen Anal 5/28. Asm Trans Anal 6/26. Asm Appr Anal 7/14. Asm Anal 7/16.	4/21 Sen Trans: do pass (10-1) 5/26 Appr: pass (9-4) 6/2 Senate: (32-5) ; Asm 1 st read. 6/29 Asm Trans: (10-4) . 7/15 Asm Appr: (11-5) . 7/24 Placed on inactive file	Assembly (inactive file)
SB 474	Ducheny		Pilot trans programs: Public-Private Partnership, design-build, streamlining CEQA. Amend 6/3. Trans Anal 6/25. Amend 8/24. Sen Anal 8/24.	7/7 Sen Trans: (9-0) 8/27 Senate: (38-0)	Assembly
SB 476	Correa		Prohibits taking action against an agency for noncompliance with CEQA unless complaints were presented prior to close of public comment period. Amend 4/23 – significantly alters intent. Env Qual Anal 4/23 by Simitian. Amend 4/30. Sen Anal 5/4.	4/27 Env Qual: (6-0) 5/11 Senate: (36-0) ; Asm 1 st read. 6/22 Hearing postponed by com.	Assembly Natural Resources
SB 686	DeSaulnier		Adds to the CEQA process. Env. Qual. Com Anal (by Simitian) 4/19. Senate Anal 3rd Read 4/23.	4/20 Env Qual Com: pass (7-0) 4/27 Senate: (36-0)	Asm Natural Resources
SB 964	Alquist		Appropriate \$25M from HSR bond to work with CA Com Colleges to establish a workforce development pgm.	2/5 introduced. May be acted upon 3/8. 2/18 to Trans and Ed committees	Senate Trans Senate Ed.
SB 965	DeSaulnier		Authorizes CHSRA to receive and expend fed funds; requires expenditure plans; related to ARRA.	2/5 introduced. May be acted upon 3/8.	Senate Trans

Assembly Bills					
Bill	Author	Hearing	Description	Status/Update	Committee
AB 153	Ma		Exempts CHSRA from certain contingencies related to eminent domain, giving them greater autonomy when acquiring rights-of-way. Allows hiring legal staff. Trans Anal 3/20. Sen Trans Anal 6/18.	3/23 Trans Com: pass (9-3) & to Jud. 4/14 Jud Com: pass (7-2) & to Appr. 4/29 Appr: do pass (11-5) . 5/11 Asm: (53-16)	Senate Trans (Hearing canceled by author 7/2)
AB 289 Urgency	Galgiani		Exempts high-speed grade separation projects from having to meet CEQA. Amend 8/17 use bonds to match ARRA. Amend 1/25/10 CHSRA appoints Exec Dir, Gov appoints 5 Deputy dirs, Exec Dir appoints necessary staff.	4/27 Trans: (13-0) 5/18 Assembly: (72-3) 2/11 to Sen Trans.	Senate Trans
AB 987 (was AB 338)	Ma		Increases size of Transit Village, allows IFDs without voter approval. Affects affordable housing, density, funding of TODs. Authorizes city or co. to make infrastructure improve's without voter approval. Requires local govts to use >20% of tax increment of certain bond funds for afford housing. Amend 1/4.	1/7 Asm Rules (10-0) 1/14 Asm Local Gov (4-1) 1/27 Assembly (43-29) 2/11 to Senate Local Gov.	Senate Local Gov
AB 1375	Galgiani		Repeal and reenact CHST Act in Public Utilities Code. Creates new Dept. of Rail in BTHA. Amend 1/15.	4/27 Trans: do pass (9-4) 1/21 Appr: (12-5) 1/27 Assembly Floor (42-20) 2/11 to Sen Trans.	Senate Trans
AB 1747 (was AB 733)	Galgiani		Authorizes the CHSRA to set fares and schedules, relocate highways and utilities, acquire rights-of-way through eminent domain, issue debt, etc.	2/8 introduced. May be acted upon 3/11. 2/18 to Asm Trans.	Assembly Trans
AB 1805 Urgency	Calderon, Nestande		Enacts CEQA Litigation Protection Pilot Program of 2010. Requires the BTH to select projects that meet requirements. Exempts projects from judicial review.	2/10 introduced. May be acted upon 3/13.	Assembly
ABX8 37 Urgency	Calderon, Nestande		Same as AB 1805 above.	2/10 introduced. May be acted upon 3/13.	Assembly

Select Committee Info:				
Senate (no. members)	Hearings	Chair	Vice Chair	Hearings of interest (non-bill items)
Appropriations (13)	Mon 11:00	Kehoe	Cox	
Budget & Fiscal Review (40)	Thurs 8:00	Ducheny	Dutton	
Budget Sub No2 Resources, Env, Energy, Trans (3)	Thurs 9:30	Simitian		April 30: CHSRA – agenda ; mp3 audio (CHSRA 01:40:00); outcomes . May 14: CHSRA - agenda ; mp3 audio .
Environmental Quality (7)	1/3 Mon 1:30	Simitian	Runner	
Rules (5)	Wed 1:30	Steinberg	Aanestad	
Transportation & Housing (11)	Tues 1:30	Lowenthal	Huff	March 17: CHSRA – agenda ; video . Jan 19 video .
Assembly:				
Appropriations (17)	Wed 9:00	De Leon	Nielsen	
Budget (27)	Wed, on call	Evans	Niello	Dec 14: hearing on Debt Services
Budget No5 Tech, Trans (5)	Wed 4:00	Blumenfield		April 29: CHSRA – agenda.doc
Rules (11)	Mon, on call	Lieu	Blakeslee	
Transportation (14)	Mon 1:30	Eng	Jeffries	Jan 11: hearing on CHSRA Bus Plan
Select committee on Rail (7)		Davis	Fletcher	Oct 22: hearing on Econ Downturn Impact on CA Rail
Joint Legislative Audit (13)	Monthly	Huber	Ashburn	May 27: Video (01:14:00) audit CHSRA after Fed Stim Appl. (10-0)
Joint Legislative Budget (16)	Monthly	Ducheny	Evans	
CHSRA Board Meetings	Monthly	Pringle	Umberg	Board packets . Audios: May , June , July , Sep , Oct . Videos: June , July , Aug , Sep , Oct , Nov , Dec . Workshops: 8/6 Prj Phasing , 9/3 Finance , 9/23 ARRA .