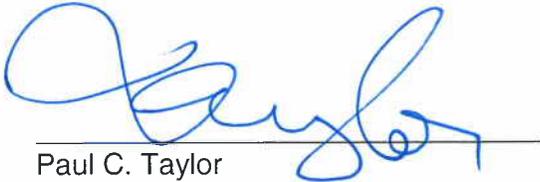


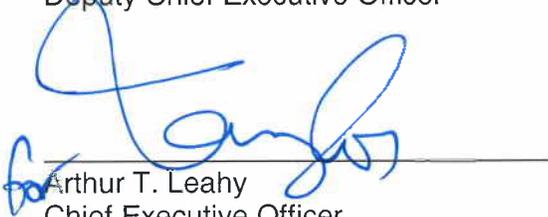
**Metro**Los Angeles County
Metropolitan Transportation AuthorityOne Gateway Plaza
Los Angeles, CA 90012-2952213.922.2000 Tel
metro.net**EXECUTIVE MANAGEMENT COMMITTEE**
July 21, 2011**SUBJECT: STATE LEGISLATION****ACTION: ADOPT STAFF RECOMMENDED POSITIONS****RECOMMENDATION**

- A) SB 910 (LOWENTHAL)** – Requires the driver of a vehicle, when passing a bicyclist, to allow 3 feet of space between the vehicle and the bicyclist. **SUPPORT**
- B) AB 1164 (GORDON)** – Allows allocation of unused federal funds for State bond funded projects. **SUPPORT**
- C) TBD (TBD)** – Authorize staff to pursue legislation that would ensure consistency with the construction authority statutes. **SUPPORT**

ATTACHMENTS**Attachments A – C**Prepared by: Michael Turner, Director, Government Relations
Marisa Valdez Yeager, Manager, Government Relations



Paul C. Taylor
Deputy Chief Executive Officer



Arthur T. Leahy
Chief Executive Officer

BILL: SB 910

**AUTHOR: SENATOR ALAN LOWENTHAL
(D – LONG BEACH)**

SUBJECT: BICYCLE SAFETY

STATUS: ASSEMBLY

ACTION: SUPPORT

RECOMMENDATION

Adopt a support position on SB 910 (Lowenthal).

ISSUE

As the "Share the Road" campaign has expanded, State-wide and bicycle advocate groups have become more organized, additional efforts have been made to support bicycle and vehicle safety. SB 910 is an example of legislation that encourages more safety and requires the driver of a vehicle, when passing a bicyclist, to allow 3 feet of space between the vehicle and the bicyclist.

PROVISIONS

SB 910 creates standards for vehicles attempting to pass bicycles on roadways and establishes penalty amounts for violations.

Specifically SB 910 would:

- 1) Authorize a driver of a motor vehicle in a substandard width lane to cross double parallel lines in order to pass a bicycle.
- 2) Requires a driver passing a bicycle to do so in a way that does not interfere with the safe operation of the bicycle and at a distance of no less than three feet between any part of the vehicle and bicycle.
- 3) Makes an exception to the three-foot rule for a vehicle travelling less than 15 miles per hour if the driver takes due care.
- 4) Creates an infraction for violation of three-foot rule, punishable by a \$35 fine.

- 5) Creates a fine of \$220 against a driver involved in a collision that causes bodily harm to a bicyclist if the driver violated the three-foot rule.

IMPACT ANALYSIS

SB 910 has been introduced by Senator Lowenthal to address a number of concerns that have arisen from the 2008 passage of the California Complete Streets Act that requires roadways to be designed to safely accommodate all users, including bicyclists, pedestrians, transit riders, children, older people, and disabled people, as well as motorists. Many bicycle advocates, along with the recent "Share the Road" campaign, have highlighted the importance of roadway safety, especially between motor vehicles and bicyclists.

Current law requires a driver to pass to the left of a vehicle or bicycle at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle and includes specifies fines for failing to do so. Supporters of SB 910 have shared:

- The current standard is vague and inadequately protects cyclists.
- The three-foot rule, as proposed by this bill, increases cyclist safety by adding certainty around a driver's responsibility to share the road with bicycles.
- 17 states have adopted some variation of the three-foot rule into law.
- Ensuring a safe distance between vehicles and bicycles will help to increase cyclist safety.

Opponents have shared that it's reasonable to assume codification of the three-foot rule may do little to increase cyclist safety or bicycle ridership, without design improvements of urban roadways to accommodate multiple vehicle types and increased and consistent enforcement of traffic safety laws.

SB 910 will create additional safety precautions for bicyclists and help to encourage bicycle use in Los Angeles County. Metro supports the implementation of measures that will promote bicycle use and bicyclist safety. SB 910 is consistent with those goals and staff recommends that the Board adopt a support position on this legislation.

Support: Mayor of Los Angeles (sponsor), the California Bicycle Coalition (sponsor), Office of the District Attorney, Humboldt County, Agnew Brusavich Injury Lawyers, Better Bike Beverly Hills, Channel Islands Bicycle Club, Rails-to-Rails Conservancy, Sacramento Area Bicycle Advocates, San Francisco Bicycle Coalition, Sacramento Area Bicycle Advocates, Silicon Valley Bicycle Coalition, and 185 Individuals

Opposition: AAA of Northern California, the Automobile Club of Southern California and the California Teamsters Public Affairs Council.

BILL: AB 1164

AUTHOR: ASSEMBLYMEMBER RICHARD GORDON
(D-REDWOOD CITY)

SUBJECT: ALLOCATION OF UNUSED FEDERAL FUNDS FOR STATE
BOND FUNDED PROJECTS

STATUS: SENATE RULES COMMITTEE

ACTION: SUPPORT

RECOMMENDATION

Adopt a support position on AB 1164 (Gordon) which would authorize the California Department of Transportation (Caltrans) to loan certain unused federal funds to bond funded projects with repayment to be made when state bonds are sold.

ISSUE

The state has faced significant challenges in its ability to sell infrastructure bonds. The recently enacted state budget requires Caltrans to use cash from previous bond sales to keep projects funded. AB 1164 would allow Caltrans to loan unused federal funds to projects that rely on unsold state bonds.

PROVISIONS

Specifically, AB 845 would:

- Authorize Caltrans to loan unused federal funds to transportation projects that rely on unsold state bonds.
- Requires Caltrans to repay those loans when the state bonds are sold.
- Require an annual report from Caltrans on the status of loans made under this authorization

IMPACT ANALYSIS

The state has faced significant challenges in its ability to sell bonds for infrastructure projects in the state. This has created significant risks for projects across the state. The recently enacted state budget requires Caltrans to use cash from previous bond

sales to meet the cash flow needs of projects until the state sells bonds. AB 1164 would authorize Caltrans to loan unused federal funds to these projects in place of bond funding. The bill would require those loans to be repaid when the bonds are ultimately sold.

Given the challenges in maintaining funding for projects, transportation stakeholders and our partners in the Legislature have been looking to develop mechanisms that will allow the state to keep projects funded. AB 1164 takes advantage of the possibility that certain federal funds will be unused by using these moneys on bond funded projects.

Every year, the state assesses the status of the use of federal funds by both state and local agencies. Those funds which cannot be used in the specified timeframe are then subject to reallocation by the state. Typically the state has used these funds for maintenance projects on the state highway system.

This flexibility could provide Caltrans with a way to maintain funding for projects that would otherwise rely on state bond funds. In addition to the use of cash on hand Caltrans could also allocate any unused federal funds on these projects. The bill specifies that the Caltrans may loan the money to the projects but that it must be repaid when state bonds are sold. The ability of this authorization to help bond funded projects will depend on the amount of federal funds that remain unused in a given period. Caltrans has a process of working with local agencies to assess the status of federal funds and their subsequent reallocation.

Staff believes that the ability to loan unused federal funds to projects in place of state bond funds will provide Caltrans with an additional way of keeping projects funded. There will be points in the process; however, where disclosure of information and inclusion of local agencies will be important. Caltrans has stated that they would use their existing process to determine if federal funds are unused and how they should be reallocated. Additionally, the bill requires that Caltrans provide an annual update to the Budget Committees on the status of loans made under this authorization. The latter requirement is important because it provides for full review of the program. Staff believes, however, that Caltrans needs to ensure that its process is both inclusive and provides sufficient information for local agencies to understand the impacts of the loans.

Lastly, as the bill has developed, some agencies have expressed a concern that the portion of federal funds that flow to local agencies could be put at risk under this program. Staff is working with those agencies and the author's office to address this concern and may seek amendments to the bill.

BILL: TBD

AUTHOR: TBD

SUBJECT: CONFORMING CHANGES TO CONSTRUCTION AUTHORITY STATUTES

STATUS: TO BE INTRODUCED

ACTION: SUPPORT

RECOMMENDATION

Staff recommends that the Board of Directors support legislation that would modify the statutes that create construction authorities for Metro projects.

ISSUE

Issues have arisen with respect to the differences between the statutes creating the Pasadena Metro Blue Line Construction Authority (now referred to as the Foothill Authority) and the Exposition Metro Line Construction Authority (Exposition Authority) statute. A number of issues have arisen after the creation of the Foothill Authority statute. Some of these issues have been resolved in the Exposition Authority statute. It is appropriate that the two statutes be aligned in order to ensure consistency in functioning between the two authorities.

PROVISIONS

Metro staff is currently working with the Foothill Authority to identify legislation that may be needed to create consistency between the two statutes. Our review has identified some areas that may need to be resolved but this review has not been completed.

IMPACT ANALYSIS

There have been two construction authorities established in state law. Over time, various state laws have been passed which affect the functioning of the authorities. A staff review is currently underway by the Foothill Authority which may identify issues that need to be resolved through legislation.

Ensuring that the Foothill Authority is able to perform its duties is important to Metro since the Foothill Authority is charged with constructing a project for Metro. Staff is coordinating with the Foothill Authority in their review of their governing statute to identify changes that may be needed and to coordinate in seeking legislation to make those changes. The exact form of the legislation has not been identified. There may be issues that arise from this review that prompt a need for broader legislation. Staff is requesting permission from the Board to seek legislation in this year's session to, at

least, ensure consistency between the two statutes and possibly broader legislation should the need for such legislation be identified.