

**Metro**

Los Angeles County  
Metropolitan Transportation Authority

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**EXECUTIVE MANAGEMENT COMMITTEE  
MARCH 19, 2015**

**SUBJECT: STATE LEGISLATION**

**ACTION: ADOPT STAFF RECOMMENDED POSITIONS**

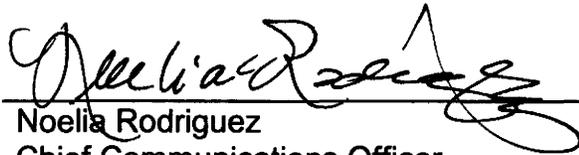
**RECOMMENDATION**

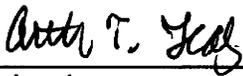
- A. **AB 194 (Frazier)** – High Occupancy Toll Lanes Authorization Process **SUPPORT**
- B. **AB 210 (Gatto)** – High Occupancy Vehicle Access **WORK WITH AUTHOR**
- C. **AB 318 (Chau)** – Lost and Found **SUPPORT**
- D. **AB 338 (Hernandez)** – Potential Sales Tax Measure **OPPOSE**
- E. **SB 9 (Beall)** – Cap and Trade Funds – Transit and Intercity Rail Capital Program **SUPPORT - WORK WITH AUTHOR**

**ATTACHMENTS**

- A. AB 194 (Frazier)
- B. AB 210 (Gatto)
- C. AB 318 (Chau)
- D. AB 338 (Hernandez)
- E. SB 9 (Beall)

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**BILL:** AB 194

**AUTHOR:** ASSEMBLY MEMBER JIM FRAZIER  
(D-OAKLEY)

**SUBJECT:** HIGH OCCUPANCY TOLL LANES AUTHORIZATION PROCESS

**STATUS:** ASSEMBLY RULES-PENDING COMMITTEE REFERRAL

**ACTION:** SUPPORT

**RECOMMENDATION**

Staff recommends that the Board approve a support position on AB 194 which would allow the California Transportation Commission (CTC) to authorize additional High Occupancy Toll (HOT) lane projects. This authorization has expired.

**ISSUE**

Existing law previously authorized the CTC to approve two HOT Lane facilities in Northern California and two in Southern California.

This bill would:

- Re-establish authority of the CTC to approve HOT Lane projects
- Authorize either Caltrans or a local agency to apply to the CTC
- Require for agreements between the local agency and Caltrans, and, require the active participation of the California Highway Patrol
- Specify priorities for the use of net revenues
- Authorize agencies to issue bonds backed by toll revenues

**DISCUSSION**

The CTC previously had the authority to approve HOT lane projects, but this authority was limited to a total of four projects and the authority has since expired. Metro, along with other transportation agencies in California, has seen the benefits that HOT lanes can provide to the general public. However, no process exists in current law to approve new projects. Therefore, should any agency wish to pursue legislation, they must seek legislation in each legislative session.

AB 194 is modeled after SB 983, which was sponsored by Metro last year. This bill is now sponsored by the Self-Help Counties Coalition and would create an orderly and appropriate process at the CTC to approve future projects. The bill would also

establish priorities for the use of net revenues consistent with the priorities on Metro's ExpressLanes projects.

**DETERMINATION OF SAFETY IMPACT**

Staff has reviewed the legislation and has found that its implementation would have no impact on safety at the agency.

**FINANCIAL IMPACT**

The existing Metro ExpressLanes have generated approximately \$17 million in net revenue to date. Future revenues from future lanes cannot be predicted until more specific corridor-based modeling is performed.

**ALTERNATIVES CONSIDERED**

Staff has considered adopting either an oppose or neutral position on the bill. However, an oppose position would be inconsistent with past Board positions and a neutral position would foreclose Metro's ability to enact legislation that could improve mobility in our region.

**NEXT STEPS**

Should the Board decide to adopt a support position on this bill, staff will work with author to pursue passage of the legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.

**BILL: AB 210**

**AUTHOR: ASSEMBLYMEMBER MIKE GATTO  
(D-LOS ANGELES)**

**SUBJECT: HIGH OCCUPANCY VEHICLE LANES: STATE HIGHWAY  
ROUTES 134 AND 210**

**STATUS: ASSEMBLY TRANSPORTATION COMMITTEE**

**ACTION: WORK WITH AUTHOR**

**RECOMMENDATION**

Staff recommends that the Board of Directors adopt a work with author position on AB 210. This bill would create a minimum year-long pilot project, administered by Caltrans, allowing single-passenger vehicles to access the High Occupancy Vehicle (HOV) lanes on certain portions of State Route (SR) 134 and SR 210 during non-peak hours (to be determined by Caltrans). The bill would also encourage Caltrans to consider including additional HOV lanes in the pilot program. It would require Caltrans to report to the Legislature the impact that the pilot project has on traffic congestion.

**ISSUE**

HOV lanes, also known as “carpool lanes,” are restricted-access lanes intended to increase the capacity of California’s highways, provide incentives for carpooling, and protect the environment. In northern California, HOV lane restrictions are in place Monday through Friday during the posted peak hours, permitting other vehicles to access the lanes during off-peak hours; however, in southern California, HOV lane restrictions are in place 24-hours a day, seven days a week.

This bill would:

- Require that the HOV lane on the 134 and 210 freeways in Glendale and through the San Gabriel Valley to operate as an HOV lane only during peak hours.
- Ask Caltrans to determine whether the policy of continuous restriction on Southern California’s HOV lane use is effective, or if there are areas that could be opened to reduce congestion

**DISCUSSION**

This bill would create a minimum year-long demonstration project to evaluate part-time usage of the HOV lanes on SR 134 between SR 170 and SR 210, and SR 210 between SR 134 and SR 57. It would also encourage Caltrans to identify and include in the

project other highways in Los Angeles County that could benefit from part-time usage of HOV lanes. The project would limit HOV lane designation on the specified stretches of SR 134, SR 210 and any other included highways to peak periods only, as determined by Caltrans, permitting solo drivers to use the HOV lanes at other times. It will require that any existing HOV lanes on the specified corridors conform to those requirements, and it would require that any new HOV lanes in the corridor be designated as a peak hour HOV lane. The bill establishes that the pilot project shall be at least one year long, that it only sunset if Caltrans determines that part-time use has caused a negative impact upon traffic, safety or the environment, and that Caltrans must give the Legislature 60-days' notice of the intent to return the lanes to full-time operation. AB 210 requires Caltrans to report to the Legislature on the impact of traffic by limiting the use of HOV lanes.

### **DETERMINATION OF SAFETY IMPACT**

Previous studies conducted in Orange County found minimal impact to safety from such conversions. The bill requires Caltrans to report back to the legislature any impacts on a number of issues including safety.

### **FINANCIAL IMPACT**

Staff has reviewed the proposed legislation and has identified no financial impacts at this point.

### **ALTERNATIVES CONSIDERED**

Staff has considered adopting either an oppose or neutral position on the bill. However, staff would prefer to work with the bill author to determine the potential impacts of this proposed legislation. Previously, the Board has supported expansion of HOT Lanes throughout Los Angeles County and this legislation could potentially impact with this effort.

### **NEXT STEPS**

Should the Board decide to adopt a work with author position on this bill, staff will work with author to pursue passage of the legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.

**BILL:** AB 318

**AUTHOR:** ASSEMBLYMEMBER ED CHAU  
(D-ARCADIA)

**SUBJECT:** LOST AND FOUND

**STATUS:** ASSEMBLY-PENDING COMMITTEE REFERRAL

**ACTION:** SUPPORT

**RECOMMENDATION**

Staff recommends that the Board approve a support position on AB 318 which would provide that if personal property is left inside a public transportation agency vehicle or property, the owner would have 30 days to claim the item rather than the current 90 day time period. The proposed legislation is needed because the staffing required to safeguard and inventory the lost property and the space required for storage is not sustainable by a public agency.

**ISSUE**

Existing law requires a public agency to hold personal property found on its property (1) for a period of at least three months or 90 days; (2) then thereafter sell such property at a public auction to the highest bidder; and (3) provide notice of such a public auction sale in a newspaper of general circulation in the county in which the unclaimed property was found.

This bill would:

- Provide that if lost property is found on a public transit vehicle or property the owner would have 30 days rather than the current 90 days to claim the property
- Provide that if the property is not claimed within 30 days, the public agency would be authorized to donate the item to a charitable organization

**DISCUSSION**

Each day Metro's Customer Programs and Services which operates the Lost and Found Unit receives an average of eight to ten bikes a day from all bus and rail divisions. In an average 90-day period, the Lost and Found Unit receives 500 to 600 bikes. The average customer retrieval rate is 25 percent, which equals about 40 bikes per month. In 2014, the Lost and Found Unit required more than 7,500 square feet of space for bike storage alone on one floor of Metro's Headquarter parking area and

another 2,260 square feet of miscellaneous storage space near Heritage Square. Adequate bike storage space required is approximately 12,000 square feet. Delivering, receiving, inventory and/or logging in bikes and other property into Metro's Master Lost and Found Log requires four full-time staff persons at an annual cost of \$240,000. The average sale per bike at auction is \$13.65 with an annual profit from all auction sales annually netting approximately \$30,000, which means Metro is operating at a loss every year which is not sustainable. Donating unclaimed bikes to charitable organizations fulfills a valid public purpose and enhances Metro's Bike Program by ensuring that bikes are recycled back into the community for both commuting and recreational use.

The proposed legislation is needed because the staffing required to safeguard and inventory the lost property and the space required for storage is not sustainable by a public agency.

### **DETERMINATION OF SAFETY IMPACT**

Staff has reviewed the legislation and has found that its implementation would have no impact on safety at the agency.

### **FINANCIAL IMPACT**

Staff has reviewed the proposed legislation and has identified no financial impacts at this point.

### **ALTERNATIVES CONSIDERED**

Staff has considered adopting either an oppose or neutral position on the bill. A support position is recommended as this bill is a Metro sponsored measure.

### **NEXT STEPS**

Should the Board decide to adopt a support position on this bill, staff will work with the bill author to pursue passage of the legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.

**BILL: AB 338**

**AUTHOR: ASSEMBLYMEMBER ROGER HERNANDEZ  
(D-WEST COVINA)**

**SUBJECT: POTENTIAL SALES TAX MEASURE**

**STATUS: ASSEMBLY RULES-PENDING COMMITTEE REFERRAL**

**ACTION: OPPOSE**

**RECOMMENDATION**

Staff recommends that the Board approve an oppose position on AB 338 which would make legislative findings and declarations regarding transportation funding in Los Angeles County and potentially a sales tax measure which could be placed on a future ballot.

**ISSUE**

Metro is currently considering placing a sales tax measure on a future ballot. AB 338 could place various restrictions on that measure. As currently drafted the measure makes various findings and declarations. Specifically AB 338 would make the following findings and declarations:

- That Southern California is experiencing sprawl and that demand for efficient public transportation results from that sprawl and that the concentration of transit dependent populations in the urban core requires improved policy decision making institutions
- That a goal of basic transportation policy is to reduce duplication and integration of services to reduce automobile usage and dependency.
- That the commissions should give priority to low cost highway and transit improvements.
- That the state highway system in the Los Angeles area needs to be maintained for highway and freight transportation.
- That transportation resources should be equitably distributed in the county.
- The public transportation should be offered to all citizens.
- That cities and local communities should be given more responsibility for designing local transit services.
- That the decision making process should be responsive to public values and
- That planning should recognize the effects that systems have on the areas served and that emphasis should be placed on the restoration of blighted neighborhoods.

## **DISCUSSION**

AB 338 makes a series of findings and declarations regarding transportation decision making in Southern California and Los Angeles County. The findings and declarations while not having the effect of law do raise concerns regarding the transportation policy issues and decision making in this region and Los Angeles County in particular. Staff has a number of concerns with both assertions made in the findings and with the implications of having such assertions in legislation in that they appear to be fairly expansive relative to the current responsibilities of local agencies.

It is anticipated that this measure is intended ultimately to address the potential sales tax which is currently under consideration at Metro. In the past, the Board has maintained a position that the state legislation authorizing that sales tax should be a simple authorization and should not address the details of the decision making at the local level. Furthermore, the Board has implemented a comprehensive, bottoms-up process to solicit input from the sub-regions on the next measure and that process is ongoing.

## **DETERMINATION OF SAFETY IMPACT**

Staff has reviewed the legislation and has found that its implementation would have no impact on safety at the agency.

## **FINANCIAL IMPACT**

The measure could have a significant financial impact on the agency in that it implies that local transportation sources should be responsible for expansive new responsibilities including maintenance of the state's highway system and broad neighborhood revitalization.

## **ALTERNATIVES CONSIDERED**

Staff has considered adopting either a neutral position on the bill. However, a neutral position would be inconsistent with past Board positions.

## **NEXT STEPS**

Should the Board decide to adopt an oppose position, staff will communicate that position.

## ATTACHMENT E

**BILL:** SB 9

**AUTHOR:** STATE SENATOR JIM BEALL  
(D-SAN JOSE)

**SUBJECT:** CAP AND TRADE FUNDS –TRANSIT AND INTERCITY RAIL  
CAPITAL PROGRAM

**STATUS:** SENATE-PENDING COMMITTEE REFERRAL

**ACTION:** SUPPORT – WORK WITH AUTHOR

### **RECOMMENDATION**

Staff recommends that the Board approve a support work with author position on SB 9 which would establish requirements for the allocation of funds from the Transit and Intercity Rail Capital Program (TIRCP).

### **ISSUE**

Existing law creates the TIRCP program which allocates funds from the state's cap and trade program for various transit capital projects and programs.

This bill would:

- Specify that the program is created to fund large transformative projects over \$100,000,000.
- Require the California State Transportation Agency (CalSTA) to adopt a five year estimate of revenues and adopt a five year program of projects.

### **DISCUSSION**

The TIRCP is one of 11 cap and trade program categories and could fund a variety of Metro's projects and programs. CalSTA recently finalized the guidelines for the program and the application process is now underway.

Previously the draft guidelines included a restriction that agencies could only file one major project application. The Board considered this requirement unduly restrictive for a category of this size and an issue of such importance to our region. The Board transmitted a letter to CalSTA asking them to modify the guidelines to allow for additional applications. The final guidelines include provisions allowing for multiple

applications. This is a significant improvement to the program. SB 9 represents an opportunity to establish this requirement in state law.

SB 9 would address additional long term programming issues with this program and proposes to limit the program to major projects over with a cost of \$100,000,000. Other transit agencies in California have expressed concerns that a project limit that high would preclude them from seeking funds from this program. The major transit capital projects at Metro could benefit from such a provision as our major transit corridor projects are well over that amount.

The bill also proposes to establish long-term funding projections and require the adoption of a program of projects. This is a provision would create stability and predictability. Under the current structure applicants would submit applications on an annual basis for amounts which are as of now unknown. This annual competitive grant structure would prevent larger transformative projects from being funded. Creating a long-term fund estimate and programming process as is done with other funds at the CTC, would enable these types of projects to be funded as they require long-term funding certainty.

Staff recommends that the agency support the bill and work with the author to include the ability to file multiple applications and to identify any future structural changes that could benefit our projects and programs.

#### **DETERMINATION OF SAFETY IMPACT**

Staff has reviewed the legislation and has found that its implementation would have no impact on safety at the agency.

#### **FINANCIAL IMPACT**

The exact financial impact to the agency cannot be predicted at this time. However, improvements to the TIRCP program would enable Metro to pursue larger more transformative projects.

#### **ALTERNATIVES CONSIDERED**

Staff has considered adopting either an oppose or neutral position on the bill. However, an oppose position would be inconsistent with past Board positions and a neutral position would foreclose our ability to speak to an issue which could benefit our agency.

#### **NEXT STEPS**

Should the Board decide to adopt a support work with author position on this bill, staff will work with author to pursue passage of the legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.