



Board Report

File #:2016-0247, **File Type:**Federal Legislation /
State Legislation (Position)

Agenda Number:36

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
APRIL 14, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended positions:

B. AB 1964 (Bloom) - Alternative Fuel Vehicle HOV Lane Access OPPOSE WORK WITH AUTHOR


**E. SB 1362 (Mendoza) - Metro Transit Security ~~OPPOSE UNLESS AMENDED WORK WITH~~
AUTHOR SUPPORT**

ATTACHMENTS

Attachment A - AB 1964 (Bloom) Revised Legislative Analysis
Attachment B - SB 1362 (Mendoza) Revised Legislative Analysis

Prepared by: Michael Turner, Deputy Executive Officer, Government Relations, (213) 922-2122
Desarae Jones, Administrator, Government Relations, (213) 922-2230

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

BILL: AB 1964

AUTHOR: ASSEMBLY MEMBER RICHARD BLOOM
(D-SANTA MONICA)

SUBJECT: HIGH OCCUPANCY VEHICLE LANES: VEHICLE EXCEPTIONS

STATUS: ASSEMBLY TRANSPORTATION COMMITTEE
HEARING SCHEDULED: APRIL 4, 2016

ACTION: WORK WITH AUTHOR

RECOMMENDATION

Staff recommends that the Board adopt a WORK WITH AUTHOR position on AB 1964 (Bloom).

ISSUE

Assembly Member Richard Bloom has recently amended AB 1964, creating a new program for Alternative Fuel Vehicle exemptions for High Occupancy Vehicle Lanes that is to be implemented following the sunset of the existing programs.

AB 1964 would:

- End the authority of the Department of Motor Vehicles (DMV) to issue vehicle identifiers (green and white stickers) for specified vehicles effective January 1, 2018.
- Authorize the clean air vehicles that have been issued HOV access stickers to remain in the lanes for a limited period of time; white stickers until January 2019 and green stickers until January 2022.
- Remove the 85,000 vehicle cap on green stickers.
- Authorize the DMV to issue new vehicle identifiers in 2019 that would be valid for three years on a rolling basis.

DISCUSSION

Since 1999, the Federal government has authorized states to provide access to High Occupancy Vehicle (HOV) lanes to alternative fuel vehicle drivers who do not meet HOV occupancy requirements to encourage the use of cleaner fuel vehicles. California regulates alternative fuel vehicle access to the HOV lanes through the issuance of vehicle decals under the Clean Air Vehicle Decal program. States that participate in such programs are required to monitor and report on the performance of the HOV lanes.

Currently, under the Clean Air Vehicle decal program, there are two types of vehicles which are allowed to use the HOV lanes without meeting the minimum occupancy requirements: transitional zero emission vehicles (green stickers) and inherently low emission vehicles (white stickers) and these programs are set to expire in 2019. Under current provisions, there is a limited number of green stickers available (85,000) and that limit has been reached as of

December 2015. The white sticker program does not have a provision that limits the number of stickers that can be issued. Previous legislation, AB 266 (Blumenfield & Bloom) and SB 286 (Yee) extended the sticker programs to 2019. Allowing alternative fuel vehicles to access HOV lanes has historically caused concern among transportation agencies due to the potential for increased lane degradation.

The Federal Highway Administration's definition of lane degradation is based on traffic speeds during peak commute hours. As defined, if the HOV lane's average speeds drop below 45 miles per hour for more than 10 percent of the time during a 180-day period, the lane is considered degraded. Caltrans reports, in its September 2015 Statewide HOV Lane Degradation Study that a majority of the systems (approximately 59-63 percent) 1,326 total monitored lane-miles were degraded during the January-December 2014 study period.

The HOV Lane Degradation Study report by Caltrans identified that performance of the HOV lane system has degraded due to various reasons, statewide. The Caltrans report further cites that this degradation has yet to be attributed to the use of the HOV lanes by alternative fuel vehicles. The report compares the distribution of white and green decals state-wide and in the year 2014, LA County had over 36,000 registered vehicles that participated in the program. The data indicates that the number of vehicles that are using the lanes under these white and green sticker programs are not significant enough to impact the degradation of the system. Caltrans has also found that alternative fuel vehicles only represent 2 percent of HOV volume during peak hours.

Assemblymember Richard Bloom recently amended AB 1964, creating a new vehicle sticker program for partial zero-emission vehicles and discontinues the current program effective January 2019. Vehicles that meet California's transitional zero emission vehicle requirements (the same requirement for the existing green sticker program) would qualify for the stickers and the stickers would be valid for three years after they are issued. This would allow the program to satiate the demand for, and expand access to, the stickers while rotating use of the stickers among the vehicle purchasers. Existing law states the Green Clean Air Vehicle decals allow a partial zero-emission vehicle with a single occupant to access the HOV lanes. As of December 18, 2015, the maximum decal limit of 85,000 has been reached and the program is set to expire on January 1, 2019.

To mitigate potential impacts on our Metro ExpressLanes program and potential anticipated impacts to overall congestion in HOV Lanes the original legislation authorizing this program included a component wherein Caltrans can take action to address the degradation of HOV lanes. Caltrans could elect to remove certain segments of HOV lanes from the exemption or raise the occupancy limit of the lane. According to the committee analysis of AB 1964, Caltrans has indicated that in such circumstances Caltrans would seek to raise the occupancy limit of the lane rather than exempt a lane from this program. Exempting the lane from this program would conflict with an Executive Order to support the use of alternative fuel vehicles.

Lastly, it is expected that AB 1964 will be amended further and the bill progresses through the legislative process. Staff is recommending that the Board of Directors adopt a WORK WITH AUTHOR position on this measure. We will continue to keep the Board informed of any developments with this bill.

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. Legislation was also recently enacted that allows agencies that operate ExpressLanes to assess a reduced toll to alternative fuel vehicle owners who access the lanes. Staff finds that should our toll revenues or ability to effectively manage the ExpressLanes program be harmed as a result of the legislation, the mechanism for the reduced tolling on the alternative fueled vehicles can be implemented as a remedy.

ALTERNATIVES CONSIDERED

Metro could consider adopting a support or neutral position on this legislation; however, this would be inconsistent with our Board-approved 2016 State Legislative program.

NEXT STEPS

Should the Board decide to adopt a WORK WITH AUTHOR position on AB 1964, staff will communicate the Board's position to the author and work to ensure that the legislation is consistent with Board adopted policies. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

BILL: SB 1362

AUTHOR: SENATOR TONY MENDOZA
(D-ARTESIA)

SUBJECT: METRO TRANSIT SECURITY GUARDS

STATUS: ~~PENDING COMMITTEE REFERRAL~~
SENATE PUBLIC SAFETY COMMITTEE
HEARING SCHEDULED: APRIL 19, 2016

ACTION: ~~WORK WITH AUTHOR~~ SUPPORT

RECOMMENDATION

Staff recommends that the Board adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362 (Mendoza).

ISSUE

Senator Tony Mendoza has recently amended SB 1362, a bill that would grant specific authorities to Metro Transit Security Guards.

SB 1362 would authorize Metro Transit Security Guards to:

- Detain individuals on properties owned, controlled, operated and administered by Metro, when exigent circumstances exist
- Carry a wooden club or baton
- Carry a shotgun in a patrol vehicle or armored vehicle owned by Metro during revenue protection duties
- Carry a large capacity magazine

The bill, as amended reserves the authority for the Board of Directors to determine whether the authority to detain individuals will be granted to the Metro Transit Security Guards.

DISCUSSION

In the Board adopted 2016 State Legislative Program, the Board directed staff to sponsor legislation that would clarify certain issues with respect to the roles and responsibilities of the Metro Transit Security Guards. Senator Tony Mendoza introduced SB 1362 on behalf of the Metro Transit Security Guards, which as originally drafted did not align with agency goals.

As originally introduced, the bill would have established an expanded authority for Metro Transit Security Guards that are more closely aligned with the powers and responsibilities of police or peace officers under California law. The bill also did not require that a Memorandum of Understanding (MOU) between the Metro Transit Security Guards and the respective law enforcement agency.

To address agency concerns, Metro staff and the bill sponsor worked to amend the language of the bill, and the suggested amendments were submitted for inclusion in the amended bill. The proposed amendments that are included in the amended measure address the concerns related to training provisions, clarification of the authority to arrest or detain individuals, and other non-substantive changes as needed. The amendments to SB 1362 related to the authority to detain only if exigent circumstances exist and further defines that “exigent circumstances exist only when the security officer has probable cause to believe that a person is at risk of serious bodily injury or death or a person has been assaulted and the suspect is attempting to flee.” Other provisions related to training and liability will be addressed through updated internal policies and procedures.

Staff also stressed the agency’s concern that the granting of the authority to detain individuals should also be contingent upon approval by the Metro Board of Directors. The Board of Directors ~~who~~ should retain the authority to approve the roles and responsibilities that ~~would~~ are to be granted to the Metro Transit Security Guards under this arrangement.

~~Staff finds the bill as amended to be more closely aligned with the agency’s goal of clarifying the role of Metro Transit Security Guards. In general, the provisions of the bill relating to higher capacity magazines, carrying weapons (shotguns) in transit patrol vehicles and batons is acceptable to staff and remains in the bill.~~

In general, the provisions of the bill relating to higher capacity magazines, carrying batons while on duty and weapons (shotguns) in transit patrol vehicles during revenue protection duties is acceptable to staff and remains in the bill. Staff finds the bill as amended to be more closely aligned with the agency’s goal of clarifying the role of Metro Transit Security Guards.

In light of the recent amendments, staff is recommending that the Board of Directors adopt a WORK WITH AUTHOR SUPPORT position on SB 1362 (Mendoza).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. There are still a number of unknown future costs associated with additional training, employment benefits and liability that could have a potential significant fiscal impact under the provisions outlined in the bill and actions associated with implementation.

ALTERNATIVES CONSIDERED

Metro could consider adopting an OPPOSE position on this legislation, however, this would be inconsistent with our agency’s effort to clarify the role of Metro Transit Security Guards pursuant to the Board-approved 2016 State Legislative program. A WORK WITH AUTHOR position would ~~gives~~ give staff the ability to seek amendments to the proposed legislation in order to best align with Board direction and agency goals.

NEXT STEPS

Should the Board decide to adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362, staff will communicate the Board's position to the author and ~~work to amend~~ continue to monitor the legislation to address agency concerns. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.