



S. 654 / H.R. 1517 Analysis and Recommendation

TITLE: The Connecting Opportunities through Mobility Metrics and Unlocking Transportation Efficiencies Act (COMMUTE Act).

SPONSOR(S): Senate: Baldwin (D-WI) and Ernst (R-IA); House: DeSaulnier (D-CA), Curtis (R-UT), McAdams (D-UT), Jackson Lee (D-TX), Dean (D-PA), Brownley (D-CA), Bacon (R-NE), Himes (D-CT)

BACKGROUND:

States and local communities face challenging decisions about how to best allocate transportation resources. The U.S. Department of Transportation (DOT) currently supplies states with congestion data, but it continues to be a challenge to analyze the cost benefit of new projects based on improved access.

PURPOSE:

The COMMUTE Act would require DOT to develop and provide states, metropolitan planning organizations and rural planning organizations with data sets measuring the level of access by multiple transportation modes to important destinations such as jobs, health care facilities, childcare services, educational and workforce training facilities, affordable housing and food sources. Under the eight-year pilot program, DOT will select five eligible states, 10 metropolitan planning organizations, and five rural planning organizations to participate in the program on a competitive basis. Data sets will also be made available to local governments and researchers.

BART IMPACT:

BART's Strategic Plan Framework includes goals focused on providing equitable transit services, policies, and programs. The District seeks to invest in access choices for all riders, particularly those with the fewest choices and ensure that disadvantaged communities share in the benefits of BART accessibility. The COMMUTE Act seeks to provide states with data tools to help inform transportation planning decisions and improve access opportunities for communities - particularly those without reliable access to cars. New data could allow states and planning organizations to measure changes in access, evaluate how transportation dollars are spent, and set targets. Accessibility data may also encourage effective coordination between transportation investments and economic development.

KNOWN SUPPORT/OPPOSITION:

Support: Transportation for America, Coalition for Smarter Transportation, and League of American Bicyclists. No known opposition.

STATUS:

Introduced in the Senate and House on 3/5/19; Referred to the Senate Committee on Commerce, Sciences and Transportation and the House Committee on Transportation and Infrastructure.

RECOMMENDATION:

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 4/12/19.

116TH CONGRESS
1ST SESSION

S. 654

To require the Secretary of Transportation to carry out a pilot program to develop and provide to States and transportation planning organizations accessibility data sets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2019

Ms. BALDWIN (for herself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to carry out a pilot program to develop and provide to States and transportation planning organizations accessibility data sets, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Connecting Opportuni-
5 ties through Mobility Metrics and Unlocking Transpor-
6 tation Efficiencies Act” or the “COMMUTE Act”.

1 **SEC. 2. ACCESSIBILITY DATA PILOT PROGRAM.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation (referred to in this section as the “Secretary”) shall
5 carry out an accessibility data pilot program (referred to
6 in this section as the “pilot program”).

7 (b) PURPOSE.—The purpose of the pilot program is
8 to develop or make available an accessibility data set for
9 each eligible entity selected to participate in the pilot pro-
10 gram to improve transportation planning of those eligible
11 entities by measuring the level of access by multiple trans-
12 portation modes to important destinations, such as—

- 13 (1) jobs, including areas with a concentration of
14 available jobs;
15 (2) health care facilities;
16 (3) child care services;
17 (4) educational and workforce training facilities;
18 (5) affordable housing; and
19 (6) food sources.

20 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
21 ticipate in the pilot program is—

- 22 (1) a State (as defined in section 101(a) of title
23 23, United States Code);
24 (2) a metropolitan planning organization; or
25 (3) a rural planning organization.

1 (d) APPLICATION.—To be eligible to participate in
2 the pilot program, an eligible entity shall submit to the
3 Secretary an application at such time, in such manner,
4 and containing such information as the Secretary may re-
5 quire.

6 (e) SELECTION.—The Secretary shall select eligible
7 entities to participate in the program on a competitive
8 basis, including—

9 (1) 5 States;

10 (2) 10 metropolitan planning organizations, of
11 which—

12 (A) 5 shall each serve an area with a popu-
13 lation of not more than 200,000 people; and

14 (B) 5 shall each serve an area with a pop-
15 ulation of 200,000 or more people; and

16 (3) 5 rural planning organizations.

17 (f) DUTIES.—For each eligible entity participating in
18 the pilot program, the Secretary shall—

19 (1) develop or acquire an accessibility data set
20 described in subsection (b); and

21 (2) submit the data set to the eligible entity.

22 (g) METHODOLOGY.—In calculating the measures for
23 the data set under the pilot program, the Secretary shall
24 ensure that methodology is open source.

1 (h) AVAILABILITY.—The Secretary shall make an ac-
2 cessibility data set under the pilot program available to—

3 (1) units of local government within the juris-
4 diction of the eligible entity participating in the pilot
5 program; and

6 (2) researchers.

7 (i) REPORT.—Not later than 120 days after the last
8 date on which the Secretary submits data sets to the eligi-
9 ble entity under subsection (f), the Secretary shall submit
10 to Congress a report on the results of the program, includ-
11 ing the feasibility of developing and providing periodic ac-
12 cessibility data sets for all States, regions, and localities.

13 (j) FUNDING.—The Secretary shall carry out the
14 pilot program using amounts made available to the Sec-
15 retary for administrative expenses to carry out programs
16 under the authority of the Secretary.

17 (k) SUNSET.—The pilot program shall terminate on
18 the date that is 8 years after the date on which the pilot
19 program is implemented.

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S. 793 / H.R. 1782 Analysis and Recommendation

TITLE: The American Apprenticeship Act

SPONSOR(S): Senate: Klobuchar (D-MN) and Collins (R-ME); House: DeLauro (D-CT)

BACKGROUND:

Pre-apprenticeship and apprenticeship programs are tools to help meet industry demand for a skilled workforce. Though evidence indicates that the apprenticeship model is highly effective for training, it is not widely used by American workers or employers. To expand and support registered apprenticeships, the American Apprenticeship Act would provide funding to states for the creation or expansion of tuition assistance programs that benefit participants in pre-apprenticeship and registered apprenticeship programs.

PURPOSE:

The American Apprenticeship Act would authorize \$15 million annually for five years to provide grants to states. Specifically, the legislation would:

- Authorize the Department of Labor (DOL) to award competitive grants to states that have developed effective strategies to diversify, market, and scale registered apprenticeship and pre-apprenticeship programs
- Bolster funding for state efforts to assist participants in pre-apprenticeships and registered apprenticeships in obtaining industry-relevant classroom instruction
- Require DOL to analyze the use of apprenticeships within in-demand occupations

BART IMPACT:

The American Apprenticeship Act supports BART's Strategic Plan goals of investing in current and future employees' development, wellness, and diversity. Competition for employees in specialized technical fields is high. BART works to retain these employees and support new workers through local partnerships focused on creating direct and accessible employment pathways to transit careers.

KNOWN SUPPORT/OPPOSITION:

Support: Center for Law and Social Policy. No known opposition.

OTHER COMMENTS:

BART had previously supported S. 862, the American Apprenticeship Act, introduced last session.

STATUS:

Introduced in the Senate and House on 3/14/19; Referred to the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and Labor.

RECOMMENDATION:

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 4/12/19.

116TH CONGRESS
1ST SESSION

S. 793

To establish and strengthen projects that defray the cost of related instruction associated with pre-apprenticeship and apprenticeship programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Ms. KLOBUCHAR (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish and strengthen projects that defray the cost of related instruction associated with pre-apprenticeship and apprenticeship programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Apprentice-
5 ship Act”.

6 **SEC. 2. PRE-APPRENTICESHIP AND APPRENTICESHIP PRO-**
7 **GRAMS.**

8 (a) **DEFINITIONS.**—In this Act:

1 (1) APPRENTICESHIP.—The term “apprentice-
2 ship” means an apprenticeship registered under the
3 Act of August 16, 1937 (commonly known as the
4 “National Apprenticeship Act”; 50 Stat. 664, chap-
5 ter 663; 29 U.S.C. 50 et seq.).

6 (2) POSTSECONDARY EDUCATIONAL INSTITU-
7 TION.—The term “postsecondary educational institu-
8 tion” means an institution of higher education, as
9 defined in section 102 of the Higher Education Act
10 of 1965 (20 U.S.C. 1002).

11 (3) PRE-APPRENTICESHIP.—The term “pre-ap-
12 prenticeship”, used with respect to a program,
13 means an initiative or set of strategies that—

14 (A) is designed to prepare individuals to
15 enter and succeed in an apprenticeship pro-
16 gram;

17 (B) is carried out by a sponsor described
18 in paragraph (6)(B) that has a documented
19 partnership with one or more sponsors of ap-
20 prenticeship programs; and

21 (C) includes each of the following:

22 (i) Training (including a curriculum
23 for the training), aligned with industry
24 standards related to apprenticeships, and
25 reviewed and approved annually by spon-

sors of the apprenticeships within the documented partnership, that will prepare individuals by teaching the skills and competencies needed to enter one or more apprenticeship programs.

(ii) Provision of hands-on training and theoretical education to individuals that—

(I) is carried out in a manner that includes proper observation of supervision and safety protocols; and

(II) is carried out in a manner that does not displace a paid employee.

(iii) A formal agreement with a sponsor of an apprenticeship program that would enable participants who successfully complete the pre-apprenticeship program to enter directly into the apprenticeship program (if a place in the program is available and if the participant meets the qualifications of the apprenticeship program), and includes agreements concerning earning credit recognized by a postsecondary educational institution for skills

1 and competencies acquired during the pre-
2 apprenticeship program.

3 (4) RELATED INSTRUCTION.—The term “re-
4 lated instruction” means an organized and system-
5 atic form of instruction designed to provide an ap-
6 prentice with the knowledge of the theoretical and
7 technical subjects related to the occupation of the
8 apprentice or the instruction needed to prepare an
9 individual to enter and succeed in an apprenticeship
10 program.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of Labor.

13 (6) SPONSOR.—The term “sponsor” means—

14 (A) with respect to an apprenticeship pro-
15 gram, an employer, joint labor-management
16 partnership, trade association, professional as-
17 sociation, labor organization, or other entity,
18 that administers the apprenticeship program;
19 and

20 (B) with respect to a pre-apprenticeship
21 program, a local educational agency, a sec-
22 ondary school, an area career and technical
23 education school, a State board, a local board,
24 or a community-based organization, with re-
25 sponsibility for the pre-apprenticeship program.

1 (7) WORKFORCE INNOVATION AND OPPOR-
2 TUNITY ACT DEFINITIONS.—The terms “area career
3 and technical education school”, “community-based
4 organization”, “individual with a barrier to employ-
5 ment”, “local board”, “local educational agency”,
6 “secondary school”, and “State board” have the
7 meanings given the terms in section 3 of the Work-
8 force Innovation and Opportunity Act (29 U.S.C.
9 3102).

10 (b) GRANTS FOR TUITION ASSISTANCE.—

11 (1) IN GENERAL.—The Secretary may make
12 grants to States on a competitive basis to assist the
13 States in, and pay for the Federal share of the cost
14 of, carrying out projects that defray the cost of re-
15 lated instruction associated with pre-apprenticeship
16 and apprenticeship programs.

17 (2) APPLICATION.—To be eligible to receive a
18 grant under this subsection, a State shall submit an
19 application to the Secretary for such a project at
20 such time, in such manner, and containing a stra-
21 tegic plan that contains such information as the Sec-
22 retary may require, including—

23 (A) information identifying the State agen-
24 cy (referred to in this Act as the “State enti-

1 ty'') that will administer the grant as deter-
2 mined by the Governor of the State;

3 (B) a description of strategies that the
4 State entity will use to collaborate with key in-
5 dustry representatives, State agencies, postsec-
6 ondary educational institutions, labor-manage-
7 ment entities, and other relevant partners to
8 launch or expand pre-apprenticeships and ap-
9 prenticeships;

10 (C) a description of how the State entity
11 will—

12 (i) coordinate activities carried out
13 under this subsection with activities car-
14 ried out under the Carl D. Perkins Career
15 and Technical Education Act of 2006 (20
16 U.S.C. 2301 et seq.) and the Workforce
17 Innovation and Opportunity Act (29
18 U.S.C. 3101 et seq.) to support pre-ap-
19 prenticeships and apprenticeships;

20 (ii) leverage funds provided under the
21 Acts specified in clause (i) to support pre-
22 apprenticeships and apprenticeships; and

23 (iii) utilize, and encourage individual
24 participants in programs supported under
25 this subsection to utilize, available Federal

1 and State financial assistance, including
2 assistance available under the Workforce
3 Innovation and Opportunity Act (29
4 U.S.C. 3101 et seq.), education assistance
5 benefits available to veterans, and Federal
6 Pell Grants available under section 401 of
7 the Higher Education Act of 1965 (20
8 U.S.C. 1070a), prior to using assistance
9 made available under this Act;

10 (D) a description of strategies to elevate
11 apprenticeships as a workforce solution in both
12 traditional and nontraditional industries, such
13 as information technology, health care, ad-
14 vanced manufacturing, construction trades,
15 transportation, and other industries determined
16 to be high-demand by the State board for the
17 State;

18 (E) a description of activities that the
19 State entity will carry out to build awareness
20 about the economic potential of apprenticeships;

21 (F) a description that outlines how the
22 State entity will increase opportunities for pre-
23 apprenticeships and apprenticeships among
24 members of minority groups, youth, individuals

1 with disabilities, veterans, and individuals with
2 barriers to employment;

3 (G) information describing—

4 (i) how the State entity will meet per-
5 formance measures, and comply with an
6 evaluation system and reporting require-
7 ments, established by the Secretary under
8 paragraph (6); and

9 (ii) at the election of the State, any
10 State performance measures and goals that
11 the State will use to measure the effective-
12 ness of the project; and

13 (H) in the case of a State that has already
14 received a grant under this subsection for a
15 project, information indicating that the State
16 met the performance measures with respect to
17 the project.

18 (3) APPLICATION REVIEW PROCESS.—A joint
19 team of employees from the Department of Labor
20 and the Department of Education shall—

21 (A) review such an application; and

22 (B) make recommendations to the Sec-
23 retary regarding approval of the application.

24 (4) USE OF FUNDS.—A State that receives a
25 grant under this subsection shall use the funds made

1 available through the grant to defray any of the fol-
2 lowing costs of related instruction:

3 (A) Tuition and fees.

4 (B) Cost of textbooks, equipment, cur-
5 riculum development, and other required edu-
6 cational materials.

7 (C) Costs of any other item or service de-
8 termined by the State to be necessary.

9 (5) ADMINISTRATIVE COSTS.—The State may
10 use not more than 10 percent of the grant funds for
11 administrative costs relating to carrying out the
12 project described in paragraph (1).

13 (6) PERFORMANCE AND EVALUATION.—The
14 Secretary, after consultation with the Secretary of
15 Education, shall—

16 (A) establish performance measures based
17 on indicators set by the Administrator of the
18 Office of Apprenticeship of the Department of
19 Labor; and

20 (B) establish an evaluation system aligned
21 with the performance measures, and reporting
22 requirements for the program carried out under
23 this subsection.

24 (c) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share of the
2 cost described in subsection (b)(1) shall be not less
3 than 20 percent and not more than 50 percent.

4 (2) NON-FEDERAL SHARE.—The State may
5 make the non-Federal share available—

6 (A) in cash or in-kind, fairly evaluated, in-
7 cluding plant, equipment, or services; and

8 (B) directly or through donations from
9 public or private entities.

10 (d) REPORT.—The Secretary shall prepare and sub-
11 mit to Congress, not later than September 30, 2024, a
12 report—

13 (1) detailing the results of the evaluation de-
14 scribed in subsection (b)(6)(B); and

15 (2) analyzing the extent to which States have
16 used grant funds effectively under this section.

17 (e) POLICY OF THE UNITED STATES.—It is the pol-
18 icy of the United States that funds made available under
19 this section should be used to supplement and not sup-
20 plant other funds available under the Workforce Innova-
21 tion and Opportunity Act (29 U.S.C. 3101 et seq.) and
22 other Federal and State funds available to the State to
23 support workforce development programs.

24 **SEC. 3. IDENTIFYING IN-DEMAND OCCUPATIONS.**

25 The Secretary shall—

- 1 (1) identify in-demand occupations nationally
- 2 and regionally that lack the use of apprenticeships;
- 3 (2) analyze the use of the apprenticeship model
- 4 in those identified in-demand occupations; and
- 5 (3) prepare and submit to States and Congress
- 6 a report that contains the analysis described in para-
- 7 graph (2).

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated to carry out

10 this Act \$15,000,000 for each of fiscal years 2020 through

11 2025.

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S. 923 / H.R. 1978 Analysis and Recommendation

TITLE: The Fighting Homelessness Through Services and Housing Act

SPONSOR(S): Senate: Feinstein (D-CA), Murkowski (R-AK), Gillibrand (D-NY), Klobuchar (D-MN), Bennet (D-CO), Smith (D-MN), Hirono (D-HI), Cortez Masto (D-NV), and Harris (D-CA); House: Lieu (D-CA), Stivers (R-OH), Peters (D-CA), Correa (D-CA), Harder (D-CA), Young (R-AK), and Costa (D-CA)

BACKGROUND:

According to HUD's 2018 Annual Homeless Assessment Report to Congress, in January 2018 California had 24% of the nation's homeless population (about 129,972 individuals). California also contains 47% of the nation's unsheltered homeless population (89,543), which includes people living in vehicles, abandoned buildings, parks, or on the street.

People experiencing homelessness face a variety of challenges including food and income insecurity, as well as health problems such as higher risk of exposure to communicable diseases. According to the Public Policy Institute of California, reducing homelessness requires collaboration across sectors such as housing, health and social services, as well as coordinated investments, policies, and programs at the federal, state, and local levels.

PURPOSE:

The Fighting Homelessness Through Services and Housing Act authorizes \$750 million annually for five years to fund supportive housing models that provide comprehensive services and intensive case management. Specifically, the bill:

- Requires a 25 percent match for services and housing from non-federal funds.
- Allows grants to be used for any combination of operations and capital building costs, as long as housing and services requirements are fulfilled.
- Requires grantees to track outcomes and report on housing stability and improvements in health and well-being, including education of children.
- Funds would be available for both planning and implementation grants.

Grants may go to local governmental entities consisting of cities, counties, regional collaboratives and tribal governments. Services must address issues including mental health; substance use disorders; disabling or other chronic health conditions; educational and job training/employment outcomes; and life skills classes. When serving families with children, services must also include children's behavioral and mental health services, early childhood education, regular and age-appropriate children's programming and activities, child health and nutrition screening, education and parenting classes, and support programs. Services must also have in place protocol for staff training and best practices to identify and prevent child trafficking, abuse, and neglect.

BART IMPACT:

Quality of life on BART continues to be a strategic focus with substantial resources committed to addressing the interrelated issues of fare evasion, homelessness, cleanliness, and safety. BART currently partners with various city, county, and non-profit agencies to address the impacts of homelessness within

the system. These efforts take a comprehensive and coordinated approach to maintaining a safe and clean environment for riders, while connecting individuals who may be in crisis to services and resources. The Fighting Homelessness Through Services and Housing Act seeks to increase federal resources to address homelessness and could provide a significant amount of funding towards local services and programs. As a result, BART could see an impact on the number of individuals seeking shelter in the system and other public spaces.

KNOWN SUPPORT/OPPOSITION:

The Fighting Homelessness Through Services and Housing Act is supported by more than 90 individuals and organizations including the mayors of Los Angeles, San Diego, San Francisco, Oakland and Sacramento, as well as the Child Welfare League of America, Children's Defense Fund, Corporation for Supportive Housing, Mayors and CEOs for U.S. Housing Investment, National Alliance to End Homelessness and the National Low Income Housing Coalition.

No known opposition.

STATUS:

Introduced in the Senate and House on 3/28/19; Referred to the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Financial Services.

RECOMMENDATION:

☒ **Support**

☐ **Watch**

☐ **Oppose**

Analysis completed on 4/12/19.

116TH CONGRESS
1ST SESSION

S. 923

To fight homelessness in the United States by authorizing a grant program within the Health Resources and Services Administration for housing programs that offer comprehensive services and intensive case management for homeless individuals and families.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Mrs. FEINSTEIN (for herself, Ms. MURKOWSKI, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. BENNET, Ms. SMITH, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. HARRIS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To fight homelessness in the United States by authorizing a grant program within the Health Resources and Services Administration for housing programs that offer comprehensive services and intensive case management for homeless individuals and families.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fighting Homelessness
5 Through Services and Housing Act”.

1 **SEC. 2. ESTABLISHMENT OF GRANT PROGRAM.**

2 (a) IN GENERAL.—The Administrator of the Health
3 Resources and Services Administration (referred to in this
4 section as the “Administrator”), in consultation with the
5 working group established under subsection (b), shall es-
6 tablish a grant program to award competitive grants to
7 eligible entities for the planning and implementation of
8 programs to address homelessness.

9 (b) WORKING GROUP.—The Administrator shall es-
10 tablish an interagency working group to provide advice to
11 the Administrator in carrying out the program under sub-
12 section (a). The working group shall include representa-
13 tives from the United States Interagency Council on
14 Homelessness, Department of Education, Department of
15 Health and Human Services, Department of Housing and
16 Urban Development, Department of Labor, Department
17 of Transportation, Department of Veterans Affairs, De-
18 partment of Agriculture, Department of the Treasury, De-
19 partment of Justice, and Bureau of Indian Affairs.

20 (c) TYPES OF GRANTS.—

21 (1) IMPLEMENTATION GRANTS.—

22 (A) IN GENERAL.—Under the program
23 under subsection (a), the Administrator shall
24 award 5-year implementation grants to eligible
25 entities to assist such entities in carrying out
26 activities, and paying capital building costs, as-

1 sociated with the provision of housing and serv-
2 ices to homeless individuals and families, in-
3 cluding homeless children and youths (as de-
4 fined by section 725 of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11434a)),
6 or those at risk of becoming homeless.

7 (B) AMOUNT.—The amount awarded to an
8 entity under a grant under this paragraph shall
9 not exceed \$25,000,000.

10 (C) MATCHING REQUIREMENT.—With re-
11 spect to the costs of the activities to be carried
12 out by an entity under a grant under this para-
13 graph, the entity shall make available (directly
14 or through donations from public or private en-
15 tities) non-Federal contributions toward such
16 costs in an amount that equals 25 percent of
17 the amount of the grant.

18 (2) PLANNING GRANTS.—

19 (A) IN GENERAL.—Under the program
20 under subsection (a), the Administrator shall
21 award 1-year planning grants to eligible entities
22 to assist such entities in developing comprehen-
23 sive plans to address homelessness in the com-
24 munities and regions served by such entities or
25 to enhance the effectiveness of existing pro-

1 grams that serve homeless individuals and fami-
2 lies, including homeless children and youths (as
3 defined by section 725 of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11434a)),
5 or those at risk of becoming homeless.

6 (B) AMOUNT.—The amount awarded to an
7 entity under a grant under this paragraph shall
8 not exceed \$100,000, and such amount shall
9 not be subject to any matching requirement.

10 (d) ELIGIBILITY.—

11 (1) IN GENERAL.—To be eligible to receive a
12 grant under the program under subsection (a), an
13 entity shall—

14 (A) be a governmental entity (at the coun-
15 ty, city, regional, or locality level), Indian tribe,
16 or tribal organization;

17 (B) demonstrate that the capacity of the
18 entity for providing services under the grant in-
19 cludes the ability to address mental health, sub-
20 stance use disorder and recovery services, dis-
21 abling or other chronic health conditions, edu-
22 cational and job training or employment out-
23 comes, and life skills needs (including financial
24 literacy); and

1 (C) submit to the Administrator an appli-
2 cation that includes an assurance that, in car-
3 rying out activities under the grant, the entity
4 will—

5 (i) ensure stable housing, intensive
6 case management, and comprehensive serv-
7 ices that include, at minimum, mental
8 health, substance use disorder treatment
9 and recovery services, education and job
10 training, age-appropriate services for chil-
11 dren, and life skills training (such as fi-
12 nancial literacy training);

13 (ii) coordinate with the population to
14 be served by the entity to ensure that sup-
15 portive services are tailored to meet the
16 specific and actual needs of the individuals
17 and families served;

18 (iii) coordinate with local law enforce-
19 ment, courts (including specialized courts),
20 probation, and other public services agen-
21 cies to conduct outreach and better iden-
22 tify at-risk or homeless populations that
23 would benefit from services offered by the
24 entity;

1 (iv) follow trauma-informed best prac-
2 tices to address the needs of the popu-
3 lations to be served;

4 (v) provide services under the grant
5 on-site or in-home as appropriate;

6 (vi) provide assistance in addressing
7 the transportation needs of individuals for
8 services provided under the grant off-site;
9 and

10 (vii) comply with additional require-
11 ments, if the entity intends to serve fami-
12 lies with children under the grant, to en-
13 sure—

14 (I) that services include chil-
15 dren's behavioral and mental health
16 services, early childhood education,
17 regular and age-appropriate children's
18 programming and activities, child
19 health, development, and nutrition
20 screening (including coordination of
21 medical and well-child services), and
22 parenting classes and support pro-
23 grams;

24 (II) in conditions where family
25 housing is provided in a central facil-

1 ity and not in mixed units in a com-
2 mercial building, that a safe space for
3 play and age-appropriate activities is
4 available on-site and has regular
5 hours of operation; and

6 (III) that the entity has in place
7 protocol for staff training and best
8 practices to identify and prevent child
9 trafficking, abuse, and neglect.

10 (2) CASE MANAGEMENT.—An entity receiving a
11 grant under this section shall ensure that case man-
12 agement provided by the entity under the grant does
13 not exceed a ratio of 1 caseworker to 20 cases.

14 (3) PARTNERSHIPS.—An entity may enter into
15 a partnership with more than one provider that may
16 include a local health agency, non-profit service pro-
17 viders, medical and mental health providers, housing
18 providers, and other service providers as necessary.

19 (e) OVERSIGHT REQUIREMENTS.—

20 (1) ANNUAL REPORTS.—Not later than 1 year
21 after the date on which a grant is received by an en-
22 tity under subsection (a), and annually thereafter
23 for the term of the grant, such entity shall submit
24 to the Administrator a report on the activities car-
25 ried out under the grant. Such report shall include,

1 with respect to activities carried out under the grant
2 in the community served, measures of outcomes re-
3 lating to—

4 (A) whether individuals and families who
5 are served continued to have housing and did
6 not experience intermittent periods of homeless-
7 ness;

8 (B) whether individuals and families who
9 are served see improvements in their physical
10 and mental health, have access to a specific pri-
11 mary care provider, promptly receive any need-
12 ed health care, and have a health care plan that
13 meets their individual needs (including access to
14 mental health and substance use treatment as
15 applicable, and family-based treatment models);

16 (C) whether children who are served are
17 enrolled in school, attend regularly, and are re-
18 ceiving services to meet their educational needs;

19 (D) whether children who are served have
20 access to trauma-informed mental health care
21 and screening for any mental and behavioral
22 health needs, as well as other services to meet
23 their needs, as appropriate;

24 (E) how grant funds are used; and

1 (F) other matters determined appropriate
2 by the Administrator.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to condition the receipt
5 of future housing and other services by individuals
6 under the grant on the outcomes detailed in the re-
7 ports submitted under paragraph (1).

8 (f) DEFINITION.—In this section, the terms “Indian
9 tribe” and “tribal organization” have the meanings given
10 such terms in section 4 of the Indian Self-Determination
11 and Education Assistance Act (25 U.S.C. 5304) and shall
12 include tribally designated housing entities (as defined in
13 section 4(22) of the Native American Housing Assistance
14 and Self-Determination Act of 1996 (25 U.S.C.
15 4103(22))) and entities that serve Native Hawaiians (as
16 defined in section 338K(c) of the Public Health Service
17 Act (42 U.S.C. 254s(c))).

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section,
20 \$750,000,000 for each of fiscal years 2020 through 2025,
21 of which—

22 (1) not less than 5 percent of such funds shall
23 be awarded to Indian tribes and tribal organizations;

24 (2) \$5,000,000 shall be made available for plan-
25 ning grants under subsection (c)(2); and

- 1 (3) the remainder shall be made available for
- 2 implementation grants under subsection (c)(1).

○



H.R. 1507 Analysis and Recommendation

TITLE: The Bicycle Commuter Act of 2019

SPONSOR(S): Blumenauer (D-OR), Buchanan (R-FL), Pressley (D-MA), Cohen (D-TN), Casten (D-IL), Raskin (D-MD), Jackson Lee (D-TX), Haaland (D-NM), Grijalva (D-AZ), Ocasio-Cortez (D-NY), Moore (D-WI), Dean (D-PA), Brownley (D-CA), Kuster (D-NH), Eshoo (D-CA)

BACKGROUND:

First enacted in 2009, the bicycle commuter benefit was a tax benefit that employers could offer to provide a reimbursement of up to \$20/month for expenses incurred related to bicycle commuting. If an employee elected to take advantage of the bicycle commuting reimbursement, they would not be eligible to receive transit or parking commuter benefits. The Tax Cuts and Jobs Act, passed in 2017, suspended the bicycle commuter reimbursement benefit through 2025.

PURPOSE:

The Bicycle Commuter Act of 2019 reverses the bicycle commuter benefit's suspension and changes the structure of the benefit by 1) making the benefit a pre-tax benefit, like parking and transit, rather than a reimbursement; 2) allowing employees to receive a bicycle benefit of up to 20 percent of the parking benefit (currently equals \$53/month for bicycling, indexed to inflation); 3) allowing the bicycle benefit to be used in concert with transit and parking benefits; 4) adding bikeshare as an eligible expense and clarifying that electric bikes are included.

BART IMPACT:

As of 2015, nearly half (44 percent) of BART riders accessed their home station by walking or bicycling – up from 35 percent in 2008. Within the District's Strategic Plan and Station Access Policy, BART seeks to increase the share of riders accessing BART by active modes (e.g. walking and bicycling) to 52 percent by 2025. The Bicycle Commuter Act supports the District's goals related to access mode share, regional sustainability, and improved public health outcomes.

KNOWN SUPPORT/OPPOSITION:

Support: American Society of Landscape Architects, Coalition for Smarter Transportation (CoaST), The League of American Bicyclists, New York City Department of Transportation, People For Bikes, The Safe Routes to Schools Partnership.

No known opposition.

STATUS:

Introduced on 3/5/19 and referred to the House Ways and Means Committee.

RECOMMENDATION:

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 04/12/19.

116TH CONGRESS
1ST SESSION

H. R. 1507

To amend the Internal Revenue Code of 1986 to modify employer-provided fringe benefits for bicycle commuting.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mr. BLUMENAUER (for himself, Mr. BUCHANAN, and Ms. PRESSLEY) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to modify employer-provided fringe benefits for bicycle commuting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Bicycle Commuter Act
5 of 2019".

6 **SEC. 2. MODIFICATION OF EMPLOYER-PROVIDED FRINGE**
7 **BENEFITS FOR BICYCLE COMMUTING.**

8 (a) **REPEAL OF SUSPENSION OF EXCLUSION FOR**
9 **QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—**

1 Section 132(f) of the Internal Revenue Code of 1986 is
2 amended by striking paragraph (8).

3 (b) COMMUTING FRINGE INCLUDES BIKESHARE.—

4 (1) IN GENERAL.—Clause (i) of section
5 132(f)(5)(F) of such Code is amended by striking “a
6 bicycle” and all that follows and inserting
7 “bikeshare, a bicycle, and bicycle improvements, re-
8 pair, and storage, if the employee regularly uses
9 such bikeshare or bicycle for travel between the em-
10 ployee’s residence and place of employment or mass
11 transit facility that connects an employee to their
12 place of employment.”.

13 (2) BIKESHARE.—Section 132(f)(5)(F) of such
14 Code is amended by adding at the end the following:

15 “(iv) BIKESHARE.—The term
16 ‘bikeshare’ means a bicycle rental oper-
17 ation at which bicycles are made available
18 to customers to pick up and drop off for
19 point-to-point use within a defined geo-
20 graphic area.”.

21 (c) LOW-SPEED ELECTRIC BICYCLES.—Section
22 132(f)(5)(F) of such Code, as amended by subsection
23 (b)(2), is amended by adding at the end the following:

24 “(v) LOW-SPEED ELECTRIC BICY-
25 CLES.—The term ‘bicycle’ includes a two-

1 or three-wheeled vehicle with fully operable
2 pedals and an electric motor of less than
3 750 watts (1 h.p.), whose maximum speed
4 on a paved level surface, when powered
5 solely by such a motor while ridden by an
6 operator who weighs 170 pounds, is less
7 than 20 mph.”.

8 (d) MODIFICATION RELATING TO BICYCLE COM-
9 MUTING MONTH.—Clause (iii) of section 132(f)(5)(F) of
10 such Code is amended to read as follows:

11 “(iii) QUALIFIED BICYCLE COM-
12 MUTING MONTH.—The term ‘qualified bi-
13 cycle commuting month’ means, with re-
14 spect to any employee, any month during
15 which such employee regularly uses a bicy-
16 cle for a portion of the travel between the
17 employee’s residence and place of employ-
18 ment.”.

19 (e) LIMITATION ON EXCLUSION.—

20 (1) IN GENERAL.—Subparagraph (C) of section
21 132(f)(2) of such Code is amended by striking “ap-
22 plicable annual limitation” and inserting “applicable
23 monthly limitation”.

1 (2) APPLICABLE MONTHLY LIMITATION DE-
2 FINED.—Clause (ii) of section 132(f)(5)(F) of such
3 Code is amended to read as follows:

4 “(ii) APPLICABLE MONTHLY LIMITA-
5 TION.—The term ‘applicable monthly limi-
6 tation’, with respect to any employee for
7 any month, means an amount equal to 20
8 percent of the dollar amount in effect for
9 the month under paragraph (2)(B).”.

10 (3) AGGREGATE LIMITATION.—Subparagraph
11 (B) of section 132(f)(2) of such Code is amended by
12 inserting “and the applicable monthly limitation in
13 the case of any qualified bicycle commuting benefit”.

14 (f) NO CONSTRUCTIVE RECEIPT.—Paragraph (4) of
15 section 132(f) of such Code is amended by striking “(other
16 than a qualified bicycle commuting reimbursement)”.

17 (g) CONFORMING AMENDMENTS.—Paragraphs
18 (1)(D), (2)(C), and (5)(F) of section 132(f) of such Code
19 are each amended by striking “reimbursement” each place
20 it appears and inserting “benefit”.

21 (h) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 December 31, 2018.

○



SB 40 (Wiener) Analysis and Recommendation

TITLE: SB 40 – Conservatorship: serious mental illness and substance use disorders

AUTHOR(S): Wiener (D – San Francisco)

SPONSOR(S): Author

BACKGROUND:

California is facing a severe housing affordability crisis, accompanied by challenges addressing and treating mental illness and drug addiction. Despite there being existing programs and services across the state, there have been challenges providing meaningful rehabilitation to a small population of homeless individuals with severe mental illness and drug addiction. To address these issues, SB 1045 (Wiener, 2018) created a five-year pilot project through January 1, 2024, in Los Angeles County, San Diego County, and the City and County of San Francisco that would permit the establishment of a new category of conservatorship for a person who is incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder, as evidenced by eight or more 72-hour involuntary holds under the Welfare and Institutions Code section 5150 in the preceding 12 months. Proponents of the bill asserted that other statutory measures—namely, the conservatorship processes under the Probate Code or the Lanterman-Petris-Short Act, and assisted outpatient treatment under “Laura’s Law” - failed to protect these at-risk individuals.

PURPOSE:

SB 40 would amend the current pilot program created by SB 1045. The bill would shorten the timeframe for conservatorship, from one year to six-months; make the trigger-point for the timeframe the person’s eighth 72-hour involuntary detention in a 12-month period; enable a county behavioral health director, upon making certain objective findings, to forgo petitioning a court to determine the eligibility of the person for assisted outpatient treatment; and establishes additional protections to ensure that the conservatorship scheme is more narrowly drawn and based on current evidence of the person’s condition.

BART IMPACT:

SB 40 focuses on refining county-level requirements related to the implementation of the new conservatorship category created by SB 1045. The bill does not extend to BART or BART police officers the authority to recommend an individual be evaluated for conservatorship. However, the bill could impact individuals who are encountered by BART personnel in our stations and in need of crisis intervention services.

KNOWN SUPPORT/OPPOSITION:

Support: California Police Chiefs Association, California Travel Association, Office of the San Francisco Mayor, London N. Breed

Opposition: ACLU, Disability Rights California, SEIU California, Western Center on Law and Poverty, Voluntary Services First Coalition, California Advocates for Nursing Home Reform, Human Impact Partners, Western Regional Advocacy Project, Coalition on Homelessness, San Francisco Gray Panthers, Senior and Disability Action, Public Health Justice Collective, Indivisible SF, DSA SF Homelessness Committee

OTHER COMMENTS:

SB 1045 was presented to the Board for a support position. The motion to support failed. Ayes - 4: Directors Allen, Blalock, Josefowitz, and McPartland. Noes - 1: Director Raburn. Abstain - 2: Directors Saltzman and Simon. Absent - 2: Directors Dufty and Keller

STATUS:

Introduced on 12/3/18; Passed the Senate Judiciary Committee (8-0) on 4/9/19 and re-referred to the Senate Public Safety Committee. Hearing scheduled for 4/23/19.

RECOMMENDATION:

☒ Support

☐ Watch

☐ None

Analysis completed on 04/16/19.

AMENDED IN SENATE APRIL 4, 2019
AMENDED IN SENATE MARCH 4, 2019

SENATE BILL

No. 40

Introduced by Senator Wiener

December 3, 2018

An act to amend Sections 5451, 5452, and 5456 of, and to add Section 5465.5 to, 5453, 5456, 5462, and 5463 of, and to add Section 5465.5 to, the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 40, as amended, Wiener. Conservatorship: serious mental illness and substance use disorders.

Existing law establishes a procedure, until January 1, 2024, for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, if the board of supervisors authorizes the appointment of a conservator for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as evidenced by frequent detention for evaluation and treatment, which is 8 or more detentions for evaluation and treatment in the preceding 12 months. Existing law automatically terminates a conservatorship initiated pursuant to these provisions one year after the appointment of the conservator unless the court specifies a shorter period. *Existing law authorizes the person for whom conservatorship is sought to demand a court or jury trial on the issue of whether the person meets the criteria for the appointment of a conservator pursuant to these provisions.* Existing law authorizes the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

This bill would additionally authorize the court to establish a temporary conservatorship for a period of ~~30~~ 28 days or less if the court is satisfied of the necessity, as specified. The bill would ~~define “serious mental illness and substance use disorder” for the purposes of those provisions and authorize a conservator of the person to be initially appointed pursuant to those provisions only if the person is presently incapable of caring for the person’s own health and well-being due to a serious mental illness and substance use disorder and the person has been detained 8 times for evaluation and treatment in a 12-month period pursuant to existing law authorizing the detention of mentally disordered persons who are a danger to self or others or gravely disabled, without reference to evidence of frequent detention for evaluation and treatment.~~ The bill would also change the definition of “frequent detention for evaluation and treatment” for purposes of these conservatorship provisions to mean 8 or more detentions in a 12-month period. The bill would require that a petition seeking to establish the above-described conservatorship be filed with the court no later than ~~180~~ 28 days following the 8th detention in a 12-month ~~period; period, and would establish the procedures for filing the petition, including confirming that there are adequate resources to appropriately serve the person in the least restrictive manner and designating the public conservator to serve as the potential conservator.~~

This bill would require a court or jury trial making a determination regarding the issue of whether a person meets the criteria for appointment of a conservator to make that determination beyond a reasonable doubt. The bill would provide that the conservatorship would automatically terminate 6 months, rather than one year, after the appointment of the conservator by the superior court, or a shorter period if ordered by the court. The bill would require the conservator to file a report with the court every 60 days regarding the conservatee’s progress and engagement with treatment and, if the court is not satisfied that the conservatorship continues to be justified, the bill would authorize the court to terminate the conservatorship or reduce the length of the conservatorship.

Existing law makes the establishment of a conservatorship pursuant to these provisions subject to, among other things, a finding by the court that the behavioral health director of the county or the city and county has previously attempted by petition to obtain a court order authorizing assisted outpatient treatment pursuant to the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura’s Law,

for the person for whom conservatorship is sought, that the petition was denied or the assisted outpatient treatment was insufficient to treat the person's mental illness, and that assisted outpatient treatment would be insufficient to treat the person in the instant matter in lieu of a conservatorship.

This bill would instead make the establishment of the above-described conservatorship subject to a finding by the court that the behavioral health director or the director's designee (1) has previously attempted to obtain the above-described court order and that the petition was denied or the assisted outpatient treatment was insufficient to treat the person's mental illness, or (2) ~~has evaluated whether that treatment is appropriate for the person and concluded that the person is not eligible for that treatment or that the~~ *reasonably determines that the person, as a matter of law, does not meet the criteria described for assisted outpatient treatment or finds by clear and convincing evidence that assisted outpatient treatment would be insufficient to treat the person in lieu of a conservatorship.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5451 of the Welfare and Institutions Code
2 is amended to read:
3 5451. In the County of Los Angeles, the County of San Diego,
4 and the City and County of San Francisco, subject to Section 5450,
5 a conservator of the person may be appointed for a person who is
6 incapable of caring for the person's own health and well-being
7 due to a serious mental illness and substance use ~~disorder, as~~
8 ~~evidenced by frequent detention for evaluation and treatment~~
9 ~~pursuant to Section 5150.~~ *disorder.* The procedure for establishing,
10 administering, and terminating a conservatorship under this chapter
11 shall be the same as provided for in Division 4 (commencing with
12 Section 1400) of the Probate Code, except as follows:
13 (a) (1) The court may appoint the public conservator in the
14 county of residence of the person to be conserved and the person
15 to serve as conservator if the person requesting the appointment
16 establishes, and the court makes an express finding, that it is

1 necessary for the protection of the proposed conservatee and the
2 granting of the conservatorship is the least restrictive alternative
3 needed for the protection of the conservatee.

4 (2) (A) *A conservator of the person may be appointed pursuant*
5 *to this chapter only if the person is presently incapable of caring*
6 *for the person's own health and well-being due to a serious mental*
7 *illness and substance use disorder.*

8 (B) *For an initial appointment of a conservator, a person meets*
9 *the standard in subparagraph (A) only if the person has been*
10 *detained eight times for evaluation and treatment pursuant to*
11 *Section 5150 in a 12-month period.*

12 (C) *To reestablish a conservatorship, the person meets the*
13 *standard in subparagraph (A) only if the person's condition at the*
14 *time of the petition to reestablish the conservatorship shows that*
15 *the person continues to meet the standard in subparagraph (A)*
16 *based on the current behavior and condition of the person,*
17 *independent of the person's history of detentions. However, other*
18 *relevant historical course evidence may be taken into account.*

19 (D) *In any challenge to an existing conservatorship, the person*
20 *meets the standard in subparagraph (A) only if the person's*
21 *condition at the time of the challenge to the conservatorship shows*
22 *that the person continues to meet the standard in subparagraph*
23 *(A) based on the current behavior and condition of the person,*
24 *independent of the person's history of detentions. However, other*
25 *relevant historical course evidence may be taken into account.*

26 (b) (1) The person for whom conservatorship is sought shall
27 have the right to demand a court or jury trial on the issue of whether
28 ~~the person meets the criteria for the appointment of a conservator~~
29 ~~of the person under this chapter.~~ *person is shown to be, beyond a*
30 *reasonable doubt, incapable of caring for the person's own health*
31 *and well-being due to a serious mental illness and substance use*
32 *disorder.* Demand for court or jury trial shall be made within five
33 days following the hearing on the conservatorship petition. If the
34 proposed conservatee demands a court or jury trial before the date
35 of the hearing as provided for in Section 5465, the demand shall
36 constitute a waiver of that hearing.

37 (2) Court or jury trial shall commence within 10 days of the
38 date of the demand, except that the court shall continue the trial
39 date for a period not to exceed 15 days upon the request of counsel
40 for the proposed conservatee.

(3) This right shall also apply in subsequent proceedings to reestablish a conservatorship.

(c) Conservatorship investigation shall be conducted pursuant to Chapter 3 (commencing with Section 5350) and shall not be subject to Section 1826 of, or Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of, the Probate Code.

(d) Notice of proceedings under this chapter shall be given to a guardian or conservator of the person or estate of the proposed conservatee appointed under the Probate Code and as otherwise provided in Section 5350.2.

(e) As otherwise provided for in this chapter.

(f) A conservatorship pursuant to this chapter shall not be established if a conservatorship or guardianship exists under Division 4 (commencing with Section 1400) of the Probate Code or under Chapter 3 (commencing with Section 5350).

(g) A petition seeking to establish a conservatorship pursuant to this chapter shall be filed with the court no later than 28 days following the eighth detention for evaluation and treatment pursuant to Section 5150 in a 12-month period, provided that the county health director, or the county health director's designee, has done all of the following:

(1) Before the eighth detention of the person in the 12-month period, all of the following:

(A) Made a finding pursuant to Section 5456.

(B) Confirmed that there are adequate resources to appropriately serve the person in the least restrictive manner.

(C) Designated the public conservator to serve as the potential conservator, and instructed that person to begin preparing for the investigation required pursuant to this chapter.

(2) On the seventh detention of the person in the 12-month period, provided the person with a written notice containing detailed information regarding the possibility that the person may be conserved pursuant to this chapter if they are detained once more in the 12-month period.

(3) Before the seventh detention of the person in the 12-month period, provided the person with the opportunity to engage in voluntary treatment for mental illness and substance use disorders.

(h) For the 28 days following the eighth detention, the county may establish a temporary conservatorship pursuant to Section 5465.5.

1 SEC. 2. Section 5452 of the Welfare and Institutions Code is
2 amended to read:

3 5452. For purposes of this chapter, the following definitions
4 apply:

5 (a) "Frequent detention for evaluation and treatment" means
6 eight or more detentions for evaluation and treatment in a 12-month
7 period.

8 (b) "Evaluation" consists of multidisciplinary professional
9 analyses of an individual's medical, psychological, educational,
10 social, financial, and legal conditions as they may appear to
11 constitute a problem. Persons providing evaluation services shall
12 be properly qualified professionals and may be full-time employees
13 of an agency providing face-to-face, which includes telehealth,
14 evaluation services or may be part-time employees or may be
15 employed on a contractual basis.

16 (c) "Intensive treatment" consists of such hospital and other
17 services as may be indicated. Intensive treatment shall be provided
18 by properly qualified professionals and carried out in facilities
19 qualifying for reimbursement under the Medi-Cal program as set
20 forth in Chapter 7 (commencing with Section 14000) of Part 3 of
21 Division 9, or under the federal Medicare Program as set forth in
22 Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social
23 Security Act and regulations thereunder. Intensive treatment may
24 be provided in hospitals of the United States government by
25 properly qualified professionals. This chapter does not prohibit an
26 intensive treatment facility from also providing 72-hour evaluation
27 and treatment.

28 ~~(d) "Serious mental illness and substance use disorder" means~~
29 ~~that the individual exhibits all of the following criteria:~~

30 ~~(1) A mental disorder that is severe in degree and persistent in~~
31 ~~duration, including, but not limited to, schizophrenia, bipolar~~
32 ~~disorder, post-traumatic stress disorder, major affective disorders,~~
33 ~~and other severely disabling mental disorders, as identified in the~~
34 ~~most recent edition of the Diagnostic and Statistical Manual of~~
35 ~~Mental Disorders (DSM), but that is not a developmental disorder~~
36 ~~or acquired traumatic brain injury, as defined in Section 4354.~~

37 ~~(2) A substance use disorder, as identified in the DSM.~~

38 ~~(3) The mental disorder or substance use disorder causes~~
39 ~~functional impairment that substantially interferes with the primary~~
40 ~~activities of daily living and results in an inability to maintain~~

1 stable adjustment and independent functioning without treatment,
2 support, and rehabilitation for a long or indefinite period of time.

3 ~~(4) As a result of the functional impairment caused by the mental~~
4 ~~disorder or substance use disorder, the individual is likely to~~
5 ~~become so disabled as to require public assistance, services, or~~
6 ~~entitlements.~~

7 *SEC. 3. Section 5453 of the Welfare and Institutions Code is*
8 *amended to read:*

9 5453. The purpose of conservatorship under this chapter is to
10 provide the least restrictive and most clinically appropriate
11 alternative needed for the protection of a person who is incapable
12 of caring for the person's own health and well-being due to a
13 serious mental illness and substance use disorder, as evidenced by
14 frequent detention for evaluation and treatment pursuant to Section
15 5150. *disorder.* If the court determines that the person needs to be
16 moved from the person's current residence, the placement shall
17 be in supportive community housing that provides wraparound
18 services, such as onsite physical and behavioral health services,
19 unless the court, with good cause, determines that such a placement
20 is not sufficient for the protection of that person.

21 ~~SEC. 3.~~

22 *SEC. 4. Section 5456 of the Welfare and Institutions Code is*
23 *amended to read:*

24 5456. (a) The establishment of a conservatorship pursuant to
25 this chapter is subject to a finding by the court that the behavioral
26 health director of the county or the city and county, or the director's
27 designee, has met either of the following conditions:

28 (a)

29 (1) The behavioral health director, or the director's designee,
30 previously attempted by petition to obtain a court order authorizing
31 assisted outpatient treatment pursuant to Article 9 (commencing
32 with Section 5345) of Chapter 2 for the person for whom
33 conservatorship is sought, and that the petition was denied or the
34 assisted outpatient treatment was insufficient to treat the person's
35 mental illness.

36 (b)

37 (2) The behavioral health director, or the director's designee,
38 evaluated whether assisted outpatient treatment is appropriate for
39 the person for whom conservatorship is sought, and concluded
40 that the person is not eligible for assisted outpatient treatment, or

1 reasonably determines that the person, as a matter of law, does
2 not meet the criteria described for assisted outpatient treatment
3 pursuant to Article 9 (commencing with Section 5345) of Chapter
4 2, or finds by clear and convincing evidence that assisted outpatient
5 treatment would be insufficient to treat the person in the instant
6 matter in lieu of a conservatorship.

7 (b) The basis for the findings described in subdivision (a) shall
8 be documented and included with the petition for a
9 conservatorship.

10 SEC. 5. Section 5462 of the Welfare and Institutions Code is
11 amended to read:

12 5462. (a) ~~Conservatorship~~ Except as provided in subdivision
13 (c), a conservatorship initiated pursuant to this chapter shall
14 automatically terminate ~~one year~~ six months after the appointment
15 of the conservator by the superior court, or after a shorter period
16 if ordered by the court. If upon the termination of an initial or a
17 succeeding period of conservatorship the conservator determines
18 that conservatorship is still required, the conservator may petition
19 the superior court for the conservator's reappointment as
20 conservator for a succeeding ~~one year~~ six-month period or any
21 shorter period.

22 (b) Any program in which a conservatee is placed shall release
23 the conservatee at the conservatee's request when the
24 conservatorship terminates. A petition for reappointment filed by
25 the conservator or a petition for appointment filed by a public
26 guardian or public conservator shall be transmitted to the program
27 at least 30 days before the automatic termination date.

28 (c) Every 60 days, a conservator shall file a report with the
29 court regarding the conservatee's progress and engagement with
30 treatment.

31 (1) The report shall set forth the reasons demonstrating the
32 following:

33 (A) Continuing the conservatorship.

34 (B) The treatment plan for the following 60 days.

35 (C) That the treatment plan is the least restrictive alternative.

36 (2) If the court is not satisfied that the conservatorship continues
37 to be justified, the court may terminate the conservatorship or
38 reduce the length of the conservatorship.

39 SEC. 6. Section 5463 of the Welfare and Institutions Code is
40 amended to read:

1 5463. (a) The clerk of the superior court shall notify each
2 conservator, the conservatee, the person in charge of the program
3 in which the conservatee receives services, and the conservatee's
4 attorney, at least 60 days before the termination of the ~~one-year~~
5 *six-month* or shorter period. Notification shall be given in person
6 or by first-class mail.

7 (b) If the conservator does not petition to reestablish
8 conservatorship at or before the termination of the ~~one-year~~
9 *six-month* or shorter period, the court shall issue a decree
10 terminating conservatorship. The decree shall be sent to the
11 conservator and the conservatee by first-class mail.

12 (c) The Judicial Council may adopt rules, forms, and standards
13 necessary to implement this chapter.

14 **SEC. 4.**

15 **SEC. 7.** Section 5465.5 is added to the Welfare and Institutions
16 Code, to read:

17 5465.5. (a) The court may establish a temporary
18 conservatorship for a period not to exceed ~~30~~ 28 days and appoint
19 a temporary conservator on the basis of the comprehensive report
20 of the officer providing conservatorship investigation filed pursuant
21 to Section 5457, or on the basis of an affidavit of the professional
22 person who recommended conservatorship stating the reasons for
23 that person's recommendation, if the court is satisfied that the
24 comprehensive report or affidavit shows the necessity for a
25 temporary conservatorship.

26 (b) Except as provided in this section, all temporary
27 conservatorships shall expire automatically at the conclusion of
28 ~~30~~ 28 days, unless prior to that date the court conducts a hearing
29 on the issue of whether the proposed conservatee is incapable of
30 caring for the proposed conservatee's own health and well-being
31 due to a serious mental illness and substance use disorder.

32 (c) If the proposed conservatee demands a court or jury trial on
33 the issue of whether the proposed conservatee is incapable of caring
34 for their own health and well-being due to a serious mental illness
35 and substance use disorder, the court may extend the temporary
36 conservatorship until the date of the disposition of the issue by the
37 court or jury trial. However, the extension shall not exceed a period
38 of six months.

1 SEC. 5.

2 SEC. 8. This act is an urgency statute necessary for the
3 immediate preservation of the public peace, health, or safety within
4 the meaning of Article IV of the California Constitution and shall
5 go into immediate effect. The facts constituting the necessity are:
6 In order to effectively implement Senate Bill 1045 of the
7 2017–18 Regular Session (Chapter 845 of the Statutes of 2018),
8 which established a procedure, in the County of Los Angeles, the
9 County of San Diego, and the City and County of San Francisco,
10 for the appointment of a conservator for a person who is incapable
11 of caring for the person's own health and well-being due to a
12 serious mental illness and substance use disorder, it is necessary
13 that this act take effect immediately.

O



SB 128 (Beall) Analysis and Recommendation

TITLE: SB 128 – Enhanced infrastructure financing districts: bonds: issuance.

AUTHOR(S): Beall (D – San Jose)

SPONSOR(S): California Association for Local Economic Development

BACKGROUND:

Until 2011, the Community Redevelopment Law allowed local officials to set up redevelopment agencies (RDAs), prepare and adopt redevelopment plans, and finance redevelopment activities. Citing a significant State General Fund deficit, Governor Brown's 2011-12 budget proposed eliminating redevelopment agencies and returning billions of dollars of property tax revenues to schools, cities, and counties to fund core services. The dissolution of RDAs deprived many local agencies of the primary tool used to eliminate physical and economic blight, finance new construction, improve public infrastructure, rehabilitate existing buildings, and increase the supply of affordable housing.

In response to the dissolution of RDAs, the Legislature enacted SB 628 (Beall, 2014) to allow local officials to create Enhanced Infrastructure Financing Districts (EIFDs), which augment the tax increment financing powers available to local agencies under existing infrastructure financing district statutes. City or county officials can create an EIFD to finance public capital facilities or other specified projects of community-wide significance that provide benefits to the district or the surrounding community. An EIFD is governed by a public financing authority with a specified membership comprised of both public members and members from the legislative body of a participating taxing entity or entities. Presently, EIFDs require 55 percent voter approval to issue bonds.

PURPOSE:

Senate Bill 128 would repeal the 55 percent voter approval requirement for an EIFD to issue bonds after the EIFD board approves the bond issuance. The bill is intended to streamline existing law authorizing EIFDs and increase their utilization across the state.

BART IMPACT:

SB 128 would assist Bay Area cities and counties in raising local funds to address the regional housing crisis and invest in public infrastructure. Transit facilities, transit-oriented development projects, and affordable housing are some of the projects that could benefit from additional funding approved by an EIFDs governing body.

KNOWN SUPPORT/OPPOSITION:

Support: California Association for Local Economic Development; American Planning Association; California Special Districts Association; California State Association of Counties; California Transit Association; City of Indio; City of Lakeport; City of Merced; City of West Hollywood; County of Stanislaus; Greater Sacramento Economic Council; Madera County Economic Development Commission.

Opposition: Southwest California Legislative Council

OTHER COMMENTS:

In 2011, BART, working with Assemblymember Ma, sponsored AB 485, which would have allowed for the creation of Infrastructure Finance Districts as a source of funding for TOD. This bill was held by the author due to concerns expressed by the Brown Administration with deleting the voting requirement. In 2014, BART successfully worked with Senator Beall to pass SB 628 and more recently has supported efforts to expand financing tools available to localities to support infrastructure projects.

Additionally, SB 128 is consistent with Governor Newsom's proposed FY 2019-20 budget, which calls for the elimination of the EIFD voter requirements.

STATUS:

1/10/19 introduced; Passed the Senate Governance and Finance Committee (6-0) on 3/20/19; Passed the Senate Floor (25-8) on 3/28/19 and ordered to the Assembly.

RECOMMENDATION:

☒ **Support**

☐ **Watch**

☐ **Oppose**

Analysis completed on 04/16/19.

AMENDED IN SENATE MARCH 21, 2019

SENATE BILL

No. 128

Introduced by Senator Beall
(Coauthor: Assembly Member Mullin)

January 10, 2019

An act to amend Sections 53398.58, 53398.63, 53398.66, 53398.69, 53398.77, and 53398.88 of, to amend and renumber Section 53398.80.5 of, and to repeal Sections 53398.67, 53398.78, 53398.79, 53398.80, 53398.81, and 53398.82 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Beall. Enhanced infrastructure financing districts: bonds: issuance.

Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. *Existing law requires a public financing authority to adopt an infrastructure financing plan and hold a public hearing on the plan, as specified.* Existing law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Existing law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance.

This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters. The bill would require the resolution to issue bonds to contain

specified information related to the issuance of the bonds. *The bill would also require the public financing authority to hold three public hearings on an enhanced infrastructure financing plan, as specified.* The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53398.58 of the Government Code is
2 amended to read:

3 53398.58. An action to determine the validity of the issuance
4 of bonds pursuant to this chapter may be brought pursuant to
5 Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of
6 the Code of Civil Procedure. However, notwithstanding the time
7 limits specified in Section 860 of the Code of Civil Procedure, the
8 action shall be commenced within 30 days after adoption of the
9 resolution pursuant to Section 53398.77 providing for issuance of
10 the bonds if the action is brought by an interested person pursuant
11 to Section 863 of the Code of Civil Procedure. Any appeal from
12 a judgment in that action or proceeding shall be commenced within
13 30 days after entry of judgment.

14 SEC. 2. Section 53398.63 of the Government Code is amended
15 to read:

16 53398.63. After receipt of a copy of the resolution of intention
17 to establish a district, the official designated pursuant to Section
18 53395.62 shall prepare a proposed infrastructure financing plan.
19 The infrastructure financing plan shall be consistent with the
20 general plan of the city or county within which the district is
21 located and shall include all of the following:

22 (a) A map and legal description of the proposed district, which
23 may include all or a portion of the district designated by the
24 legislative body in its resolution of intention.

25 (b) A description of the public facilities and other forms of
26 development or financial assistance that is proposed in the area of
27 the district, including those to be provided by the private sector,
28 those to be provided by governmental entities without assistance
29 under this chapter, those public improvements and facilities to be
30 financed with assistance from the proposed district, and those to
31 be provided jointly. The description shall include the proposed

1 location, timing, and costs of the development and financial
2 assistance.

3 (c) If funding from affected taxing entities is incorporated into
4 the financing plan, a finding that the development and financial
5 assistance are of communitywide significance and provide
6 significant benefits to an area larger than the area of the district.

7 (d) A financing section, which shall contain all of the following
8 information:

9 (1) A specification of the maximum portion of the incremental
10 tax revenue of the city or county and of each affected taxing entity
11 proposed to be committed to the district for each year during which
12 the district will receive incremental tax revenue. The portion need
13 not be the same for all affected taxing entities. The portion may
14 change over time.

15 (2) A projection of the amount of tax revenues expected to be
16 received by the district in each year during which the district will
17 receive tax revenues, including an estimate of the amount of tax
18 revenues attributable to each affected taxing entity for each year.

19 (3) A plan for financing the public facilities to be assisted by
20 the district, including a detailed description of any intention to
21 incur debt.

22 (4) A limit on the total number of dollars of taxes that may be
23 allocated to the district pursuant to the plan.

24 (5) A date on which the district will cease to exist, by which
25 time all tax allocation to the district will end. The date shall not
26 be more than 45 years from the date on which the issuance of bonds
27 is approved pursuant to Section 53398.77, or the issuance of a loan
28 is approved by the governing board of a local agency pursuant to
29 Section 53398.87.

30 (6) An analysis of the costs to the city or county of providing
31 facilities and services to the area of the district while the area is
32 being developed and after the area is developed. The plan shall
33 also include an analysis of the tax, fee, charge, and other revenues
34 expected to be received by the city or county as a result of expected
35 development in the area of the district.

36 (7) An analysis of the projected fiscal impact of the district and
37 the associated development upon each affected taxing entity.

38 (8) A plan for financing any potential costs that may be incurred
39 by reimbursing a developer of a project that is both located entirely
40 within the boundaries of that district and qualifies for the Transit

1 Priority Project Program, pursuant to Section 65470, including
2 any permit and affordable housing expenses related to the project.

3 (e) If any dwelling units within the territory of the district are
4 proposed to be removed or destroyed in the course of public works
5 construction within the area of the district or private development
6 within the area of the district that is subject to a written agreement
7 with the district or that is financed in whole or in part by the
8 district, a plan providing for replacement of those units and
9 relocation of those persons or families consistent with the
10 requirements of Section 53398.56.

11 (f) The goals the district proposes to achieve for each project
12 financed pursuant to Section 53398.52.

13 *SEC. 3. Section 53398.66 of the Government Code is amended*
14 *to read:*

15 53398.66. (a) (1) The public financing authority shall conduct
16 ~~a public hearing prior to adopting the proposed infrastructure~~
17 ~~financing plan. The public hearing shall be called no sooner than~~
18 ~~60 days after the plan has been sent to each affected taxing entity.~~
19 ~~consider adoption of the enhanced infrastructure financing plan~~
20 ~~at three public hearings that shall take place at least 30 days apart.~~
21 In addition to the notice given to landowners and affected taxing
22 entities pursuant to Sections 53398.60 and 53398.61, notice of the
23 ~~each public hearing shall be given by publication not less than~~
24 ~~once a week for four successive weeks in a newspaper of general~~
25 ~~circulation published in the city or county in which the proposed~~
26 ~~district is located. The notice shall state that the district will be~~
27 ~~used to finance public facilities or development, briefly describe~~
28 ~~the public facilities or development, briefly describe the proposed~~
29 ~~financial arrangements, including the proposed commitment of~~
30 ~~incremental tax revenue, describe the boundaries of the proposed~~
31 ~~district and state the day, hour, and place when and where any~~
32 ~~persons having any objections to the proposed infrastructure~~
33 ~~financing plan, or the regularity of any of the prior proceedings,~~
34 ~~may appear before the public financing authority and object to the~~
35 ~~adoption of the proposed plan by the public financing authority.~~
36 *in accordance with subdivision (i).*

37 (2) *At the first public hearing, the public financing authority*
38 *shall hear all written and oral comments, but take no action.*

39 (3) *At the second public hearing, the public financing authority*
40 *shall consider any additional written and oral comments and take*

1 action to modify or reject the enhanced infrastructure financing
2 plan. If the enhanced infrastructure financing plan is not rejected
3 at the second public hearing, then the public financing authority
4 shall conduct a protest proceeding at the third public hearing to
5 consider whether the landowners and residents within the enhanced
6 infrastructure financing plan area wish to present oral or written
7 protests against the adoption of the enhanced infrastructure
8 financing plan.

9 (b) The draft-enhanced infrastructure financing plan shall be
10 made available to the public and to each landowner within the
11 area at a meeting held at least 30 days prior to the notice given
12 for the first public hearing. The purposes of the meeting shall be
13 to allow the staff of the public financing authority to present the
14 draft-enhanced infrastructure financing plan, answer questions
15 about the enhanced infrastructure financing plan, and consider
16 comments about the enhanced infrastructure financing plan.

17 (c) (1) Notice of the meeting required by subdivision (b) and
18 the public hearings required by subdivision (a) shall be given in
19 accordance with subdivision (i). The notice shall do the following,
20 as applicable:

21 (A) Describe specifically the boundaries of the proposed area.

22 (B) Describe the purpose of the enhanced infrastructure
23 financing plan.

24 (C) State the day, hour, and place when and where any and all
25 persons having any comments on the proposed enhanced
26 infrastructure financing plan may appear to provide written or
27 oral comments to the enhanced infrastructure financing district.

28 (D) Notice of the second public hearing shall include a summary
29 of the changes made to the enhanced infrastructure financing plan
30 as a result of the oral and written testimony received at or before
31 the public hearing and shall identify a location accessible to the
32 public where the enhanced infrastructure financing plan proposed
33 to be presented at the second public hearing can be reviewed.

34 (E) Notice of the third public hearing to consider any written
35 or oral protests shall contain a copy of the enhanced infrastructure
36 financing plan, and shall inform the landowner and resident of
37 their right to submit an oral or written protest before the close of
38 the public hearing. The protest may state that the landowner or
39 resident objects to the public financing authority taking action to
40 implement the enhanced infrastructure financing plan.

1 (2) At the third public hearing, the public financing authority
2 shall consider all written and oral protests received prior to the
3 close of the public hearing along with the recommendations, if
4 any, of affected taxing entities, and shall terminate the proceedings
5 or adopt the enhanced infrastructure financing plan subject to
6 confirmation by the voters at an election called for that purpose.
7 The public financing authority shall terminate the proceedings if
8 there is a majority protest. A majority protest exists if protests
9 have been filed representing over 50 percent of the combined
10 number of landowners and residents in the area who are at least
11 18 years of age. An election shall be called if between 25 percent
12 and 50 percent of the combined number of landowners and
13 residents in the area who are at least 18 years of age file a protest.

14 (d) An election required pursuant to paragraph (2) of
15 subdivision (c) shall be held within 90 days of the public hearing
16 and may be held by mail-in ballot. The public financing authority
17 shall adopt, at a duly noticed public hearing, procedures for this
18 election.

19 (e) If a majority of the landowners and residents vote against
20 the enhanced infrastructure financing plan, then the public
21 financing authority shall not take any further action to implement
22 the proposed enhanced infrastructure financing plan. The public
23 financing authority shall not propose a new or revised enhanced
24 infrastructure financing plan to the affected landowners and
25 residents for at least one year following the date of an election in
26 which the enhanced infrastructure financing plan was rejected.

27 (f) At the hour set in the notices required by subdivision (a), the
28 public financing authority shall consider all written and oral
29 comments.

30 (g) If less than 25 percent of the combined number of
31 landowners and residents in the area who are at least 18 years of
32 age file a protest, the public financing authority may adopt the
33 enhanced infrastructure financing plan at the conclusion of the
34 third public hearing by ordinance. The ordinance adopting the
35 enhanced infrastructure financing plan shall be subject to
36 referendum as prescribed by law.

37 (h) The public financing authority shall consider and adopt an
38 amendment or amendments to an enhanced infrastructure financing
39 plan in accordance with the provisions of this section.

1 (i) The public financing authority shall post notice of each
2 meeting or public hearing required by this section in an easily
3 identifiable and accessible location on the enhanced infrastructure
4 financing district's internet website and shall mail a written notice
5 of the meeting or public hearing to each landowner, each resident,
6 and each taxing entity at least 10 days prior to the meeting or
7 public hearing.

8 (1) Notice of the first public hearing shall also be published not
9 less than once a week for four successive weeks prior to the first
10 public hearing in a newspaper of general circulation published in
11 the county in which the area lies. The notice shall state that the
12 district will be used to finance public facilities or development,
13 briefly describe the public facilities or development, briefly
14 describe the proposed financial arrangements, including the
15 proposed commitment of incremental tax revenue, describe the
16 boundaries of the proposed district, and state the day, hour, and
17 place when and where any persons having any objections to the
18 proposed infrastructure financing plan, or the regularity of any
19 of the prior proceedings, may appear before the public financing
20 authority and object to the adoption of the proposed plan by the
21 public financing authority.

22 (2) Notice of the second public hearing shall also be published
23 not less than 10 days prior to the second public hearing in a
24 newspaper of general circulation in the county in which the area
25 lies. The notice shall state that the district will be used to finance
26 public facilities or development, briefly describe the public
27 facilities or development, briefly describe the proposed financial
28 arrangements, describe the boundaries of the proposed district,
29 and state the day, hour, and place when and where any persons
30 having any objections to the proposed infrastructure financing
31 plan, or the regularity of any of the prior proceedings, may appear
32 before the public financing authority and object to the adoption
33 of the proposed plan by the public financing authority.

34 (3) Notice of the third public hearing shall also be published
35 not less than 10 days prior to the third public hearing in a
36 newspaper of general circulation in the county in which the area
37 lies. The notice shall state that the district will be used to finance
38 public facilities or development, briefly describe the public
39 facilities or development, briefly describe the proposed financial
40 arrangements, describe the boundaries of the proposed district,

1 and state the day, hour, and place when and where any persons
2 having any objections to the proposed infrastructure financing
3 plan, or the regularity of any of the prior proceedings, may appear
4 before the public financing authority and object to the adoption
5 of the proposed plan by the public financing authority.

6 (j) (1) The public financing authority shall review the enhanced
7 infrastructure financing plan at least annually and make any
8 amendments that are necessary and appropriate and shall require
9 the preparation of an annual independent financial audit paid for
10 from revenues of the enhanced infrastructure financing district.

11 (2) A public financing authority shall adopt an annual report
12 on or before June 30 of each year after holding a public hearing.
13 Written copies of the draft report shall be made available to the
14 public 30 days prior to the public hearing. The public financing
15 authority shall cause the draft report to be posted in an easily
16 identifiable and accessible location on the enhanced infrastructure
17 financing district's internet website and shall mail a written notice
18 of the availability of the draft report on the internet website to
19 each owner of land and each resident within the area covered by
20 the enhanced infrastructure financing plan and to each taxing
21 entity that has adopted a resolution pursuant to Section 53398.68.
22 The notice shall be mailed by first-class mail, but may be addressed
23 to "occupant."

24 (3) The annual report shall contain all of the following:

25 (A) A description of the projects undertaken in the fiscal year,
26 including any rehabilitation of structures, and a comparison of
27 the progress expected to be made on those projects compared to
28 the actual progress.

29 (B) A chart comparing the actual revenues and expenses,
30 including administrative costs, of the public financing authority
31 to the budgeted revenues and expenses.

32 (C) The amount of tax increment revenues received.

33 (D) An assessment of the status regarding completion of the
34 enhanced infrastructure financing district's projects.

35 (E) The amount of revenues expended to assist private
36 businesses.

37 (4) If the public financing authority fails to provide the annual
38 report required by paragraph (3), the public financing authority
39 shall not spend any funds received pursuant to a resolution adopted

1 pursuant to this chapter until the public financing authority has
2 provided the report.

3 SEC. 4. Section 53398.67 of the Government Code is repealed.

4 ~~53398.67. At the hour set in the required notices, the public~~
5 ~~financing authority shall proceed to hear and pass upon all written~~
6 ~~and oral objections. The hearing may be continued from time to~~
7 ~~time. The public financing authority shall consider the~~
8 ~~recommendations, if any, of affected taxing entities, and all~~
9 ~~evidence and testimony for and against the adoption of the plan.~~
10 ~~The public financing authority may modify the plan by eliminating~~
11 ~~or reducing the size and cost of proposed facilities or development,~~
12 ~~by reducing the amount of proposed debt, or by reducing the~~
13 ~~portion, amount, or duration of incremental tax revenues to be~~
14 ~~committed to the district.~~

15 SEC. 3.

16 SEC. 5. Section 53398.69 of the Government Code, as amended
17 by Chapter 599 of the Statutes of 2017, is amended to read:

18 53398.69. (a) (1) ~~At the conclusion of the hearing,~~ *hearings*
19 *pursuant to Section 53398.66*, the public financing authority may
20 adopt a resolution proposing adoption of the infrastructure
21 financing plan, as modified, and formation of the enhanced
22 infrastructure financing district in a manner consistent with Section
23 53398.68, or it may adopt a resolution abandoning the proceedings.
24 If the proceedings are abandoned, then the public financing
25 authority shall cease to exist by operation of this section with no
26 further action required of the legislative body and the legislative
27 body may not enact a resolution of intention to establish a district
28 that includes the same geographic area within one year of the date
29 of the resolution abandoning the proceedings.

30 (2) In the case of an infrastructure financing plan adopted
31 pursuant to Section 53398.75.7, the proceedings set forth in
32 subdivision (e) of that section shall govern the adoption of the
33 infrastructure financing plan.

34 (b) The infrastructure financing plan shall take effect upon the
35 adoption of the resolution. The infrastructure financing plan shall
36 specify if the district shall be funded solely through the district's
37 share of tax increment, governmental or private loans, grants,
38 bonds, assessments, fees, or some combination thereof. However,
39 the public financing authority shall not issue bonds or levy

1 assessments or fees that may be included in the infrastructure
2 financing plan before one or more of the following:

3 (1) The adoption of a resolution meeting the requirements of
4 Section 53398.77, and, if applicable, subdivision (c) of Section
5 53398.78, to issue bonds to finance the infrastructure financing
6 plan.

7 (2) Compliance with the procedures required in subdivision (f)
8 of Section 53398.75, to levy assessments or fees to finance the
9 infrastructure financing plan.

10 (c) In addition, the district may expend up to 10 percent of any
11 accrued tax increment in the first two years of the effective date
12 of the enhanced infrastructure financing district on planning and
13 dissemination of information to the residents within the district's
14 boundaries about the infrastructure financing plan and planned
15 activities to be funded by the district.

16 ~~SEC. 4.~~

17 *SEC. 6.* Section 53398.77 of the Government Code is amended
18 to read:

19 53398.77. The public financing authority may, by majority
20 vote, issue bonds pursuant to this chapter by adopting a resolution
21 that includes all of the following:

22 (a) A description of the facilities or developments to be financed
23 with the proceeds of the proposed bond issue.

24 (b) The estimated cost of the facilities or developments, the
25 estimated cost of preparing and issuing the bonds, and the principal
26 amount of the bond issuance.

27 (c) The maximum interest rate and discount on the bond
28 issuance.

29 (d) A determination of the amount of tax revenue available or
30 estimated to be available, for the payment of the principal of, and
31 interest on, the bonds.

32 (e) A finding that the amount necessary to pay the principal of,
33 and interest on, the bond issuance will be less than, or equal to,
34 the amount determined pursuant to subdivision (d).

35 (f) The issuance of the bonds in one or more series.

36 (g) The principal amount of the bonds that shall be consistent
37 with the amount specified in subdivision (b).

38 (h) The date the bonds will bear.

39 (i) The date of maturity of the bonds.

40 (j) The denomination of the bonds.

- 1 (k) The form of the bonds.
2 (l) The manner of execution of the bonds.
3 (m) The medium of payment in which the bonds are payable.
4 (n) The place or manner of payment and any requirements for
5 registration of the bonds.
6 (o) The terms of call or redemption, with or without premium.
7 ~~SEC. 5.~~
8 *SEC. 7.* Section 53398.78 of the Government Code is repealed.
9 ~~SEC. 6.~~
10 *SEC. 8.* Section 53398.79 of the Government Code is repealed.
11 ~~SEC. 7.~~
12 *SEC. 9.* Section 53398.80 of the Government Code is repealed.
13 ~~SEC. 8.~~
14 *SEC. 10.* Section 53398.80.5 of the Government Code is
15 amended and renumbered to read:
16 53398.78 (a) If the public financing authority adopts a
17 resolution to issue bonds pursuant to Section 53398.77 for port or
18 harbor infrastructure, it shall, before issuing the bonds, submit the
19 resolution to issue bonds to the affected harbor agency pursuant
20 to Section 1713 of the Harbors and Navigation Code for its
21 preliminary approval.
22 (b) If the harbor agency grants preliminary approval, the
23 proposal shall be considered by the State Lands Commission for
24 final approval pursuant to Section 1714 of the Harbors and
25 Navigation Code.
26 (c) If the State Lands Commission votes in favor of the issuance
27 of the bonds as provided in Section 1714 of the Harbors and
28 Navigation Code, the public financing authority may issue bonds
29 pursuant to Section 53398.77.
30 ~~SEC. 9.~~
31 *SEC. 11.* Section 53398.81 of the Government Code is repealed.
32 ~~SEC. 10.~~
33 *SEC. 12.* Section 53398.82 of the Government Code is repealed.
34 ~~SEC. 11.~~
35 *SEC. 13.* Section 53398.88 of the Government Code is amended
36 to read:
37 53398.88. (a) Every two years after the issuance of debt
38 pursuant to Section 53398.77, the district shall contract for an
39 independent financial and performance audit. The audit shall be
40 conducted according to guidelines established by the Controller.

- 1 A copy of the completed audit shall be provided to the Controller,
- 2 the Director of Finance, and to the Joint Legislative Budget
- 3 Committee.
- 4 (b) Upon the request of the Governor or of the Legislature, the
- 5 Bureau of State Audits shall be authorized to conduct financial
- 6 and performance audits of districts. The results of the audits shall
- 7 be provided to the district, the Controller, the Director of Finance,
- 8 and the Joint Legislative Budget Committee.



SB 152 (Beall) Analysis and Recommendation

TITLE: SB 152 – Active Transportation Program.

AUTHOR(S): Beall (D – San Jose)

SPONSOR(S): Metropolitan Transportation Commission

BACKGROUND:

The Active Transportation Program (ATP), established in 2013, consolidates several federal and state transportation programs, including the Transportation Alternatives Program, Bicycle Transportation Account, and State Safe Routes to School, into a single program. It is administered by the Office of Active Transportation and Special Programs (OAT) in Caltrans' Division of Local Assistance. The ATP aims to increase the number of bicycling and walking trips, increase safety and mobility for bicyclists and pedestrians, reduce greenhouse gas emissions through active transportation, enhance public health, and provide benefits to disadvantaged communities.

The California Transportation Commission (CTC) is required to adopt a program of projects for the ATP by April 1 of each odd-numbered year. ATP funds, approximately \$200 million annually, must be allocated by the CTC as follows: 40 percent to metropolitan planning organizations (MPOs) in urban areas with populations greater than 200,000; 10 percent to small urban and rural areas with populations of 200,000 or less, with funds competitively awarded by the CTC to projects in these regions; and 50 percent to projects competitively awarded by the CTC on a statewide basis. At least 25 percent of funds distributed in each of these categories must benefit disadvantaged communities.

PURPOSE:

SB 152 would modify current ATP allocations by distributing 75 percent to MPOs; 15 percent to small urban and rural regions; and 10 percent to projects of a transformative nature. Funds for small/urban regions and transformative projects would be distributed by CTC. The bill would require the CTC to adopt separate guidelines for MPOs, which would include selection criteria and the types of projects eligible for program funds. SB 128 authorizes an MPO to perform its own competitive project selection process using regional guidelines or request the CTC perform the competitive project selection process on its behalf. The bill would require the CTC to allocate these funds to MPOs as a lump sum, unless the MPO requests CTC conduct the competitive selection process on its behalf.

BART IMPACT:

SB 152, as proposed, would have no impact on BART funding eligibility. Despite serving disadvantaged communities and including increased bike and pedestrian access in the Board adopted Station Access Policy, BART typically does not score well in its ability to meet the goals of ATP as a rail system. There is significant potential benefit to BART's local partners investing in bike and pedestrian facilities as it would provide a predictable level of annual funding. Based on the current two-year ATP funding cycle of \$438 million, SB 152 would have the potential to almost double the Bay Area's share of the regional funding from \$37 million to \$69 million with similar increases occurring for all MPOs.

KNOWN SUPPORT/OPPOSITION:

Support: City of San Jose, Metropolitan Transportation Commission, Orange County Transportation Authority, Riverside County Transportation Commission, San Francisco County Transportation Authority

Opposition:California Bicycle Coalition, California Walks, Leadership Counsel for Justice and Accountability, Los Angeles County Metropolitan Transportation Commission, PolicyLink, Redwood Community Action Agency, Safe Routes to School National Partnership, Walk Sacramento, Walk Long Beach

OTHER COMMENTS:

None

STATUS:

Introduced 1/22/19; Passed the Senate Transportation Committee (10-1) on 4/9/19 and re-referred to the Senate Appropriations Committee.

RECOMMENDATION:

☒ **Support**

☐ Watch

☐ Oppose

Analysis completed on 04/16/19.

AMENDED IN SENATE MARCH 20, 2019

SENATE BILL

No. 152

Introduced by Senator Beall

January 22, 2019

~~An act relating to vehicles. An act to amend Sections 2381, 2382, and 2384 of the Streets and Highways Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 152, as amended, Beall. ~~Department of Motor Vehicles. Active Transportation Program.~~

Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires specified funds for the program to be appropriated to the department in the annual Budget Act and allocated to eligible projects by the California Transportation Commission. Existing law requires the commission to award 50% of available funds to projects competitively awarded by the commission on a statewide basis, 10% of available funds to projects in small urban and rural regions, and the remaining 40% of available funds to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population. Existing law requires the commission to develop guidelines and project selection criteria for the program in consultation with various agencies and interested parties. To ensure that MPOs have sufficient discretion to develop regional guidelines, existing law authorizes the commission to adopt separate guidelines for the state and the MPOs with regard to project selection criteria. Existing law requires the commission to initially adopt a 2-year

program of projects for the program, with subsequent 4-year programs thereafter.

This bill would require that 75% of available funds be awarded to projects selected by MPOs in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and 10% to projects of a transformative nature competitively awarded by the commission on a statewide basis. The bill would require, rather than authorize, the commission to adopt separate guidelines for the MPOs to ensure that they have sufficient discretion to adopt regional guidelines. The bill would authorize an MPO to perform its own competitive project selection process using the regional guidelines adopted by the commission, or to request the commission to perform the competitive project selection process on the MPO's behalf using guidelines adopted by the commission for the projects awarded in small urban and rural regions and on a statewide basis. With respect to the funds made available to MPOs, the bill would require the commission to allocate those funds to each MPO as a lump sum for award to projects selected by the applicable MPO, unless the MPO requests the commission to conduct the competitive selection process on behalf of the MPO.

~~Existing law establishes the Department of Motor Vehicles in the Transportation Agency and sets forth the powers and duties of the department, as specified.~~

~~This bill would declare the intent of the Legislature to enact legislation to implement efficiencies at the department in order to improve service.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2381 of the Streets and Highways Code
- 2 is amended to read:
- 3 2381. (a) The Active Transportation Program shall be funded
- 4 by state and federal funds from appropriations in the annual Budget
- 5 Act. ~~Funds Notwithstanding subdivision (b) of Section 2032, funds~~
- 6 for the program shall be appropriated to the department, for
- 7 allocation by the commission. *With respect to funding provided*
- 8 pursuant to this chapter, it is the intent of the Legislature that any
- 9 project savings or funds remaining if a project loses funding

1 *provided pursuant to this chapter remain in the Active*
2 *Transportation Program.* The amount to be appropriated annually
3 shall include 100 percent of the federal Transportation Alternative
4 Program funds, except for any federal Recreational Trails Program
5 funds appropriated to the Department of Parks and Recreation;
6 twenty-one million dollars (\$21,000,000) of federal Highway
7 Safety Improvement funds or other federal funds; *one hundred*
8 *million dollars (\$100,000,000) from the Road Maintenance and*
9 *Rehabilitation Account pursuant to subdivision (b) of Section 2032;*
10 *and State Highway Account funds.* Future funding may be
11 augmented if state or federal funds increase, or if other funding
12 sources are identified. Funds appropriated for the Active
13 Transportation Program shall be distributed as follows:

14 (1) ~~Forty~~ *Seventy-five* percent to metropolitan planning
15 organizations in urban areas with populations greater than 200,000,
16 in proportion to their relative share of population. Funds ~~allocated~~
17 *awarded* under this paragraph shall be obligated for eligible
18 projects selected through a competitive process by the metropolitan
19 planning organizations ~~in consultation with the department and~~
20 ~~the commission and~~ in accordance with guidelines established
21 pursuant to this chapter. *These funds shall be allocated by the*
22 *commission as a lump sum amount to each metropolitan planning*
23 *organization in the same manner as other local assistance funds,*
24 *except if the metropolitan planning organization requests the*
25 *commission to perform the competitive selection process pursuant*
26 *to subdivision (l) of Section 2382. In order to apply for funding*
27 *for a project pursuant to this paragraph, a project applicant is not*
28 *required to also apply for funding for that project pursuant to*
29 *paragraph (3).*

30 (2) ~~Ten~~ *Fifteen* percent to small urban and rural regions with
31 populations of 200,000 or less, with projects competitively awarded
32 by the commission to projects in those regions.

33 (3) ~~Fifty~~ *Ten* percent to projects *of a transformative nature*
34 competitively awarded by the commission on a statewide basis.

35 (b) For the purpose of paragraph (1) of subdivision (a), the
36 following shall apply in the region served by the ~~multicounty~~
37 ~~designated transportation planning agency described in Section~~
38 ~~130004 the Public Utilities Code: Southern California Association~~
39 *of Governments:*

(1) ~~The multicounty designated transportation planning agency~~ *Southern California Association of Governments* shall consult with the county transportation commissions created pursuant to Sections 130050, 130050.1, and 132800 of the Public Utilities Code, the commission, and the department in the development of competitive selection criteria to be adopted by the ~~multicounty designated transportation planning agency~~, *Southern California Association of Governments*, which should include consideration of geographic equity, consistent with program objectives.

(2) ~~The multicounty designated transportation planning agency~~ *Southern California Association of Governments* shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.

(3) ~~The multicounty designated transportation planning agency~~ *Southern California Association of Governments* shall obtain concurrence from the county transportation commissions, adopt the projects selected in a comprehensive program of projects, and make funds available to selected project recipients.

(c) The Legislature finds and declares that the program described in this chapter constitutes a highway purpose under Article XIX of the California Constitution and justifies the expenditure of highway funds therefor, and all expenditures of Article XIX funds under this program shall be consistent with Article XIX.

SEC. 2. *Section 2382 of the Streets and Highways Code is amended to read:*

2382. (a) ~~The California Transportation Commission~~ *commission* shall develop guidelines and project selection criteria *applicable to paragraphs (2) and (3) of subdivision (a) of Section 2381* for the Active Transportation Program in consultation with the Active Transportation Program Workgroup, which shall be formed for purposes of providing guidance on matters including, but not limited to, development of and subsequent revisions to program guidelines, schedules and procedures, project selection criteria, performance measures, and program evaluation. The workgroup shall include, but not be limited to, representatives of government agencies and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

1 (b) ~~The guidelines shall be the complete and full statement of~~
2 ~~the policies and criteria that the commission intends to use in~~
3 ~~selecting projects to be included in the program.~~ The guidelines
4 shall address subjects that include, but are not limited to, project
5 eligibility, application timelines, application rating and ranking
6 criteria, project monitoring, reporting, and transparency, and project
7 performance measurement.

8 (c) The guidelines shall include a process to ensure that no less
9 than 25 percent of overall program funds benefit disadvantaged
10 communities during each program cycle. The guidelines shall
11 establish a program definition for disadvantaged communities that
12 may include, but ~~need~~ *shall* not be limited to, the ~~definition~~
13 *description* in Section 39711 of the Health and Safety Code and
14 the definition of low-income schools in paragraph (7) of
15 subdivision (b) of former Section 2333.5, as that section read on
16 January 1, 2013. A project eligible under this subdivision shall
17 clearly demonstrate a benefit to a disadvantaged community or be
18 directly located in a disadvantaged community.

19 (d) The guidelines shall allow streamlining of project delivery
20 by authorizing an implementing agency to seek commission
21 approval of a letter of no prejudice that will allow the agency to
22 expend its own funds for a project programmed in a future year
23 of the adopted program of projects, in advance of allocation of
24 funds to the project by the commission, and to be reimbursed at a
25 later time for eligible expenditures.

26 (e) ~~The California Transportation Commission~~ *commission* shall
27 adopt the guidelines and selection criteria for, and define the types
28 of projects eligible to be funded through, the program following
29 at least two public hearings. Projects funded in this program shall
30 be limited to active transportation *projects, including ancillary*
31 *costs associated with the construction of those projects. Ancillary*
32 *costs may include costs associated with followup bicycle and*
33 *pedestrian counts, installation of ongoing bicycle and pedestrian*
34 *counters, and changes to underlying utility and sewer systems*
35 *necessitated by the active transportation project, if these costs are*
36 *consistent with requirements applicable to any federal funding*
37 *provided for the project.* The guidelines shall ensure that eligible
38 projects meet one or more of the goals set forth in Section 2380
39 and may give increased weight to projects meeting multiple goals.

1 (f) In developing the guidelines with regard to project eligibility,
2 the commission shall include, but need not be limited to, the
3 following project types:

4 (1) Development of new bikeways and walkways, or
5 improvements to existing bikeways and walkways, that improve
6 mobility, access, or safety for nonmotorized users.

7 (2) Secure bicycle parking at employment centers, park and ride
8 lots, rail and transit stations, and ferry docks and landings.

9 (3) Bicycle-carrying facilities on public transit, including rail
10 and ferries.

11 (4) Installation of traffic control devices to improve the safety
12 of pedestrians and bicyclists.

13 (5) Elimination of hazardous conditions on existing bikeways
14 and walkways.

15 (6) Maintenance of bikeways and walkways.

16 (7) Recreational trails and trailheads, park projects that facilitate
17 trail linkages or connectivity to nonmotorized corridors, and
18 conversion of abandoned railroad corridors to trails.

19 (8) Safe Routes to School projects that improve the safety of
20 children walking and bicycling to school, in accordance with
21 Section 1404 of Public Law 109-59.

22 (9) Safe routes to transit projects, which will encourage transit
23 by improving biking and walking routes to mass transportation
24 facilities and schoolbus stops.

25 (10) Educational programs to increase biking and walking, and
26 other noninfrastructure investments that demonstrate effectiveness
27 in increasing active transportation.

28 (g) In developing the guidelines with regard to project selection,
29 the commission shall ~~include, but need not be limited to,~~ *include*
30 ~~the following criteria:~~ *criteria, unless the particular criteria does*
31 *not apply to the type of project:*

32 (1) Demonstrated needs of the applicant.

33 (2) Potential for reducing pedestrian and bicyclist injuries and
34 fatalities.

35 (3) Potential for encouraging increased walking and bicycling,
36 especially among students.

37 (4) Identification of safety hazards for pedestrians and bicyclists.

38 (5) Identification of walking and bicycling routes to and from
39 schools, transit facilities, and community centers.

1 (6) Identification of the local public participation process that
2 culminated in the project proposal, which may include noticed
3 public meetings and consultation with local stakeholders.

4 (7) Benefit to disadvantaged communities. In developing
5 guidelines relative to this paragraph, the commission shall consider,
6 but ~~need~~ *shall* not be limited to, the definition of disadvantaged
7 communities as applied pursuant to subdivision (c).

8 (8) Cost-effectiveness, defined as maximizing the impact of the
9 funds provided.

10 (9) The adoption by a city or county applicant of a bicycle
11 transportation plan, pursuant to Section 891.2, a pedestrian plan,
12 a safe routes to school plan, or an overall active transportation
13 plan.

14 (10) Use of the California Conservation Corps or a qualified
15 community conservation corps, as defined in Section 14507.5 of
16 the Public Resources Code, as partners to undertake or construct
17 applicable projects in accordance with Section 1524 of Public Law
18 112-141.

19 (11) Other factors, such as potential for reducing congestion,
20 improving air quality, reducing greenhouse gas emissions, and
21 increasing and improving connectivity and mobility of
22 nonmotorized users.

23 (h) For the use of federal Transportation Alternative Program
24 funds, or other federal funds, commission guidelines shall meet
25 all applicable federal requirements.

26 (i) For the use of federal Highway Safety Improvement Program
27 funds for active transportation projects specific to reducing
28 fatalities and serious injuries, the criteria for the selection of
29 projects shall be based on a data-driven process that is aligned
30 with the state's Strategic Highway Safety Plan.

31 (j) The guidelines may include incentives intended to maximize
32 the potential for attracting funds other than program funds for
33 eligible projects.

34 (k) In reviewing and selecting projects funded by federal funds
35 in the Recreational Trails Program, the commission shall
36 collaborate with the Department of Parks and Recreation to
37 evaluate proposed projects, and to ensure federal requirements are
38 met.

39 (l) (1) To ensure that regional agencies charged with allocating
40 funds to projects pursuant to paragraph (1) of subdivision (a) of

1 Section 2381 have sufficient discretion to ~~develop~~ *adopt* regional
2 guidelines, the commission ~~may~~ *shall* adopt separate guidelines
3 for the state and for the regional agencies relative to subdivision
4 ~~(g)~~ *to provide regional agencies with greater flexibility in the*
5 *application and evaluation process, and in the administration of*
6 *their programs. In the guidelines the commission adopts pursuant*
7 *to this subdivision, the commission shall require regular reporting*
8 *on project status and benefits pursuant to the commission's SB 1*
9 *Accountability and Transparency Guidelines (Resolution G-18-09).*

10 *(2) Each regional agency may perform the competitive project*
11 *selection process using guidelines adopted pursuant to paragraph*
12 *(1) or may request the commission to perform the competitive*
13 *project selection process on its behalf using the commission's*
14 *guidelines adopted pursuant to subdivision (a).*

15 SEC. 3. Section 2384 of the Streets and Highways Code is
16 amended to read:

17 2384. (a) The commission shall adopt a program of projects
18 to receive allocations under this chapter. The guidelines for an
19 initial two-year program of projects shall be adopted within six
20 months of the enactment of the act enacting this section. The
21 commission shall adopt each program by no later than July 1 of
22 each odd-numbered year, but may alternatively elect *funding*
23 *pursuant to adopt a program annually. Each subsequent program*
24 *shall cover a paragraphs (2) and (3) of subdivision (a) of Section*
25 *2381. Each program shall cover a period of four fiscal years, years*
26 *beginning on July 1 of the year of adoption, and shall be a*
27 *statement of intent by the commission for the allocation or*
28 *expenditure of funds during those four fiscal years. adoption. The*
29 *commission shall form a multidisciplinary advisory group to assist*
30 *it in evaluating project applications.*

31 *(b) A regional agency shall adopt a program of projects to*
32 *receive funding pursuant to paragraph (1) of subdivision (a) of*
33 *Section 2381. A regional agency shall adopt each program no*
34 *later than July 1 of each odd-numbered year. Each program shall*
35 *cover a period of four fiscal years beginning July 1 of the year of*
36 *adoption. If a regional agency requests the commission to perform*
37 *the competitive project selection process on its behalf, as described*
38 *in subdivision (1) of Section 2382, the commission shall adopt the*
39 *program of projects for the regional agency pursuant to subdivision*
40 *(a).*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation to implement efficiencies at the Department of Motor~~
3 ~~Vehicles in order to improve service.~~

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