



## **H.R. 1313 Analysis and Recommendation**

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**TITLE:** H.R. 1313 – Transit Security Grant Program Flexibility Act

**SPONSOR(S):** Representatives King (R-NY) and Payne (D-NJ)

**BACKGROUND:**

The Transit Security Grant Program (TSGP) provides funds to eligible publicly owned operators of public transportation systems (intra-city bus, commuter bus, ferries, and all forms of passenger rail) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism and to increase the resilience of transit infrastructure. H.R. 1313 is a direct response to feedback received from TSGP recipients, who have noted that the period of performance and the time in which grant funds must be expended has hindered their ability to complete some projects. The legislation is bipartisan and passed the House on May 15, 2019. The bill is now in the Senate awaiting action.

**PURPOSE:**

The TSGP Flexibility Act would extend the current length of time in which grant funds must be expended. Specifically, the bill would grant transit agencies 36 months rather than the current 24 months to use TSGP funds. The period would be at least 55 months for security improvements to public transportation systems that are in final design or under construction or for stations and other public transportation infrastructure, including those owned by state or local governments. H.R. 1313 would also allow grants provided for operational purposes to be used for backfilling staff as part of security training. The Government Accountability Office would be required to conduct a comprehensive review and assessment of the TSGP within a year of the bill's enactment and complete a second report within five years.

**BART IMPACT:**

Previously, BART has asked for extensions when using TSGP grants for capital projects. In general, complying with the procurement process as required by California law, the complex permit and letter of concurrence process, and the complexity of engineering, design, and installation on certain projects has necessitated extensions.

**KNOWN SUPPORT/OPPOSITION:**

None.

**OTHER COMMENTS:**

BART supported an identical bill last session, H.R. 549, which was not taken up in the Senate.

**STATUS:**

Passed the House on 5/15/19; Referred to the Senate Committee on Homeland Security and Governmental Affairs.

**RECOMMENDATION:**

☒ **Support**

☐ Watch

☐ Oppose

Analysis completed on 8/8/19.

116TH CONGRESS  
1ST SESSION

# H. R. 1313

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IN THE SENATE OF THE UNITED STATES

MAY 15, 2019

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Transit Security Grant  
3 Program Flexibility Act”.

4 **SEC. 2. ALLOWABLE USES OF FUNDS FOR PUBLIC TRANS-**  
5 **PORTATION SECURITY ASSISTANCE GRANTS.**

6       Subparagraph (A) of section 1406(b)(2) of the Imple-  
7 menting Recommendations of the 9/11 Commission Act of  
8 2007 (6 U.S.C. 1135(b)(2); Public Law 110–53) is  
9 amended by inserting “and associated backfill” after “se-  
10 curity training”.

11 **SEC. 3. PERIODS OF PERFORMANCE FOR PUBLIC TRANS-**  
12 **PORTATION SECURITY ASSISTANCE GRANTS.**

13       Section 1406 of the Implementing Recommendations  
14 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Pub-  
15 lic Law 110–53) is amended—

16           (1) by redesignating subsection (m) as sub-  
17 section (n); and

18           (2) by inserting after subsection (l) the fol-  
19 lowing new subsection:

20       “(m) PERIODS OF PERFORMANCE.—

21           “(1) IN GENERAL.—Except as provided in para-  
22 graph (2), funds provided pursuant to a grant  
23 awarded under this section for a use specified in  
24 subsection (b) shall remain available for use by a  
25 grant recipient for a period of not fewer than 36  
26 months.

1           “(2) EXCEPTION.—Funds provided pursuant to  
2           a grant awarded under this section for a use speci-  
3           fied in subparagraph (M) or (N) of subsection (b)(1)  
4           shall remain available for use by a grant recipient  
5           for a period of not fewer than 55 months.”.

6 **SEC. 4. GAO REVIEW.**

7           (a) IN GENERAL.—The Comptroller General of the  
8           United States shall conduct a review of the public trans-  
9           portation security assistance grant program under section  
10          1406 of the Implementing Recommendations of the 9/11  
11          Commission Act of 2007 (6 U.S.C. 1135; Public Law  
12          110–53).

13          (b) SCOPE.—The review required under paragraph  
14          (1) shall include the following:

15               (1) An assessment of the type of projects fund-  
16               ed under the public transportation security grant  
17               program referred to in such paragraph.

18               (2) An assessment of the manner in which such  
19               projects address threats to public transportation in-  
20               frastructure.

21               (3) An assessment of the impact, if any, of this  
22               Act (including the amendments made by this Act) on  
23               types of projects funded under the public transpor-  
24               tation security assistance grant program.

1           (4) An assessment of the management and ad-  
2           ministration of public transportation security assist-  
3           ance grant program funds by grantees.

4           (5) Recommendations to improve the manner in  
5           which public transportation security assistance grant  
6           program funds address vulnerabilities in public  
7           transportation infrastructure.

8           (6) Recommendations to improve the manage-  
9           ment and administration of the public transportation  
10          security assistance grant program.

11          (c) REPORT.—Not later than 1 year after the date  
12 of the enactment of this Act and again not later than five  
13 years after such date of enactment, the Comptroller Gen-  
14 eral shall submit to the Committee on Homeland Security  
15 of the House of Representatives and the Committee on  
16 Homeland Security and Governmental Affairs of the Sen-  
17 ate a report on the review required under this section.

18 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

19          The budgetary effects of this Act, for the purpose of  
20 complying with the Statutory Pay-As-You-Go Act of 2010,  
21 shall be determined by reference to the latest statement  
22 titled “Budgetary Effects of PAYGO Legislation” for this  
23 Act, submitted for printing in the Congressional Record  
24 by the Chairman of the Committee on the Budget of the

- 1 House of Representatives, provided that such statement
- 2 has been submitted prior to the vote on passage.

Passed the House of Representatives May 14, 2019.

Attest:

CHERYL L. JOHNSON,

*Clerk.*



## **H.R. 2864 Analysis and Recommendation**

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**TITLE:** H.R. 2864 - Rebuild America Act of 2019

**SPONSOR(S):** Rep. Blumenauer (D-OR)

**BACKGROUND:**

In December 2015, Congress passed the Fixing America's Surface Transportation (FAST) Act, which authorized \$70 billion in spending for federal transit, passenger rail, and highway programs through FY20. Historically, the Highway Trust Fund (HTF) has financed federal spending for highways and mass transit through revenue regenerated by taxes on gasoline and diesel fuel. The federal gas tax was last adjusted in 1993 and since then the HTF has needed significant transfers of general fund revenues to remain solvent. According to the U.S. Department of Transportation, the nation faces a \$90 billion backlog in public transit state of good repair, with the need to invest a minimum of \$26.4 billion per year on maintenance and to accommodate future ridership growth. While the FAST Act provides modest increases in investment, it does not fully address the nation's state of good repair needs or long-term solvency of the HTF.

**PURPOSE:**

H.R. 2864 would raise federal gasoline and diesel taxes by five cents a year over the next five years and index them to inflation after 2024. The bill would also increase allocations to the HTF Mass Transit Account by one cent a year over the next five years and index it to inflation after 2024. This increased funding would provide the foundation for long-term solvency of the HTF and help ensure that investments in transportation infrastructure are prioritized. Lastly, the bill signals Congress' intentions to replace the gas tax with a more stable funding source for U.S. infrastructure needs over the next decade.

**BART IMPACT**

H.R. 2864 is aligned with the Board's adopted goals of advocating for robust public transit funding within a federal surface transportation reauthorization bill. BART currently receives funding from various programs authorized by the FAST Act including Urbanized Area Formula and State of Good Repair, which could see increases in current funding levels. BART also supports a long-term authorization at funding levels no less than what is in year five of the FAST Act and restoring HTF solvency through new revenue sources.

**KNOWN SUPPORT/OPPOSITION:**

Support: National Association of Counties, American Traffic Safety Services Association, U.S. Chamber of Commerce, American Trucking Associations. No known opposition.

**OTHER COMMENTS:**

In the 115<sup>th</sup> Congress, BART supported H.R. 1664, A Penny for Progress by Rep. Defazio (D-OR), which aimed to restore HTF solvency through indexing the gas tax to inflation capped at 1.5 cents per year.

**STATUS**

Introduced 5/21/19; Referred to House Committee on Way and Means.

**RECOMMENDATION:**

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 8/8/19.

116TH CONGRESS  
1ST SESSION

# H. R. 2864

To amend the Internal Revenue Code of 1986 to increase the excise tax  
on gasoline, diesel, and kerosene fuels.

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IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2019

Mr. BLUMENAUER introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to increase  
the excise tax on gasoline, diesel, and kerosene fuels.

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 “Rebuild America Act  
5 of 2019”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that by 2029 the gas tax  
8 should be repealed and replaced with a more sustainable,  
9 stable funding source.



1 **SEC. 3. TAX ON MOTOR FUELS.**

2 (a) **GASOLINE OTHER THAN AVIATION GASOLINE.**—  
3 Section 4081(a)(2)(A)(i) of the Internal Revenue Code of  
4 1986 is amended to read as follows:

5 “(i) in the case of gasoline other than  
6 aviation gasoline—

7 “(I) for tax imposed before 2020,  
8 18.3 cents per gallon,

9 “(II) for tax imposed during  
10 2020, 23.3 cents per gallon,

11 “(III) for tax imposed during  
12 2021, 28.3 cents per gallon,

13 “(IV) for tax imposed during  
14 2022, 33.3 cents per gallon,

15 “(V) for tax imposed during  
16 2023, 38.3 cents per gallon, and

17 “(VI) for tax imposed after 2023,  
18 43.3 cents per gallon,”.

19 (b) **DIESEL FUEL OR KEROSENE.**—Section  
20 4081(a)(2)(A)(iii) of such Code is amended to read as fol-  
21 lows:

22 “(iii) in the case of diesel fuel or ker-  
23 osene—

24 “(I) for tax imposed before 2020,  
25 24.3 cents per gallon,

1 “(II) for tax imposed during  
2 2020, 29.3 cents per gallon,

3 “(III) for tax imposed during  
4 2021, 34.3 cents per gallon,

5 “(IV) for tax imposed during  
6 2022, 39.3 cents per gallon,

7 “(V) for tax imposed during  
8 2023, 44.3 cents per gallon, and

9 “(VI) for tax imposed after 2023,  
10 49.3 cents per gallon.”.

11 (c) INCREASE FOR INFLATION.—Section 4081(a)(2)  
12 of such Code is amended by adding at the end the fol-  
13 lowing:

14 “(E) ADJUSTMENT FOR INFLATION.—In  
15 the case of any calendar year beginning after  
16 2024, the rates of tax contained in clauses (i)  
17 and (iii) of subparagraph (A) shall each be in-  
18 creased by an amount equal to—

19 “(i) such rate, multiplied by

20 “(ii) the cost of living adjustment de-  
21 termined under section 1(f)(3) for the cal-  
22 endar year, determined by substituting  
23 ‘calendar year 2023’ for ‘calendar year  
24 2016’ in subparagraph (A)(ii) thereof.

1 Any increase under the preceding sentence shall  
2 be rounded to the nearest 0.1 cents.”.

3 (d) DIESEL-WATER FUEL EMULSION.—Section  
4 4081(a)(2)(D) of such Code is amended by striking “‘19.7  
5 cents’ for ‘24.3 cents’” and inserting “a rate equal to 71  
6 percent of the rate in effect under such subparagraph  
7 (without regard to this subparagraph)”.

8 (e) TERMINATION.—Section 4081(d)(1) of such Code  
9 is amended by striking “September 30, 2022” and insert-  
10 ing “December 31, 2029”.

11 (f) ALLOCATION IN ACCOUNTS IN HIGHWAY TRUST  
12 FUND.—

13 (1) IN GENERAL.—Section 9503(e)(2)(A) of the  
14 Internal Revenue Code of 1986 is amended to read  
15 as follows:

16 “(A) except as otherwise provided in this  
17 sentence—

18 “(i) 2.86 cents per gallon with respect  
19 to taxes imposed during calendar years be-  
20 fore 2020,

21 “(ii) 3.86 cents per gallon with re-  
22 spect to taxes imposed during calendar  
23 year 2020,

1           “(iii) 4.86 cents per gallon with re-  
2           spect to taxes imposed during calendar  
3           year 2021,

4           “(iv) 5.86 cents per gallon with re-  
5           spect to taxes imposed during calendar  
6           year 2022,

7           “(v) 6.86 cents per gallon with respect  
8           to taxes imposed during calendar year  
9           2023, and

10          “(vi) 7.86 center per gallon with re-  
11          spect to taxes imposed after calendar year  
12          2023,”.

13          (2) ADJUSTMENT FOR INFLATION.—Section  
14          9503(e) of the Internal Revenue Code of 1986 is  
15          amended by adding at the end the following new  
16          paragraph:

17          “(6) ADJUSTMENT FOR INFLATION.—In the  
18          case of any calendar year beginning after 2024, the  
19          rate of tax contained in paragraph (2)(A) shall be  
20          increased by an amount equal to—

21                  “(A) such rate, multiplied by

22                  “(B) the cost of living adjustment deter-  
23          mined under section 1(f)(3) for the calendar  
24          year, determined by substituting ‘calendar year

1           2023' for 'calendar year 2016' in subparagraph

2           (A)(ii) thereof.

3           Any increase under the preceding sentence shall be  
4           rounded to the nearest 0.1 cents.”.

5           (g) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to fuel removed, entered, or sold  
7 after December 31, 2018.

8 **SEC. 4. FLOOR STOCKS TAX.**

9           (a) IMPOSITION OF TAX.—In the case of taxed fuel  
10 to which a qualified person holds title on January 1, 2020,  
11 there is hereby imposed on such fuel a tax at a rate of  
12 5 cents per gallon.

13           (b) TAXED FUEL DEFINED.—The term “taxed fuel”  
14 means taxable fuel (as such term is defined in section  
15 4083(a)(1)), other than aviation fuel, on which tax was  
16 imposed (and not credited or refunded) under section  
17 4081 of the Internal Revenue Code of 1986 before Janu-  
18 ary 1, 2020.

19           (c) QUALIFIED PERSON DEFINED.—For purposes of  
20 this section—

21           (1) IN GENERAL.—The term “qualified person”  
22 means a person who, on January 1, 2020, holds title  
23 to not less than 2,000 gallons of taxed fuel (other  
24 than fuel held in the tank of a motor vehicle or mo-  
25 torboat) held for sale.

1           (2) AGGREGATION RULE.—For purposes of the  
2       2,000 gallon requirement, all members of the same  
3       controlled group of corporations (within the meaning  
4       of section 267(f)) and all persons under common  
5       control (within the meaning of section 52(b) but de-  
6       termined by treating an interest of more than 50  
7       percent as a controlling interest) shall be treated as  
8       1 person.

9       (d) OTHER PROVISIONS OF LAW.—All provisions of  
10      law, including penalties, applicable with respect to the  
11      taxes imposed by section 4081 of the Internal Revenue  
12      Code of 1986 shall, insofar as applicable and not incon-  
13      sistent with the provisions of this section, apply with re-  
14      spect to the taxes imposed by subsection (a) to the same  
15      extent as if such taxes were imposed by such section 4081.

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## **H.R. 3437 Analysis and Recommendation**

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**TITLE:** H.R. 3437 – Saving Transit Art Resources Act (STAR Act)

**SPONSOR(S):** Representatives Adams (D-NC), Pingree (D-ME), Kilmer (D-WA), Blumenauer (D-OR), Titus (D-NV), Grijalva (D-AZ), Cardenas (D-CA), Butterfield (D-NC), Garcia (D-TX)

**BACKGROUND:**

Prior to 2013, federal transit law permitted the use of Federal Transit Administration (FTA) grant funds for costs associated with including art in public transportation projects. This was one of several types of projects termed “transit enhancements” for which transit agencies were required to spend a certain amount of their FTA formula grant funds.

Beginning in FY 2013, federal transit law no longer included art as an eligible project expense. In response to this change, FTA advised that while works of art not integral to a facility, such as sculptures, would no longer be eligible, transit agencies could continue to use FTA funds to support the employment of an artist as a member of a design team, or other costs associated with art, provided that the artistic elements were integrally related to the facility or served a functional transit-related purpose.

With the enactment of the Fixing America’s Surface Transportation (FAST) Act in FY 2016, Congress established a new prohibition on the use of FTA funds for “incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team.”

**PURPOSE:**

The STAR Act would reinstate federal flexibility that allows local transit authorities to incorporate art into federally-funded transit projects.

**BART IMPACT:**

In August 2015, the BART Board adopted the District’s first Art in Transit Policy. The policy was amended in June 2018 to include a funding strategy for the art program, which includes 2% of construction costs for certain capital projects – mostly related to station construction, and 0.75% for certain publicly visible construction outside of station areas. Under the FAST Act, if any federal transportation funds are used in a project, art cannot be incorporated. This can and has created complications to projects when an artist is brought into the design team early in a project, and subsequently federal funding is identified as part of the project construction funding package. Additionally, high visibility projects that would otherwise benefit from art program funding are excluded from receiving funding no matter the amount or percentage of federal funding due to the requirement to federalize all associated project fund sources.

BART’s Art Program is based on identified best practices in the field of art and transportation, including those developed by the American Public Transportation Association (APTA). The previous federal allowance for art in stations supported art throughout the San Francisco and Oakland Airport extensions. H.R. 3437 would allow the necessary flexibility for the BART Art Program to impactfully incorporate art into stations and other public facing locations as envisioned in the Art Policy.

**KNOWN SUPPORT/OPPOSITION:**

Support: Americans for the Arts Action Fund, Americans for the Arts, U.S. Conference of Mayors. Additionally, APTA will include support of this bill in its upcoming recommendations to its Board of Directors as part of the FAST Act reauthorization. No known opposition.

**OTHER COMMENTS:**

None.

**STATUS:**

Introduced on 6/24/19; Referred to the House Committee on Transportation and Infrastructure and the House Subcommittee on Highways and Transit.

**RECOMMENDATION:**

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 8/8/19.



116TH CONGRESS  
1ST SESSION

# H. R. 3437

To amend title 49, United States Code, to allow certain funds to be used for incremental costs of incorporating art into facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2019

Ms. ADAMS (for herself, Ms. PINGREE, Mr. KILMER, Mr. BLUMENAUER, Ms. TITUS, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to allow certain funds to be used for incremental costs of incorporating art into facilities, 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 “Saving Transit Art  
5 Resources Act” or the “STAR Act”.

6 **SEC. 2. ALLOWING ART.**

7 (a) IN GENERAL.—Section 5323(h) of title 49,  
8 United States Code, is amended—

1           (1) in paragraph (1) by inserting “or” after the  
2           semicolon;

3           (2) by striking paragraph (2); and

4           (3) by redesignating paragraph (3) as para-  
5           graph (2).

6           (b) NO SPECIAL RULE.—Section 5309 of such title  
7           is amended by striking subsection (p).

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## **AB 67 (Rivas) Analysis and Recommendation**

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**TITLE:** AB 67 – Homeless integrated data warehouse

**AUTHOR(S):** L. Rivas (D-Los Angeles) and Chiu (D-San Francisco)

### **BACKGROUND:**

In 2016, the state created the Homeless Coordinating and Financing Council (Council) made up of all state departments and agencies that provide services to people experiencing homelessness or at risk of homelessness. One of the Council's goals is to create a statewide data system that collects local data through Homeless Management Information Systems (HMIS), and match data on homelessness to programs impacting homeless recipients of state assistance, such as Medi-Cal and CalWORKs. Several other states, including Michigan, Connecticut, and New York have built statewide data warehouses to integrate local homeless data with state information and better inform policies to address homelessness.

### **PURPOSE:**

AB 67, pending appropriation of funds by the Legislature, would require the Department of Housing and Community Development (HCD), in coordination with the Council, to create a statewide data warehouse to develop a composite portrayal of the homeless population in the state, as well as services currently provided to people who are homeless. The bill would also require HCD, in collaboration with other state agencies, to draft and carry out a strategy to integrate available information to provide longitudinal, cost-based studies, as specified. The data warehouse would need to comply with all relevant state and federal laws relating to privacy and personally identifying information, and participating agencies would be required to input and update their data quarterly once the warehouse is completed.

### **BART IMPACT:**

AB 67 supports the efforts of BART, local jurisdictions, and non-profit agencies to address the homelessness crisis in the Bay Area. BART currently employs a full-time Crises Intervention Coordinator and jointly funds homelessness outreach teams in San Francisco and Contra Costa Counties with plans to expand teams into Alameda and San Mateo Counties in FY20. This bill does not include direct funding opportunities for BART; however, the proposed data warehouse could inform BART's current efforts to address homelessness and related quality of life issues. A state database could help local homeless assistance networks improve collaboration, decrease administrative and program costs, determine effective intervention efforts, identify gaps in services, and enhance planning and policy efforts to reduce homelessness.

### **KNOWN SUPPORT/OPPOSITION:**

**Support:** California Apartment Association, California School of Employees Association, Housing California, City of Santa Monica, County of San Bernardino, Junior Leagues of California State Public Affairs Committee

**Opposition:** None on file as of 5/17/19 (Senate Housing Committee)

### **OTHER COMMENTS:**

This legislation is a re-introduction of AB 2161 (Chiu) from 2018. BART supported the bill, which was held on suspense in the Senate Appropriations Committee.

**STATUS:**

Gutted and Amended on 4/11/19; Passed the Assembly Housing and Community Development Committee on 8-0 on 4/24/19; Passed the Assembly Appropriations Committee 16-1 on 5/16/19; Amended on 5/17/19; Passed the Assembly Floor 70-4 on 5/23/19; Passed the Senate Housing Committee 8-2 on 7/2/19; Amended on 7/5/19; Referred to the Senate Appropriations Suspense File on 8/12/19.

**RECOMMENDATION:**☒ Support☐ Watch☐ Oppose

Analysis completed on 8/13/19.

AMENDED IN SENATE JULY 5, 2019  
AMENDED IN ASSEMBLY MAY 17, 2019  
AMENDED IN ASSEMBLY APRIL 11, 2019  
AMENDED IN ASSEMBLY FEBRUARY 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 67**

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**Introduced by Assembly Members Luz Rivas and Chiu**  
**(Principal coauthor: Assembly Member Quirk-Silva)**  
**(Coauthor: Assembly Member Gonzalez)**

December 3, 2018

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An act to add Chapter 5.9 (commencing with Section 13605) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as amended, Luz Rivas. Homeless integrated data warehouse. Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons. Existing law also establishes the Homeless Coordinating and Financing Council to, among other things, create a statewide data system or warehouse that collects local data through homeless management information systems, with the ultimate goal of matching data on homelessness programs to programs impacting homeless recipients of state programs, as specified.

This bill would require the Department of Housing and Community Development to create a state homeless integrated data warehouse, in coordination with *state and local partners, including* the Homeless

Coordinating and Financing Council, to develop a composite portrayal of the homeless population in the state and the services provided to this population or to those at risk of becoming homeless. The bill would require that the information compiled for the database include the data ~~necessary~~ *necessary, if available*, to make certain findings, including, among other things, the number of individuals and families experiencing homelessness, their access to benefits, and the stated reasons for their homelessness. The bill would require the department to coordinate with other state agencies to draft and carry out a strategy to integrate information to provide longitudinal, cost-based studies with relevant data, as specified. The bill would require the database to comply with all relevant state and federal laws regarding privacy and personally identifying information and ~~encourage would direct participating~~ local agencies ~~that provide services to homeless persons and use homeless management information systems to~~ *to enter into data-sharing agreements and* collaborate with the department, as specified. The bill would specify that these provisions would become operative if the Legislature appropriates sufficient funds, including funds from private donations if available, to the department for these purposes.

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

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

1 SECTION 1. Chapter 5.9 (commencing with Section 13605)  
2 is added to Part 3 of Division 9 of the Welfare and Institutions  
3 Code, to read:

4  
5 CHAPTER 5.9. HOMELESS INTEGRATED DATA WAREHOUSE  
6

7 13605. (a) The Department of Housing and Community  
8 Development shall do all of the following:

9 (1) Create a state homeless integrated data warehouse, in  
10 coordination with *state and local partners, including, but not*  
11 *limited to*, the Homeless Coordinating and Financing Council  
12 established by Section 8257, to compile data from collaborative  
13 agencies' Homeless Management Information Systems. This data  
14 warehouse shall serve the purpose of developing a composite  
15 portrayal of the homeless population in the state, as well as the  
16 services currently provided to individuals *and families* who are

1 homeless or who are at risk of becoming homeless and who are  
2 receiving prevention services. ~~Information~~ *If available, information*  
3 compiled for the warehouse shall include, but not be limited to,  
4 the data necessary to determine all of the following:

5 (A) Basic demographic information regarding individuals  
6 experiencing homelessness or who are at risk of homelessness. ~~If~~  
7 ~~available, demographic~~ *Demographic* information should include  
8 ethnic and racial identity, sexual orientation, gender identity, and  
9 gender expression.

10 (B) The number of individuals with disabilities and the number  
11 of families with a head of household experiencing a disability who  
12 have been homeless for at least one year or at least four times in  
13 the last three years.

14 (C) Homeless individuals' access to benefits.

15 (D) The number of individuals and families experiencing  
16 homelessness.

17 (E) The number and entry and exit dates of individuals and  
18 families living in emergency housing.

19 (F) The number and entry and exit dates of homeless individuals  
20 and families living in transitional housing.

21 (G) The number and entry and exit dates of homeless individuals  
22 and families living in permanent housing.

23 (H) Last known location or ZIP Code of homeless individuals  
24 or families when housed.

25 (I) Stated reasons for homelessness.

26 (J) Disability status of people experiencing homelessness.

27 (K) Veteran status of people experiencing homelessness.

28 (L) ~~If available, the~~ *The* number of unaccompanied youth  
29 experiencing homelessness.

30 (2) Cooperate and collaborate with each of the following state  
31 agencies, as necessary, to draft and carry out a strategy to integrate  
32 information from the Department of Corrections and Rehabilitation,  
33 the State Department of Education, the State Department of Health  
34 Care Services, the State Department of State Hospitals, the State  
35 Department of Social Services, and the Department of Veterans  
36 Affairs into the warehouse, to provide longitudinal, cost-based  
37 studies to determine all of the following information:

38 (A) The number of people imprisoned each year who were  
39 homeless upon arrest and the cost of their imprisonment.

1 (B) The number of parolees experiencing homelessness each  
2 year and the cost of their parole.

3 (C) The number of children in California schools experiencing  
4 homelessness.

5 (D) Claims for Medi-Cal emergency department, hospital, and  
6 nursing home services among people experiencing homelessness,  
7 and the costs of those claims each year.

8 ~~(E) The number of children receiving foster care services whose~~  
9 ~~family members are homeless and the cost of the foster care~~  
10 ~~provided to those children each year.~~

11 (E) (i) Commencing upon the statewide implementation of the  
12 Child Welfare Services-New System (CWS-NS), also known as the  
13 Child Welfare Services-California Automated Response and  
14 Engagement System (CWS-CARES), deidentified information  
15 regarding all of the following:

16 (I) The number of parents, guardians, or former foster youth  
17 who were or are experiencing homelessness, or are at risk of  
18 becoming homeless, at any time while receiving voluntary,  
19 informal, or court-supervised child welfare services through a  
20 county child welfare agency, probation department, or an Indian  
21 tribe that has entered into an agreement with the State Department  
22 of Social Services pursuant to Section 10553.1.

23 (II) The number of nonminor dependents who were homeless,  
24 or at risk of becoming homeless, prior to reentering foster care.

25 (III) The total cost of providing services to the individuals  
26 described in subclauses (I) and (II) on an average, cost-per-case  
27 basis.

28 (ii) The information collected pursuant to clause (i) shall be  
29 used by the State Department of Social Services to inform the  
30 provision of services and improve outcomes for children, youth,  
31 and families served by the child welfare system.

32 (F) Relevant information regarding the number of people who  
33 are ~~homeless~~ experiencing homelessness while receiving services  
34 through programs administered by the State Department of State  
35 Hospitals, the State Department of Social Services, and the  
36 Department of Veterans Affairs, and the cost and outcomes of  
37 those services.

38 (G) The number of people living in housing funded through  
39 programs administered by the state, including, but not limited to,



1 by the Department of Housing and Community Development who  
2 were homeless upon admission.

3 (3) Facilitate the creation of a users' group to ensure quality,  
4 relevance, and appropriate access to the integrated data. This group  
5 should include, but not be limited to, a minimum of 5 and a  
6 maximum of 15 select members of contributing federal Continuum  
7 of Care Program Collaborative Applicants.

8 (b) ~~The data warehouse~~ *To the extent permitted by federal law,*  
9 *participating agencies shall enter into data-sharing agreements*  
10 *or memoranda of understanding with the Department of Housing*  
11 *and Community Development to facilitate the sharing of data for*  
12 *the purposes of this section. The data warehouse, all state and*  
13 *local agencies, and any other person or entity with access to*  
14 *information in or derived from the warehouse, shall comply with*  
15 *all relevant state and federal laws regarding privacy and personally*  
16 *identifying information when inputting, accessing,*  
17 *using, disclosing, transporting, or in any other way interacting*  
18 *with the information or integrated data contained in, or disclosed*  
19 *from, the data warehouse.*

20 (c) Upon completion of a data warehouse that includes the data  
21 specified in subdivision (a), participating agencies shall input and  
22 update its data, at a minimum, each quarter. *Participating agencies*  
23 *shall be granted access to data contained within the data*  
24 *warehouse.*

25 (d) Local agencies providing services to homeless persons that  
26 use a homeless management information system are encouraged  
27 to collaborate with the Department of Housing and Community  
28 Development in developing the data warehouse pursuant to this  
29 chapter.

30 (e) *For the purposes of this section, "homeless" has the same*  
31 *meaning as in Section 91.5 of Title 24 of the Code of Federal*  
32 *Regulations.*

33 (e)

34 (f) This chapter shall become operative if the Legislature  
35 appropriates sufficient funds, including funds from private  
36 donations if available, to the department for the purposes of this  
37 section.



## **SB 277 (Beall) Analysis and Recommendation**

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**TITLE:** SB 277 – Road Maintenance and Rehabilitation Program: Local Partnership Program

**AUTHOR(S):** Beall (D-San Jose) and Frazier (D-Fairfield)

### **BACKGROUND:**

On April 6, 2017, the Legislature passed SB 1 (Beall, Chapter 5, Statutes of 2017), otherwise known as the Road Repair and Accountability Act. SB 1 continuously appropriates \$200 million annually to the Local Partnership Program (LPP), which is administered by the California Transportation Committee (CTC). The program provides local and regional transportation agencies that have passed sales tax measures, developer fees, or other imposed transportation fees with funding for road maintenance and rehabilitation, and other transportation improvement projects. LPP funds are currently split with 50% allocated to eligible entities via formula and 50% distributed through a competitive grant process in which all eligible entities can compete.

### **PURPOSE:**

SB 277 would change the current 50/50 funding framework within the Local Partnership Program. Specifically, the bill would direct the CTC to separate LPP funds into two subaccounts:

- 85% of funds would be deposited into the Local Partnership Formula (LPF) Subaccount and annually apportioned to eligible entities by through a prescribed formula.
- 15% of funds would be deposited into the Small Counties and Uniform Developer Fees Competitive Subaccount. The competitive grant program would be for eligible smaller agencies that have either approved uniform developer fees or a population under 750,000.

SB 277 also requires the CTC, by April 1, 2020, in conjunction with transportation planning agencies and county transportation commissions, to develop separate guidelines for the apportionment or allocation of funds deposited in the LPF Subaccount and competitive subaccount.

### **BART IMPACT:**

BART received approximately \$1.9 million in LPP funds for FY18 and FY19. In 2018, BART submitted a grant application for \$50 million from the LPP competitive program to help fund the Train Control Modernization Project but was not successful. Under the formula proposed by SB 277, BART could receive an increase in LPP formulaic funding, providing a more stable, on-going source of state support for the District.

### **KNOWN SUPPORT/OPPOSITION:**

**Support:** Greater Riverside Chambers of Commerce; Orange County Transportation Authority; Riverside County Transportation Commission; San Bernardino Associated Governments; San Bernardino County Transportation Authority; Santa Clara Valley Transportation Authority; Self-Help Counties Coalition; Transportation Agency for Monterey County (TAMC)

**Opposition:** San Luis Obispo Council of Governments; Santa Barbara County Association of Governments; Stanislaus Council of Governments

### **OTHER COMMENTS:**

None.

**STATUS:**

Bill was substantially amended in the Assembly on 6/4/19 and again on 7/1/19; Passed the Assembly Transportation Committee 12-0 on 7/8/19; Referred to the Assembly Appropriations Suspense File on 8/14/19.

**RECOMMENDATION:**

☒ Support

☐ Watch

☐ Oppose

Analysis completed on 8/14/19.

AMENDED IN ASSEMBLY JULY 1, 2019

AMENDED IN ASSEMBLY JUNE 4, 2019

AMENDED IN SENATE MARCH 18, 2019

**SENATE BILL**

**No. 277**

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**Introduced by Senator Beall**

(Principal coauthor: Assembly Member Frazier)

February 13, 2019

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An act to amend Section 2032 of, to amend and repeal Section 2033 of, and to add Section 2033.1 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Beall. Road Maintenance and Rehabilitation Program: Local Partnership Program.

Under existing law, the California Transportation Commission allocates various state and federal transportation funds through specified state programs to local and regional transportation agencies to implement projects consistent with the requirements of those programs. Existing law continuously appropriates \$200,000,000 annually from the Road Maintenance and Rehabilitation Account for allocation by the commission for a program commonly known as the Local Partnership Program to local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, which taxes or fees are dedicated solely for road maintenance and rehabilitation and other transportation improvement projects. Existing law requires the commission, in cooperation with the Department of Transportation, transportation planning agencies, county transportation

commissions, and other local agencies, to develop guidelines for the allocation of those moneys.

This bill would require the commission to ~~apportion these funds on a formula basis to those of the local and regional transportation agencies described above that also have responsibility for funding, procuring, and constructing transportation improvements within their jurisdictions; annually deposit 85% of these funds into the Local Partnership Formula Subaccount, which the bill would create, and 15% of these funds in the Small Counties and Uniform Developer Fees Competitive Subaccount, which the bill would create. The bill would require the commission to apportion the funds in the Local Partnership Formula Subaccount pursuant to a specified formula to local or regional transportation agencies that meet certain eligibility requirements. The bill would require the commission to allocate funds in the Small Counties and Uniform Developer Fees Competitive Subaccount through a competitive grant program to local or regional transportation agencies that meet other eligibility requirements.~~ The bill would require the commission, in conjunction with transportation planning agencies and county transportation commissions, and in consultation with other local agencies, to develop *separate* guidelines for the apportionment *or allocation of these the funds in each subaccount* that, among other things, ~~establish an apportionment formula, identify guaranteed minimum apportionments, and establish the types of eligible projects consistent with specified requirements.~~ In order to receive an apportionment of funds ~~from the Local Partnership Formula Subaccount~~ from the commission in a funding cycle, the bill would require an eligible entity to submit to the commission a list of projects proposed to be funded with the funds. The bill would require the commission to approve a project list submitted by a local or regional transportation agency unless a project identified in the project list is not consistent with the project eligibility guidelines.

Vote: majority. 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 2032 of the Streets and Highways Code
- 2 is amended to read:
- 3 2032. (a) (1) After deducting the amounts appropriated in the
- 4 annual Budget Act, as provided in Section 2031.5, two hundred

1 million dollars (\$200,000,000) of the remaining revenues deposited  
2 in the Road Maintenance and Rehabilitation Account shall be set  
3 aside annually for eligible entities. The Controller shall each month  
4 set aside one-twelfth of this amount, except in fiscal year 2017–18,  
5 the Controller shall set aside one-eighth of this amount, to  
6 accumulate a total of two hundred million dollars (\$200,000,000)  
7 in each fiscal year. The Controller may adjust the amount in the  
8 final month or months of each fiscal year if necessary to achieve  
9 the annual amount specified in this subdivision.

10 (2) Eligible projects under this subdivision include, but not are  
11 limited to, sound walls for a freeway that was built before 1987  
12 without sound walls and with or without high-occupancy vehicle  
13 lanes if the completion of the sound walls has been deferred due  
14 to lack of available funding for at least 20 years and a noise barrier  
15 scope summary report has been completed within the last 20 years.

16 (3) Notwithstanding Section 13340 of the Government Code,  
17 the funds available under this subdivision in each fiscal year are  
18 hereby continuously appropriated for apportionment ~~on a formula~~  
19 ~~basis to eligible entities or allocation~~ by the commission for road  
20 maintenance and rehabilitation and other transportation  
21 improvement projects pursuant to Section 2033 or 2033.1, as  
22 applicable.

23 (4) For purposes of this subdivision, an “eligible entity” means  
24 a local or regional transportation agency that has responsibility for  
25 funding, procuring, or constructing transportation improvements  
26 within its jurisdiction, and that does either of the ~~following~~:  
27 *following, as further specified in subdivision (b) of Section 2033.1:*

28 (A) Has sought and received voter approval for the imposition  
29 of taxes or fees dedicated solely to transportation improvements  
30 and administers those taxes or fees.

31 (B) Has imposed uniform developer fees, as defined by  
32 subdivision (b) of Section 8879.67 of the Government Code.

33 (b) After deducting the amounts appropriated in the annual  
34 Budget Act pursuant to Section 2031.5 and the amount allocated  
35 in subdivision (a), beginning in the 2017–18 fiscal year, one  
36 hundred million dollars (\$100,000,000) of the remaining revenues  
37 shall be available annually for expenditure, upon appropriation by  
38 the Legislature, on the Active Transportation Program created  
39 pursuant to Chapter 8 (commencing with Section 2380) of Division  
40 3 to be allocated by the California Transportation Commission

1 pursuant to Section 2381. The Controller shall each month set  
2 aside one-twelfth of this amount, except in the 2017–18 fiscal year,  
3 when the Controller shall set aside one-eighth of this amount, to  
4 accumulate a total of one hundred million dollars (\$100,000,000)  
5 in each fiscal year. The Controller may adjust the amount in the  
6 final month or months of each fiscal year if necessary to achieve  
7 the annual amount specified in this subdivision.

8 (c) After deducting the amounts appropriated in the annual  
9 Budget Act pursuant to Section 2031.5 and the amounts allocated  
10 in subdivisions (a) and (b), beginning in the 2017–18 fiscal year,  
11 four hundred million dollars (\$400,000,000) of the remaining  
12 revenues shall be available annually for expenditure, upon  
13 appropriation by the Legislature, by the department for bridge and  
14 culvert maintenance and rehabilitation. The Controller shall each  
15 month set aside one-twelfth of this amount, except in the 2017–18  
16 fiscal year, when the Controller shall set aside one-eighth of this  
17 amount, to accumulate a total of four hundred million dollars  
18 (\$400,000,000) in each fiscal year. The Controller may adjust the  
19 amount in the final month or months of each fiscal year if necessary  
20 to achieve the annual amount specified in this subdivision.

21 (d) After deducting the amounts appropriated in the annual  
22 Budget Act pursuant to Section 2031.5 and the amounts allocated  
23 in subdivisions (a), (b), and (c), beginning in the 2017–18 fiscal  
24 year, twenty-five million dollars (\$25,000,000) of the remaining  
25 revenues shall be transferred annually to the State Highway  
26 Account for expenditure, upon appropriation by the Legislature,  
27 to supplement the freeway service patrol program. The Controller  
28 shall each month set aside one-twelfth of this amount, except in  
29 the 2017–18 fiscal year, when the Controller shall set aside  
30 one-eighth of this amount, to accumulate a total of twenty-five  
31 million dollars (\$25,000,000) in each fiscal year. The Controller  
32 may adjust the amount in the final month or months of each fiscal  
33 year if necessary to achieve the annual amount specified in this  
34 subdivision.

35 (e) After deducting the amounts appropriated in the annual  
36 Budget Act pursuant to Section 2031.5 and the amounts allocated  
37 in subdivisions (a), (b), (c), and (d), in the 2017–18, 2018–19,  
38 2019–20, 2020–21, and 2021–22 fiscal years, from revenues in  
39 the Road Maintenance and Rehabilitation Account that are not  
40 subject to Article XIX of the California Constitution, five million

1 dollars (\$5,000,000) shall be appropriated in each fiscal year to  
2 the California Workforce Development Board to assist local  
3 agencies to implement policies to promote preapprenticeship  
4 training programs to carry out the projects that are funded by the  
5 account pursuant to Section 2038. Funds appropriated pursuant to  
6 this subdivision in the Budget Act but remaining unexpended at  
7 the end of each applicable fiscal year shall be reappropriated for  
8 the same purposes in the following year's Budget Act, but all funds  
9 appropriated or reappropriated pursuant to this subdivision in the  
10 Budget Act shall be liquidated no later than June 30, 2027.

11 (f) After deducting the amounts appropriated in the annual  
12 Budget Act pursuant to Section 2031.5 and the amounts allocated  
13 in subdivisions (a), (b), (c), (d), and (e), beginning in the 2017–18  
14 fiscal year, twenty-five million dollars (\$25,000,000) of the  
15 remaining revenues shall be available annually for expenditure,  
16 upon appropriation by the Legislature, by the department for local  
17 planning grants, as described in Section 2033.5. The Controller  
18 shall each month set aside one-twelfth of this amount, except in  
19 the 2017–18 fiscal year, when the Controller shall set aside  
20 one-eighth of this amount, to accumulate a total of twenty-five  
21 million dollars (\$25,000,000) in each fiscal year. The Controller  
22 may adjust the amount in the final month or months of each fiscal  
23 year if necessary to achieve the annual amount specified in this  
24 subdivision.

25 (g) After deducting the amounts appropriated in the annual  
26 Budget Act pursuant to Section 2031.5 and the amounts allocated  
27 in subdivisions (a), (b), (c), (d), (e), and (f), beginning in the  
28 2017–18 fiscal year and each fiscal year thereafter, from the  
29 remaining revenues, five million dollars (\$5,000,000) shall be  
30 available, upon appropriation, to the University of California for  
31 the purpose of conducting transportation research and two million  
32 dollars (\$2,000,000) shall be available, upon appropriation, to the  
33 California State University for the purpose of conducting  
34 transportation research and transportation-related workforce  
35 education, training, and development. Before the start of each  
36 fiscal year, the Secretary of Transportation and the chairs of the  
37 Assembly Committee on Transportation and the Senate Committee  
38 on Transportation and Housing may set out a recommended priority  
39 list of research components to be addressed in the upcoming fiscal  
40 year.



1 (h) Notwithstanding Section 13340 of the Government Code,  
2 the balance of the revenues deposited in the Road Maintenance  
3 and Rehabilitation Account are hereby continuously appropriated  
4 as follows:

5 (1) Fifty percent for allocation to the department for maintenance  
6 of the state highway system or for purposes of the state highway  
7 operation and protection program.

8 (2) Fifty percent for apportionment to cities and counties by the  
9 Controller pursuant to the formula in clauses (i) and (ii) of  
10 subparagraph (C) of paragraph (3) of subdivision (a) of Section  
11 2103 for the purposes authorized by this chapter.

12 SEC. 2. Section 2033 of the Streets and Highways Code is  
13 amended to read:

14 2033. (a) On or before January 1, 2018, the commission, in  
15 cooperation with the department, transportation planning agencies,  
16 county transportation commissions, and other local agencies, shall  
17 develop guidelines for the allocation of funds pursuant to  
18 subdivision (a) of Section 2032.

19 (b) The guidelines shall be the complete and full statement of  
20 the policy, standards, and criteria that the commission intends to  
21 use to determine how these funds will be allocated.

22 (c) The commission may amend the adopted guidelines after  
23 conducting at least one public hearing.

24 (d) The guidelines may include streamlining of project delivery  
25 by authorizing local or regional transportation agencies to seek  
26 commission approval of a letter of no prejudice that allows the  
27 agency to expend its own funds in advance of an allocation of  
28 funds by the commission, and to be reimbursed at a later time for  
29 eligible expenditures. A letter of no prejudice shall only be  
30 available to local or regional transportation agencies for moneys  
31 that have been identified for future allocation to the applicant  
32 agency. Moneys designated pursuant to subdivision (a) of Section  
33 2032 shall ~~only~~ be reimbursed *only* when there is funding available  
34 in an amount sufficient to make the reimbursement.

35 (e) The guidelines developed pursuant to this section shall ~~only~~  
36 apply *only* to programming cycle 1 and 2 of the formulaic program,  
37 as described in commission resolution G-17-33, and programming  
38 cycle 1 of the competitive program, as described in commission  
39 resolution G-17-33.

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. Section 2033.1 is added to the Streets and Highways Code, to read:

2033.1. (a) ~~(1) On~~ For purposes of apportioning and allocating the funds that are continuously appropriated in each fiscal year pursuant to subdivision (a) of Section 2032, the commission shall segregate the funds into two separate subaccounts as follows:

(1) Eighty-five percent of the funds shall be deposited into the Local Partnership Formula Subaccount, which is hereby created.

(2) Fifteen percent of the funds shall be deposited into the Small Counties and Uniform Developer Fees Competitive Subaccount, which is hereby created.

(b) (1) The commission shall apportion the funds in the Local Partnership Formula Subaccount to eligible entities, as defined in subparagraph (A) of paragraph (4) of subdivision (a) of Section 2032, pursuant to the formula established in subdivision (f) and in accordance with the other applicable requirements of this section.

(2) The commission shall allocate the funds in the Small Counties and Uniform Developer Fees Competitive Subaccount through a competitive grant program to eligible entities, as defined in subparagraph (A) of paragraph (4) of subdivision (a) of Section 2032 that have a population of less than 750,000, and to eligible entities, as defined in subparagraph (B) of paragraph (4) of subdivision (a) of Section 2032, in accordance with the applicable requirements of this section. For the purpose of calculating population, the commission shall use the most recent information available from the Department of Finance.

(c) (1) On or before April 1, 2020, the commission, in conjunction with transportation planning agencies and county transportation commissions, and in consultation with other local agencies, shall develop separate guidelines for the apportionment or allocation, as applicable, of funds pursuant to subdivision (a) of Section 2032: deposited in the Local Partnership Formula Subaccount and the Small Counties and Uniform Developer Fees Competitive Subaccount.

(2) ~~The~~ Each set of guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission

1 intends to use to determine how ~~these~~ *the funds in each subaccount*  
2 will be apportioned.

3 (3) ~~The Each set of~~ guidelines shall do, but are not limited to  
4 doing, all of the ~~following regarding the appointment of these~~  
5 ~~funds following:~~

6 ~~(A) Identify guaranteed minimum apportionment for eligible~~  
7 ~~entities.~~

8 ~~(B)~~

9 (A) Identify eligible local matching funds.

10 ~~(C) Establish an apportionment formula for these funds.~~

11 ~~(D)~~

12 (B) Establish the types of eligible projects consistent with  
13 subdivision ~~(b)~~. (d).

14 ~~(E)~~

15 (C) Authorize an eligible entity to retain its apportionment *from*  
16 *the Local Partnership Formula Subaccount* to accumulate and use  
17 that apportionment in a subsequent year for a larger expenditure.  
18 *An eligible entity may only retain its apportionment for five years.*

19 (4) The guidelines may include streamlining of project delivery  
20 by authorizing eligible entities to seek commission approval of a  
21 letter of no prejudice that allows the entity to expend its own funds  
22 in advance of an apportionment of funds by the commission, and  
23 to be reimbursed at a later time for eligible expenditures. A letter  
24 of no prejudice shall only be available to eligible entities for  
25 moneys that have been identified for future apportionment to the  
26 applicant entity. Moneys designated pursuant to subdivision (a)  
27 of Section 2032 shall ~~only~~ be reimbursed *only* when there is  
28 funding available in an amount sufficient to make the  
29 reimbursement.

30 (5) The commission may amend the adopted guidelines after  
31 conducting at least one public hearing.

32 ~~(b)~~

33 (d) A project is eligible to receive funding pursuant to  
34 subdivision (a) of Section 2032 if it is eligible pursuant to  
35 subdivision (b) of Section 2030 and is consistent with Section 2  
36 of Article XIX of the California Constitution.

37 ~~(e)~~

38 (e) (1) In order to receive an apportionment of funds ~~pursuant~~  
39 ~~to subdivision (a) of Section 2032 from the Local Partnership~~  
40 *Formula Subaccount* from the commission in a funding cycle, an

1 eligible entity shall submit to the commission a list of projects  
2 proposed to be funded with these funds. All projects proposed to  
3 receive funding shall be adopted by resolution by the eligible entity  
4 at a regular public meeting. The list of projects proposed to be  
5 funded with these funds shall include a description and the location  
6 of each proposed project, a proposed schedule for the project's  
7 completion, and the estimated useful life of the improvement.

8 (2) The commission shall approve a project list submitted by  
9 an eligible entity pursuant to paragraph (1) unless a project  
10 identified in the project list is not consistent with project eligibility  
11 requirements.

12 ~~(d) For purposes of this section, "eligible entity" has the same~~  
13 ~~meaning as defined in subdivision (a) of Section 2032.~~

14 *(f) To establish the apportionments from the Local Partnership*  
15 *Formula Subaccount for each eligible entity, the commission shall*  
16 *do all of the following before the commencement of a funding*  
17 *cycle:*

18 *(1) Determine the total amount of annual revenue generated*  
19 *from voter-approved sales taxes, voter-approved parcel or property*  
20 *taxes, and voter-approved bridge tolls dedicated to transportation*  
21 *improvements according to the most recent available data reported*  
22 *to the Department of Tax and Fee Administration, the Controller,*  
23 *or the Bay Area Toll Authority.*

24 *(2) Establish a northern California and southern California*  
25 *share by attributing the proportional share of revenues from*  
26 *voter-approved sales taxes, voter-approved parcel or property*  
27 *taxes, and voter-approved bridge tolls dedicated to transportation*  
28 *improvements and imposed in counties in northern California to*  
29 *the northern share, and by attributing the proportional share of*  
30 *revenues from voter-approved sales taxes imposed in counties*  
31 *located in southern California to the southern share. The*  
32 *determination of whether a county is located in northern or*  
33 *southern California shall be based on the definitions set forth in*  
34 *Section 187.*

35 *(3) Program funds made available to the southern share, based*  
36 *on the determination in paragraph (2), shall be apportioned to*  
37 *each eligible entity responsible for programming and allocating*  
38 *revenues from the sales tax in proportion to the following:*

39 *(A) Seventy-five percent based on the population of the county*  
40 *in which the entity is located compared to the total population of*

1 southern California counties with voter-approved sales taxes  
2 dedicated to transportation improvements. For the purpose of  
3 calculating population, the commission shall use the most recent  
4 information available from the Department of Finance.

5 (B) Twenty-five percent based on the total amount of sales tax  
6 revenue generated from the total number of sales tax measures  
7 dedicated to transportation improvements administered by an  
8 eligible entity compared to the total amount of sales tax revenue  
9 generated from voter-approved sales tax measures dedicated to  
10 transportation improvements in southern California. For the  
11 purpose of calculating sales tax revenue, the commission shall use  
12 the most recent information available from Department of Tax and  
13 Fee Administration.

14 (4) Program funds made available to the northern share, based  
15 on the determination in paragraph (2), shall be apportioned as  
16 follows:

17 (A) Program funds generated by voter-approved bridge tolls  
18 and voter-approved parcel or property taxes dedicated to  
19 transportation improvements shall be apportioned to the entity  
20 responsible for programming and allocating revenues from the  
21 toll or tax based on the proportional share of revenues generated  
22 by the toll or tax by that entity in comparison to the total revenues  
23 generated by voter-approved sales taxes, voter-approved parcel  
24 or property taxes, and voter-approved bridge tolls dedicated to  
25 transportation improvements in northern California.

26 (B) Program funds generated by voter-approved sales taxes  
27 dedicated to transportation improvements shall be apportioned to  
28 each eligible entity responsible for programming and allocating  
29 revenues from the sales tax in proportion to the following:

30 (i) Seventy-five percent based on the population of the county  
31 in which the entity is located compared to the total population of  
32 northern California counties with voter-approved sales taxes  
33 dedicated to transportation improvements. For the purpose of  
34 calculating population, the commission shall use the most recent  
35 information available from the Department of Finance.

36 (ii) Twenty-five percent based on the total amount of sales tax  
37 revenue generated from the total number of sales tax measures  
38 dedicated to transportation improvements administered by an  
39 eligible entity compared to the total amount of sales tax revenue  
40 generated from voter-approved sales tax measures dedicated to

1 *transportation improvements in northern California. For the*  
2 *purpose of calculating sales tax revenue, the commission shall use*  
3 *the most recent information available from the Department of Tax*  
4 *and Fee Administration.*

5 ~~(c) The guidelines developed pursuant to this~~

6 (g) *This section shall apply to programming cycles beginning*  
7 *after the programming cycles described in subdivision (e) of*  
8 *Section 2033, as it read on January 1, 2020.*