

AGENDA

ASSEMBLY BUDGET COMMITTEE NO. 3 RESOURCES AND TRANSPORTATION

ASSEMBLYMEMBER RICHARD BLOOM, CHAIR

TUESDAY, MAY 23, 2017

10:30 P.M. - STATE CAPITOL ROOM 437

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ITEMS FOR VOTE-ONLY

2660 CALTRANS

VOTE-ONLY ISSUE 1: ROAD REPAIR ACCOUNTABILITY ACT IMPLEMENTATION PLAN

The Governor's May Revision requests \$1.5 billion in local and capital funding for projects for transportation programs under SB 1, the Road Repair and Accountability Act of 2017. Programs are funded by one of four transportation accounts: Road Maintenance and Rehabilitation Account, Trade Corridor Enhancement Account, Public Transportation Account and State Highway Account. Of the total amount requested in year one, \$904.6 million consists of local assistance appropriations and \$592.8 million consists of capital outlay appropriations.

The budget also proposes the amendment of various Budget Bill items to reflect funding available from the Road Repair and Accountability Act

BACKGROUND

The Department of Finance (DOF) expects \$26.5 billion in SB 1 revenue over the next ten years to be available for local agencies in the following categories: \$15 billion for local street and road maintenance; \$7.5 billion for transit operations and capital; \$2 billion for the local partnership program; \$1 billion for the Active Transportation Program (ATP); \$825 million for the regional share of the State Transportation Improvement Program (STIP); and \$250 million for local planning grants.

The DOF expects \$25.8 billion in SB 1 revenue over the next ten years to be available for state uses in the following categories: \$15 billion for state highway maintenance and rehabilitation; \$4 billion for highway bridge and culvert maintenance and rehabilitation; \$3 billion for high priority freight corridors; \$2.5 billion for congested corridor relief; \$800 million for parks programs, off-highway vehicle programs, boating programs, and agricultural programs; \$275 million for the interregional share of the STIP; \$250 million for Freeway Service Patrol programs; and \$70 million for transportation research at the University of California and California State University.

SB 1 creates \$2.8 billion in new revenues in 2017-18. The requested Caltrans resources along with requests from other departments, would result in the following allocation of revenues created by SB 1.

Allocation of SB 1 Revenues (Dollars in Thousands)

| Activity | Authority | Support | Capital Outlay | Local Assist. | Amount |
|----------------------------------|-----------------|------------------|------------------|--------------------|--------------------|
| Local Planning Grants | Budget Act | \$114 | 0 | \$24,886 | \$25,000 |
| Freeway Service Patrol | Budget Act | 0 | 0 | 25,000 | 25,000 |
| Congested Corridors Program | Budget Act | 1 | \$125,000 | 124,999 | 250,000 |
| Transit & Intercity Rail Capital | Budget Act | 0 | 1 | 329,999 | 330,000 |
| Active Transportation Program | Budget Act | 1 | 1 | 99,998 | 100,000 |
| SHOPP and Maintenance | S&HC 2030(h)(1) | 0 | 200,000 | 0 | 200,000 |
| SHOPP and Maintenance | Budget Act | 477,470 | 167,885 | 0 | 645,355 |
| Local Partnership Program | S&HC 2032(a)(3) | 231 | 0 | 199,769 | 200,000 |
| Trade Corridor Enhancement | Budget Act | 1 | 99,916 | 99,916 | 199,833 |
| Caltrans Total: | | \$477,818 | \$592,803 | \$904,567 | \$1,975,188 |
| State Transit Assistance | PUC 99312.1 | 0 | 0 | \$280,057 | \$280,057 |
| Intercity and Commuter Rail | PUC 99312.3 | 0 | 0 | 25,008 | 25,008 |
| Local Streets and Roads | GC 16321(c) | 0 | 0 | 75,000 | 75,000 |
| Local Streets and Roads | S&HC 2030(h)(2) | 0 | 0 | 370,355 | 370,355 |
| Dept. of Food & Agriculture | R&TC 8352.5 | \$17,272 | 0 | 0 | 17,272 |
| Dept. of Parks & Recreation | R&TC 8352.4 | 54,299 | 0 | 0 | 54,299 |
| State Controller's Office | Budget Act | 112 | 0 | 0 | 112 |
| Transportation Commission | Budget Act | 216 | 0 | 0 | 216 |
| California State University | Budget Act | 2,000 | 0 | 0 | 2,000 |
| University of California | Budget Act | 5,000 | 0 | 0 | 5,000 |
| Workforce Development Board | Budget Act | 5,000 | 0 | 0 | 5,000 |
| Department of Motor Vehicles | Budget Act | 3,760 | 0 | 0 | 3,760 |
| Other Total: | | \$87,659 | \$0 | \$750,420 | \$838,079 |
| Grand Total: | | \$565,477 | \$592,803 | \$1,654,987 | \$2,813,267 |

To spend the funding as proposed above, Caltrans requests \$1.5 billion in capital program authority and local assistance authority for new projects funded by SB 1. Caltrans also requests provisional language be added to Item 2660-001-0042 to allow for budget adjustments based on the progress of project delivery. It is further requested that provisional language be added to Items 2660-101-0046 and 2660-302-0042 and that Schedule 1(c) be added to Item 2660-102-0042 to designate new program activities.

Caltrans also requests the following changes to the Budget, which will add items and provisional language consistent with the new funds, such as the Road Maintenance and Rehabilitation Account, created by SB 1. To make technical changes to implement SB 1, Caltrans recommends the following changes:

- For the SHOPP and Maintenance Program, Caltrans recommends adding provisional language to state that \$75 million of the fund appropriated from the State Highway Account by from a General Fund loan repayment mandated by SB 1. Caltrans also requests to add language creating a new fund . Finally in these programs, Caltrans requests a \$200 million of off-budget act appropriation as mandated by SB 1 in Streets and Highways Code section 2032(h)(1).
- For the Transit and Intercity Rail Capital Program, Caltrans requests \$330 million. Prior to adopting a program of projects, the California State Transportation Agency will likely update the guidelines. It is expected that the allocation process will begin as early as the second quarter of the fiscal year. Per statute, a portion of funds are set aside for the intercity and commuter rail programs. SB 1 ensures that up to \$20 million may be available to local and regional agencies for climate change adaptation planning, and the
- provisional language Caltrans requests ensures it has statutory authority to fulfill that legal obligation.
- For the Congested Corridors Program, Caltrans requests \$250 million. This is a new program that seeks to improve highly congested corridors throughout the state. Funding is split evenly between capital and local items until a program of projects can be adopted. In order to begin allocating projects, it will be necessary to create guidelines. It is expected that this program will be ready to allocate projects no sooner than the fourth quarter of Fiscal Year 2017-18.
- For the Trade Corridors Enhancement Program, Caltrans requests \$199.8 million. Funds are to be split between capital and local expenditures until a program of projects can be adopted by the California Transportation Commission. Prior to adopting a program of projects, the California Transportation Commission must update the program guidelines. Caltrans expects the allocation process will begin in the third or fourth quarter of Fiscal Year 2017-18.
- For the Local Partnership Program, Caltrans requests off-budget act authority for \$199.8 million consistent with Streets and Highways Code section 2032(a)(3).

This program will be managed directly by the California Transportation Commission. It will create guidelines and distribute \$200 million annually to self-help counties. Funds for this program are continuously appropriated.

- For the Active Transportation Program, Caltrans requests \$100 million. Caltrans believes the California Transportation Commission will adopt the Cycle 3 program of projects in August 2017. It will be necessary to update the fund estimate, update guidelines before initiating a Cycle 4 call for projects. Allocations are expected no sooner than the fourth quarter of the 2017-18 fiscal year. Provisions allowing the California Conservation Corps to receive no less than \$4 million each year for five year are included.
- For the Freeway Service Patrol Program, Caltrans requests \$25 million in the State Highway account. This conforms to Streets and Highway Code 2032 (d) created by SB 1. The Freeway Service Patrol is a joint program provided by Caltrans, the California Highway Patrol, and local transportation agencies. It is a free service of privately owned tow trucks that patrol designated routes on congested urban California freeways.
- For Local Planning Grants, Caltrans requests \$24.9 million. This conforms to Streets and Highway Code 2032 (f) created by SB 1. This amount will be added to the Local Subvention Lump Sum allocation managed by the Caltrans Division of Planning and reported quarterly to the California Transportation Commission.

STAFF COMMENTS

The allocations proposed are consistent with SB 1.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 2: ROAD REPAIR ACCOUNTABILITY ACT (SB 1) WORKLOAD

The Governor's May Revision requests Caltrans requests \$477.8 million with a net zero increase in staff to support the Department's initial tasks for implementation of the Road Repair and Accountability Act of 2017 (SB 1) and provisional language to allow for a mid-year resource augmentation, if necessary.

BACKGROUND

To support the initial implementation of SB 1, the Capital Outlay Support Program (COS) will retain 112 positions and 131 positions will be transferred to the following Divisions; 75 positions to develop Project Initiation Documents (PIDs), 48 positions for the Maintenance Program, and 8 positions to perform administrative functions. In addition, the Maintenance Program will increase highway pavement project contracting

by approximately \$400 million to address the most urgent State Highway System maintenance issues. This increase in funding will go to repaving roads and fixing potholes and allow Caltrans to improve the conditions of 3,252 lane miles of pavement. The proposed staffing increase is offset by an equivalent reduction of 243 positions from the baseline COS program as described in Issue #4, later in this agenda.

Below is a summary of the proposed increase in staffing.

| Function | Positions | FY 2017-18 Total Dollars (000's omitted) |
|------------------------------------|------------|--|
| Capital Outlay Support | 112 | \$38,150 |
| Project Initiation Documents | 75 | \$17,262 |
| Maintenance | 48 | \$421,366 |
| Administration | 8 | \$ 1,037 |
| Grand Total (All Programs): | 243 | \$ 477,815 |

After consulting with the California Transportation Commission, Caltrans will assess SB 1 programs and reforms, identifying efficiencies and streamlining opportunities. If warranted by this effort, Caltrans will develop revised workload estimates and make use of proposed budget bill language that allows for a mid-year resource augmentation.

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| STAFF COMMENTS |
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Staff recommends that the Administration's proposed trailer bill language be modified to reflect the 478 vacancies in the COS program that will be filled prior to the Administration making any requests for additional positions at Caltrans.

Staff Recommendation: Reject the Administration's proposed provisional language and adopt placeholder provisional language that reflects existing COS vacancies and the intent to fill those vacancies prior to establishing new positions.

VOTE-ONLY ISSUE 3: ROAD REPAIR ACCOUNTABILITY ACT INSPECTOR GENERAL AND INDEPENDENT OFFICE OF AUDITS AND INVESTIGATIONS

The Governor's May Revision requests to transfer 48 existing permanent positions from its audit division to the new Independent Office of Audits and Investigations (Office) and establish 10 new permanent positions within the Office, for a total of 58 positions. To fund these positions, Caltrans requests \$9.5 million State Highway Account funds.

BACKGROUND

The Road Repair and Accountability Act of 2017 establishes the Independent Office of Audits and Investigations (Office) within Caltrans and gives it specified powers and duties.

The Act requires the Governor to appoint the Inspector General to lead the Office for a six-year term, subject to confirmation by the Senate. This legislation also specifies the Inspector General will have full authority to exercise the duties and responsibilities of the Office with respect to the oversight of Caltrans and external entities receiving state and federal transportation funds through Caltrans. The Inspector General is required to report at least annually, or upon request, a summary of his or her findings to the Governor, Legislature, and the California Transportation Commission. The law also requires ongoing reporting of findings and recommendations to the Secretary of Transportation, the Director, and Chief Deputy Director of Caltrans. Finally, the Inspector General is responsible for reviewing all policies, practices, and procedures, and conducting audits and investigations of activities involving all state transportation funds. To estimate the workload of the Office, Caltrans relied on historical workload from its Division of Audits and Investigations

The Office was created to ensure:

- Caltrans and external entities that receive state and federal transportation funds are spending those funds efficiently, effectively, economically, and in compliance with applicable state and federal requirements. Those external entities include, but are not limited to, private for-profit and nonprofit organizations, local transportation agencies, and other local agencies that receive transportation funds either through a contract with agency or through an agreement or grant administered by the agency.
- Caltrans programs are functioning consistent with applicable accounting standards and practices and are administered effectively, efficiently, and economically.
- Caltrans management is accomplishing departmental priorities, developing an annual audit plan, administering an effective enterprise risk management program, and is making efficient, effective, and financially responsible transportation decisions.

- The Secretary of Transportation, the Legislature, the California Transportation Commission, and the Director of Caltrans and Chief Deputy Director of Caltrans are fully informed concerning fraud, improper activities, or other serious deficiencies relating to the expenditure of transportation funds or administration of department programs and operations.

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| STAFF COMMENTS |
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Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

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| VOTE-ONLY ISSUE 4: PROJECT DELIVERY WORKLOAD (CAPITAL OUTLAY SUPPORT) |
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The Governor's May Revision requests a net decrease from the COS budget proposed in January of \$29.3 million and 283 full time equivalents (FTE) (includes 243 staff positions, the FTE of 26 positions for Architectural and Engineering Contracts, and the FTE of 14 positions for personal services/cash overtime).

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| BACKGROUND |
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The 2017-18 COS request includes all non-SB 1 funded workload. The table below shows the resources requested by the type of work being performed.

Capital Outlay Support Budget Request

| Workload Categories (Includes all fund sources) | Enacted Budget 2016-17 | May Revise 2017-18 | Change 2017-18 |
|--|-------------------------------|---------------------------|-----------------------|
| SHOPP | 5,215 | 5,131 | (84) |
| Overhead and Corporate | 1,832 | 1,800 | (32) |
| Partnership (Includes Measure/Locally Funded) | 1,016 | 1,104 | 88 |
| STIP | 914 | 786 | (128) |
| Toll Bridge Seismic Retrofit Program | 158 | 117 | (41) |
| Real Property Services | 103 | 109 | 6 |
| Proposition 1B Bond | 98 | 35 | (63) |
| Traffic Congestion Relief Program | 55 | 32 | (23) |
| High Speed Rail | 51 | 51 | 0 |

| | | | |
|--|--------------|--------------|--------------|
| Geotechnical Borehole Mitigation | 33 | 37 | 4 |
| Materials Engineering & Testing Services | 27 | 27 | 0 |
| FAST Act | 10 | 0 | (10) |
| Total Proposed COS Workload | 9,512 | 9,229 | (283) |

STAFF COMMENTS

As the funding for some of these program continues to decline the non-SB 1 workload and related request for staff also declines. Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 5: SB 1 CLEAN UP

The Governor's May Revision proposes clean up trailer bill language related to the implementation of The Road Repair and Accountability Act of 2017 (SB 1).

BACKGROUND

The proposed language makes various technical fixes to SB 1.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 6: PROJECT ACCELERATION AUTHORITY RELATIVE TO SB 1

The Governor's May Revision proposes trailer bill language that will help to expedite project delivery.

BACKGROUND

Senate Bill 132 created the Riverside County Transportation Efficiency Corridor (RCTEC) and appropriated \$427 million of current budget year resources to five projects. SB 132 assigned the CalSTA Secretary to convene a task force of state, local, and private sector stakeholders to make recommendations to expedite delivery of the five RCTEC projects and other projects in the region. SB 132 directs statutory changes

recommended by the task force to expedite RCTEC and other projects to be included in the Governor's May Revise. The items below represent the statutory changes recommended by the task force that primarily benefit the RCTEC, but some authority also provides statewide benefit to expedite other SB 1 projects.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 7: ADVANCE MITIGATION RELATIVE TO SB 1

The Governor's May Revision proposes trailer bill language that will help to promote the use of advance mitigation.

BACKGROUND

Advance mitigation improves the efficiency and effectiveness of mitigation. SB 1 (Beall, Chapter 5, Statutes of 2017) expands on Caltrans existing efforts to a broader suite of projects, including those in the State Transportation Improvement Program, and codifies the program as the Advance Mitigation Program. During the next four fiscal years—Fiscal Year 2017 18 through 2020 21—this bill requires Caltrans to set aside at least \$30 million dollars annually for the Advance Mitigation Program from the annual appropriations for the State Transportation Improvement Program and the State Highway Operation and Protection Program. SB 1 requires Caltrans to consult with the Department of Fish and Wildlife on all activities within this program.

The May Revision of the Governor's Budget includes trailer bill language to set additional parameters for the Advance Mitigation Program, as was indicated in SB 1. This language allow Caltrans to acquire specified types of mitigation credits.

The language sets up a revolving account whereby Caltrans' Advance Mitigation Program is reimbursed by future transportation projects using the program's credits. This language further expands the program to any planned transportation project and allows Caltrans to sell mitigation credits to other State or local transportation agencies.

This language also makes permanent the mitigation credit program at the Department of Fish and Wildlife created under AB 2087 (Levine, Chapter 455, Statutes of 2016) and allows Caltrans to participate in that program with Caltrans Advance Mitigation Program funds.

STAFF COMMENTS

Discussions are underway between the Administration, Senate, and Assembly to make changes to the proposed language to help better ensure Caltrans' Advanced Mitigation Program accomplishes its goals.

Staff Recommendation: Send to Conference Committee to allow time for further discussion.

VOTE-ONLY ISSUE 8: FREIGHT/TRADE CORRIDOR RELATIVE TO SB 1

The Governor's May Revision proposes trailer bill language that would direct federal and state funds to the Trade Corridors Enhancement Account to be allocated for freight-related projects identified in the State Freight Mobility Plan.

BACKGROUND

The California Transportation Commission would allocate 60 percent of the funds to projects nominated by local agencies and 40 percent to Caltrans projects. Priority is given to jointly-nominated projects.

The Commission would have to update its guidelines for the program. In doing so, the Commission must consult the Sustainable Freight Action Plan and its authoring agencies, as well as Metropolitan Planning Organizations. The guidelines must further allocate to projects that (A) addresses the state's most urgent needs, (B) balances the demands of various land ports of entry, seaports, and airports, (C) provides reasonable geographic balance between the state's regions, (D) places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulates, greenhouse gases, and other pollutants and reducing other negative community impacts, especially in disadvantaged communities, and (E) makes a significant contribution to the state's economy. This is in addition to existing factors of the proposed project's velocity, throughput, reliability, and congestion reduction.

Eligible projects include:

- Highway, local road, and rail capital and capacity improvements, rail landside access improvements, freight access improvements to airports, seaports, and land ports.
- Freight rail system improvements.
- Enhance the capacity and efficiency of ports.
- Truck corridor and capital and operational improvements, such as dedicated truck facilities or truck toll facilities.
- Border capital and operational improvements.

- Surface transportation and connector road capital and operational improvements to facilitate the movement of goods from ports.

Funds may not be used to purchase fully-automated cargo handling equipment. However, other zero-emission equipment may be included.

STAFF COMMENTS

Discussions are in progress regarding this proposal.

Staff Recommendation Send to Conference Committee to allow time for further discussion.

VOTE-ONLY ISSUE 9: TRAILER BILL LANGUAGE FOR SR 710 PROPERTIES

The Governor's May Revision proposes trailer bill language that directs the Los Angeles County Assessor to assess SR 710 properties sold by Caltrans at an affordable or reasonable price, at those sales prices, instead of the market rate. This clarification will allow the properties to be sold as intended to low-income current tenants, where applicable, and sold without further delay.

BACKGROUND

Caltrans collaborated with the Department of Housing and Community Development and the California Housing Finance Agency to design the Affordable Sales Program, which returns state-owned property to the communities of Pasadena, South Pasadena and Los Angeles and allows tenants the opportunity to become homeowners. The Affordable Sales Program provides opportunities for current tenants who will be affordable buyers to gain equity and transition from affordable housing into mainstream housing. Current tenants who do not qualify as affordable buyers will have an opportunity to purchase from a housing-related entity through a double escrow process, where applicable, rather than potentially not having an option to purchase at all.

The California Housing Finance Agency will create the Affordable Housing Trust Account to capture the state's share of any net appreciation and all of the net equity upon subsequent sale of a property at an affordable or reasonable price. The funds will be used to meet the housing needs of persons and families of low and moderate income in Pasadena, South Pasadena, Alhambra, La Canada Flintridge, and the 90032 postal ZIP code, unless otherwise restricted to a particular city in accordance with state law. These actions are consistent with the requirements of law, sometimes referred to as the "Roberti Law".

Caltrans reached out to the LA County Assessor last year to explain the Affordable Sales Program and inform him that they would be commencing sales. At that time, the Assessor's office raised concerns about their ability to assess property tax based on the

affordable or reasonable price (therefore assessing at the full market price level). Caltrans attorneys provided a legal analysis, which supports assessing properties at affordable or reasonable price, but the Assessor has continued to cite the intent to assess property tax at the market rate when properties are sold at an affordable or reasonable price absent a change in law.

In April, Caltrans received 130 responses to Notices of Conditional Offers of sale for 42 properties (Phase I). They are currently reviewing submittals for eligibility. Given the response to the conditional offers to sell, the ability to complete sales contracts for some of the 42 properties may be as early as June 2017. With the Assessor still indicating an intent to assess at the full market price, the department has only the following alternatives to sell the properties at an affordable or reasonable sale price:

Delay sales for the approval of a stand-alone policy bill, frustrating tenants and housing-related entities already in the sales process;

Assume the state's legal analysis that property tax will be assessed at the affordable price, risking that the actual tax would be assessed at the market price and pricing tenants out of the homes they just purchased.

Defer to the Assessor and assume property tax to be assessed at the market price, significantly reducing the state's affordable or reasonable sales price to accommodate the high property tax assessment while keeping the transaction affordable or reasonable for the buyer assuming that the transaction can even be completed. In certain instances, tenants who would otherwise be eligible to purchase the property at an affordable price will be unable to do so.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 10: SUSTAINABILITY PROGRAM AND ZERO EMISSION VEHICLE INFRASTRUCTURE

The Governor's budget requests provisional language to provide initial funding of up to \$20 million State Highway Account funds (matched with up to \$20 million federal funds) for its zero-emission vehicle (ZEV) project.

BACKGROUND

The Governor's 2016 ZEV Action Plan lists actions for state agencies to take to aid ZEV market growth. From this plan, Caltrans took direction to install 30 new EV charging stations at public locations (such as rest areas and roadside stops) by December 2018.

Caltrans has redirected staff from other workload (such as the development of construction projects for the state highway system) to work on this project.

Under the Governor's proposal, the state would use State Highway Account funds to install 30 public DC fast charging units across the state. The total cost could range from roughly \$30 million to \$90 million with the cost at each location ranging from \$1.1 to \$3.8 million (including a cost of approximately \$500,000 per station). In some locations, such as public rest stops, the state would pay for the electricity used at these stations and in other locations it may charge for the electricity; however, this is unlikely to be a source of significant revenue.

Since the Governor's plan was developed, many sources of funding for nonresidential EV charging infrastructure have become available. The main sources are:

| Source | Description | Funding |
|---|---|---------------------------------------|
| California Energy Commission | Grants for EV infrastructure. | \$17 million |
| Investor Owned Utilities | PG&E, SCE, and SDGE had pilot projects approved by the California Public Utilities Commission in 2016 to develop charging stations and filed additional plans for more extensive programs in early 2017. | Over \$800 million |
| Volkswagen (VW) Settlement Funds from the 2.0-Liter Partial Consent Decree entered by the U.S. District Court for the Northern District of California on October 25, 2016 | VW is investing \$800 million over the next 10 years on ZEV infrastructure, education, and access activities. In the first funding cycle, about \$120 million will fund the installation of charging infrastructure that will consist of (1) approximately 350 community charging stations (\$45 million) and (2) a long distance highway network (\$75 million) with 50+ charging stations along high-traffic corridors between cities. There is consideration for infrastructure in areas such as state parks. Over 400 stations will be operational by mid-2019. | \$120 million (2017 through mid-2019) |

STAFF COMMENTS

Both the public and private sector are currently making large investments in EV and ZEV charging infrastructure in the state. These investments will help to develop a charging network making driving electric vehicles across the state more of a reality. Because State Highway Account funds are limited and the state's transportation infrastructure needs are so great, it is critical that Caltrans look to other sources of funding and ensure that the cost of building these stations at rest areas is kept to a minimum. The cost of Caltrans' current proposal seems high when recent literature states that the average cost of a public fast charging station ranges from between \$50,000 to \$100,000 per station.

Staff recommends the Committee adopt the following language provisional language and reject the Administration's proposed provisional language.

The Department of Transportation may expend up to \$20 million in state funds (matched with up to \$20 million federal funds) on zero emission vehicle charging infrastructure, including hydrogen fueling infrastructure, upon authorization of the Department of Finance. The Department of Finance may authorize the expenditure of funds from the proposed sources not less than 30 days after notification has been provided to the Joint Legislative Budget Committee, or whatever lesser time after that notification the chair of the joint committee, or his or her designee, may determine. The notification shall include an explanation of the sources of funding that were pursued to fund EV and ZEV charging and hydrogen fueling infrastructure, why the proposed source was selected, and why other identified sources were not selected.

Staff Recommendation: Rescind the Action Taken on 5/17/2017 and Adopt the provisional language shown above to include Hydrogen Fueling Infrastructure.

VOTE-ONLY ISSUE 11: UC ITS STUDY OF CALTRANS' USE OF ASPHALT RUBBER

Proposal to adopt placeholder budget bill language directing the University of California Institute of Transportation Studies (UC ITS) to research Caltrans' use of Asphalt Rubber products.

BACKGROUND

SB 1 provides \$7 million annually for University of California (\$5 million) and California State University (\$2 million) for transportation research. There have been concerns raised that Caltrans is not maximizing the use of Asphalt Rubber when repairing roads and highways. An argument has been made that if Caltrans extends the use of these products then they could save taxpayers money and extend the useful life of road surfaces. However, Caltrans says that the cons of using Asphalt Rubber Chip Seals are that they cannot be laid in areas above a certain temperature and that they are too costly to move to remote locations.

This request would direct UC ITS to use a portion of the funding provided in 2017-18 to investigate if Caltrans is adhering to best practices when using Asphalt Rubber especially in Asphalt Rubber Chip Seals and Asphalt Rubber Interlayers and recommend whether or not Caltrans should be directed to use these as the default product for certain types of projects.

STAFF COMMENTS

Staff recommends adoption of the following budget bill language:

Require UC ITS to use a portion of its funding to have the UC Pavement Research Center to assess if Caltrans is adhering to best practices when using Asphalt Rubber especially in Asphalt Rubber Chip Seals and Asphalt Rubber Interlayers and recommend whether or not Caltrans should be directed to use these as the default product for certain types of projects.

Staff Recommendation: Adopt the proposed budget bill language.

2600 CALIFORNIA TRANSPORTATION COMMISSION

VOTE-ONLY ISSUE 12: ROAD REPAIR ACCOUNTABILITY ACT OF 2017 WORKLOAD NEEDS

The Governor's May Revision proposes 4.0 permanent positions and \$1.1 million (funding from the State Highway Account and the Public Transportation Account) to implement the recently enacted Road Repair and Accountability Act of 2017 (SB 1).

BACKGROUND

The Legislature passed the Road Repair and Accountability Act of 2017, also known as Senate Bill 1, on April 6, 2017, and it was signed into law by the Governor on April 28, 2017. This legislation provides \$52 billion dollars over the next 10 years for improving the condition of the state's road system, for improving the state's transit infrastructure, and for reducing traffic congestion.

SB 1 provided additional funding and increased the Commission's role in a number of existing programs, and created new programs for the Commission to oversee. SB 1 changes CTC role's in the following ways.

- Expands the Commission's oversight responsibilities for the State Highway Operation and Protection Program (SHOPP).
- Provides a role for the Commission in the apportionment and accountability of local streets and roads funding.
- Creates the Solutions for Congested Corridors Program, for which the Commission will have oversight.
- Creates the local partnership program, for which the Commission will have oversight.
- Creates the Trade Corridor Enhancement Account.
- Increases funding for the Active Transportation Program, for which the Commission already has oversight.
- Stabilizes funding for the State Transportation Improvement Program (STIP), for which the Commission already has oversight.

As the Commission gains more experience with these new responsibilities it may request additional resources in the future.

STAFF COMMENTS

Given the increase in responsibilities for the CTC created by SB 1 it is unlikely that the additional resources proposed in the May Revision will be adequate. The Committee may want to consider adopting provisional language that would allow CTC to add additional resources mid-year if necessary. The Administration has proposed a similar approach for Caltrans which is described later in this agenda. The Committee may want to ask why these staff are proposed to be funded from the PTA and SHA rather than out of the revenue generated by the enactment of SB 1. In contrast, the Administration proposed to use the new SB 1 revenue to fund the additional workload created at Caltrans by SB 1. Finally, SB 1 tasks the CTC with providing public transparency for Caltrans' budget estimates and assurance that Caltrans' annual budget forecast is reasonable. The Committee may wish to ask the CTC how it will ensure Caltrans provides reasonable budget estimates and how it will measure and publically report on performance goals that help to ensure public funds are invested efficiently.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 13: ACTIVE TRANSPORTATION PROGRAM "LETTERS OF NO PREJUDICE"

Proposal to adopt placeholder trailer bill language that would amend the Active Transportation Program (ATP) to provide authority for the California Transportation Commission to approve "Letters of No Prejudice" (LONP) to provide project sponsors with a tool to initiate projects with their own resources prior to the programming year.

BACKGROUND

Providing safe options for walking and biking is essential to the success of Southern California's growing transit network and fundamental to the operations of our increasingly, integrated transportation system. As a result of ATP, nearly \$500 million has been awarded to communities across California. Unfortunately, however, some awardees are required to wait three to four years from the time of award to access funds. This proposal would amend the ATP to provide authority for the California Transportation Commission to approve "Letters of No Prejudice" (LONP) to provide project sponsors with a tool to initiate projects with their own resources prior to the programming year.

Proposed Amendment to Streets & Highway Code § 2382:

Section 2382 of the Streets & Highways Code is amended to read:

(d) The guidelines shall allow streamlining of project delivery by authorizing an implementing agency to do both of the following:

(1) *Seek commission approval of a letter of no prejudice that will allow the agency to expend its own funds for a project programmed in a future year of the adopted program of projects, in advance of allocation of funds to the project by the commission, and to be reimbursed at a later time for eligible expenditures.*

If adopted, the proposed changes would allow projects receiving the \$100 million awarded in the current fiscal year to start in 2017-18, two years in advance of their current programming year.

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| STAFF COMMENTS |
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The amendment is supported by the California Transportation Commission, California Bicycle Coalition, Safe Routes to School National Partnership, California Walks, Regional Transportation Planning Agencies, and others. There is no known opposition.

Staff Recommendation: Adopt the proposed placeholder trailer bill language.

0521 CALIFORNIA STATE TRANSPORTATION AGENCY

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| VOTE-ONLY ISSUE 14: LEGISLATIVE INVESTMENTS |
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The Subcommittee will consider funding two legislative priorities:

Appropriate \$300,000 for Lakeview Terrace sidewalk project to address a lack of sidewalks around the Fenton Avenue Elementary School that forces school children to walk in street traffic to access the school.

Appropriate \$3.5 million for GoMentum Station at the former Concord Naval Station to expand the development of the autonomous vehicle testing facility at that location.

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| STAFF COMMENTS |
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The Subcommittee has previously attempted to fund the GoMentum Station project in the last two years.

Given the lengthy process associated with awarding legislative projects that require local partnership, staff recommends adding budget bill language to offer an extended encumbrance language for these items.

Staff Recommendation: Adopt \$3.6 million General Fund for the two priorities listed above and budget bill language to extend encumbrance of the funds to five years.

2740 DEPARTMENT OF MOTOR VEHICLES**VOTE-ONLY ISSUE 15: SB 1 TRANSPORTATION FUNDING**

The Governor's May Revision requests \$3.8 million in 2017-18 and \$7.8 million in 2018-19 from the Road Maintenance and Rehabilitation Account for additional costs of credit card transaction fees due to the implementation of SB 1.

BACKGROUND

SB 1 imposes a Transportation Improvement Fee (TIF) ranging from \$25 to \$175, beginning January 1, 2018, based on the market value of a vehicle as part of the vehicle registration fee. The figure below shows the estimated TIF for each of the vehicle value ranges and the volume of transactions and corresponding fees it anticipates.

| Estimated 2015 Vehicle Value Range | Mid-Range Vehicle Value | Volume* | Flat Fee per Vehicle | Percentage of Vehicle Population | Weighted Average Fee Calculation |
|------------------------------------|-------------------------|-------------------|----------------------|----------------------------------|----------------------------------|
| Up to \$4,999 | \$2,500 | 14,170,731 | \$25 | 46.34% | \$11.59 |
| \$5,000 - \$24,999.99 | \$15,000 | 12,523,633 | \$50 | 40.96% | \$20.48 |
| \$25,000 - \$34,999.99 | \$30,000 | 2,152,269 | \$100 | 7.04% | \$7.04 |
| \$35,000 - \$59,999.99 | \$47,500 | 1,419,354 | \$150 | 4.64% | \$6.96 |
| \$60,000 - > | \$80,000 | 312,600 | \$175 | 1.02% | \$1.79 |
| | | 30,578,587 | | 100.00% | \$47.85 |

The TIF is subject to annual increases based on the California Consumer Price Index, beginning January 1, 2020. For each credit card transaction involving the TIF, DMV will pay a higher credit card transaction fee due to the higher total transaction amount. DMV estimates that based on the average TIF the increased credit card costs will be \$3.8 million in 2017-18 and \$7.8 million in 2018-19.

A future funding request will be submitted in 2019-20 to cover the ongoing costs associated with the credit card transaction fees.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 16: MOTOR VOTER IMPLEMENTATION

The Governor's May Revision requests \$1.8 million General Fund and \$5.2 million Motor Vehicle Account for 10.0 one-year limited term positions for 2017-18 to implement a single-step opt-out voter registration process pursuant to AB 1461 (Gonzalez, Chapter 729, Statutes of 2015). The DMV is requesting 12.0 ongoing positions and two-year limited term funding for two positions and \$3.2 million in 2018-19 for the ongoing workload associated with AB 1461.

BACKGROUND

The automatic voter registration process is for eligible individuals who apply for an original or renewal of a DL or ID, or submits a change of address (COA) to the DMV. AB 1461 requires the DMV to electronically transmit to the Secretary of State (SOS) specified information related to voter registration, including the applicant's name, date of birth, address, digitized signature, email address, telephone number, language preference, and other voter registration related information. Currently, all renewal-by-mail transactions are paper-based and completed voter registration affidavits are sent to elections officials for manual entry. Additionally, although change of address information is shared with the Secretary of State's office under the current process to update voter records, AB 1461 will require all change of address transactions to include the opportunity to register to vote. Transitioning these transactions to allow for an electronic transmission will require significant work. Onetime funds of 3.7 PYs and \$3.9 million was provided in FY 2016/17 for the preparation of the implementation.

The DMV anticipates increased workload in three areas:

- 1) Implementation of the electronic DL 44 that would fully automate and create a paperless voter registration option;
- 2) Calls to the DMV concerning the new process; and
- 3) Headquarters processing from including the voter registration process as part of the COA process and changes to the renewal by mail process that will result in additional processing and scanning of documents. Other cost increases include increased postage costs due to the size and number of pages of the new renewal form and increased data storage costs.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 17: FEDERAL DRIVER LICENSE AND IDENTIFICATION CARD CONFORMITY

The Governor's May Revision requests \$23 million Motor Vehicles Account and 218 positions in 2017-18; 550 positions and \$46.6 million in 2018-19; 715 positions and \$57.9 million in 2019-20; 667 positions and \$50.2 million in 2020-21; 345 positions and \$26.2 million in 2021-22; and 228 positions and \$16.7 million in 2022-23 for a total of \$220.6 million over six fiscal years to implement a federal compliant driver license/identification card (DL/ID) card that will be accepted by the Transportation Security Administration (TSA) to board an airplane.

Trailer bill language is also proposed.

BACKGROUND

In response to the events of 9/11, the Federal Government set minimum standards for identity verification practices and security features that states must utilize if their DL/ID cards are to be accepted "for official purposes" such as accessing secure federal facilities and boarding federally-regulated commercial aircraft. These Federal DL/ID card standards mandate that DL/ID card applicants establish proof of residency by presenting at least two documents of the issuing states choice that includes their name and principle residence address, including a street address.

Pursuant to federal regulations, October 1, 2020, is the final date for states to become fully compliant with the federal DL/ID standards, after which non-compliant cards will not be accepted for federal purposes. California was provided an extension by the DHS through October 10, 2017, to meet the remaining federal requirements. California has developed a federal compliant DL/ID card implementation approach that minimizes the impact to its customers and operations. Beginning January 2018, DL/ID card applicants will have the option when applying for an original DL/ID card and renewing or applying for a duplicate DL/ID card in a DMV field office to obtain a federal compliant DL/ID card or a California compliant DL/ID card.

California processes approximately 1.5 million original DL/ID card applications annually and approximately 5.5 million DL/ID card renewals a year. There are 29.5 million current card holders in California. To develop this request, DMV assumed that on average 62 percent of current and new DL/ID card applicants will choose to have a federal compliant card over a five-year period. This assumption was based on other states' experience with implementing the federal card requirements.

This proposal would also keep open the three DL processing centers in Granada Hills, Stanton, and San Jose (originally established for AB 60 implementation).

Below is an estimate of the new field office volumes and the proposed staff. In addition, there would be 52.0 staff per year for keeping the three DL processing centers open.

New Field Office Volumes and Positions by Task and Transaction Type

| Time (min) | | FY 2017/18 | FY 2018/19 | FY 2019/20 | FY 2020/21 | FY 2021/22 | FY 2022/23 | 5-Yr Cycle |
|---|---------------------|----------------|------------------|------------------|------------------|------------------|----------------|-------------------|
| Driver License/ID Card Originals: | | | | | | | | |
| | Volume - DL | 171,698 | 519,786 | 699,333 | 661,571 | 445,048 | 224,542 | 2,721,977 |
| | Volume - ID | 129,672 | 389,016 | 518,688 | 486,270 | 324,180 | 162,090 | 2,009,916 |
| | Total | 301,370 | 908,802 | 1,218,021 | 1,147,841 | 769,228 | 386,632 | 4,731,893 |
| 2 | Positions - DL | 3.2 | 9.7 | 13.1 | 12.4 | 8.3 | 4.2 | 51.0 |
| 2 | Positions - ID | 2.4 | 7.3 | 9.7 | 9.1 | 6.1 | 3.0 | 37.7 |
| | Sub-Total | 5.6 | 17.0 | 22.8 | 21.5 | 14.4 | 7.2 | 88.7 |
| DL/ID Card Renewals (Alternative Channel Eligible): | | | | | | | | |
| | Volume - DL | 539,156 | 1,617,468 | 2,149,594 | 1,992,438 | 897,435 | 653,515 | 7,849,606 |
| | Volume - ID | 43,763 | 131,290 | 175,054 | 164,113 | 109,409 | 54,704 | 678,333 |
| | Total | 582,920 | 1,748,759 | 2,324,647 | 2,156,551 | 1,006,843 | 708,220 | 8,527,939 |
| 19 | Positions - DL | 96.0 | 288.1 | 382.8 | 354.9 | 159.8 | 116.4 | 1,398.0 |
| 18 | Positions - ID | 7.4 | 22.2 | 29.5 | 27.7 | 18.5 | 9.2 | 114.5 |
| | Sub-Total PY | 103.4 | 310.2 | 412.4 | 382.5 | 178.3 | 125.6 | 1,512.5 |
| Field Office DL/ID Card Renewals: | | | | | | | | |
| | Volume - DL | 598,128 | 1,794,383 | 2,384,712 | 2,210,367 | 995,594 | 724,996 | 8,708,179 |
| | Volume - ID | 83,577 | 250,730 | 334,306 | 313,412 | 208,941 | 104,471 | 1,295,436 |
| | Total | 681,704 | 2,045,113 | 2,719,018 | 2,523,778 | 1,204,535 | 829,466 | 10,003,615 |
| 8 | Positions - DL | 44.9 | 134.6 | 178.8 | 165.8 | 74.7 | 54.4 | 653.0 |
| 8 | Positions - ID | 6.3 | 18.8 | 25.1 | 23.5 | 15.7 | 7.8 | 97.1 |
| | Sub-Total PY | 51.1 | 153.4 | 203.9 | 189.3 | 90.3 | 62.2 | 750.2 |
| Additional Talk Time (task #5 above) - 25% of DL/ID Card Renewals: | | | | | | | | |
| 2 | Volume | 316,156 | 948,468 | 1,260,916 | 1,170,082 | 552,845 | 384,421 | 4,632,889 |
| | Positions | 5.9 | 17.8 | 23.6 | 21.9 | 10.4 | 7.2 | 86.9 |
| Total Positions: | | 166.1 | 498.4 | 662.8 | 615.3 | 293.4 | 202.3 | 2,438.3 |

STAFF COMMENTS

It is difficult to determine what the actual workload at DMV will be associated with this proposal. For example, it is unknown how many Californians will choose to come into a DMV office to get this new form of ID rather than using other federally acceptable forms of identification such as a passport. It is also unclear what extent DMV has explored other states' methods of implementation and if some of these tasks could be automated or if there are other more efficient approaches.

Given the uncertainty about future workload, the Committee may wish to consider approving only a year or two of funding and directing DMV to come back with a budget proposal when they have a better sense of the workload.

Staff Recommendation: Approve the proposed trailer bill language and only the first two years of funding.

VOTE-ONLY ISSUE 18: FRONT END APPLICATIONS SUSTAINABILITY PROJECT

The Governor's May Revision requests provisional language to allow the Director of Finance to provide funding for DMV planning activities related to the Front End Applications Sustainability Project.

BACKGROUND

DMV intends to incrementally update its outdated technology and migrate functionalities from its obsolete systems to modern applications.

The Front End Sustainability (FES) project for the front-end applications is a multi-phased approach to transition DMV from legacy systems written in the 1980s to a modern language. Numerous steps or phases are needed as the system is extremely complicated and there is limited documentation of the antiquated system requirements. The original developers retired decades ago and the current staff have limited knowledge of the full breadth of the system.

This multi-phased approach allows DMV to phase in different groups of our customers in a modular fashion into the new agile system and hence, mitigate the risk of impacting DMV's customers.

The Administration proposes the following provisional language:

The Director of Finance may augment this item by \$3,414,000 to provide funding for planning activities related to the Front End Applications Sustainability Project. This augmentation may not occur until the department has either gained concurrence from the Department of Technology that it has sufficient availability of program and IT staff necessary to complete the planning efforts, or has completed the following information technology projects: a) Commercial Driver License Information System, b) expansion of the automated knowledge test to accommodate additional languages, c) system updates to conform to federal requirements for issuance of driver licenses and identification cards, and d) tokenization to increase security for credit card transactions.

The proposed \$3.4 million would fund the following:

- A consultant to gather and manage the functional and nonfunctional requirements (\$800,000).
- A consultant to assist in the completion of the project approval lifecycle and develop a request for proposal (\$320,000).
- Statewide Technology Procurement Division to support procurement of IT services (\$80,000).
- An EDL contractor (\$900,000).
- An organizational change management contractor (\$250,000).
- California Department of Technology (\$54,000)

- A service provider to provide Independent Verification and Validation services.
- 6.0 staff positions at DMV for one year (\$791,908) and overtime (\$26,440).

STAFF COMMENTS

Staff recommends the Committee approve the proposal and incorporate the LAO's recommendation to modify the proposed provisional language to permit augmentation by the Director of Finance only after 30-day notification and review by the Legislature. This provides the Legislature with an opportunity to assess whether the department has met the specified conditions for the augmentation. Additionally, given that this funding would likely be spent over multiple fiscal years, the LAO recommends the Legislature consider directing the department provide an annual status report in writing or in budget hearings until this money is fully expended. Such a report can include various components—such as the amount spent, a description of activities and accomplishments, and progress towards completing the state's IT approval process for this project. The proposed language is as follows:

The Director of Finance may augment this item by \$3,414,000 to provide funding for planning activities related to the Front End Applications Sustainability Project. An augmentation shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees and appropriate subcommittees that consider the State Budget and the chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine. This augmentation may not occur until the department has either gained concurrence from the Department of Technology that it has sufficient availability of program and IT staff necessary to complete the planning efforts, or has completed the following information technology projects: a) Commercial Driver License Information System, b) expansion of the automated knowledge test to accommodate additional languages, c) system updates to conform to federal requirements for issuance of driver licenses and identification cards, and d) tokenization to increase security for credit card transactions. On or before July 1 of each year until the augmentation provided has been spent or has reverted, the Department of Motor Vehicles shall provide an annual status report to the chairpersons of the appropriate subcommittee that considers the State Budget. The report shall include, but is not limited to, all of the following: (1) the amount spent to date, (2) a description of project accomplishments, (3) a description of project activities underway and their estimated completion dates, (4) whether the project scope has changed, and (5) the department's progress towards completing the state's IT approval process for the Front End Applications Sustainability Project.

Staff Recommendation: Reject the proposed provision language and approve the provisional language shown above.

**2740 DEPARTMENT OF MOTOR VEHICLES AND
2720 CALIFORNIA HIGHWAY PATROL****VOTE-ONLY ISSUE 19: CAPITAL OUTLAY: STATEWIDE PLANNING AND SITE IDENTIFICATION**

The Governor's May Revision requests a decrease to the DMV of \$450,000 and to the CHP of \$300,000 to adjust each department's Statewide Planning and Site Identification appropriation. This request also eliminates Provisions 1 and 2 of Item 2740-301-0044 to correspond with the decrease.

BACKGROUND

Approval of this reduction would result in one fewer replacement project request for both the CHP and DMV in fiscal year 2019-20. The remaining authority would be used to identify two future CHP replacement projects and to plan up to three future DMV reconfiguration projects. These decreases are consistent with the reduction in future capital outlay proposals necessary to ensure a sufficient balance in the Motor Vehicle Account.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

2720 CALIFORNIA STATE HIGHWAY PATROL**VOTE-ONLY ISSUE 20: LEGISLATIVE INVESTMENTS**

The Subcommittee will consider providing \$100,000 General Fund in order to provide retired CHP police dogs with a \$2,000 retirement plan.

STAFF COMMENTS

Upon retirement, police dogs often settle into peaceful lives as pets. They are often adopted by their human partners on the force. Due to the nature of their work as police dogs, they typically develop health conditions that require extensive care that can be costly.

Staff Recommendation: Adopt \$100,000 General Fund for retired police dogs

8660 CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)**VOTE-ONLY ISSUE 21: TRAILER BILL LANGUAGE TO TRANSFER TRANSPORTATION FUNCTIONS**

The Governor's May Revision proposes trailer bill language to transfer regulatory authority for select transportation programs from the CPUC to other state agencies or local jurisdictions.

BACKGROUND

The proposal will transfer transportation functions effective July 1, 2018 as follows:

- Private carriers of passengers—Transfers to the Department of Motor Vehicles.
- Household goods carriers—Transfers to the Department of Consumer Affairs' Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation.
- For-hire Vessels—Transfers to the Department of Parks and Recreation's Division of Boating and Waterways.
- Commercial air operators—Transfer to local jurisdictions.

The intent of these transfers is to create efficiencies and improve the public's interactions and customer service with government.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 22: STRENGTHENING THE TRANSPORTATION ENFORCEMENT BRANCH

The Governor's May Revision budget requests \$636,000 from the PUC Transportation Reimbursement Fund to make improvements to the PUC's Transportation Enforcement Branch (TEB) required by SB 541 (Hill, Chapter 718, Statutes of 2015).

This proposal includes trailer bill language to provide impoundment authority to Branch investigators.

BACKGROUND

TEB, in coordination with the PUC's Legal and Administrative Law Judge Divisions, implements and enforces regulations over approximately 11,000 carriers such as airport shuttles, transportation networks companies, tour buses, and the following which are proposed to be transferred out of PUC's jurisdiction—household goods movers, vessel common carriers, for-hire vessels, and commercial air operators. The regulations require these carriers to have insurance, regular inspections, and to report revenues.

State law required PUC to hire an independent entity to assess TEB responsibilities. This request will allow the PUC to address some of the issues identified in the assessment. This request:

- Makes permanent 3.0 existing "blanket" positions that analyze carrier applications and oversee the Transportation Network Company (TNC) industry.
- Makes permanent 3.0 existing limited-term positions that perform licensing support functions authorized pursuant to SB 611 (Hill, Chapter 860, Statutes of 2014), which expire at the end of fiscal year 2016-17.
- Proposes trailer bill language to grant PUC impoundment authority in order to introduce more powerful enforcement tools.

Authorization of this request will not require increasing carrier fees.

LAO COMMENTS

The LAO recommends approving the CPUC request to convert six positions from limited-term to permanent and provide \$636,000 ongoing for enhanced oversight of transportation carriers because the workload for these activities is ongoing and the positions are needed to address deficiencies identified in recent audits.

The LAO also recommends rejecting without prejudice the proposed trailer bill language to provide additional transportation enforcement authority to CPUC. This is a policy issues that is most appropriately considered through the policy committee process.

STAFF COMMENTS

Staff agrees with LAO comments.

Staff Recommendation: Approve as proposed the 6.0 positions and related funding. Take no action on the proposed trailer bill language.

VOTE-ONLY ISSUE 23: CALIFORNIA LIFELINE LOCAL ASSISTANCE AND STATE OPERATIONS

The Governor's May Revision requests a decrease to the January budget proposal for the Universal LifeLine Telephone Service Trust Administrative Committee Fund of \$5.3 million for local assistance and an increase in state operations of \$580,000.

The May Revision also requests provisional language that on a one-time basis authorizes the Director of Finance to augment State Operations subject to 30-day legislative notification.

The May Revision also proposes a decrease of \$5.3 million due to an estimated decrease in projected local assistance claims for telephone connection and conversion subsidies to participants in the California Lifeline Program.

BACKGROUND

The Lifeline Program provides service necessary to meet minimum residential communications needs (both wired and wireless service), develops eligibility criteria (currently 150 percent of the federal poverty level), and set rates for the lifeline services, which are required to be not more than 50 percent of the rate for basic telephone service.

The PUC estimates the combined Local Assistance and State Operations current year expenditures to be \$485.8 million and budget year expenditures to be \$630.0 (\$30.6 million for state operations and \$599.5 million for local assistance). This item was heard in Subcommittee #3 on April 26th. As part of the May Revision, the Administration updated the budget request with the most recent program caseload and associated costs.

STAFF COMMENTS

Staff has no concerns with this proposal.

Staff Recommendation: Approve as proposed

VOTE-ONLY ISSUE 24: AB 693 (EGGMAN, CHAPTER 582, STATUTES OF 2015) Fix

The proposed fix to AB 693 (Eggman, Chapter 582, Statutes of 2015) would change the amount of funding available for the Multifamily Affordable Housing Solar Roofs Program from 10 percent of the 15 percent of Investor Owned Utilities (IOU) auction allowance revenue to 10 percent of the total IOU consignment allowance auction revenue.

BACKGROUND

Cap-and-Trade: Auction of IOU Consigned Allowances. Electrical distribution utilities (EDUs) receive free allowance allocations from the Air Resources Board (ARB) pursuant to provisions of the Cap-and-Trade Regulation. These allowances are to be used for the benefit of ratepayers, consistent with the goals of the California Global Warming Solutions Act of 2006, Assembly Bill 32 (Nuñez, Chapter 488, Statutes of 2006). The Regulation specifies ARB allocate allowances to two types of EDUs— investor-owned utilities (IOUs) and other utilities. IOUs are electric utilities owned by investors and include the largest electric utilities in the State.

Each allowance can be either deposited for compliance with the Regulation or consigned and as a condition of the free allocation must be sold in ARB's auctions. SB 1018 (Committee on Budget and Fiscal Review, Chapter 39, Statutes of 2012) and the California Public Utilities Commission (CPUC) together require IOUs to return nearly all of the resulting proceeds to their industrial, small business, and residential customers. SB 1018 also allows CPUC to allocate up to 15 percent of each IOU's allowance proceeds for clean energy or energy efficiency projects.

Changes Made by AB 693. AB 693 was intended to authorize \$100 million or 10 percent of all funds available, whichever is less, from the auction of IOU consignment for the Multifamily Affordable Housing Solar Roofs Program. However, an error resulted in the legislation only providing for 10 percent of the 15 percent of the total value of the IOU consignment allowance auction revenue to be used for the program. This error results in significantly less funding being available for the program.

STAFF COMMENTS

There have been no objections to this technical clean-up language. The proposed changes result in a difference of roughly \$90 million being available annually for the Affordable Housing Solar Roofs program instead of \$14 million.

Staff Recommendation: Adopt Placeholder Trailer Bill Language

VOTE-ONLY ISSUE 25: CITATION MONEY FROM PG&E FOR BUTTE FIRE

There has been a request by Assemblymember Bigelow that the \$8.3 million awarded to the state from PG&E in relation to the damages caused by the 2015 Butte Fire, be directed to the affected counties of Amador and Calaveras.

BACKGROUND

In September 2015 a fire erupted in Jackson near Butte Mountain Road in Amador County. The fire burned 70,868 acres and damaged or destroyed a significant amount of property. It has been determined that the incident occurred when a gray pine tree made contact with a 12-kilovolt overhead electric conductor. PG&E was the owner of the device and cited by CPUC for failing to maintain the device. CPUC issued citations totaling \$8.3 million to PG&E on April 25, 2017. PG&E has 30 days to pay or contest the citation

Both Amador and Calaveras are rural, remote counties with small populations. If these funds were given to these counties they would be used as matching funds for recovery projects funded by FEMA and the CA Office of Emergency Services for projects in areas and neighborhoods directly impacted and adjacent to the Butte Fire. The funds could also be directed to be used for fire prevention work, including the removal of dead trees in order to prevent future fires.

STAFF COMMENTS

If these funds are not directed to these two counties they would otherwise go into the state's General Fund.

Staff Recommendation: Adopt placeholder Budget Bill language that directs the citation money PG&E pays to the state to the counties of Amador and Calaveras for recovery projects in areas and neighborhoods directly impacted and adjacent to the Butte Fire or for fire prevention work.

VOTE-ONLY ISSUE 26: ENERGY EFFICIENCY PROGRAMS' FINANCIAL INCENTIVES FOR HEALTHY CORNER STORES**BACKGROUND**

One of the biggest problems with providing fresh produce is the high cost of refrigeration and the high-cost of replacing non-energy efficient refrigeration according to owners of small "mom and pop" or corner stores. Sometimes these commercial refrigerators can cost up to \$10,000 to replace.

Two counties--San Francisco and Los Angeles—have programs that promotes the consumption of healthy, fresh, and affordable food in low-income neighborhoods by encouraging small corner stores to become health food retailers while increasing their

long-term sustainability and strengthening community cohesion. This program could serve as a model for eliminating food deserts in disadvantaged communities.

One of the obstacles to the success of this program is the cost of refrigeration. A wide variety of public-purpose-funded energy efficiency programs are administered by the state's Investor Owned Utilities. Under the Statewide Customized Offering for Business Program, Pacific Gas and Electric (PG&E), Southern California Edison (SCE), Southern California Gas (SoCal Gas), and San Diego Gas and Electric (SDG&E), and Southwest Gas Corporation (SWG) offer financial incentives for efficiency upgrades that may include lighting, air conditioning, refrigeration, motors, variable speed drives, and natural gas equipment, as well as controls, building shell retrofits and demand reduction measures. Payments (up to 50 percent of the total project cost) are based on fixed incentive rates for actual energy savings (kWh and/or therms) and peak electric demand (kW) reduction achieved in the first year after implementation.

Despite these programs being available, there appear to be barriers to corner stores accessing these funds.

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| STAFF COMMENTS |
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To help better understand the barriers to corner stores accessing financial incentives through energy efficiency programs, staff recommends that the Committee provide funding for 1.0 position for two years and adopt placeholder trailer bill language that requires CPUC to study the two counties programs and corner stores use of the IUO's EE programs. The CPUC would also be required to provide a report and to make recommendations about how to increase the use of this source of funding in order to improve corner stores ability to provide fresh food. This report would be due by July 1, 2018. Following the completion of this report, the staff would work on implementation of the recommendations and establishing metrics to evaluate the utilization of the EE programs by corner stores and the efficacy of the two counties' programs in helping to ensure residents in disadvantaged communities have access to fresh food.

Staff Recommendation: Adopt Placeholder Trailer Bill Language and Provide Funding for Two Years for 1.0 Position.
