

Update: January 29, 2010

Topic: Bills which restructure the CHSRA are moving through committee

This legislative update is sent to city council members, state legislative offices, agencies, local officials and others interested in following high-speed rail's progress. It is a service provided by CARRD, Californians Advocating Responsible Rail Design, to help inform the public of legislative activities related to the HSR project. These updates are available on CARRD's website, www.calhsr.com. To receive regular updates contact Rita Wespi at rwespi@carrdnet.org.

Three state bills address the future organizational structure of the High Speed Rail Authority and met the deadline of passing through the house of origin. **These are extremely important bills to understand.**

[SB 409](#) (Ducheny) was amended with significant changes; it passed through the Senate yesterday. The focus of the bill has shifted from reorganizing the authority and agency structure to addressing state rail transportation planning. This bill has the potential to significantly improve the coordination of various rail agencies within the state – if it had some teeth. Without incentives this could become a plan for planning a plan; meanwhile, construction of the high-speed rail system will be underway. This bill is merely one step in the right direction. However, the amendment moves away from its earlier address of whether the CHSR Authority is the best organizational body for constructing the project.

Highlights of [SB 409](#):

- Puts the CHSRA within the Business, Transportation and Housing Agency (BTH).
- Requires Senate confirmation of the Governor's 5 appointees to the CHSRA Board.
- Requires the CHSRA to submit an annual funding plan to be submitted to the California Transportation Commission for approval; the plan will identify bond sales necessary.
- Requires the BTH to prepare a 5 year Strategic Rail Connectivity Plan, with the first one due on Sept 1, 2011.
- The Plan will address the coordination and planning of a cohesive, connected system rather than "a cumbersome set of unlinked individual rail services".

Because many of you are familiar with this bill, let's look at how it has changed. The *previous* version of SB 409 reconstituted the authority as a division of a newly formed Department of Rail within the BTH. It addressed jurisdictions of agencies and proposed changes in department responsibilities. The *current* version leaves the authority intact, but within the BTH. Its primary focus is on creating a comprehensive statewide rail plan. For more detailed information, read the [AB 1375 Analysis](#) (1/26/2010) which compares itself to the *previous* version of SB 409.

I encourage you to read the "Legislative Counsel's Digest" section of [SB 409](#) as amended in the Senate, January 26, 2010.

[AB 1375](#) (Galgiani) has also passed through its house of origin this week. It creates a Department of High-Speed Trains, also within the BTHA. It would direct the development and implementation of intercity high-speed train service, fully integrated with the state's existing intercity rail and bus network. Unlike SB 409, it isn't clear whether the tail (HSR) is wagging the dog (statewide rail network).

Highlights of [AB 1375](#):

- Puts the CHSRA within the Business, Transportation and Housing Agency (BTH).
- Transfers powers of the Authority to that Dept; specifies additional powers.
- The Authority establishes HSR policies for integrating with state's existing rail and bus network.
- Establish an independent peer review group to review planning, engineering, financing, including the funding plan for each corridor.
- Authority's powers and duties would include: route selection; serve as governing body of the Dept; advise BTHA concerning HSR matters and thereupon requires the BTHA to consider such advice; adopt criteria for awarding franchises; set fares.
- Director is appointed by the Governor.
- Gov appoints up to 10 executive employees of the Dept; Authority sets salaries.

To complicate things, [AB 289](#) (Galgiani) was also amended this week to address the structure of the CHSRA. (You'll recall that this was the old grade separation exemption bill.) Because of its urgency clause, it requires 2/3 vote to pass and would take effect immediately.

Highlights of [AB 289](#):

- The Authority shall appoint an Executive Director.
- The Executive Director may appoint necessary staff.
- The Governor may appoint up to 5 Deputy Directors.

In a nutshell, [SB 409](#) continues to include legislative oversights while AB 1375 and AB 289 distance the Authority from legislative involvement. It's worth noting that SB 409 has thus far received unanimous, bipartisan support as it moves through the Legislature. While [AB 1375](#) is also progressing through committees, its support is following party lines. [AB 289](#) cleared the Assembly last year, prior to the amendments. Like AB 1375, it must still pass through the Senate committees.

These Legislative Updates may be posted or distributed as you see fit. My brief hiatus is over; you can expect to receive more frequent updates now that the Legislative session is back in full swing.

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CARRD is a grassroots organization committed to creating public awareness, providing relevant up-to-date information, and assisting local and state representatives in advocating for the best possible outcome of California's high-speed rail project.

This legislative update is provided by Rita Wespi of **CARRD**. To receive an electronic version with active hyperlinks send email to rwespi@carrdnet.org or visit www.calhsr.com.

Updated 1/29/10

Bill numbers are hyperlinked to their doc set; links in the Description column are of particular interest; votes are linked; times are linked to video. Links to Budget Subcommittee Hearings and CHSRA Board Meetings are in the Committee Info tables on Page 2.

Noteworthy changes: [AB 289](#) (grade separation CEQA exemptions) was rewritten to appoint CHSRA staff ASAP. [SB 409](#), [AB 1375](#) sig. amendments. **Enrolled and Chaptered in 2009:** [SB 391](#), [SB 734](#), [SB 783](#), [AB 282](#). **Vetoed:** [SB 555](#), [AB 338](#), [AB 733](#).

Senate Bills					
Bill	Author	Hearing	Description	Status/Update	Location
SB 391	Liu, Lowenthal		Requires Caltrans to address trans. planning policy & process; relates to sustainable communities strategy. Does not specifically include HSR. CPUC Analysis 7/2008. Amended 5/4. Appr Anal 5/18. Sen Anal 5/20. Asm Trans Anal 6/30. AsmAppr Anal 7/7. Asm Anal 8/31.	4/21 Trans: (7-4) 4/27 EnvQI: (5-2) 5/18 Appr: (8-5) 6/1 Senate Floor: (23-15) 6/29 Asm Trans: (9-5) 8/27 Asm Appr (12-5) 9/3 Assembly Floor (48-28)	Enrolled 9/4. Chaptered 10/11.
SB 409	Ducheny	Jan 28	Creates Dept. of Railroads, transferring all rail functions from Caltrans to new dept; also moves rail safety from CPUC to rail dept. (see CPUC Report). Amend 1/26 adds funding plan, rail connectivity plan, Sen confirmation of Gov appts.	4/14 Trans Com: on hold for CA Research Bureau's study. 6/9 Sen Trans: (10-0) 8/27 Sen Appr: (13-0) 1/28 Senate Floor: (32-0)	
SB 455	Lowenthal		Gov appointed members of CHSRA are subject to Senate approval. CHSRA exemption for property acquisition. Like Caltrans, they'd be exempt from DGS, SPWB and DOF body of law. Trans Anal 4/16. Appr Anal 5/26. Sen Anal 5/28. Asm Trans Anal 6/26. Asm Appr Anal 7/14. Asm Anal 7/16.	4/21 Sen Trans: do pass (10-1) 5/26 Appr: pass (9-4) 6/2 Senate: (32-5) ; Asm 1 st read. 6/29 Asm Trans: (10-4) . 7/15 Asm Appr: (11-5) . 7/24 Placed on inactive file	Assembly (inactive file)
SB 474	Ducheny		Pilot trans programs: Public-Private Partnership, design-build, streamlining CEQA. Amend 6/3. Trans Anal 6/25. Amend 8/24. Sen Anal 8/24.	7/7 Sen Trans: (9-0) 8/27 Senate: (38-0)	Assembly
SB 476	Correa		Prohibits taking action against an agency for noncompliance with CEQA unless complaints were presented prior to close of public comment period. Amend 4/23 – significantly alters intent. Env Qual Anal 4/23 by Simitian. Amend 4/30. Sen Anal 5/4.	4/27 Env Qual: (6-0) 5/11 Senate: (36-0) ; Asm 1 st read. 6/22 Hearing postponed by com.	Assembly Natural Resources
SB 526	Ashburn		Requires the operation of at least 1 Amtrak train on San Joaquin (Altamont) route that terminates in SF. Trans Com Analysis added 4/23. Appr Analysis 5/29.	4/28 Sen Trans: pass (10-0) 5/1 Sen Appr: (13-0) 5/28 held in com, under submiss.	Senate Appropriations
SB 555	Kehoe		Prohibits person from acquiring conservation easement by eminent domain unless specified procedures are followed. Allows current holder to state objections. Veto : provides opponents a tool to impede infrastructure planning and development.	4/21 Senate Jud Com: (3-2) . 6/2 Senate: (22-14) . 6/30 Assembly Judicial (7-3) . 8/19 Asm Appr: (12-4) 9/8 Assembly: (50-25) 9/10 Senate: (27-11)	Enrolled 9/15. Vetoed 10/12.
SB 686	DeSaulnier		Adds to the CEQA process. Env. Qual. Com Anal (by Simitian) 4/19. Senate Anal 3rd Read 4/23.	4/20 Env Qual Com: pass (7-0) 4/27 Senate: (36-0)	Asm Natural Resources
SB 734	Lowenthal		Allocates funds for various projects including grade separation, freight, etc. Trans Com Anal 4/23. Sen Anal 5/12. Amend 6/22. Asm Trans Anal 6/26. Asm Appr 7/7. Asm Anal 7/16. Amend 8/27. Asm Anal 8/28. Sen Anal 9/2.	4/28 Sen Trans: (10-0) 5/18 Senate: (36-0) ; 6/30 Asm Trans: (13-0) 7/8 Asm Appr: (15-0) 9/1 Assembly: (78-0) 9/8 Senate: (40-0)	Enrolled 9/10. Chaptered 10/11.
SB 783	Ashburn		Establishes additional requirements for CHSRA business plan. Amend on 4/30 removes bond contingency. Sen Anal 5/29. Asm Trans Anal 6/19. Amend 6/23. Asm Trans Anal 6/26. Amend 7/2. Asm Trans Anal 7/7. Asm Appr Anal 7/14. Sen Anal 8/18.	4/28 Trans (10-0) . 5/26 Appr (12-1) 6/1 Senate: (38-0) 6/29 Asm Trans: (12-0) 7/15 Asm Appr: (16-0) 8/17 Assembly: (76-0) 8/24 Senate: (39-0)	Enrolled 8/25. Chaptered 10/11.

Assembly Bills					
Bill	Author	Hearing	Description	Status/Update	Committee
AB 153	Ma		Exempts CHSRA from certain contingencies related to eminent domain, giving them greater autonomy when acquiring rights-of-way. Allows hiring legal staff. Trans Anal 3/20. Sen Trans Anal 6/18.	3/23 Trans Com: pass (9-3) & to Jud. 4/14 Jud Com: pass (7-2) & to Appr. 4/29 Appr: do pass (11-5). 5/11 Asm: (53-16)	Senate Trans (Hearing canceled by author 7/2)
AB 282	Asm Trans Committee		Variety of trans concerns; includes \$1B for emission reductions, \$4B for public trans; placing \$250M into fund for grade separations, allocation is to be made in consultation & coordination with HSRA. TransAnal 4/17. ApprAnal 4/28. Amend 7/13. Amend 9/2.	4/20 Trans: pass (12-0) & to consent 4/29 Appr: pass (16-0) & to cons cal. 5/11 Asm: (78-0) ; Sen 1st read. 7/7 Sen Trans: (10-0) 9/4 Senate: (39-0) 9/9 Assembly: (78-0)	Enrolled 9/11. Chapt'd 10/11.
AB 289 Urgency	Galgiani		Exempts high speed grade separation projects from having to meet CEQA. Amend 8/17 use bonds to match ARRA. Amend 1/25/10 CHSRA appoints Exec Dir, Gov appoints 5 Deputy dirs, Exec Dir appoints necessary staff.	4/27 Trans: (13-0) 5/18 Assembly: (72-3) 8/17 to Sen Rules for assignment. 1/25 to Sen Rules for assignment.	Senate Rules
AB 338	Ma		Increase transit village from ¼ to ½ mile of transit station. Affects affordable housing, density, funding of TODs. Authorizes city or co. to make infrastructure improve's without voter approval. Requires local govts to use >20% of tax increment of certain bond funds for afford housing. Amend 6/25. Sen Anal 7/10. Asm Anal 9/8.	4/2 Com on Local Gov: do pass (4-2) 4/22 Appr Com: do pass (11-5) 5/11 Third read, amend, resubmit. 6/1 Asm Floor: pass (48-31) 7/8 Sen Local Gov: pass (3-2) 9/3 Senate: (22-16) 9/10 Assembly: (48-29)	Enrolled 9/16. Vetoed 10/11.
AB 733	Galgiani		Authorizes CHSRA to allow job creations as a factor when awarding contracts. Asm Analysis 5/8. Sen Anal 8/17. Gov vetoed : it could cause delays & jeopardize success in securing billions.	4/20 Trans: (13-0); 4/29 Appr: (16-0); 5/13 Assembly (73-0). 7/7 Sen Trans: (9-1) 8/31 Senate: (31-4)	Enrolled 9/3. Vetoed 10/12.
AB 928	Blakeslee		CHSRA to develop earthquake early warning sys.	1/4/10: Assembly Rules (10-0)	Asm Gov Org.
AB 1111	Blakeslee		Sales tax exemption for alt. energy projects, HSR.	4/27 Alt Eng: (14-0)	Assembly Appr
AB 1375	Galgiani		Repeal and reenact CHST Act in Public Utilities Code. Creates new Dept. of Rail in BTHA. Amend 1/15.	4/27 Trans: do pass (9-4) 1/21 Appr: (12-5) 1/27 Assembly Floor (42-20)	Senate Rules

Select Committee Info:				
Senate (no. members)	Hearings	Chair	Vice Chair	Hearings of interest (non-bill items)
Appropriations (13)	Mon 11:00	Kehoe	Cox	
Budget & Fiscal Review (40)	Thurs 8:00	Ducheny	Dutton	
Budget Sub No2 Resources, Env, Energy, Trans (3)	Thurs 9:30	Simitian		April 30: CHSRA – agenda ; mp3 audio (CHSRA 01:40:00); outcomes . May 14: CHSRA – agenda ; mp3 audio .
Environmental Quality (7)	1/3 Mon 1:30	Simitian	Runner	
Rules (5)	Wed 1:30	Steinberg	Aanestad	
Transportation & Housing (11)	Tues 1:30	Lowenthal	Huff	March 17: CHSRA – agenda ; video . Jan 19 video .
Assembly:				
Appropriations (17)	Wed 9:00	De Leon	Nielsen	
Budget (27)	Wed, on call	Evans	Niello	Dec 14: hearing on Debt Services
Budget No5 Tech, Trans (5)	Wed 4:00	Blumenfield		April 29: CHSRA – agenda.doc
Rules (11)	Mon, on call	Lieu	Blakeslee	
Transportation (14)	Mon 1:30	Eng	Jeffries	Jan 11: hearing on CHSRA Bus Plan
Select committee on Rail (7)		Davis	Fletcher	Oct 22: hearing on Econ Downturn Impact on CA Rail
Joint Legislative Audit (13)	Monthly	Huber	Ashburn	May 27: Video (01:14:00) audit CHSRA after Fed Stim Appl. (10-0)
Joint Legislative Budget (16)	Monthly	Ducheny	Evans	
CHSRA Board Meetings	Monthly	Pringle	Umberg	Board packets . Audios: May , June , July , Sep , Oct . Videos: June , July , Aug , Sep , Oct , Nov , Dec . Workshops: 8/6 Prj Phasing , 9/3 Finance , 9/23 ARRA .